

League of Women Voters of the United States

Impact on Issues 2020-2022

A GUIDE TO PUBLIC POLICY POSITIONS

Voting Rights

Citizen's Right to Vote

The League's Position

Statement of Position on Citizen's Right to Vote, as announced by the National Board, March 1982:

The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed.

League History

The right of every citizen to vote has been a basic League principle since its origin. Early on, many state Leagues adopted positions on election laws. But at the national level, despite a long history of protecting voting rights, the League found itself during the civil rights struggle of the 1960s without authority to take national legislative action on behalf of the *Voting Rights Act of 1965* (VRA).

Stung by the League's powerlessness to act on such a significant issue, the 1970 Convention adopted a bylaws amendment enabling the League to act "to protect the right to vote of every citizen" without the formality of adopting voting rights in the national program. This unusual decision reflected member conviction that protecting the right to vote is indivisibly part of the League's basic purpose.

When the 1974 Convention amended the Bylaws to provide that all League Principles could serve as authority for action, the separate amendment on voting rights was no longer needed and in 1975 the League was part of a successful coalition effort to extend the VRA and expand its coverage to language minorities. The 1976 Convention's adoption of voting rights as an integral part of the national Program and the 1978 confirmation of that decision underlined the already existing authority under the Principles for the League to act on this basic right.

In May 1982, the LWVUS Board made explicit the League's position on voting rights, and the 1982 Convention added voting rights to the national program. In 1982, the League was a leader in the fight to strengthen the VRA and extend its major provisions for 25 years. The 1986 Convention affirmed that a key element of protecting the right to vote is encouraging participation in the political process. The 1990 Convention affirmed that LWVUS should continue emphasis on protecting the right to vote by working to increase voter participation.

In 1992, the League successfully sought reauthorization of the language assistance provision for an additional 15 years. In 2006, the League sponsored a major public initiative to support the *Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006*. After months of action by Leagues across the country, the bill was passed and signed into law.

In response to threats to voting rights, the League has actively pursued litigation and administrative advocacy. In 1985, the League led comments objecting to proposed regulations that would weaken the administrative enforcement provisions of Section 5 of the Act. And with other amici curiae, the League successfully urged the U.S. Supreme Court to adopt a strong interpretation of Section 2 for challenges to minority vote dilution. monitor compliance with the *Voting Rights Act* in states covered by Section 5 of the Act, LWVEF conducted projects to apply monitoring techniques in jurisdictions considering bailout from Section 5, to establish the League as a major source of information on bailout and compliance issues. Since 1988, LWVEF worked with state and local Leagues to encourage full participation in each census, and to ensure that subsequent reapportionment and redistricting complied with one-person, one-vote requirements and the *Voting Rights Act*.

In 1996 and 1998, LWVUS worked against congressional “English-only” legislation that would have effectively repealed the minority language provisions of the Voting Rights Act.

National Voter Registration Act (NVRA)

In 1990, LWVEF convened a symposium of scholars, journalists, campaign consultants, and activists to examine the role of negative campaigning in the decline in voter participation and possible grassroots remedies. The symposium led to a comprehensive effort to return the voter to the center of the election process. A campaign to Take Back the System, coordinated League activities to make voter registration more accessible, provide voters with information about candidates and issues, and restore voters’ confidence and involvement in the electoral system. The program included LWVUS efforts on voter registration and campaign finance reform; an LWVEF presidential primary debate; a national voter registration drive; voter registration efforts aimed at young citizens; a Campaign Watch pilot project

to help citizens deter unfair campaign practices; and grassroots efforts to register, inform, and involve voters. The League’s grassroots campaign to secure national legislation to reform voter registration resulted in the 1990 house passage of the *National Voter Registration Act (NVRA)*—“motor-voter—but the bill did not reach the Senate that year.

Increased accessibility to the electoral process is integral to ensuring a representative electoral process and the right of every citizen to vote.

In 1991, the effort to pass national motor-voter legislation intensified, and the *National Voter Registration Act* of 1991 was introduced in the Senate. Leading a national coalition, the League executed a high-visibility, multifaceted, grassroots drive, resulting in passage by both houses in 1992. But President George H. W. Bush vetoed the bill and the Senate failed to override.

In May 1993, the years of concerted effort by the League and other organizations paid off when both houses passed and President Clinton signed the *National Voter Registration Act*. The President gave one of the signing pens to LWVUS and saluted the League and other supporters as “daughters for freedom” in the continuing effort to expand American democracy. The motor-voter bill enabled citizens to apply to register at motor vehicle agencies automatically, as well as by mail and at public and private agencies that service the public.

In 1994, LWVEF launched a “Wired for Democracy” project, anticipating the potential of the internet for providing voter education and opening government to citizens. In 1996, the League focused its energies on getting voters to the polls.

League members also quickly turned to ensuring effective implementation of the NVRA by states and key federal agencies. In early 1994, LWVEF sponsored a “Motor Voter Alert” conference of representatives from more than 30 state Leagues, other grassroots activists, and representatives of civil rights and disability groups. Throughout 1994, while LWVUS successfully lobbied the President

Leagues kept the pressure on their legislatures to pass effective enabling legislation by the January 1995 deadline. On September 12, 1994, the President issued an Executive Order requiring affected federal agencies to cooperate to the greatest extent possible with the states in implementing the law by providing funds, guidance, and technical assistance to affected state public assistance agencies and agencies serving the disabled.

A report on the first-year impact of the NVRA indicated that 11 million citizens registered to vote under required NVRA motor-voter, agency-based, and mail-in programs in 1995. State Leagues and other organizations joined the Justice Department in filing lawsuits against states that refused to implement the NVRA. By the summer of 1996, Illinois, Pennsylvania, California, South Carolina, Virginia, Michigan, and Kansas had lost Tenth Amendment states-rights arguments against the NVRA in federal court.

In 1995 and 1996, state and local Leagues worked to ensure effective state enforcement of the NVRA, as LWVUS lobbied against congressional amendments that would have weakened or undermined the new federal law.

A noncompliance suit led by the state League against New Hampshire was dropped early in 1996 when Congress passed a legislative rider exempting New Hampshire and Idaho from the NVRA by extending the law's deadline for state exemptions based on having Election Day registration programs. LWVUS opposed the New Hampshire exemption.

LWVUS urged state elections officials and Congress to give the NVRA a chance to work before proposing changes. The League opposed a Senate NVRA "unfunded mandate" amendment that would have blocked state compliance by requiring the federal government to pay for implementation. The League also opposed amendments that required proof-of-citizenship to register to vote. All but the New Hampshire exemption were defeated or withdrawn.

Even though the NVRA helped more Americans register to vote for the 1996 election than at any time since records have been kept, LWVUS continued to fight congressional attempts to cripple the law. For example, the League lobbied and testified against the Voter Eligibility Verification Act, which sought to create a federal program to verify the citizenship of voter registrants and applicants, arguing that the program was not necessary, would not work, and would depress voter participation.

On related issues, the League has supported efforts to increase the accessibility of registration and voting for people with disabilities in federal elections and undertaken major efforts to encourage citizens to participate in the electoral process. Since 1988, LWVEF has been coordinating broad-based voter registration drives for general elections, combining national publicity and outreach with grassroots activities by state and local Leagues, other groups, and public officials.

The League also has worked to change aspects of the coverage and conduct of campaigns that may frustrate voter participation. From 1980-1985, LWVUS sought to pressure broadcasters not to air projections of election results before all the polls in a race have closed.

Since 2012, the League has served on the national working committee that oversees National Voter Registration Day, a major national initiative that has brought together thousands of partners to register hundreds of thousands of voters each September. In 2016, more than 350 Leagues from 45 states participated and registered more than 19,000 individuals to vote on National Voter Registration Day. 2018 was the League's biggest year yet, with Leagues from 40 states hosting over 400 events and registering more than 32,000 individuals to vote—making the League the single largest on-the-ground participant for the seventh year in a row.

Original research sponsored by LWVEF found that voters and nonvoters differ in several key respects: nonvoters are less likely to grasp the impact of elections on issues that matter to them, nonvoters are more

likely to believe they lack information on which to base their voting decisions; nonvoters are more likely to perceive the voting process as difficult and cumbersome; and nonvoters are less likely to be contacted by organizations encouraging them to vote.

In 1996, armed with the message, “It’s about your children’s education, your taxes, your Social Security, your Medicare, and your safe streets. It’s about you and your family. Vote,” Leagues nationwide conducted targeted, grassroots get-out-the-vote (GOTV) campaigns. Focusing on racial and ethnic minorities and other underrepresented populations, Leagues worked in coalition with other organizations to expand their reach and let voters know they have a stake in the system. Despite an overall downturn in voter participation in 1996, precincts targeted by the League’s effort posted increased voting rates.

In the 2000 elections, LWVEF worked with state and local Leagues on intensive GOTV campaigns in 30 communities, targeting underrepresented voters. Training highlighted new ways to engage citizens to work in coalitions with diverse communities. The League also participated in forming the Youth Vote 2000, a nonpartisan coalition of organizations committed to encouraging greater participation in the political process and promoting a better understanding of public policy issues among youth.

Also, in 2000, the League launched its “Take a Friend to Vote” (TAFTV) campaign, based on research showing that nonvoters are most likely to vote if asked by a friend, family member, neighbor, or someone else they respect. The TAFTV campaign featured toolkits with reminder postcards and bumper stickers, a website, PSAs on Lifetime Television, and “advertorials” in major magazines featuring celebrities and their friends talking about the importance of voting.

Help America Vote Act (HAVA)

When the 2000 election exposed the many problems facing the election system, the League began to work relentlessly on election reform and bringing its importance to national attention. LWVUS helped draft and pass the *Help America Vote Act of 2002* (HAVA), working closely with a civil rights coalition in developing amendments and lobbying for key provisions.

LWVUS took a leadership role in forming an election reform coalition to develop recommendations on HAVA implementation and testified before both houses, stressing the importance of substantial new federal funding for election reform efforts. The League used its special expertise to argue for improved voting systems and machines, provisional balloting and other safeguards, and improvements in voter registration systems and poll worker training and administration.

LWVEF worked to heighten public awareness about election administration problems and to provide informational and action materials to state and local Leagues. In 2001, LWVEF hosted three “Focus on the Voter” symposia and worked with Leagues to design and complete a survey of election administration practices in local jurisdictions. Four hundred and sixty Leagues from 47 states and the District of Columbia responded to the survey. A report of the findings was released at a post-election symposium in November 2001, and concluded, “good enough is not good enough.”

In 2001 and 2002, *Election Administration Reform: A Leader’s Guide for Action*, the *Election 2001 Toolkit* and *Navigating Election Day: What Every Voter Needs to Know* were made available to state and local Leagues for voter education activities. In late 2002, LWVEF convened a conference, sponsored by the McCormick Tribune Foundation, to explore emerging issues in election reform.

In the 108th Congress (2003-2005), the key issue was funding for HAVA, as President George W. Bush initially proposed that HAVA not be fully funded. A joint lobbying effort of state and local government organizations, civil rights groups, and the League prevailed in achieving full funding for the first two years of implementation.

In mid-2003, LWVUS published *Helping America Vote: Implementing the New Federal Provisional Ballot Requirement*, which examined and made key policy recommendations for states and localities in implementing HAVA's provisional balloting requirement. Another report followed in 2004, *Helping America Vote: Safeguarding the Vote*, which outlined a set of recommended operational and management practices for state and local elections officials to enhance voting system security, protect eligible voters, manage statewide voter registration databases, and ensure that valid votes are counted.

In every major election year since 2004, the League has made available its attractive VOTE brochure, a succinct, step-by-step guide to voting and Election Day, designed to reach out to new, young and first time voters. The *5 Things You Need to Know on Election Day* card has also provided hundreds of thousands of voters with simple steps to ensure their vote is counted. The brochure and card continue to be popular and useful to the present.

At the 2004 Convention, the League determined that to ensure integrity and voter confidence in elections, LWVUS supports the implementation of voting systems and procedures that are secure, accurate, recountable, and accessible. State and local Leagues may support a particular voting system appropriate to their area, but should evaluate them based on the "secure, accurate, recountable, and accessible" criteria. While LWVUS has not commented on specific voting systems, Leagues should continue to consult with LWVUS before taking a stand on a specific type of voting system to ensure that the League speaks consistently. Leagues should also consult standards developed by the Election Assistance Commission (EAC) pertaining to voting systems when studying or improving their own voting systems.

At Convention 2006, delegates further clarified this position with a resolution stating that the Citizens' Right to Vote be interpreted to affirm that LWVUS supports only voting systems that are designed so that:

- They employ a voter-verifiable paper ballot or other paper record, said paper being the official record of the voter's Intent.
- The voter can verify, either by eye or with the aid of suitable devices for those who have impaired vision, that the paper ballot/record accurately reflects his or her intent.
- Such verification takes place while the voter is still in the process of voting.
- The paper ballot/record is used for audits and recounts.
- The vote totals can be verified by an independent hand count of the paper ballot/record.
- Routine audits of the paper ballot/record in randomly selected precincts can be conducted in every election, and the results published by the jurisdiction. At Convention 2010, delegates added the principle of transparency, so that the League would support voting systems that are secure, accurate, recountable, accessible, and transparent.

Also, in 2004, the League of Women Voters conducted a survey of local and state elections officials in a number of targeted states to identify potential problems with HAVA implementation that could put the votes of eligible voters at risk. The League identified the *Top Five Risks to Eligible Voters in 2004*, including voter registration problems, erroneous purging, problems with the new ID requirement, difficulties with voting systems and a failure to count provisional ballots, and asked elections officials for resolution before the election. League leaders in various states were at the forefront of high-profile battles over HAVA's implementation.

In 2006, the League released *Thinking Outside the Ballot Box: Innovations at the Polling Place*, a comprehensive report aimed at sharing successful election administration stories with local officials throughout the country.

As a complement, not a substitute, for the NVRA, the League continues to support shortening the period between registration and voting or same-day voter registration. LWVUS has worked with state Leagues interested in promoting such reforms.

Choosing the President

The League's respected voter education tool, *Choosing the President: A Citizen's Guide to the Electoral Process*, was revised in 2004 and 2008. The 2008 edition was also translated into Russian and Arabic and was the basis for *Electing the President*, a 16-page education supplement created and distributed to schools in collaboration with the Newspapers in Education Institute. *Electing the President* was updated in 2012 and again in 2016 and also distributed to schools in collaboration with the Newspapers in Education Institute.

Additionally, an Election Audit Task Force was appointed to report to the LWVUS Board on the auditing of election procedures and processes. The 2009 report is available at www.lwv.org. Leagues should find this report useful in talking with their legislatures and elections officials about election auditing.

League Investment in Online Voter Information

In 1998, the League was a visionary, recognizing that the way of the future for voter education would be online, it tested two systems to transform its trusted, nonpartisan voters' guides and make them readily available online. LWVEF chose the DemocracyNet (DNet) as its nationwide online voter information platform and worked with state and local Leagues to expand the system to all 50 states for the 2000 elections. By the 2004 election, DNet was the most comprehensive source of voter information and one of the top online sites for unbiased election information, offering full coverage of all federal races as well as thousands of state and local candidates.

In 2006, the League launched the next generation of online voter education with VOTE411.org, a "one-stop-shop" for election-related information, providing nonpartisan information to the public with both general and state-specific information including a nationwide polling place locator, absentee ballot information, ballot measure information, etc. In 2008 and 2012, LWVEF accomplished consecutive overhauls and improvements to this award-winning voter education website, making it the most comprehensive, easy-to-use online tool for voters. The site is at the heart of the League's campaign to prepare voters.

Since launching VOTE411 in 2006, approximately 40 million people have benefited from the information available on the site. VOTE411 has expanded access to information about candidates at the state and local levels with every consecutive election year. In partnership with hundreds of state and local Leagues, VOTE411 has successfully provided voters with information on where tens of thousands of candidates stand on the issues and up-to-date election rules for all 50 states in every election year. And in 2016, for the first time, the statements from the Presidential candidates were available in English and Spanish languages.

In 2018, VOTE411.org served over 5 million individuals and proved to be one of the most stable and reliable platforms throughout the primary season as well as on Election Day.

Opposing Voting Barriers

In 2006, the League also launched the "*Public Advocacy for Voter Protection*" (PAVP) project, and the League has undertaken concerted nationwide efforts to promote voter protection and education to prevent the development of processes and laws that threaten to disenfranchise voters, educate the public on new election procedures, and provide voters with the information they need to cast a vote and be sure that vote is counted.

As part of the PAVP effort, in 2007, the League opposed state legislation that would require documentary proof-of-citizenship or picture ID to register to vote, as well as to vote. The League also led a "friend-of-the-court" brief in a Supreme Court case regarding ID requirements in Indiana. In 2009, the League led an amicus brief in the Arizona voter ID case, *Gonzalez v. Arizona*, asking the 9th Circuit Court of Appeals to recognize that the *National Voter Registration Act* of 1993 prohibits a proof-of-citizenship requirement when using the national mail voter registration application form. The League again led an amicus brief when the case was

finally argued before the Supreme Court in 2013. The League and its allies finally prevailed. In the renamed *ITCA v. Arizona*, the Court agreed that the NVRA preempts state law.

2014 and 2016 brought unprecedented challenges and successes to the PAVP program, with participating Leagues ultimately defeating dozens of onerous barriers that threatened the right to vote. For the first time in 2016, LWVEF supported state League's efforts to call more than 100,000 people to encourage their participation in the 2016 election and make sure they had accurate information about early voting and identification rules.

Since its inception, the PAVP project has helped to remove or mitigate barriers to voting by underserved populations and to advance the capacity of state Leagues to become even more effective advocates. Five focus areas were identified by the League as essential to protecting the votes of all citizens and improving election administration overall: (1) oppose photo ID and documentary proof-of-citizenship, (2) improve administration of statewide database systems, (3) guard against undue restrictions on voter registration, (4) improve polling place management, and (5) improve poll worker training.

Expanding the *National Voter Registration Act* and Increasing Participation

In 2008, the League worked to support voting rights by publicly requesting that Secretaries of State across the country designate veterans' health facilities as voter registration agencies as provided for in the *National Voter Registration Act*. In 2012-2014 this work continued as LWVUS and many state Leagues worked to ensure the state health care exchanges created under the *Affordable Care Act* were designated as voter registration agencies.

This same year, LWVEF produced *Engaging New Citizens as New Voters: A Guide to Naturalization Ceremonies*, which detailed how Leagues could get involved in such ceremonies. Starting in 2012, LWVEF built off this effort and supported targeted local Leagues with grant funding and strategic support in order to successfully register new citizens at naturalization ceremonies and underrepresented community colleges. In 2014, LWVEF released a brand-new toolkit designed to support Leagues in their work to engage new citizens as first-time voters. Leveraging this toolkit in 2016, LWVEF launched its largest nationwide grant-funded effort to support state and local Leagues in registering newly naturalized citizens, ultimately resulting in in tens of thousands of new registrants at hundreds of citizenship ceremonies nationwide. In 2018, this work culminated in our largest effort to date, with Leagues registering over 28,000 new citizens at over 760 naturalization ceremonies.

Since 2010, the League has aimed through its national Youth Voter Registration Project to bring more young people, especially in communities of color, into the democratic process. Local Leagues in dozens of targeted communities have received LWVEF grant funding and strategic support to successfully assist approximately 100,000 students to register to vote. The League used data and feedback provided by participating Leagues to determine effective strategies and produced a groundbreaking and widely utilized 2011 training manual, "Empowering the Voters of Tomorrow," for Leagues and other groups interested in registering high school students. The guide was updated and republished in early 2013, 2015, and again in 2018.

All aspects of the League's 2012-2016 work were encompassed into one major national initiative entitled Power the Vote. Through the Power the Vote effort, Leagues worked at all levels to leverage resources and the League's powerful voice to protect, register, educate, and mobilize voters to participate. The League's 2012-2014 efforts are summarized in the whitepaper, *Power the Vote: How a new initiative launched results for millions of voters*. It and many corresponding training and planning resources are available at www.lwv.org.

Opposing Voter Suppression

In 2013, the Supreme Court reversed key voting rights protections that had been in place for decades in the case of *Shelby County v. Holder*. The Court ruled that the *Voting Rights Act* (VRA) formula for determining

which jurisdictions would have to clear their election law changes with the federal government was based on old data and was therefore unconstitutional.

The League immediately acted in urging Congress to repair and restore the effectiveness of the VRA. This work continued into 2015 and 2016, with active participation from state and local Leagues in targeted districts backing up the LWVUS lobbying efforts to enact a new *Voting Rights Advancement Act*, restoring key elements of the VRA while extending new protections nationwide.

Also, in the 2010s, Leagues worked in their state legislatures with other concerned organizations for bills to re-enfranchise former felons, believing that excessive disenfranchisement undermines voting rights as well as reintegration into the community. In 2018, Leagues were successful in working with a broad coalition of individuals and organizations to re-enfranchise 1.4 million former felons. This success is paving the way for similar efforts in Leagues across the country.

In 2017-2018 the League actively opposed the creation of the Pence-Kobach Election 'Integrity' Commission. The Commission was created by President Trump to address the so-called voter fraud in the 2016 election. The League opposed moves by the commission to collect voter registration data from all 50 states and create a national database of registration names because of voter data privacy issues. State Leagues across the country spoke with their chief election officials about the concerns over data privacy and some led letters of intent or lawsuits with their officials over the state's intent to share data. LWVUS worked with civil rights groups at the federal level to participate in civil disobedience events and collect and deliver comments to the commission from League members and activists around the country. The Commission met twice but was unable to justify the unfounded claims of voter fraud in the 2016 election. The Commission disbanded in spring of 2018.