



**Voter Suppression in the United States:
Identifying Bodies Out of Place and Examining the Work of
Activist Organizations in Strengthening Their Capabilities**

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Disclaimer:

This document represents part of the author's study programme while at the International Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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List of Acronyms

VRA	Voting Rights Act
GOTV	Get-out-the-vote
BOP	Bodies Out of Place

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Abstract

This research paper analyzes the impact of voter suppression tactics on specific populations in the United States, including people of color, the youth, the elderly, the poor, rural voters, women, and members of the LGBTQ+ community. While voter suppression has been an issue in the United States since the Jim Crow Era, the 2013 Supreme Court Case *Shelby County v. Holder* and the subsequent election of Donald Trump have unveiled a resurgence of tactics, legally permitted to be implemented at will. The paper presents the history of voting rights and voter suppression in the United States as well as findings from interviews conducted with individuals from five activist organizations working to combat voter suppression, basing the analysis of the data in Barbara Harris Combs' Bodies Out of Place theory. The analysis is performed according to the different places from which particular bodies are out of, as revealed to the researcher through the interviewing process, including states with restrictive registration and voting laws and policies (using the example of Georgia), university campuses, and prisons. It is hoped that the findings can encourage an intersectional approach to voting rights lawmaking and inform voting rights expansive social policy.

Keywords

Voter suppression, voting rights, voter identification laws

Chapter 1

Introduction

1.1 Situating Voter Suppression

The concept of *voter suppression* has become a blanket term for a historical, complex system of policies and laws, rooted in the United States' racist past, that are designed to restrict access of particular populations, namely the poor, the elderly, the youth, people of color, women, and members of the LGBTQ+ community to participation in elections. It is important to define its multi-layered character, contextualize it in historical events, and investigate it for its discriminatory effect on these specific populations.

Following the emancipation of slaves and the Fifteenth Amendment of 1869 that allowed African American men to vote, voter suppression tactics were deployed largely in the Southern states to prevent this new voting group from participating in elections. While these tactics have existed since this period of time, known as the Jim Crow Era, they took a contemporary shape in 2013 with Supreme Court case *Shelby County v. Holder* which removed a preclearance provision from the Voting Rights Act of 1965 (VRA) that required these Southern states to confirm federal approval for changes to their election laws. As a result, suppression tactics saw a revival and new voting restrictions were established across the country, making it extremely difficult for specific populations to vote.

Voting rights, voter identification laws and the broader topic of voter suppression saw a resurrection in the United States' political conversation ahead of the 2016 elections, as President Trump repeatedly alleged unsubstantiated claims of rampant voter fraud. For perspective, the Brennan Center for Justice has said that an individual is more likely to be struck by lightning than they are to cast a fraudulent vote (2017). While the allegations have been consistently proven false (Brennan Center for Justice 2017; Bump 2016; Cottrell 2017; Minnite 2018), the subsequent legislation and public interest in voter suppression tactics has re-centered a broader conversation about discrimination in the United States.

President Trump's rhetoric around voter fraud and his support of suppressive legislation has raised alarms among many US Americans who support equal access to the ballot. With Trump's unprecedented presidency and a consequential midterm election this November that determines the success of his administration's future efforts on a federal and state level, many organizations have been established across the nation to help the targeted populations overcome the barriers in place to their participation in elections, to fight the suppressive legislation in state legislatures, and to advocate for voting rights expansive policies and candidates.

1.2 Research Questions

How and to what extent are certain population groups excluded from US elections, and what is the perspective and experience of activist organizations working to combat this voter suppression?

Sub-questions:

- a. What is the historical background of voter suppression tactics in the United States and how has that history influenced modern methods?
- b. How do activist organizations set goals for themselves and what successes have they had in achieving them?
- c. What are the biggest obstacles facing activist organizations in their efforts to combat voter suppression?

1.3 Objective

My objective is to gain insight into the barriers to participation that specific groups face in voting as well as the diversity of tactics used by activist organizations to challenge voter suppression and their success in achieving their goals. Despite that voter suppression manifests in many different ways, in this study I am primarily investigating suppression tactics through legislation and how the laws have disadvantaged certain groups of people in voting.

1.4 Methodology

My methods for completing this research included a combined study of the secondary data surrounding the history of voting rights and voter suppression, and qualitative interviews with individuals from activist organizations working to combat voter suppression efforts in the current political climate. In total, five people have been interviewed from five different organizations. Interviews were conducted over the phone and lasted from 30-45 minutes each. Each interviewee was asked the same set of questions about their company's efforts to combat voter suppression, their successes and goals in their approach, and the biggest challenges they face. I also asked the organizations about specific groups that were identified as facing inordinate barriers to participation, including the poor, the elderly, the youth, people of color, women, and members of the LGBTQ+ community.

In my initial search for organizations to interview, I sought to include organizations that represented the diverse group of people who are most affected by voter suppression in the areas where voter suppression is most rampant. I also looked to interview organizations with different approaches to the problem of voter suppression who varied on size and funding mechanism. I was able to speak with organizations that focus specifically on legislative advocacy, organizations that focus on reaching, motivating and registering voters through efforts known as get-out-the-vote (GOTV) campaigns, and organizations that focus on helping voters comply with the restrictive voting laws in order to overcome the barriers intended to block them from voting. Ultimately, the final selection of organizations that I spoke to were those that responded to my inquiries.

Once an organization of interest was identified, I looked for the best way to reach an individual with a role that involved voting rights, policy, civic engagement, or an individual who had a managerial or founding role. In some cases, e-mails of specific individuals were provided on the organization's website or on the individual's Twitter page, but in other cases I used the media department or general contact emails. I also looked for connections within my own network who might help me get in contact with organizations, including through companies I had worked for or with in the past as well as through individuals I had already interviewed. At the end of an interview I asked the individual to identify their organization's allies and who they would recommend I include in my research. Often times

they provided names of organizations, individuals, and their contact information. Similar to how I selected the final group of organizations, the selection of the final group of interviewees was determined by who was willing and able to participate in an interview.

The interviews have been complemented with extensive secondary data to provide the history of voter suppression and voting rights in the United States, details on the variety of tactics used to suppress votes, a discussion on the academic debates around this topic, and supplementary statistical information about voting and registration rates. I have relied on reports from policy institutes, such as the Brennan Center for Justice and the Center for American Progress; civil rights organizations, such as the American Civil Liberties Union and The Sentencing Project; and governmental institutions, including the United States Census, United States Election Assistance Commission, and the Library of Congress. I have also included reports and public statements from the organizations that I have interviewed. Finally, in order to include a well-rounded perspective, I have also sought the reporting of journalists, both nationally and locally, on issues that voters have faced on the ground, from publications such as *The New York Times*, CNN, *The Wall Street Journal*, as well as local newspapers. The variety of sources of secondary data that I have chosen to include help me to provide a thorough discussion of the issue of voter suppression.

Strengths and Limitations

One of the biggest limitations to completing the primary data collection was the inevitable difficulty of contacting those whom I wished to interview. Despite repeated and various methods of attempting to contact individuals, not all of the organizations that I would have liked to interview got back to me. As a result, my study was not as large and diverse as I would have preferred. While I was able to speak with organizations that broadly cover the major populations affected by voter suppression, I would have also liked to get in touch with a wider variety of organizations that focus, for example, on specific racial and ethnic groups, as well as organizations that focus on ability and gender identity. I would have also liked to include perspectives from some of the national organizations that I reached out to, but did not receive a reply from.

Although I was unable to speak with every organization that I originally set out to, I was able to discover some new organizations that I had not previously considered through asking my interviewees for recommendations. Additionally, because I was unable to get in contact with most of the national organizations and, as a result, focused my study more locally, I was able to speak with individuals at higher levels within the organizations including a Founder, an Executive Director, a Co-Coordinator, a Director, and a senior policy official.

Despite that qualitative interviewing was my preferred method of primary data collection, I found some difficulty translating my questions across multiple different strategies and across different sizes of organizations. For example, the importance of a target demographic is different in a litigation sense, where all constituents are beneficiaries, than it is with an organization focusing on GOTV campaigns, where a targeted approach is necessary. However, it was through this effort to tailor my questions to the type of organization that I was interviewing, that I came to understand more about the different approaches to combating voter suppression that ultimately impacted my perspective on the issue.

Simply the choice to research voter suppression, and the connotations associated with those words underscores the political discourse between the two major parties in the United States. The Republican party, and more broadly people of a conservative ideology,

tend to deny the existence of voter suppression at all, opting instead for a narrative of voter fraud and justifying the use of the suppressive tactics as a means to reduce fraud. On the other hand, the Democratic party's argument is based in the consistent academic research that shows that claims of widespread voter fraud are not statistically or factually based and that tactics deployed to combat it unduly harm the voting capabilities of specific groups of people. As a result, this issue is not bilateral.

Finally, this research conveys the experiences of five individuals in organizations from a select list of states working to combat voter suppression and does not attempt to describe the experiences of individuals dealing with voter suppression in their lives, nor does it attempt to reduce the diversity of experiences into one narrative. Additionally, this research focuses primarily on methods of voter suppression through legislative means and does not explain all of the tactics used nor all of the channels they are used through.

Positionality

My interest in this topic is rooted in my identities as a citizen of the United States and as a student of development studies. As a US citizen, I am concerned about how voter suppression weakens the efficacy of the country's democracy and results in a representatively skewed government and, as a development studies student, I am concerned with the execution of effective democracy as it relates to development as freedom, theorized by Amartya Sen in 1999.

Through the use of Sandra Harding's theory on strong objectivity, which centers a critical reflection of the values and interests of the researcher herself on the subject of her research, I have sought to analyze how personal bias, rooted in my positionality, has affected this research (1992: 230). Throughout this study I have been cognizant of the fact that as a White, young, cis-gendered, middle-class, urban woman, I am not experiencing these issues first-hand, and that my positionality allows me to investigate legislation, rights, and voting without a first-hand understanding of the systems of discrimination that underscore the history of voting rights in the United States. I have relied on Barbara Harris Combs' Bodies Out of Place theory (BOP), which I will discuss in Section 2.3, to help me overcome these biases and examine the places from which certain bodies are out of that my positionality can make me blind to. BOP also helps me to see in what places the capabilities and functionings of individuals do not coincide and how the organizations that I have interviewed identify these points. Where these don't coincide, Capability theory helps me to better see how discrimination is manifested and how democratic processes can be manipulated to disenfranchise individuals. Finally, Intersectionality theory takes my understanding a step further to examine the unique suppression that takes place within multiple interactions of systemic intersectionality.

1.5 Democracy in Development

Researching voter suppression in the United States relates to the thread in development studies around democratic processes and good governance agendas to secure human rights across the world. It is important that the democracy in the United States be examined and criticized in order to better serve its residents.

In 1997, Fareed Zakaria discussed the concept of an illiberal democracy, a government that looks democratic but that asserts authority beyond its constitutional limits on power to inhibit the lives of its citizens (1997). Twenty years later, after the election of President Trump, Zakaria has renewed his message to warn of evidence of an illiberal democracy in

the United States. According to Zakaria, three of the main tenants of a liberal democracy are its free and fair elections, its universal adult suffrage for all citizens, and its package of institutionalized rights and liberties (secured in the United States by the Bill of Rights and the Constitution) all of which are threatened by voter suppression (1997). In 2017, Zakaria wrote that today the United States looks like, “an open, meritocratic, competitive society in which everyone is an entrepreneur, from a congressman to an accountant, always hustling for personal advantage,” asking, “who and what remain to nourish and preserve the common good, civic life and liberal democracy?” (2017). This new mindset is evident in the intentions and effects of voter suppression, as its core purpose is to selectively exclude specific groups of individuals for the success of a specific politician or political party.

This selective exclusion relates to another major thread in development studies involved in this discussion surrounding human rights, namely the ideas of functionings and capabilities theorized by Amartya Sen and others. Sen distinguishes between the economic success of a country and the quality of life of its residents, explaining that they are not necessarily positively correlated – that a country can be wealthy while its residents can live in low quality conditions at the same time. The idea of Sen’s theory is that a person can have the functioning to do something (for example, the right to vote), but not the capability to complete it. Nussbaum adds that, “the approach is concerned with entrenched social justice and inequality, especially capability failures that are the result of discrimination or marginalization. It ascribes an urgent task to government and public policy – namely, to improve the quality for life for all people, as defined by their capabilities” (2011: 19).

Broadly speaking, a discussion on the fragility of democracy and the status of democratic principles in the United States can be extrapolated to and included in the broader discussion in development about modernity, freedom, and human development.

1.6 Structure

Following this introductory chapter, the paper begins with a discussion of the analytical framework used, including an overview of voter suppression tactics, a discussion on current debates surrounding this topic in academic literature, and an introduction to the theoretical framework. The subsequent chapter details the history of voting rights and voter suppression in the United States from inception, 1776, to present day, 2018, discussing the current legislative situation. The fourth chapter introduces the five different organizations that were interviewed in this research. Chapter 5 provides the analysis of the primary research collected according to the theoretical framework, including the perspectives and efforts of the activist organizations interviewed. The final chapter offers conclusions to the research question, the summary of findings, and a reflection on what voter suppression means for the future of the country.

Chapter 2

Analytical Framework

2.1 Voter Suppression Tactics

The variety of voter suppression tactics employed in recent elections in the United States vary from laws that explicitly disenfranchise voters, including convicted felons, to laws that operate out of the public eye and over many years, like gerrymandering. Recent United States elections have been plagued by a patchwork of these tactics and the Trump Administration appears to be championing their disenfranchising effects.

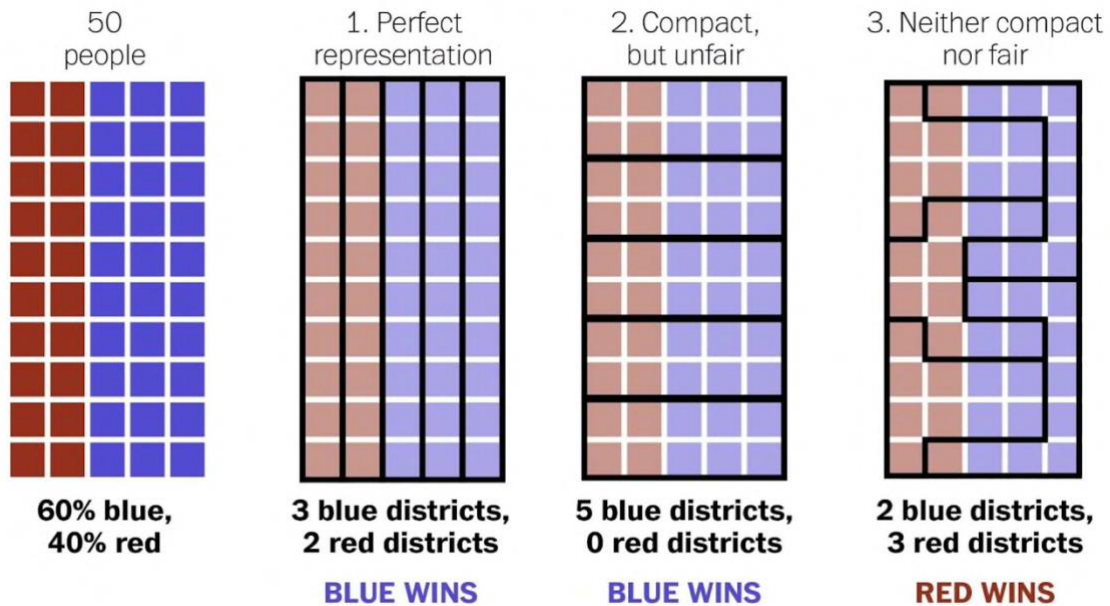
Voter Identification Laws

Today, one of the most common types of voter suppression that is discussed in the news is voter identification laws. These are a series of requirements that prohibit anyone without a qualifying form of identification (to be determined by the state) from casting a ballot. Qualifying forms of identification range from strict policies that require federal documents, for example, passports, or state documents, including driver's licenses, to more relaxed policies that allow student voters to use school identification cards. While some argue that implementing these policies are a means to protect against fraud (which, again, has been proven to be a myth), others understand it as a means to exclude certain eligible groups from voting (due to the cost and time prohibitive nature of acquiring one of these qualifying forms of identification) (Atkeson et. al. 2014). According to Let America Vote, these laws, "create a significant barrier to the ballot box for the 21 million Americans that do not have the required ID" (n.d.). They also have a disproportionate effect on particular groups of voters including people of color (15% of African Americans and 10% of Latin Americans do not have proper IDs, compared to 5% of White Americans), the poor (12 percent of, "adults living in a household with annual income less than \$25,000 lack photo ID, compared to just 2 percent for adults in households with annual income over \$150,000"), and young people (15% of 17-20 year-olds and 11% of 21-24 year-olds lack proper ID) ('Your Guide to Standing Up for Voting Rights', n.d.).

Gerrymandering

Gerrymandering is another type of voter suppression tactic that has been prevalent in US current events. This is a practice employed through the process of redistricting during which local, state, and federal voting districts are redrawn according to the new population data gathered in the Census, all of which happens every ten years. Gerrymandering occurs when, "politicians draw electoral boundaries in a specific way to give themselves an advantage, either over the opposing party or to protect incumbency" (Draw the Lines – PA, n.d.). This abuse of the redistricting process can go unnoticed, as the officials who draw and approve the new maps are most often of the same political party. Figure 1 offers a visual explanation of how redistricting can be manipulated for partisan purposes.

Figure 1
Three Potential Outcomes of a Gerrymandered District



Source: Ingraham 2015

Felon Disenfranchisement

Felon disenfranchisement has been another relatively unnoticed phenomenon, until recently. Under felon disenfranchisement laws, states can permanently disenfranchise convicted felons, even if they have served their time in prison, are no longer on probation or parole, and have effectively re-entered society. Policies in disenfranchisement range from those of Maine and Vermont, where there are no restrictions on voting while in prison or on probation or parole, to Virginia, where all individuals with felony convictions are permanently disenfranchised. According to Jean Chung of The Sentencing Project, “an estimated 3.1 million people are disenfranchised due to state laws that restrict voting rights even after completion of sentences” (2018). These policies have a, “disproportionate impact on communities of color,” as, “one of every 13” African American adults is disenfranchised across the United States, totaling 2.2 million African Americans who are therefore, “banned from voting” (2018). Felon disenfranchisement is a policy that not only suppresses the votes of a large part of the population, it systematically suppresses the votes of a specific segment of the population.

Intimidation and Misinformation

Intimidation and misinformation have been commonly used voter suppression tactics since African American men were granted the right to vote in 1869 and the subsequent Jim Crow laws were enacted. These strategies often cooperate to, “disseminate false information in predominately minority areas” (Daniels 2010: 353) and, “develop messages that play on their insecurities” (Rustin-Paschal 2011: 912), effectively disenfranchising specific groups of voters. Some examples of intimidation and misinformation campaigns include flyers, voicemail messages, automated calls, and e-mails that offer false information:

- a) about the need to extend voting days so that the suppressing party votes on Tuesday (the legal Election Day) and the suppressed party votes on Wednesday (when there will be no polling places open and their votes will not count) (Daniels 2010);
- b) preventing voters from casting their ballots by claiming that the candidate most supported by racial and ethnic minority communities has a comfortable lead over the opposition (Haygood 2012);
- c) threatening arrest if voting is attempted by the individual being called (Daniels 2010);
- d) threatening arrest, ten years in prison, and loss of children to child protection services if voting is attempted by individuals who have already voted in an election that year, individuals who have ever been found guilty, and individuals whose family members have ever been found guilty (Stringer 2008), none of which legally disenfranchise a person;
- e) claiming that the voting registration period has passed (Stringer 2008);
- f) about changes in polling locations and times (Daniels 2010);
- g) about the policy positions of a candidate to her or his primary voting base (Rustin-Paschal 2011).

Variations in Polling Locations

The characteristics of polling locations within a state are decided by state governments, therefore, there is no national standard requirement for voting procedures as they relate to polling locations. As a result, states have been able to leverage total partisan control in their states to suppress potential voters of opposing parties.

One of the means of manipulating polling places is through the closures of polling locations and through the reduction of voting booths available at a location. Let America Vote explains that, “fewer polling places often results in longer distances for voters to travel, longer lines, and voter confusion – all of which means fewer people vote,” adding that, “when these closures occur in jurisdictions with a history of voting discrimination, people of color can be disproportionately impacted” (n.d.). Unfortunately, closures often happen, “quietly and at the last minute,” which means that, “there is no recourse to get your vote back” ('Your Guide to Standing Up for Voting Rights', n.d.). Recently in Georgia, a measure was introduced that would close seven of nine polling places in African-American-predominant Randolph County, under the claim that the stations were not compliant with disability requirements and would save the county money if they were eliminated; ultimately, it was struck down (Blackwell et. al. 2018).

Georgia has also faced other vote suppressive measures related to polling locations, namely regarding the opening hours. Earlier this year, a proposal to limit early voting on Sundays was struck down by Atlanta voters. This proposal sought to limit early weekend voting to one Saturday or Sunday before an election and to shorten the closing time of polling places during the week from 8pm to 7pm. The Executive Director of the Georgia Coalition for the Peoples' Agenda, Helen Butler, explained that this is a, “direct attack on successful minority voter participation programs,” namely the Souls to the Polls program that motivates voters to cast their vote following a Sunday morning church service (Brady 2018). The President of the Georgia chapter of the National Association for the Advancement of Colored People (NAACP), Phyllis Blake, added that, “weekend early voting has been very popular in Georgia, particularly with minority and less affluent voters, because it offers them a convenient alternative to casting ballots during the week when they

have other priorities, such as work, school, childcare and transportation issues” (Brady 2018). The proposed earlier closing time is also problematic as the Executive Director of the Georgia Association of Latino Elected Officials, Jerry Gonzalez, adds that, “it will force voters who have busy schedules and other weekday obligations to vote during the week when they will likely face longer lines and delays because of the substantial reduction of weekend early voting opportunities” (Brady 2018).

Additionally, several studies have shown explicit bias of polling place staffers, especially regarding the voter identification requirements (Atkeson et al. 2010) that show, “Blacks, Hispanics, and non-English speakers were asked for ID at much higher rates than Whites and English speakers” (Cobb et al. 2010: 22). This is discussed further in Section 2.2.

Voting Registration Restrictions

Most voter registration restrictions surround the documentation needed to register to vote. In some states, registrants must prove their citizenship by providing a passport, birth certificate, or naturalization papers ('Your Guide to Standing Up for Voting Rights', n.d.). Sometimes states require that registrants show, “their intent to be domiciled in the state where they are registered for the foreseeable future – even though that’s not required to vote” ('Your Guide to Standing Up for Voting Rights', n.d.). This can have a suppressive impact on students who may prefer to (and legally can) vote in the state where they are attending university.

Three main policy suggestions have been centered in the discussion on improving voting registration restrictions: automatic voter registration, online voter registration, and same day voter registration. Automatic voter registration ensures that any citizen who interacts with a government agency (such as the DMV, when an individual goes to get his or her driver’s license) is automatically registered to vote and their registration information is automatically sent to election officials. This solution, “increases registration rates, cleans up the voter rolls, and reduces the risk of voter fraud” ('Your Guide to Standing Up for Voting Rights', n.d.). Online voter registration permits citizens to register online as opposed to the more traditional mail-in paper registration forms, which allows people to update their contact information more efficiently, cuts down on waste, and reaches individuals who, “do not have a driver’s license or a non-driver’s identification” ('Your Guide to Standing Up for Voting Rights', n.d.). Finally, same day voter registration allows people to register and vote in one visit to a polling place during an election period, which has several benefits, including, “1) increased turnout; 2) reduced stress on the voting system; 3) shorter lines on Election Day; 4) improved poll worker performance; 5) early identification and correction of registration errors and voting system glitches; and 6) greater access to voting and increased voter satisfaction” ('Your Guide to Standing Up for Voting Rights', n.d.).

Purging of Voter Rolls

States like Georgia and Ohio have recently participated in a practice called voter purging, when voters’ registrations are nullified and individuals lose their ability to vote in forthcoming elections. Voter purges are often completed under the guise of keeping voter rolls, “up to date,” but can also be, “ordered by elected officials to kick certain voters off the rolls” (Let America Vote, n.d.). Federal law permits voter purges in order to disenfranchise criminals, those with insufficient mental capacity to vote, those who have deceased, and those who have moved (Brater et al. 2018). Unfortunately, these purges rely on flawed data and flawed methodology, making several mistakes and disenfranchising

qualified – and alive – citizens (Brater et al. 2018). A study from the Brennan Center for Justice notes that purge rates are higher than they were a decade ago and that, purge rates since 2013 increased more in areas that were previously subject to the federal preclearance that was removed in the 2013 Supreme Court Case *Shelby County v. Holder* (Brater et al. 2018).

Early Voting Restrictions

Citizens can vote ahead of Election Day by absentee ballot, a process by which an individual can vote via mail-in ballot, or in-person by early voting policies, a process much like voting on Election Day. According to Diana Kasdan of the Brennan Center for Justice, early voting policies can make elections easier by, “(1) reducing stress on the voting system on Election Day; 2) alleviating long lines on Election Day; 3) improving poll worker performance; 4) allowing early identification and correction of registration errors and voting system glitches; and 5) providing greater access to voting and increased voter satisfaction” (2013). Several states have sought to restrict these favorable policies, including Ohio who shortened their “Golden Week,” from 35 days to 29 days (knowing that registration closes 30 days before the election), in an attempt to, “help combat voter fraud and save money,” but, “instead it just stopped eligible voters from voting” (Your Guide to Standing Up for Voting Rights', n.d.).

2.2 Current Academic Debates

Two threads of debate exist in academic discussions about voter identification laws. The first focuses on the discriminatory effects of voter identification laws that are tied to the execution of these laws. These studies have found, “systematic biases in the application of the identification statute across racial lines,” (Atkeson et al. 2010: 71) as, “Blacks, Hispanics, and non-English speakers were asked for ID at much higher rates than Whites and English speakers” (Cobb et al. 2010: 22), even in states where it was not allowed to ask for an ID (Ansolabehere 2009).

The other thread involves the discriminatory effect of voter identification laws that are related to access and capability to meet those laws given the institutional constraints of one's environment. Again and again, studies show that African American, non-college educated, elderly, young, and poor populations are less likely to have access to proper forms of identification (Barreto et. al. 2007; Barreto et al. 2009; Vandewalker and Bentele 2015). It is evidenced that racial and ethnic, “minorities are being disproportionately and negatively affected,” (Hajnal et al. 2017: 368) by the, “clear racial effect of voter ID laws” (Hajnal et al. 2017: 371).

There has also been considerable research done into the motivations behind these laws, and while scholars don't attempt to assume intent, there are clear patterns that cannot go unconsidered. Some scholars posit that strict voting laws may not be, “racially motivated at all but used as a weapon of war between the Democrats and the Republicans” (Friedman 2005: 787). Vandewalker and Bentele's research reveals that, “these laws are far more likely in the face of Republican control of state government,” noting that, “this reality, along with the traditional support among minorities for Democrats, gives reason to believe that voter suppression has a partisan dimension; that is, one party is trying to keep the other party's voters from voting” (2015: 102). They conclude that even if politicians' motives are, “purely partisan and the intent is to suppress Democratic voters, not minority voters per se” (2015: 124), ultimately, “targeting minority voters for suppression is no less racially discriminatory if it is in aid of a partisan goal” (2015: 102). Through assessing access

to proper identification and turnout based on party identification and ideology, researchers find that, “strict voter ID regulations would eliminate more Democratic than Republican votes from the final tally” (Barreto et al. 2007: 20), and that, “Republicans and conservatives are significantly less likely than Democrats and liberals to experience declines in turnout in primary contests when strict voter ID laws are in place” (Hajnal et al. 2017: 371-372).

2.3 Theoretical Framework

Bodies Out of Place Theory

The primary theory that I will base my analysis in is Bodies Out of Place (BOP) theory, developed by sociologist Barbara Harris Combs. This theory is discussed in her 2015 work “Black (and Brown) Bodies Out of Place: Towards a Theoretical Understanding of Systematic Voter Suppression in the United States.” BOP is rooted in the concept of *place*, which Combs describes as not only a physical location, but also including, “place as a relative position in a social scale” (2015: 536). Combs applies BOP to discuss, “how racial stratification thrives in a purportedly colorblind society,” by explaining, “how the false belief in equality is sustained because it is seldom directly challenged” and through looking at the difference between conceptual parity between races and actual parity between the races, in the minds of White Americans, as well as the role of, “individual actors... in maintaining structural systems of oppression” (2015: 536-537). She explains that, “the bodily form may be rejected or called into question by the opposer on a host of largely ascriptive attributes, including, but not limited to size; disability; (perceived) national origin; sexual orientation; religious views; gender or race” (2015: 538). According to Combs, one of the main tenants of BOP is that it is, “necessarily intersectional in its nature and applicable across social structures” (2015: 539).

While many have theorized the conception of *place*, Combs’ combination of concepts is particularly well-suited to a contemporary discussion on voter suppression as it is based in the United States’ history of racism and because she uses the example of legislation around voter suppression to explain her theory. She explains that following the election and re-election of Barack Obama, a “discourse about the end of a white majority” emerged, which she suggests was met with, “a preponderance of proposed and existing legislation since 2010,” that, “operates to reinforce and enlarge the social boundary space among groups,” all under, “the guise of an attack on alleged voter fraud” (2015: 536). Combs’ theory highlights an important element of the voter suppression narrative: voter fraud. Despite that the allegations of rampant voter fraud have been proven false, it is still the crux of the argument for those engaging in voter suppression tactics. This highlights the heart of BOP theory and of the motivation for suppressive laws and policies, that they are based in discrimination and not backed in any data or reality. Combs explains that BOP reveals, “a complicated duality: the body may be accepted; but the body out of place is rejected,” adding that, “this seeming acceptance only operates as long as the black and brown bodies function in traditional or stereotypical respects where the patterned, ingrained social order is not only maintained, but also perpetuated” (2015: 540). For these reasons, Combs’ theory is especially pertinent to my research.

In this analysis, I have defined *place* according to Combs’ theory, as both a physical place and the conceived place in a social hierarchy, both of which influence and interact with each other. I identify physical places that became evident to me in my data collection process and then discuss the bodies there that are out of place, according to the

intersections of social structures that Combs discusses, including (perceived) national origin, gender, and race, as well as geographic location/place of residence, socioeconomic status, and age. Combs also highlights the importance of recognizing a “temporal shift” in the analysis of out of place bodies (2015: 536). While she marks the election and re-election of Barack Obama as the inflection point for suppressive policies, I add to her timeline by recognizing the *Shelby County v. Holder* Supreme Court case and election of President Trump as critical temporal shifts in the survival of suppressive laws and policies.

Capabilities Theory

This analysis is done alongside Ingrid Robeyns’ work on Capabilities theory. Robeyns describes capabilities as the, “real freedoms or opportunities to achieve functionings,” being the ability to be and do things like be nourished, be educated, travel, and vote in an election (2017: 39). She notes that the difference between functionings and capabilities is, “between the realized and the effectively possible” (2017: 39). She explains that while traveling, “is a functioning, the real opportunity to travel is the corresponding capability. A person who does not travel may or may not be free and able to travel,” adding that, “the notion of capability seeks to capture precisely the fact of whether the person could travel if she wanted to” (2017: 39).

Critical to the understanding of Capabilities theory in the context of this paper is the ideas around conversion factors, specifically that, “persons have different abilities to convert resources into functionings” (Robeyns 2017: 45). The most pertinent of these factors to this discussion are the social conversion factors that originate, “from the society in which one lives, such as public policies, social norms, practices that unfairly discriminate, societal hierarchies, or power relations related to class, gender, race, or caste” (Robeyns 2017: 46).

Also critical to my implementation of Capabilities theory is the recognition of the differences between well-being and agency as capability goals. Sabina Alkire writes that well-being can be defined by measures such as nutritional status or self-esteem, while agency relates to, “one’s ability to pursue goals that one values” (2005: 122). In this study, the focus on capabilities is about creating possibilities for agency, as it is evident that simply providing the legal ability to vote is not enough. The goals of the organizations that I have interviewed are about providing agency alongside capability fulfillment.

Through my analysis, I explain that while all citizens legally have the functioning of the right to vote, certain demographics – people of color, the poor, the elderly, the youth, women, and members of the LGBTQ+ community – are denied the capability to fulfill this functioning, which is influenced by the social conversion factors around discrimination in widespread voter suppression tactics.

Intersectionality Theory

I also look at Intersectionality theory, developed by Kimberlé Crenshaw in 1989, which discusses the importance of seeing that individuals who belong to multiple oppressed identities can experience both compounded and unique discrimination. In Crenshaw’s 1989 work she explains how Black women often, “experience double-discrimination,” or, “the combined effects of practices which discriminate on the basis of race, and on the basis of sex,” but that they also, “experience discrimination as Black women – not the sum of race and sex discrimination, but as Black women” (1989: 149). As Chapter 5 analyzes the different bodies out of place from the political sphere, it is crucial to also reflect on how bodies can be out of multiple places at one time and how that uniquely affects their access to voting. Crenshaw warns about, “how dominant conceptions of discrimination condition

us to think about subordination as disadvantage occurring along a single categorical axis,” something which she explains, “erases Black women in the conceptualization, identification and remediation of race and sex discrimination by limiting inquiry to the experiences of otherwise-privileged members of the group,” adding that, “this focus on the most privileged group members marginalizes those who are multiply-burdened and obscures claims that cannot be understood as resulting from discrete sources of discrimination” (1989: 140).

While in my research I come to understand that voter suppression targets individuals based on race, class, age, and gender, it is important to recognize that the discrimination these targeted individuals face is based on systemic intersectionalities. Keeping in mind Intersectionality theory allows me to think about race, class, age, and gender combined.

Chapter 3

Voting in the United States: 1776-2018

3.1 1700s and 1800s: Marked by the Fifteenth Amendment and the Jim Crow Era

At the establishment of the United States of America with the signing of the Constitution in 1776, White, land-owning men of a respectable class who were neither Catholic, Jewish, nor Quaker were the only individuals permitted to vote and elect members of office (ACLU 2005). Until the mid-1860s, almost a century later, property requirements were gradually relaxed, “effectively extending the right to vote to all White men” (ACLU 2005). The ensuing American Civil War over the legality and morality of slavery, from 1861-1865, and the subsequent Civil Rights Act of 1866, which granted citizenship – but not the right to vote – to all native-born Americans, prepared the country for the period of Reconstruction, a time designed to reintegrate the South back into the United States, restore the destruction that had been done during the war, and expand civil rights to formerly enslaved individuals (Library of Congress, n.d.). As part of this effort, in 1869, the Fifteenth Amendment extended voting rights to African American men when it declared that the, “right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude” (Library of Congress 2017). The success of this amendment was evident in 1870 as the first African American, Hiram Rhodes Revels of Mississippi, was elected to the United States Senate and the first African American, Joseph Hayne Rainey of South Carolina, was elected to the United States House of Representative; the following year, there were five African American members of the United States House of Representatives (ACLU 2005).

Despite the Fifteenth Amendment, many states proceeded to institute racist policies around voting procedures that prevented African American men from voting, part of a period of time called the Jim Crow Era. The era started in the 1870s, most notably with the controversial presidential election of 1876. In this election, Rutherford B. Hayes was elected president and subsequently ended the Reconstruction period with the Compromise of 1877 when he removed US Army troops from their positions in the South, effectively eliminating any reinforcement of the new laws intended to establish a more equal society (Khan Academy, n.d.). The policies implemented during this time included prohibitive poll taxes, White-exclusive primary elections, extensive English literacy tests, a “grandfather clause” that only permitted registration of voters whose fathers or grandfathers could vote in 1867 (effectively disenfranchising African American men whose ancestors had been enslaved for two generations prior), and intimidation tactics (ACLU 2005). Some of these intimidation tactics included death threats and were not limited to those pursuing their right to vote, but also to those involved in, “registering voters and providing access to the electoral process” (Daniels 2010: 347). In Florida, the effects of these laws saw voter turnout of African American men fall from 62% during Reconstruction, to 11%, and in Louisiana turnout fell from 44.8% to 4% during the Jim Crow era (ACLU 2005). The new leadership, the Jim Crow policies designed to deny rights to African Americans in all areas of their lives, and the 1896 Supreme Court upholding of the “separate but equal” doctrine that legitimized racial segregation, define the Jim Crow Era and the foundation of voter suppression in the United States.

Not only were African Americans disenfranchised during this period, the Chinese Exclusion Act, passed in 1882, denied Chinese-Americans citizenship and voting rights. Additionally, the citizenship status of Native Americans was in jeopardy, as the Supreme Court ruled in 1884 that the Fifteenth Amendment did not apply to Native Americans and as Congress passed the Indian Naturalization Act in 1887, which granted citizenship only to those Native Americans that forfeit their tribal affiliations (ACLU 2005). Later, in 1890, all Native Americans would be required to *apply* for citizenship (ACLU 2005).

3.2 1900s: The Voting Rights Act and the Growing Unconstitutionality of Voter Suppression Tactics

The women's suffrage efforts of the Seneca Falls Convention of 1848 would not be realized until the Nineteenth Amendment, passed in 1920, which granted all women the right to vote (ACLU 2005). This right was not deployed equally, however, as women of color still faced enormous barriers to voting. The 1920s also saw landmark Supreme Court cases in naturalization, including the 1922 *Takao Ozawa v. United States* case, which denied Japanese people the ability to naturalize and the 1923 *Bhagat Singh Thind v. United States* case, which denied "high caste Hindus" the ability to naturalize (ACLU 2005). Both were on the grounds that the ethnic groups were ineligible, saying Ozawa did not qualify as a, "free White person, an alien of African nativity, or a person of African descent," and saying that Thind was not considered "White" (ACLU 2005). The mid-1900s marked major changes in legislation around voting rights, namely the Indian Citizenship Act of 1924, the 1943 repeal of the Chinese Exclusion Act, and the 1952 McCarran-Walter Act which granted Native Americans, Chinese Americans and Japanese Americans the right to vote (ACLU 2005).

The expansion of voting rights for African Americans was also not a linear process throughout United States history, but one that faced many setbacks and contradictions according to the time and place during which it was tested. Among some successes, like the 1915 Supreme Court ruling that Oklahoma's "grandfather clause" was unconstitutional, African Americans were still facing enormous barriers to voting. In 1937, the Supreme Court upheld the constitutionality of poll taxes in Georgia, denying the right to vote of many African American Georgians who could not afford to pay the tax. The effectiveness of these barriers were evident, as only 18.8% of African American Georgians were registered to vote in 1947 while only 3% of eligible African American voters in the entire Southern region of the United States were registered to vote in 1940, 70 years after the passage of the Fifteenth Amendment (ACLU 2005). Further, in 1959, literacy tests were upheld by the Supreme Court in South Carolina (ACLU 2005). In the 1940s, however, progress was made with regard to the exclusively White primary election laws that were instituted in the beginning of the Jim Crow Era. In 1944, the Supreme Court ruled Texas' all-White primaries unconstitutional and in 1946 and 1947, the same took place in Georgia and South Carolina, respectively (ACLU 2005).

The voter suppression tactic of gerrymandering also maintained a tumultuous presence in the courts. The first known instance of "gerrymandering" occurred in 1812, when Massachusetts Governor Elbridge Gerry redrew, "voting district lines to favor the Republican-dominated legislature against the Federalist Party" (ACLU 2005). It wasn't until 1946 that this practice was challenged in Illinois and ultimately defeated when the Supreme Court declared that issues of constitutionality in redistricting should be resolved at the state legislature level. In 1962, however, in Tennessee, the Supreme Court reversed their position

and ruled that they could require state legislatures to redraw district boundaries (ACLU 2005).

1950s

The Civil Rights Acts of 1957 and 1960 played important roles in checking the integrity of voting procedures. The 1957 Act granted the Attorney General the ability to, “bring lawsuits on behalf of African Americans denied the right to vote,” and to, “sue to correct discrimination and intimidation of potential voters,” and the 1960 Act permitted federal inspection by the Department of Justice of voter registration information and federal action if evidence of efforts to block one’s ability to vote were uncovered (ACLU 2005). These acts are said to have been important precursors for the progress in civil rights in 1960s.

1960s

The 1963 “March on Washington” led by Dr. Martin Luther King Jr. inspired bolder legislation intended to eliminate the discrimination that non-White voters encountered at the polls. In 1964, both the 24th Amendment, which outlawed poll taxes, and the Civil Rights Act, which made it, “illegal to discriminate on the basis of race, national origin, religion, and gender in voting, public places, the workplace and schools” offered protections for non-White voters (ACLU 2005). Dr. Martin Luther King Jr. also led a demonstration march from Selma, Alabama to Montgomery, Alabama, “to dramatize the need for African American voting rights and to protest the fatal police shooting of Jimmy Lee Jackson, a civil rights activist” (ACLU 2005). President Lyndon B. Johnson responded by signing the Voting Rights Act of 1965 into law, “permanently barring direct barriers to political participation by people of color, prohibiting any election practice that denies the right to vote on account of race, and requiring jurisdictions with a history of discrimination in voting to get federal approval of changes in their election laws before they can take effect” (ACLU 2005). The act created legal consequences for engaging in voter suppression tactics and, “ensures that private citizens can seek redress through the courts to remedy violations of minority voting rights” (ACLU 2005).

The VRA dramatically changed voter registration in the South. For example, in Dallas County, Alabama, voter registration among African Americans increased from 383 people to 8,000 people, more than half of the eligible African American voters in Alabama (ACLU 2005). In Mississippi, this number increased from 6.7% of the eligible African American population to 59.8% of it (ACLU 2005). By the end of 1965, 250,000 African Americans were newly registered to vote, and in 1968, nine African Americans are elected to Congress, with Shirley Chisholm, the first African American woman, among them (ACLU 2005). In 1971, this number increased to twelve, and the Congressional Black Caucus was formed (ACLU 2005).

1970s

The early seventies saw legislation that expanded voting rights. In 1971, the 26th Amendment extended the right to vote to 18-year-olds, introducing a new group of voters, and in 1972, the Supreme Court declared Tennessee's "Duration Residency" rule, which required that voters must live in the state for one year and in the county for 90 days, as unconstitutional (ACLU 2005). In 1974, however, a major restriction on voting rights was decided by the Supreme Court ruling that permitted states to deny the voting rights of convicted felons (ACLU 2005). This ruling has recently become widely debated in academic literature as well as in news media.

As the seventies closed, minority voting rights were upheld, when a Supreme Court case on gerrymandering was struck down in Texas, and subsequently restricted when the Supreme Court ruled that the statute requiring federal approval of changes to election laws, colloquially known as the preclearance statute, would only be considered discriminatory if the effects of the changes were retrogressive (ACLU 2005). The VRA was tested again in early 1980, when the Supreme Court decided that discriminatory intent, rather than just discriminatory effect, was required to succeed in litigation cases involving the Act. This added another barrier to voting for minority voters who would find it impossible to prove discriminatory intent (ACLU 2005). This was subsequently overturned by the Supreme Court and signed into law by President Ronald Reagan two years later (ACLU 2005).

1980s

The VRA was renewed five times in the seventies and eighties, the first time in 1970 and the second and third times in 1975 and 1982, respectively. The 1975 renewal, by President Gerald Ford, extended the special provisions, including the preclearance statute, for another seven years and added more special provisions surrounding language requirements. This renewal permanently barred literacy tests and mandated that assistance for language minority voters, “be made available when a single language minority group composes more than 5% of the voting age population, or at least 10,000 people in a jurisdiction” (ACLU 2005). The renewal in 1982 extended the special provisions again for ten years, adding new special provisions for blind, disabled, and illiterate voters, and established that proving discriminatory effect is enough grounds for litigation (ACLU 2005). The VRA proves to have a lasting impact, as the number of African American elected officials in Georgia increased from 3 before the VRA to 495 in 1990 (ACLU 2005).

1990s

Several rights-expanding acts were passed or renewed throughout the 1990s. The decade started with the passage of the Americans with Disabilities Act, which, “requires that election workers and polling sites provide a range of services to ensure that people with disabilities can vote” (ACLU 2005). It continued with the 1992 renewal of the VRA by President George H. W. Bush, this time extending special provisions for fifteen years and expanding the “population thresholds” of language minorities to include more non-English-speaking voters (ACLU 2005). The National Voter Registration Act, colloquially known as the Motor Voter Bill came next in 1993 and further expanded voting capabilities to minority and low income voters as it, “requires states to allow voter registration by mail, to allow voters to register when they apply for a driver's license and to allow voters to register at other state agencies such as welfare and unemployment offices” (ACLU 2005).

Gerrymandering, however, also saw a resurgence in the 1990s when, in 1995, the Supreme Court ruled that, “race cannot be the ‘predominant factor’ when drawing district lines,” referring to Georgia’s majority African American 11th Congressional District. Similar to what happened with the VRA, in 1997, the Supreme Court ruled that, “redistricting plans created with a discriminatory purpose” could be precleared, as long as the purpose of redistricting was not retrogressive (ACLU 2005). This was further challenged in 2003 when the Supreme Court decided that retrogressive redistricting plans were acceptable, “as long as the community is given influence” (ACLU 2005).

3.3 21st Century: *Shelby County v. Holder*

At the start of the 21st century, in 2002, the passage of the Help America Vote Act (HAVA), offered funding to states to update their voting systems and created, “minimum standards for states to follow in areas of election administration,” including the ability to vote by provisional ballot in some states (ACLU 2005). Under HAVA, required identification from new voters that have registered by mail was established to be shown when they vote for the first time (Legal Information Institute, n.d.). This act was in response to the presidential election of 2000 between George W. Bush and Al Gore in which the integrity of Florida’s voting machines and policies were questioned on the national stage (U.S. Election Assistance Commission, n.d.).

In 2013, the special provisions of the VRA were challenged, marking a major turning point in voter suppression legislation. In the ruling *Shelby County v. Holder*, the Supreme Court struck down Section 4 of the act, the section in which some states were required to, “‘preclear’ changes to their election rules with the federal government before implementing them, based on their history of race-based voter discrimination,” a formula that was, “massively successful at improving voting access in covered jurisdictions” (Brennan Center for Justice, n.d.). This effectively, “opened the floodgates” to discriminatory voting laws, including strict voter identification laws, which were introduced within 24 hours of the ruling in Texas, Mississippi, and Alabama (Brennan Center for Justice, n.d.).

This has been exacerbated by the process of gerrymandering, when voting district lines are redrawn by the party in power in a manner that secures that party’s majority in future elections. In the midterm elections of 2010, the Democratic party suffered major losses across the nation, resulting in a Republican majority in several states governments as well as in the House of Representatives, just as the Census would occur and voting districts would be redrawn (The New York Times 2010). Republican-majority states were able to more easily get their gerrymandered maps approved, which would ensure their majority for the next ten years, before the next Census, through the effective silencing of Democratic voters in their states. These newly drawn districts, coupled with the 2013 Supreme Court ruling in *Shelby County v. Holder*, made for a fragile environment for voting rights. What further compounded the situation was the Democratic loss of the Senate to Republicans in the midterm elections of 2014 (The New York Times 2014). These three important changes, have permitted a variety of suppressive voting laws and policies on the state level that have been swiftly introduced and passed on many occasions.

The 2016 Presidential Election and Trump Administration

The 2016 election and ensuing media coverage has been marked by President Trump’s unsubstantiated claims of voter fraud. His statements via Twitter have claimed, “large scale voter fraud” in the 2016 election (Trump 2016), urging his followers to, “Push hard for Voter Identification!” (Trump 2018). These claims have served as a disguise for racist legislation designed to suppress the votes of people of color, the elderly, the poor, the youth and the disabled.

Following the election, in May 2017, President Trump assembled a Presidential Advisory Commission on Election Integrity, also called the Voter Fraud Commission, whose goal was to, “review claims of improper registrations and voting, fraudulent registrations and voter suppression” (Lowry and Wise 2017). The creation of the commission sparked criticism from Democratic politicians including former Missouri Secretary of State, Jason Kander, who said that, “the real purpose of the commission... is to use taxpayer dollars to create the false impression that there is widespread election fraud

to make it easier to pass restrictive voting laws at the state level” (Lowry and Wise 2017). Virginia Governor Terry McAuliffe agreed saying, “this entire commission is based on the specious and false notion that there was widespread voter fraud last November... at best this commission was set up as a pretext to validate President Trump’s alternative election facts, and at worst is a tool to commit large-scale voter suppression” (Berman and Weigel 2017).

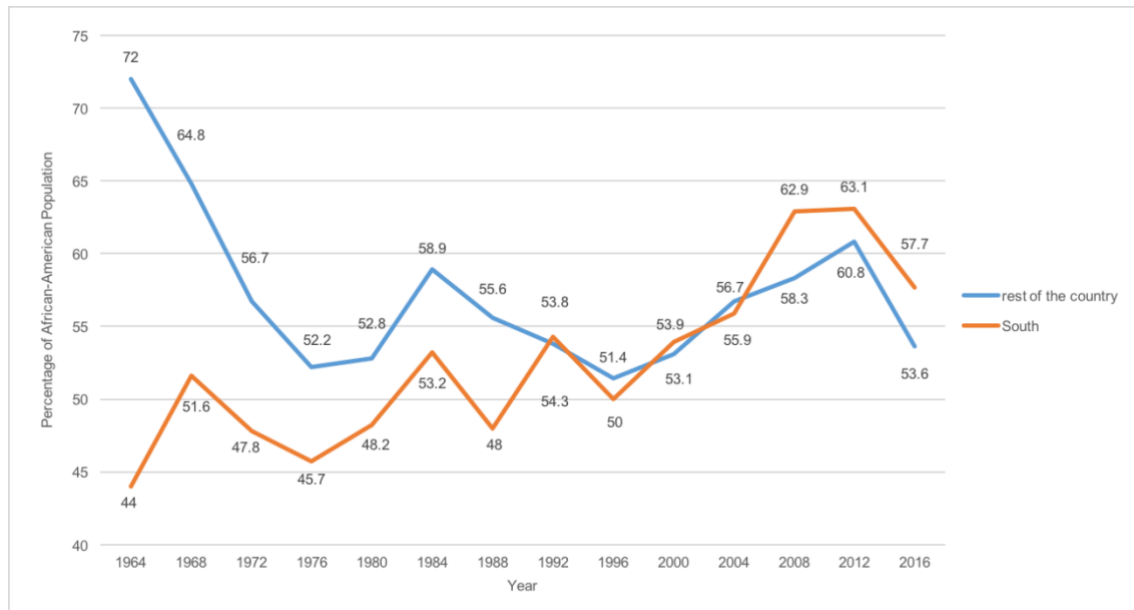
In June of 2017, the commission made a request of each state for the personal voting information of all of their registered voters, including names, birth dates, voting histories, party affiliations and information around convictions for election-related crimes, a request 25 states refused to comply with (Berman and Weigel 2017). As of January 2018, the commission was disbanded and President Trump asked the Department of Homeland Security to take up the cause (Tackett and Wines 2018). News about the commission resurfaced in June of 2018 when one member of the commission filed a lawsuit claiming he was excluded from some of the materials that were circulated among the members. The subsequent release of these documents showed the public that the commission had struggled to find any real evidence of President Trump’s voter fraud claims (Villeneuve 2018).

In an attempt to reverse the decision made in 2013 in *Shelby County v. Holder*, new legislation has been introduced, the Voting Rights Advancement Act of 2015, which modernizes the preclearance formula that was eliminated in 2013, requires public disclosure of voting changes 180 days before an election, authorizes the Attorney General to send federal observers to places with histories of discrimination, and improves voting rights access to Native Americans and Alaskan Natives (Human Rights Campaign 2018). Despite being introduced in both chambers of Congress in 2015 and in every Congress since, it has not been enacted (ACLU 2017).

Voter Turnout Among African Americans After 1965 and 2013

African American voter turnout in the South, where most of the Jim Crow policies were implemented, increased following the 1965 VRA (Flippen 2014). In the 1964 election, the percentage of African American voters outside the South hit a record 72%, largely as a result of coordinated registration efforts from the National Association for the Advancement of Colored People, while in the South the percentage of African American voters was 44% (Flippen 2014). As is evidenced by Figure 2, as a result of the VRA of the following year, African American turnout within the South increased and has converged with African American turnout rates in the rest of the country ever since (Flippen 2014).

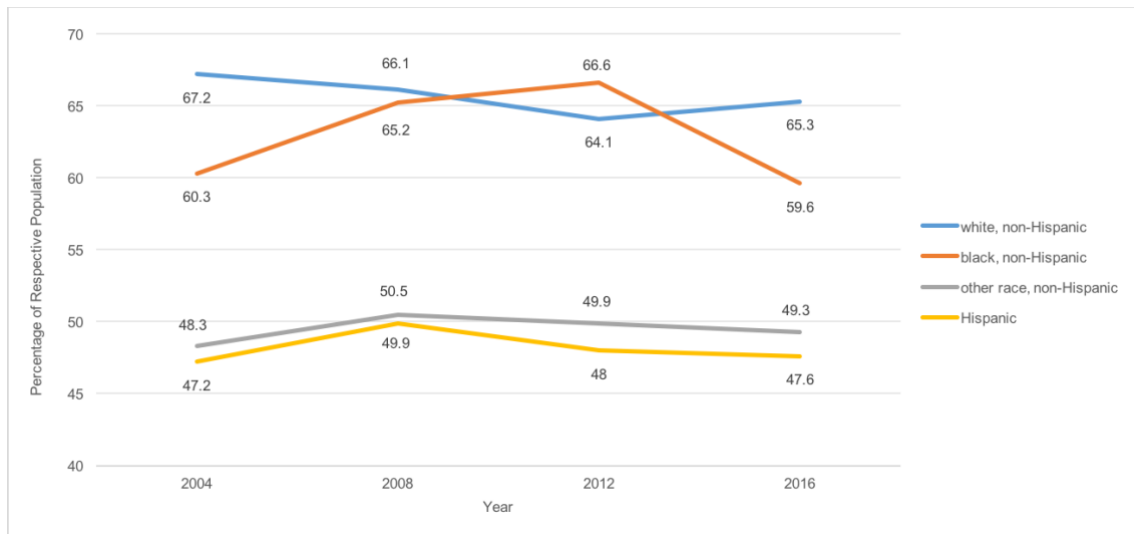
Figure 2
Voting Turnout Rates Among African Americans in the South vs. the Rest of the Country: 1964-2016



Source: U.S. Census Bureau 2016

Another major legislative decision in the area of voting rights was the 2013 Supreme Court ruling in *Shelby County v. Holder*. Figure 3 shows how voters classified as “Black, non-Hispanic,” “other race, non-Hispanic,” and “Hispanic” all saw an increase in the percentage of voters in their population from the 2004 general election to the 2008 general election (File 2017). Following 2008, “other race, non-Hispanic,” and “Hispanic” voters saw a slight decline in turnout while “Black, non-Hispanic” voters continued to see an increase in turnout into the 2012 general election (File 2017). Ahead of the 2016 general election, all three non-White categories saw a decline in voter turnout, most dramatically the “Black, non-Hispanic” category (File 2017). While we cannot be certain the exact reason for this decrease, it is notable that it has occurred throughout the resurgence of policies intended to restrict voting rights for people of color.

Figure 3
Voting Turnout Rates by Race and Hispanic Origin: 2004-2016



Source: adapted from File 2017

3.4 Current Legislation

Legislation around this issue has been constantly changing and evolving, especially since the relaxation of restrictions that occurred as a result of *Shelby County v. Holder*. Below is an overview of the variety of current legislation that faced voters ahead of the 2018 midterm elections, including the laws that restrict voting rights as well as the laws that have expanded voting rights.

3.4.1 Voter IDs and Restrictive Legislation

The 2018 midterm elections this November have been marked by restrictive voting laws, as 8 states – Arkansas, Iowa, Missouri, North Dakota, Texas, Georgia, Indiana, and New Hampshire – have enacted them. As a result, voters in these eight states, “will face more stringent voting laws than they did in the last federal election cycle in 2016,” and, “voters in 23 states will face tougher restrictions than they did in 2010” (Weiser and Feldman 2018). According to Weiser and Feldman, “a growing body of research shows these laws reduce participation, particularly among communities of color, low-income voters, young people, older citizens, and people with disabilities” (2018).

Table 1, from the Brennan Center for Justice’s State of Voting Report, details the new voting restrictions implemented by state since 2010, including in what year the law was implemented and with a denotation of the voting requirements that were implemented for the first time in the 2018 midterm election by an asterisk (*) (Weiser and Feldman 2018).

Table 1
New Voting Restrictions Since 2010, by State

<i>State</i>	<i>Voting Restrictions</i>
Alabama	Strict voter ID requirement (2011 law) Documentary proof of citizenship (2011 law; not yet implemented)
Arizona	Documentary proof of citizenship to register (2004 ballot initiative; currently blocked for registrations using federal form) Polling place consolidation (2016 law) Limitations on mail-in ballot collection (2016 law)
Arkansas	Voter ID requirement (2017 law) *
Florida	Reduced early voting period (2011 law, mitigated by 2012 court ruling and by subsequent 2013 statute restoring some early voting days) Curbed voter registration drives (2011 law, mitigated by court decisions) Reduced access to rights restoration for those with past criminal convictions (2011 gubernatorial action)
Georgia	"No match, no vote" limit on access to voter registration (2017 law) * Reduced early voting period (2010 law) Documentary proof of citizenship to register (2009 law) Strict voter ID requirement (2006 law)
Illinois	Curbed voter registration drives (2011 law)
Indiana	Aggressive voter purge requirements (2017 law) * Documentary proof of citizenship for certain individuals (2013 law) Strict voter ID requirement (2006 law)
Iowa	Voter ID requirement (2017 law; will be partially implemented in 2018) * Restrictions on voter registration drives (2017 law) * Limited access to election-day registration (2017 law) * Limited early and absentee voting (2017 law) * Stricter voting rights restoration policy for the formerly incarcerated (2011 reversed executive action)
Kansas	Strict voter ID requirement (2011 law) Documentary proof of citizenship (2011 law; currently blocked for registrations at motor vehicle offices and those using federal voter registration forms)
Mississippi	Strict voter ID requirement (2011 ballot initiative)
Missouri	Voter ID requirement (2016 law and ballot initiative) *
Nebraska	Reduced early voting period (2013 law)
New Hampshire	Restricted student voting and registration (2017 law) * Voter ID requested, but not required (2017 law)
North Dakota	Voter ID requirement (2017 law, partially halted by court, and less restrictive than earlier law struck down by court) *
Ohio	Reduced early voting period and abolished same-day registration period (2014 law) Restricted absentee and provisional ballot rules (2014 law)
Rhode Island	Voter ID requirement (2011 law)
South Carolina	Voter ID requirement (2011 law, mitigated after lawsuit)
South Dakota	Stricter voting rights restoration policy for the formerly incarcerated (2012 law)
Tennessee	Strict voter ID requirement (2011 law) Reduced early voting period (2011 law) Proof of citizenship required for certain individuals (2011 law)
Texas	Voter ID requirement (2017 law, which is less restrictive than 2011 law struck down by court but more restrictive than the temporary ID requirement in place in 2016) * Curbed voter registration drives (2011 law)

Virginia	Strict voter ID requirement (2012 law) Restricted third-party voter registration (2012 law)
West Virginia	Reduced early voting period (2011 law)
Wisconsin	Voter ID requirement (2012 law, implemented for the first time in 2016) Added longer residency requirement before a person could register to vote (2012)

Source: Weiser and Feldman 2018

3.4.2 Expanding Access to the Ballot

Several states have taken this national discussion as an opportunity to secure voting rights in their own state. Some of their progress includes:

- Automatic Voter Registration. Twelve states have adopted AVR, seven of which will have it prepared ahead of the midterm elections this fall, including Alaska, California, Colorado, Georgia, Maryland, New Jersey, Oregon, Rhode Island, Vermont, Washington and the District of Columbia (Weiser and Feldman 2018).
- Voting Rights Restoration. Alabama, Florida, Louisiana, Nevada, New York, and Virginia and have all implemented or will be voting on bills intended to restore rights to large portions of the formerly incarcerated population (Weiser and Feldman 2018).
- Voter Registration. Since the federal election in 2016, 16 states will have implemented new laws to make voting easier in their states. These laws range from same-day registration, online voter registration, and expanded access to early voting opportunities (Weiser and Feldman 2018).

3.5 Conclusion

Two competing legislative events in history have had the most dramatic effects on voting rights in the United States. First, the creation of the VRA in 1965, which made it illegal to deny any citizen the right to vote and drastically changed the voting demographic of the country as registration among African Americans, whose votes had been more explicitly suppressed before the Act, skyrocketed. Second, was the 2013 Supreme Court case *Shelby County v. Holder*, which eliminated the important preclearance provision that monitored changes to election laws in states with discriminatory histories, in an effort to combat residual voter suppression.

The removal of the preclearance provision coupled with the subsequent rise of Donald Trump and his claims of rampant voter fraud, has made a tumultuous environment for voting rights. The legislative responses of many states looking to curb the rumored voter fraud has resulted in restrictive policies that exclude specific groups of individuals. While many political lobbying organizations are working to reinstate the preclearance provision in the VRA, others are looking to expand access to voting rights through new legislation around simplifying voter registration processes (automatic, online, Election Day) and restoring voting rights to the formerly incarcerated population.

Chapter 4

Introduction to the Organizations

4.1 Introduction

For this study, I sought to contact a wide selection of organizations that targeted each of the different groups of individuals who have been identified as most susceptible to voter suppression tactics. I also wanted to include a spectrum of experiences, so I looked for organizations that had been working on voting rights before the resurgence of voter suppression tactics, as well as for organizations that were founded because of the reports of voter suppression in the 2016. I also hoped to interview organizations that represented the wide assortment of strategies for combating voter suppression including legislative advocacy, GOTV campaigns, and helping people overcome their barriers to voting.

The organizations I reached out to that I was not able to arrange an interview with include: Access Democracy, the American Civil Liberties Union, Asian Americans Advancing Justice, Black Lives Matter, the Center for American Progress, the League of United Latin American Citizens, the National Association for the Advancement of Colored People, the Brennan Center for Justice, the Southern Poverty Law Center, the Florida Rights Restoration Commission, The League of Women Voters, and the Democratic National Committee. Most of these organizations did not respond to my efforts to contact them (usually twice or three times and by using different methods), while some of them did initially respond, but who I was not able to secure an interview with. None of the organizations told me that they would not be open to an interview. In the following sections I will introduce the organizations and individuals that I was able to interview.

4.2 Spread the Vote

In 2013, Kat Calvin came out of retirement from her job as an attorney to fill a void she saw in Democratic leadership following the 2013 Supreme Court decision in *Shelby County v. Holder*. Her frustrations around this case eventually led her to found Spread the Vote in 2017. Spread the Vote is a national organization that helps individuals get identification forms, including identification cards, birth certificates, and proof of residency. It operates in Florida, Georgia, Tennessee, Texas, and Virginia with hyper local community chapters set up within each state. Each chapter has 2-3 local organizers that facilitate partnerships and volunteers throughout their chapter. As a 501c3 non-profit, Spread the Vote is a nonpartisan organization and does not endorse any candidates. 70% of its funding comes from grants and large donations and 30% from small online donations.¹

4.3 NextGen America

NextGen America is a political advocacy and lobbying organization based in San Francisco, California. It focuses on climate issues, immigration issues, health care, economic issues, and voting rights, mainly through GOTV campaigns. Its voter mobilization efforts are

¹ Personal interview with Kat Calvin, Founder of Spread the Vote (7 August 2018).

currently active in 11 states (Arizona, California, Florida, Iowa, Michigan, Nevada, New Hampshire, North Carolina, Pennsylvania, Virginia, and Wisconsin), 8 governor's races, 7 United States Senate races and 33 United States House races. Within each state, NextGen has over 700 staffers working to forward the organization's efforts. NextGen is a political action committee (PAC), allowing them to make independent expenditures, which they do by supporting Democratic candidates and encouraging voters to vote with the Democratic party. Pat Millham, Director of Advocacy, described NextGen's preference to work in GOTV efforts as the most effective strategy for combating voter suppression, partly because the litigation field is a crowded area.²

4.4 Let America Vote

Let America Vote is a voting rights advocacy organization that works primarily in GOTV campaigns. It operates primarily in Georgia, Iowa, Nevada, New Hampshire, and Tennessee. Leigh Chapman, Senior Policy Advisor, told me about its dual legislative mission, which seeks to fight and change the laws inhibiting voters' rights while also working to vote out the individuals who support such laws. Let America Vote is a political action committee (PAC) primarily funded through small online donations, the average being \$24.³ One of Leigh's colleagues informed me about their funding methods which they described saying, "a group of thousands of supporters make our work possible. It is truly a movement of many people coming together to accomplish something major" (personal communication, 5 September 2018).

4.5 Indivisible Baltimore

Indivisible Baltimore is the local Maryland chapter of the broader national lobbying organization working against the Trump Administration's agenda, Indivisible. This chapter has focused primarily on legislative advocacy, but has also done election work in nearby swing districts with the organization Sister District. Indivisible Baltimore does not raise general funding, as the organization is not a political action committee (PAC) and is solely volunteer-based. Alexandra Neuhaus-Follini, Co-Coordinator, mentioned that they do raise money via Go Fund Me for the town hall events that require renting out a large space, however their election efforts are funded by the candidate that they are supporting. They do not receive any funding from the broader Indivisible organization. I spoke with Alexandra about the specific efforts and legislative success in automatic voter registration that she is spearheading in Baltimore, Maryland.⁴

² Personal interview with Pat Millham, Director of Advocacy at NextGen America (20 August 2018).

³ Personal interview with Leigh Chapman, Senior Policy Advisor of Let America Vote (30 August 2018).

⁴ Personal interview with Alexandra Neuhaus-Follini, Co-Coordinator of Indivisible Baltimore (4 September 2018).

4.6 New Georgia Project

New Georgia Project is a non-profit, non-partisan civic engagement organization aiming to mobilize, register, and educate what they call the New American Majority (African Americans, Latin Americans, Asian Americans and young people between the ages of 18 and 29) in Georgia, which is in the middle of becoming the first US state in the South that will have a White minority by 2024. I interviewed Executive Director, Nse Ufot, who explained that Georgia's current state legislature is passing voter suppression laws in hopes of maintaining their grip on power. Their approach involves utilizing legislative advocacy, GOTV campaigns, and strategic communication approaches throughout every county in Georgia. Ufot explains that they use this three-pronged approach because they, "actually want to win," adding that sophisticated voter suppression tactics require a sophisticated advocacy strategy (Ufot 2018, personal interview). New Georgia Project is funded through a combination of sources including, foundations, online donations, and high net worth individuals.⁵

⁵ Personal interview with Nse Ufot, Executive Director of New Georgia Project (14 September 2018).

Chapter 5

Bodies Out of Place and the Places They Are Out Of

5.1 Introduction

As the demographics of the country are rapidly changing, voter suppression tactics point to evidence that those at the top of the social hierarchy are looking to secure power. Nse Ufot, of New Georgia Project, explained that in the state of Georgia, this “pale, stale, male” population will become a minority by 2024 (Ufot 2018, personal interview).⁶ Barbara Harris Combs’ BOP theory helps explain this by highlighting that events like the election and re-election of Barack Obama (and more recently the candidacy of Hillary Clinton) challenge the hierarchical social order that was established with the founding of the country and that has been slowly eroding ever since (2015). Combs describes these changes as bodies that are perceived to be out of their place in the social hierarchy, with the voter suppression tactics designed as a means to put them back (2015).

According to Combs, one of the main tenants of BOP is that it is, “necessarily intersectional in its nature and applicable across social structures” (2015: 539). The next chapter highlights some of the social structures and their intersections that are involved with voter suppression tactics. It has been organized according to Combs’ BOP theory, examining the different *places* from which the body is out of, why particular bodies are out of place, and what is being done from an intersectional point of view on the part of organizations to identify and combat this. The places that I include in the following chapter are those that became evident to me through my data collection process and are not intended to be an exhaustive list of all the places that bodies are out of, nor does it attempt to explain all of the bodies that are out of place.

5.2 States with Restrictive Registration and Voting Laws

5.2.1 Georgia: Poll Closures, Limited Early Voting, and Alleged Fraud

Georgia is one of the states with some of the most restrictive voting and registration procedures and laws. In these kinds of restrictive states, young people, unmarried women, and people of color face egregious barriers in successfully registering to vote and casting their vote. While this New American Majority, “makes up 62% of the voting age population in Georgia, they are only 53% of registered voters” (New Georgia Project 2018). As Georgia is on track to be the first state in the South with a White minority, civic participation from this constituency is crucial to a representative state government.

In 2006, Georgia passed its voter identification law that requires photo identification for all voters, a move that disproportionately disadvantages Georgians of minority groups. Following the 2013 Supreme Court Case *Shelby County v. Holder*, Georgian minority groups faced even more barriers to participation. As the characteristics of polling locations are decided by the state legislatures, variations that systematically suppress the votes of specific

⁶ Personal interview with Nse Ufot, Executive Director of New Georgia Project (14 September 2018).

minority groups proliferate. Evidence points to the closures of polling locations and the number of polling booths at a location being motivated to reduce turnout among people of color, as occurred in Randolph County in Georgia. A measure was recently introduced that would have closed seven of the nine polling places in the African-American-predominant county, under the claim that the places were not compliant with disability requirements, despite that this was known to county officials many years ago and not acted upon until an important election was at stake (Blackwell et. al. 2018). Concurrently, an attempt to limit early voting and narrow the opening hours of polling locations was tried in the state legislature, two opportunities that many racial and ethnic minority groups depend on to be able to cast their vote (Brady 2018).

Even when barriers to participation like these have been overcome, implementation of voter identification laws and registration processes has a racial and ethnic skew. This has manifested recently in Georgia, where incumbent Republican Governor Brian Kemp suspended the processing of 53,000 new voter registrations, 70% of which have been identified as those registrations of African Americans, ahead of the 2018 midterm elections (Herndon and Gabriel 2018). While Kemp claimed that he was following a thorough vetting process that eliminates fraudulent registrations, his Democratic challenger, Stacey Abrams, explained that, “the miasma of fear that is created through voter suppression is as much about terrifying people about trying to vote as it is about actually blocking their ability to do so” (Herndon and Gabriel 2018). Similarly, Nse Ufot, of New Georgia Project, expressed frustration with the state policy around the voter registration deadline. Despite that voters are required to submit their registrations by thirty days before an election, the state does not have a date by which it is required to process these registrations, effectively meaning they can wait until after the election has passed, a loophole that Ufot is looking to close in the 2019 legislative session.

Voter identification laws and changes to voting procedures are two examples of the disparate effect of voter suppression tactics on minority groups in Georgia. Due to the cost and time prohibitive nature of acquiring the proper form of identification or of casting ones vote as well as the other intersecting factors that disadvantage minority groups in this process, these populations are excluded from participation in elections. These groups should be able to exercise their agency and achieve their functionings, their eligibility to vote, but they are incapable of doing so, due to the targeted barriers in place to their participation.

New Georgia Project identifies the bodies out of place in Georgia as including people of color, young people, and unmarried women. The organization has the mission of registering one million African Americans, Latin Americans, Asian Americans, young people, and unmarried women by 2024, the year at which point people of color are expected to make up the majority of the demographic of Georgia. More generally, they have aimed to talk to 3 million people of color before the election this November, in order to better understand the issues that matter to them and to help mobilize voters.

Nse Ufot, of New Georgia Project, explained that the organization works to restore capabilities to these populations through several means. They are focused on overall voter education in Georgia and providing accurate and up-to-date information to Georgia’s voters, having recently launched an app designed to walk voters through the voting process ahead of Election Day. They also work on the litigation front, trying to improve voting laws by making them more inclusive through a Georgia Bill of Rights that is slated to be introduced in the state legislature in 2019. Finally, they’re hoping to create a legal deadline by which the state bodies must process voter registration forms, in order to secure the

registrations of those individuals who legally submit their registrations by the state's deadline.⁷

Another organization that has worked in Georgia to stop the efforts of poll closures and early voting restrictions is Let America Vote. Senior Policy Advisor, Leigh Chapman, explained to me that through the mobilization of the organization's followers, they were able to contribute to the efforts aimed at ending this legislation and empowered voters to use their means to call and write to their representatives opposing the proposed legislation.

5.2.2 Barriers for Poor, Elderly, Rural, Women, and LGBTQ+ Voters

For many, voting is a financially unavailable opportunity, there are multiple points at which the poor are excluded from being able to exercise their voting rights. Kat Calvin, Founder of Spread the Vote, explained how voter identification laws do this. In her experience, the struggle is between the money, transportation, and time required to meet strict voter identification laws. The average proper form of identification costs \$40, funds that many cannot forfeit when living on a low or no wage. In addition, for many, a form of transportation is required to reach the polling places – something that also requires funds and can be expensive for rural voters. Finally, the process of getting the proper form of identification can take three to four weeks, requiring a considerable amount of time and multiple trips to and from the appropriate office where this transaction takes place. In some cases, individuals need to first get a birth certificate, a process that can cost \$50-\$70 and requires even more time invested to navigate a complicated bureaucratic process. Groups that cannot afford any of the above, are effectively disenfranchised. This type of voter suppression tactic excludes the poor, which is often disproportionately people of color.

In my discussion with Calvin, I came to understand another way in which the poor face difficulty in accessing polls. While she started her voting rights advocacy company recognizing that people needed the proper form of identification to vote, she came to realize that people were less concerned about having the ability to vote and more concerned about having any form of identification at all, which can impede one's ability to find housing, open a bank account, use free health clinics or homeless shelters, and even be served at some food banks. Calvin explained that for most people, having a form of identification is a step towards living a full life and being an active member of a community. Despite that voting may not be the first priority for some of these individuals, Calvin noted that they are excited about participating with Calvin's help.⁸

Elderly people also face problems with obtaining proper forms of identification to be able to vote. Calvin explained to me that one reason why many elderly people don't have the proper form of identification is because they may not drive anymore, and therefore their driver's license could be expired. In strict voter identification states, these people need to file the proper paperwork in order to obtain one of the correct forms of identification, which requires a birth certificate. However, many elderly people have misplaced their birth certificates, lost their birth certificates to natural disaster, or may have never even had one. Getting a birth certificate can be tricky, because it requires that you have a form of identification - but, as mentioned, to get identification, you need a birth certificate, and it

⁷ Personal interview with Nse Ufot, Executive Director of New Georgia Project (14 September 2018).

⁸ Personal interview with Kat Calvin, Founder of Spread the Vote (7 August 2018).

can be a costly process to navigate the few options available. Even after an elderly person has been able to obtain the proper form of identification, if they are unable to drive themselves or unable to arrange for transportation to the polls, they are effectively disenfranchised. This can result in elderly people feeling unable to overcome the barriers to participation that prohibit them from registering or casting their votes.⁹

One of the barriers that individuals face with regard to how their geographic location or their place of residence prohibits them from voting is if they reside in rural areas. Given that the populations in these places are likely to be lower than the populations in larger cities, these rural areas are less likely to have multiple polling locations, limiting the options of the local residents. For individuals who live far from these few locations, it can be difficult to accommodate, especially if those individuals cannot afford the time or cost of transportation there. These areas outside of the larger cities are not limited to rural towns, but also include reservations, the federally recognized land of different Native American tribes. The Native Americans who live on these lands are also facing problems with the proof of residence requirements of the strict voter identification laws. In North Dakota, for example, a new voter identification law requires that all voters have forms of identification with physical addresses on them, disqualifying post office boxes. Many Native American reservations do not use street addresses however, and their residents rely on post office boxes to receive their mail instead. This new law, implemented less than a month away from Election Day (something that would not have been able to happen had the preclearance provision of the VRA still existed), restricts access to the polls for tens of thousands of Native American North Dakotans (Domonoske 2018).

Nse Ufot, of New Georgia Project, also helped me to understand how physical place affects voting rights. Ufot explained that one of their biggest challenges is around the preconceived notions of the South - in her words, “the story of the South is skewed” (Ufot 2018, personal interview). Ufot explains that it can be difficult to convince people that progressive politics are possible in the South, despite its history of slavery and the events of the Jim Crow Era. She uses the example of Stacey Abrams, a current candidate for Governor of Georgia, saying that even though the nation has been shocked to see her success, Georgians recognize the normalcy of her candidacy and its backing in organized campaigning.¹⁰

The barriers that formerly married women or recently married women face in their attempt to register to vote or to actually cast their vote came up in my interview with Ufot. She mentioned that due to strict voter identification laws, these women can face difficulties if they have chosen to change their last name and have not yet updated their form of identification. The process of re-registering to vote and then casting one’s vote under strict voter identification laws requires an individual to have a current form of identification, the execution of which is hindered by the variety of barriers in place that keep people from acquiring these proper forms of identification, including the substantial amount of time required to appear and wait at the appropriate office during working hours, the financial cost of these proper forms of identification, the mobility required to get to the appropriate offices, and the opportunity cost of this entire process, to name a few.

⁹ Personal interview with Kat Calvin, Founder of Spread the Vote (7 August 2018).

¹⁰ Personal interview with Nse Ufot, Executive Director of New Georgia Project (14 September 2018).

People also face barriers to obtaining accurate forms of identification when they attempt to change the gender marker on their identification or attempt to vote with an identification that has a different gender marker than they present. Many states that have strict voter identification laws also require a form of photo identification that is then evaluated for whether it “accurately identifies the voter” by a poll worker (Moreau 2018). Some individuals who have transitioned or who may no longer look like their form of photo identification face an extra burden in dealing with questioning, rejection, or humiliation at the polling places, potentially dis-incentivizing them to participate in elections. The effects of these barriers are considerable. For example, the 2015 United States Transgender Survey predicts that the difficulties caused by these laws could prevent 78,000 transgender people from voting in the upcoming election this year (Moreau 2018).

All of these different groups and the individuals who identify with multiple of them face unique barriers to participation in elections that inhibit their ability to fulfill their functionings. There are, however, several organizations working to target these broader groups of people in order to help them fulfill their functionings and restore a feeling of agency.

Calvin’s organization, Spread the Vote, is one of the many organizations working to help people overcome the barriers to their participation. Calvin knows who is being most affected by voter suppression tactics – what bodies are out of place, and where – and the organization targets these individuals through partnerships with places where they can connect in what Calvin calls a “trusted space” including schools, shelters, hospitals, free clinics, and county jails (Calvin 2018, personal interview). Once eligible voters have been identified, Spread the Vote offers the guidance of individual volunteers to help a person through the entire process of getting them the proper form of identification, all while paying for any required costs. Near Election Day, Spread the Vote offers resources for these individuals to educate them on voting procedures and also provides a form of transportation for them to the polls. Calvin hopes to get IDs to as many people as she can and secure a turnout rate of 80% of the individuals whom she has helped on Election Day.¹¹

Another organization, Indivisible, is also working on helping people overcome the restrictive registration and voting procedures through a legislative approach. Alexandra Neuhaus-Follini of Indivisible Baltimore, told me about their litigation efforts to help make *place* less of a factor in voter suppression tactics. Neuhaus-Follini explained that even though Baltimore, Maryland, where Indivisible Baltimore is based, does not have restrictive voting laws to fight, it has an opportunity to secure and expand voting rights through legislation. As a result, Neuhaus-Follini and her colleagues have worked to advance both Election Day registration and automatic voter registration legislation this past year. In addition, the automatic voter registration legislation specifies certain agencies where people can get the service, agencies that target the marginalized populations who face the biggest barriers to election participation because of voter suppression tactics. Neuhaus-Follini believes that it is important for states to start passing this kind of legislation, so that when the time comes for federal legislation around voting rights, there will be specific success cases to point towards. Indivisible Baltimore also recognizes that their resources can be put to good use in helping fight restrictive laws and policies in nearby districts where voting

¹¹ Personal interview with Kat Calvin, Founder of Spread the Vote (7 August 2018).

rights are threatened, and they have partnered with candidates in these districts to share their resources.¹²

Other organizations fighting for the voting rights of these populations includes Black Lives Matter, the National Association for the Advancement of Colored People, the League of United Latin American Citizens, and Asian Americans Advancing Justice, among many others. Additionally, several organizations have stepped in to help individuals in overcoming the barrier of living far away from a polling place and/or not having the ability to afford transportation to one, including Spread the Vote, VoteRiders, and Rock the Vote. Aside from formal organizations, many individuals and celebrities, including Warren Buffet, provide their time and means to help people get to the polls.

Finally, there are many organizations that focus on gender-based issues with regard to voter suppression tactics, including The League of Women Voters, a political lobbying and advocacy organization, the National Organization for Women, a feminist grassroots organization focusing on women's rights, and the National Center for Transgender Equality, a transgender rights advocacy organization, to name just a few in this area.

5.3 University Campuses: Where Young People Are Dis-incentivized to Vote

The election and re-election of President Barack Obama saw a new group of younger, politically engaged voters emerge. In states with restrictive voter identification laws, many of these young people are students who face difficulties with access to the polls if they are attending school in a state that is different from their home state. This can cause confusion for students about where they are permitted to register to vote and where they are ultimately able to cast their vote. NextGen America's Pat Millham, described how some poll workers use this often confusing situation to challenge students' registrations at the polls, which can congest lines – that are typically already long as there are relatively few polling places on or around college campuses – and create a disincentive for students to wait a considerable amount of time to cast their vote. In states with strict voter identification laws that require a form of photo identification, students also face issues when their student identification cards do not qualify as a proper form of identification, thus preventing them from casting their vote on Election Day.¹³

It's not just students that are facing difficulties, however, young people overall face issues with education around the processes of registration and voting. Millham explained that in many cases young people simply don't know how to register or cast their vote or they don't know what to vote on, which can be an intimidating barrier to overcome. This is also evident from the findings of a recent focus group in Fairfax County, Virginia, in which they discovered that young people were not mailing their absentee ballots because they did not know where or how to buy a postage stamp (Smith 2018). In a digitized society, it's not unconscionable to imagine that a person's first individual interactions with a post office could occur when they are 18 years old.

¹² Personal interview with Alexandra Neuhaus-Follini, Co-Coordinator of Indivisible Baltimore (4 September 2018).

¹³ Personal interview with Pat Millham, Director of Advocacy at NextGen America (20 August 2018).

Strict voter identification laws have a disparate effect on students and young people. Confusing and time-consuming barriers to participation make it extra difficult for these populations to participate in elections. These populations find a disconnect between their functionings and their capabilities to achieve them. NextGen America and Let America Vote are two organizations who work to restore capabilities and agency to these bodies out of place across the country.

NextGen America focuses on mobilization and registration campaigns through their Rising program, an internship that trains young people on how to motivate their peers to register and vote, focusing on specific races and encouraging support for Democratic candidates. They also have a specific program called Black Lives Rising that has been developed by people of color for people of color and implemented at several historically Black colleges and universities (HBCUs). In addition to the Rising program, NextGen America helps tackle voting illiteracy by conducting digital know-your-rights campaigns and voter outreach to help educate new and young voters. NextGen America's major goals are to register 250,000 young people and recruit over 2,000 volunteers, which were both surpassed a month before the November 6th elections. The organization also works to minimize the effects of long lines on students, who may not be able to take the time to wait because of classes, homework, activities, etc., by providing incentives for them to stay in line, in the form of phone chargers, pizza, puppies, DJs, and celebrities. Beyond keeping students entertained, the organization has also engaged lawyers to be available at polling stations to help handle any suspicious legal issues, like registration challenging.

Another organization working to restore capabilities to young people is Let America Vote. Their Cap, Gown, Vote program is a partnership with city mayors around the country to get high school students excited and informed about voting and political issues. The program educates high schoolers about why it is important to be involved in politics and organizes a voter registration drive for those students that meet the requirement of being 18 years of age by the election date.

5.4 Prisons: Mass Incarceration Means Mass Disenfranchisement

The United States prison system operates as one of the main, less commonly talked about places where particular bodies are out of place. The disenfranchisement of people convicted of a felony crime is uniquely race related. 48 states, as well as the District of Columbia, "prohibit voting while incarcerated for a felony offense," while just Maine and Vermont allow prisoners to vote (The Sentencing Project 2014). Even after a person has served their time and that physical place has been left, "35 states prohibit persons on parole from voting and 31 of these states exclude persons on probation as well" (The Sentencing Project 2014). Until very recently, three states, Florida, Iowa, and Kentucky, did not allow people convicted of a felony to vote ever again, while a handful of others require a waiting period before a voting rights restoration process can begin (The Sentencing Project 2014). On November 6th, 2018 Florida voters voted to restore voting rights to people who have been convicted of a felony (Brennan Center for Justice 2018).

The Sentencing Project states that over 6 million people were disenfranchised in the 2016 elections due to state felony disenfranchisement laws, a population that disproportionately includes people of color (2016). According to The Sentencing Project, in 2016, one in 13 African American adults could not vote because of felon disenfranchisement, and this number was greater in Florida, Kentucky, Tennessee, and

Virginia, where these laws affected one in five African American adults (Chung 2018). This wide disenfranchisement of this specific racial group has serious implications for the accuracy of representation in the government.

This situation is unique, because, as mentioned, most incarcerated individuals do not have the functioning to vote, so their situation does not explain a capability failure. Whether or not the incarcerated population should be permitted to vote is an issue discussed broadly in human rights discourse in the United States. However, in the states where individuals can have their rights restored with an application and re-registration process, many argue that the inconsistent and unreliable information provided to this population restrict their capability to fulfill their reinstated right, their functioning.

New Georgia Project is one of the organizations that recognized this disconnect. They are working to support a felon enfranchisement claim and planning to sue the state of Georgia in the 2019 legislative session for its existing law, which allows persons who have completed the terms of their sentence to register to vote again, on the grounds that it disenfranchises former felons by not adequately informing them that their voting rights have been restored. Additionally, there are many other organizations working on litigating and fighting for the enfranchisement of felons, including the American Civil Liberties Union, the Florida Rights Restoration Commission, Woke Vote, and Floridians for a Fair Democracy.

Chapter 6

Conclusions

6.1 Identifying Bodies Out of Place and Capability-Strengthening Opportunities

Combs describes bodies out of place as being not necessarily only out of a physical place, but out of “place as a relative position in a social scale” (2015: 536). I have explained how this theory can help uncover why the populations that are most disadvantaged by voter suppression are targeted. Using this theory, the example of voter suppression, and the data collected from the interviews I conducted, I have analyzed the ways in which different bodies are out of place in the United States’ voting system. In my analysis, I look at the different places from which bodies are out of that became evident to me throughout my research, why particular bodies are out of place, and what activist organizations are doing to combat the voter suppression tactics that are aimed at these bodies.

Robeyns’ work on Capabilities theory considers how capabilities relate to inequalities. She discusses that individuals face different, “abilities to convert resources into functionings” (2017: 45), which can come from societal circumstances that unfairly discriminate based on class, gender, race, and caste (2017: 46). Nussbaum calls these, “instances of capability failure” (Nussbaum 2011: 19). Through my analysis, I explain that while all citizens legally have the functioning of the right to vote, certain demographics are denied the capability to fulfill this functioning influenced by the social conversion factors around discrimination in widespread voter suppression tactics. Through the interviews I conducted with activist organizations, I have uncovered several of the different ways that these organizations are looking to reverse capability failures, restoring voting rights for these particular populations through creating possibilities for agency. Their efforts span from legislative work to GOTV campaigns to overall public service and political lobbying.

I understood through my interviews that there was limited discussion on intersectionality in the tactics employed by the organizations. Additionally, I found that most organizations were aware of issues of race, ethnicity, age, socioeconomic level, and geographic location in voter suppression tactics, but fewer were aware of issues around gender and sexuality. Only two of the organizations that I spoke with, New Georgia Project and Spread the Vote, discussed the unique way that gender plays a role in voter suppression tactics. Even then, for both of the organizations, gender issues were not centered in the discussion on voter suppression tactics. It appears that gender issues are an emerging topic in voting, as suppression tactics are analyzed for the different dimensions of effects that they have on populations.

In my conversation with Nse Ufot of New Georgia Project, I came to understand another, deeper level of how issues of gender (and in this case, at an intersection with race) play a major role in voter suppression, specifically in her efforts to combat it with New Georgia Project. When I asked her about the challenges she faces as an organization, her response was about the problems she faces with access to funding. As an African American woman leading an organization, Ufot said that she spends considerable time in meetings having to credential herself before she is able to discuss the substance of the issue of voter suppression with investors, something that her colleagues who are not African American women do not face. She noticed that often the resistance to financially supporting her

organization and others like hers are from people who simultaneously, “applaud Black women for saving democracy;” she suspects that they have the expectation that this work is done in addition to her other work, as a sacrifice out of the sheer importance of the issue (Ufot 2018, personal interview).¹⁴

6.2 An Opportunity for Social Policy to Secure Voting Rights

In the beginning of the paper I discussed how my motivations for researching this topic pertained to both my identity as a US citizen and as a development studies student. My hope for the United States government is that future policies recognize that bodies out of place are people whose agency, citizenship, and rights are denied regularly by the unjust barriers to participation in elections that they face. Just as the segregation policies of the Jim Crow Era defined a new tier of second class citizen, whose rights were consistently denied, the voter suppression tactics of our modern political society systemically prohibit certain groups from exercising their right to vote. Policy to address this requires an intersectional approach that enables capabilities. Robeyns writes that, “it is the people who will be affected by the policies who should decide on what will count as valuable capabilities in this policy question” (2003: 36).

The findings of this research paper can help policymakers to develop more effective and just policies around voting, starting with automatic voter registration, same day voter registration, vote by mail programs, and other voting rights expansive legislation. It can also be a reinstatement and/or improvement on the original preclearance provision of the 1965 Voting Rights Act, which is currently being litigated across the country. Finally, this research shows that it could be helpful to amend the Constitution of the United States to include an explicit right to vote. Current litigation of voter suppression tactics relies on the less affirmative language of the Fifteenth Amendment from 1869 which says that the, “right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude” (Library of Congress 2017). Future research in this area should involve the perspectives of the suppressed populations and could investigate the perception of the strategies employed by the organizations looking to fight voter suppression.

6.3 Reflecting on the Future of Democracy in the United States

The 2016 election and ensuing presidency challenged my understanding of US society, history, and citizens. Despite the research that shows most US Americans are ideologically moderate, the United States effectively operates in a two party system: Democrats and Republicans (Dimock et. al. 2014). The technicalities of this system combined with the more than 200-year-old tradition of the electoral college (which has now elected a president who did not receive the greatest number of votes for the fourth time in United States history) and the corrupt practices of voter suppression detailed in this research leads one to question what kind of democracy is being practiced in the United States today and who exactly is being represented by it.

¹⁴ Personal interview with Nse Ufot, Executive Director of New Georgia Project (14 September 2018).

Voting rights are one of the most important elements of the United States' democracy to be preserved. Without equal access to voting, we have no representative democracy at all. I am reminded of Fareed Zakaria's work on illiberal democracy from 1997 in which he quotes Samuel P. Huntington's *The Third Wave*, saying:

Elections, open, free and fair, are the essence of democracy, the inescapable sine qua non. Governments produced by elections may be inefficient, corrupt, shortsighted, irresponsible, dominated by special interests, and incapable of adopting policies demanded by the public good. These qualities make such governments undesirable but they do not make them undemocratic. Democracy is one public virtue, not the only one, and the relation of democracy to other public virtues and vices can only be understood if democracy is clearly distinguished from the other characteristics of political systems. (as cited in Zakaria, 2003: 29-30).

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