

LitEQ Presents

# INTERSECTIONS

October 2020



a toolkit for understanding  
where we've been and where  
we go from here

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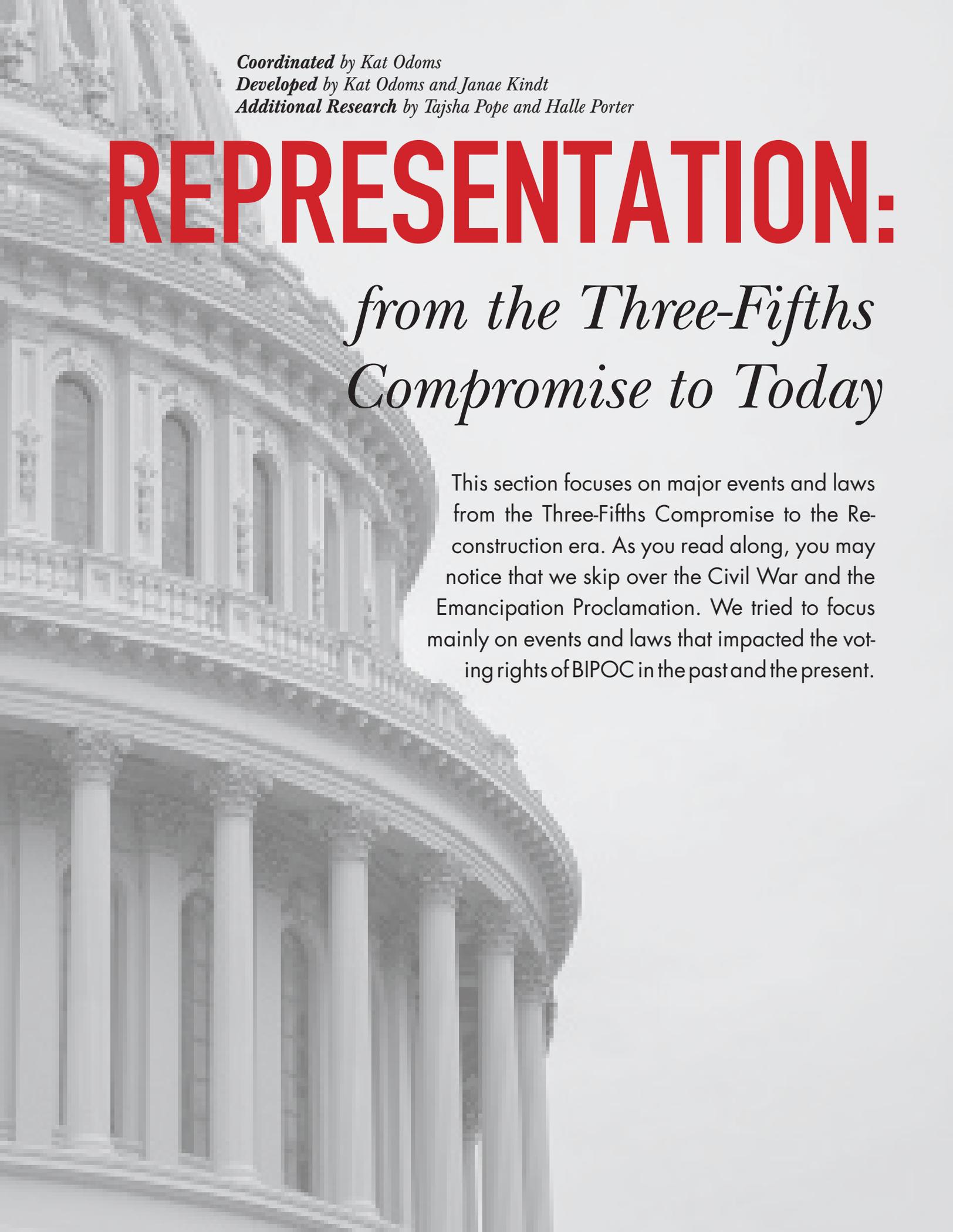
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# REPRESENTATION:

## *from the Three-Fifths Compromise to Today*

This section focuses on major events and laws from the Three-Fifths Compromise to the Reconstruction era. As you read along, you may notice that we skip over the Civil War and the Emancipation Proclamation. We tried to focus mainly on events and laws that impacted the voting rights of BIPOC in the past and the present.



# EXPLORING THE HISTORY OF VOTING RIGHTS

*Kat Odoms*

# FOREWORD

In my section, we researched and wrote about what we believe to be the most important history relating to voting rights for Black Americans and Native Americans. I focused my piece around the Three-Fifths Compromise, the Reconstruction era and Native American voting rights. I found it very difficult to compress decades worth of the history about voting into a couple of events. Also, as I researched laws like the Reconstruction Acts, the legal jargon was difficult to read. It took me multiple reads to get the meaning of these pieces, and once I understood the meaning of them, I felt a little discouraged. The laws and events I mentioned in my article, and the ones I didn't, showed how racism was woven throughout our Constitution and culture. Obviously, racism and slavery don't fit with the ideals of equality and freedom that Thomas Jefferson wrote about in the "Declaration of Independence." We have these beautiful, idealistic ideas about government that we don't really know how to live up to yet. What does "freedom," "liberty," and "democracy" really even look like?

One of the first times that we, as a country, looked at what these ideals meant for Black Americans was in the Reconstruction era. I found a lot of negativity in my research surrounding the Reconstruction era. A common critique by some historians was that it was a "failure." Sure, President Johnson is a racist who let white supremacist ideals flourish under his administration, but I don't believe that the Reconstruction era was a complete "failure." Despite President Johnson's attempts to stop civil rights reform during the beginning of the Reconstruction era, this was the first step towards real change for BIPOC citizens in America. Historian and author Eric Foner said, "...the Civil War and Reconstruction is a critical moment in the evolution of American ideas of freedom. But it was a period in which freedom was hotly contested..." It was the first time we really grappled with these ideas, and our idealistic Founding Fathers didn't really give us a roadmap. As you read my piece, I urge you to read with a critical eye. Reject the racism of the era, and the errors the leaders of the past made like the Compromise of 1877, and look to see what you would do differently. The Reconstruction era was a first step, not the final step.

We can make new laws and change things. Professor at Harvard University, author and political philosopher, Danielle Allen, said, "Because of its mutability and the changes made from generation to generation, none but the living can own the Constitution. Those who wrote the version ratified centuries ago do not own the version we live by today. We do." The Constitution is constantly adapting, and today, we can all make a choice to take advantage of our right to vote. Hopefully, with the candidates we choose, whether presidential or local, we can make more equitable voting practices possible for all of us.

*Kat Odoms*

# REPRESENTATION PRE-ABOLITION

The Three-Fifths Compromise was a way to apportion taxes, electoral college electors, and representatives based on population. Southern slaveholding states were allowed to count three-fifths of their enslaved population. This compromise allowed Southern states to take control of the executive office for decades. Before enslaved Africans even had the right to vote, they were used as tools of political power by their oppressors.

As we move forward a few decades, past the Civil War, we find ourselves in an idealistic time, the Reconstruction era. Idealism is the backbone of America. It's built into the Constitution, these lofty goals and ideas of freedom and liberty, but we weren't forced to define what liberty looks like for people other than rich White men until this era. The Reconstruction is typically described as a failure by many American historians, but I like to see the Reconstruction as something more than a failure. Historian and author, Eric Foner, said, "The worse you could paint Reconstruction to be, the more you could justify just eliminating blacks altogether from American democracy." In this article, I would like to draw your focus to some major laws and events that occurred during the Reconstruction era, and how these laws and events broadened our definition of freedom to include other races for the first time in American history.

# LEGISLATING TOWARD AN EQUITABLY REPRESENTATIVE GOVERNMENT

After the Emancipation Proclamation, one of the most important steps towards racial equality between Black Americans and White Americans is the Thirteenth Amendment. The Thirteenth Amendment says, “Neither slavery nor involuntary servitude, *except as a punishment for crime* whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” (emphasis is my own) Although the Thirteenth Amendment freed Black Americans, the phrase “except as punishment for a crime,” would

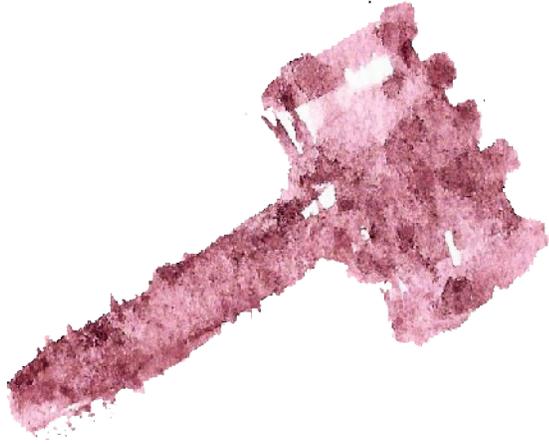
don’t reside in, districts are shaped to give one party more power. Since I am focusing mainly on the Reconstruction era, I won’t go in depth into the issue of prison gerrymandering, but there is a link embedded in this article for further reading.

In 1866, a civil rights act was passed, despite President Andrew Johnson’s veto. The Civil Rights Act of 1866 declared that all citizens of the U.S., including former enslaved Black Americans, were given inherent rights such as the right to own property. The law also gave the power to enforce this act to the judicial and executive branch. Although the Civil Rights Act of 1866 was a step towards voting rights for BIPOC, President Johnson’s veto showed his alignment with the South’s racist views. Through Pres-

ident Johnson’s need to placate the South, he let racism grow and fester in Southern society. President Johnson’s racism made passing laws difficult for the Radical Republicans, a group of Republicans who advocated for “radical” measures to ensure racial equality

**“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”**

help form a prevalent issue in the late 20th and early 21st century. The mass incarceration of BIPOC affects representation in state and local governments. By counting prisoners in districts that they



between Black and White Americans, and punish the ex-Confederate states. So I can give you a shorter overview of the part race plays in voting history, I'm not going to talk too much about the Radical Republicans. I will say that they were essential in giving Black Americans the right to vote and other freedoms by overriding President Johnson's vetoes 15 times to pass multiple landmark social justice laws.

The next major event I chose to focus on was the Fourteenth Amendment. The Fourteenth Amendment protects the rights of a citizen born in the United States, and it negated the Three-Fifths Compromise by counting the number of whole persons to apportion representatives. The Amendment also stopped people involved in or who aided in rebellion against the government, (ex-Confederates), from holding any political, civil or military office. The last section of the Fourteenth Amendment declares that the states and the government did not assume or owe any debts sustained through rebellion in the Civil War. This amendment protected the voting rights of Black Americans, and cemented their status as citizens of the United States.

The Reconstruction Acts of 1867 continued to push for Black Americans to vote. In the section "An Act to Provide for the More Efficient Government of the Rebel States," before Southern states could become a part of the Union again, they were required to be divided into military districts, ratify the Fourteenth Amendment, and elect a group of delegates of any race and who were not ex-Confederates. These delegates would create a new state constitution that allowed all men to vote. This is the most important section of the Act because it shows the government making strides to integrate Black Americans into society. The second and third parts of the act talk about how to elect

**Unfortunately, President Johnson tried to block the passage of this act due to his sympathies towards the Southern states.**

delegates, pass the new constitutions, and the powers of the delegates, General of the Army of the United States, and the military commanders of the districts. Unfortunately, President Johnson tried to block the passage of this act due to his sympathies towards the Southern states. His sympathies showed a conflicted government message. Were we going to punish oppressive, racist behaviors that went against the freedoms this country was built on? President Johnson's behavior seems to point towards the future America,

**The only way we can begin to move forward is to look at the way racism has shaped, and informed many of our laws and start to brainstorm ways to create more equitable systems.**

a place where people don't see the ways that race affect their lives and society. Instead of promoting healing and repairing relationships across the divisions of race, he perpetuates the us vs them mentality of South. South vs North, slaveholding states vs free states, Black vs White, Republican vs Democrat.

The passage of the Fifteenth Amendment guaranteed the right to vote for Black Americans. Their right to vote could "not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." This Amendment was the first Amendment to explicitly mention race. When I look back at the Three-Fifths Compromise, the United States wanted to hide from the hypocrisy of their laws, and the racism that fueled the passage of certain laws. This Amendment and the Thirteenth and Fourteenth Amendment were the first steps towards acknowledging and reckoning with the racism that permeated American society. The only way we can begin to move forward is to look at the way racism has shaped, and informed many of our laws and start

to brainstorm ways to create more equitable systems.

Despite these laws, racist acts from hate groups such as the Ku Klux Klan, (KKK), were intimidating Black voters through violent means. With the election of Ulysses S. Grant, General of the U.S. Army and war hero of the Civil War, the rights of Black Americans were a priority, instead of a reluctant compromise. The Enforcement Acts of 1870 and '71, also known as the Force Acts, were passed to protect Black voters going to the polls. In 1870, the first Act outlined the punishments of people who attempted to stop others from voting through bribery, violence or other forms of intimidation. The Act mentions the Ku Klux Klan in the line, "That if two or more persons shall band or conspire together, or go in disguise... with intent



to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States..." The President was also given the power to use the military or naval forces to enforce the Act.

Now, I think you may be wondering why the Act doesn't explicitly mention the KKK. It mentions people in disguise, but not the name of the group. I think this all goes back to American society knowing that discrimination based on race is wrong, but not dealing with it. Some people might see this as a way to include multiple groups of people in disguise, but I think it's also partly about a government who can't take accountability for its actions. If you explicitly mention a racist group in a law, then you bring up a whole history of race in this country. We would be showing problems that were shoved aside, and never talked about again. I do believe this law is a step in the right direction though. Having the government openly support Black Americans in their fight for equality is radical for the time period.

I will mention the other Enforcement Acts very briefly because I don't think they were as influential to present day events as the first one. The En-

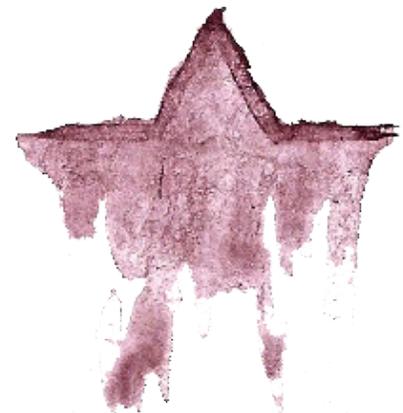
## **After the remaining federal troops were pulled out of the South, most Black Americans were stripped of their rights to vote through voter suppression tactics used in the Jim Crow era.**

forcement Act of February 1871 allowed the federal government to oversee state and local elections if at least two citizens in a town inquired about it to a federal judge. If citizens felt they were being prevented from voting, this law allowed them the opportunity to vote under the protection of the federal government. The Enforcement Act of April 1871 expands on the one from February 1871 by giving the President powers to enforce the act through military or naval force.

The Reconstruction era ends with the Compromise of 1877. The Compromise was made to settle the presidential election of 1876 between the Republican candidate,

Rutherford B. Hayes, and the Democrat candidate, Samuel J. Tilden. The Compromise allowed Rutherford B. Hayes to be President if he pulled the remaining federal troops out of the South, and supported new infrastructure for the South. After the remaining federal troops were pulled out of the South, most Black Americans were stripped of their rights to vote through voter suppression tactics used in the Jim Crow era.

I try to look at the Reconstruction era as the beginning of voting rights for BIPOC rather than focusing on its abrupt, negative ending. The laws passed during this time began a journey for Americans to look at the negative consequences of their racism, and develop ways to help Black Americans achieve citizenship. Although we still have a long way to go, I truly do believe that the Reconstruction era shows that we can grow as a country, and create more equitable systems in voting, and other areas.



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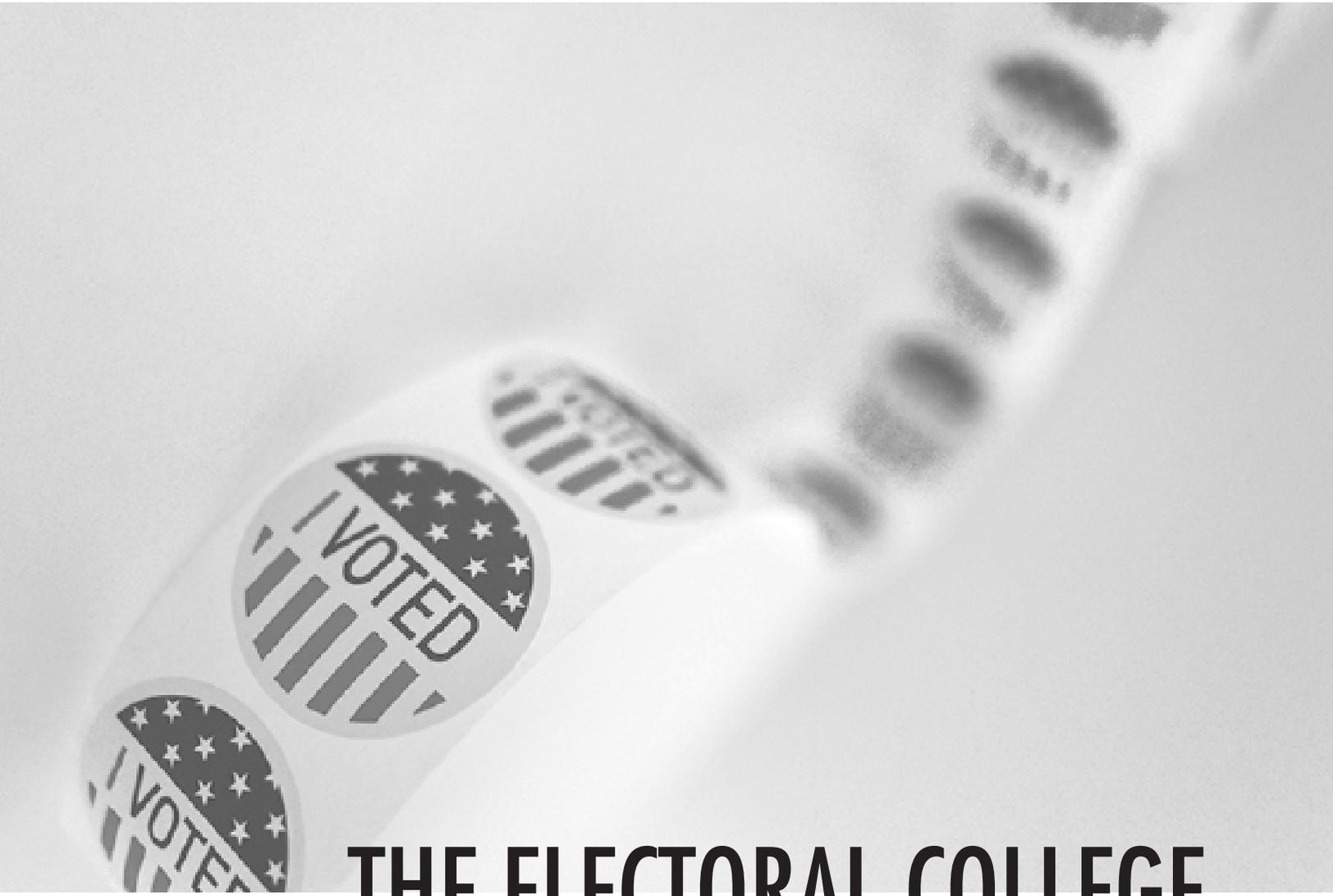
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# THE ELECTORAL COLLEGE

*Kat Odoms*



In the Federalist No. 68, Founding Father, Alexander Hamilton believed the electors of the electoral college for presidential elections would be “men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice.”<sup>1</sup>

# WHY WAS THE ELECTORAL COLLEGE CREATED?

The Electoral College was created to make sure the election of the executive office kept the executive office’s powers separate from the other branches. They saw the proposal of the Electoral College from the Committee of Unfinished Parts as “mirror[ing] the states’ distribution of power in Congress; each state had as many electoral votes as it had members of Congress. But because the electors dispersed after voting for the president, the Electoral College did not threaten the independence of the executive.”<sup>2</sup>

Since the Electoral College distributes votes based on population, Southern slaveholding states had an advantage over non-slaveholding states due to the Three-Fifths Compromise. Even though slaves were not considered citizens, their bodies were used for political gain by the Southern slaveholding states.

1. Hamilton, Alexander. “Federalist No. 68: ‘The Mode of Electing the President.’” The Federalist Papers, 14 Mar. 1788, Library of Congress, [guides.loc.gov/federalist-papers/text-61-70#s-lg-box-wrapper-25493455](https://guides.loc.gov/federalist-papers/text-61-70#s-lg-box-wrapper-25493455).

Tarr, G. Alan. “Five Common Misconceptions About the Electoral College.” The Atlantic, 29 Nov. 2019, [www.theatlantic.com/ideas/archive/2019/11/five-common-misconceptions-about-electoral-college/602596/](https://www.theatlantic.com/ideas/archive/2019/11/five-common-misconceptions-about-electoral-college/602596/).

# HOW ARE ELECTORS ELECTED?

There are 538 electors in the Electoral College. First, they are chosen by political parties in each state, and then, they are chosen by popular vote through voters to be in the Electoral College. Electors are normally pledged to a specific party and/or candidate.

# WHAT ARE THE QUALIFICATIONS?

There aren't that many qualifications for electors. Electors can't be someone who holds some type of political position such as being a judge. You also can't be an elector if you participated in rebellion against the United States, which came into effect after the Civil War.

# HOW ARE VOTES DISTRIBUTED?

A majority of 270 votes is needed to elect the President. The votes are allocated based on Census data. Each state is given 2 votes for their Senators and votes based on how many Congressional districts they have. All of the states, except for Nebraska and Maine, use a winner-take-all system where the electoral votes of a state go to the overall winner of the popular vote in the state.

# FURTHER READING:

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**WELCOME TO YOUR POLLING STATION**

Please follow the signs and report to the clerk, then follow the instructions given to you.

Kindly note that there are various penalties for misconduct at elections and referendums.

In particular, be aware that it is a serious offence to vote when you are not entitled to do so or to pretend to be another person.

THANK YOU FOR VOTING

**POLLING STATION**

**OPENING TIMES**  
**7.00am-10.00pm**

Note that as long as you are in the polling station, or in a queue outside, before 10.00pm you will be entitled to apply for a ballot paper

Project part-financed by the European Regional Development Fund

Craven Arms Community Centre & Library is changing its Friday opening hours. From the 3<sup>rd</sup> June 2016 CasCA will be open from 9.00am - 5.00pm. Instead of 9.00am - 8.00pm. Apologies for any inconvenience caused.

live happy!  
 with Slimming World  
 Here at the CASCA Centre  
 Every Wednesday  
 5.30pm + 7.30pm

# NATIVE AMERICAN VOTING RIGHTS

*Kat Odoms & Janae Kindt*

# LEGISLATION

Similar to Black Americans, Native Americans were not officially considered citizens of the United States for centuries. Even after they became citizens, they dealt with racist laws such as polling taxes and literacy tests during the Jim Crow Era. Today, they still face obstacles to voting in present-day elections.

The Dawes Act of 1887 was seen as a way to assimilate Native Americans into White American culture. This act would break up reservations owned by tribes and give out individual parcels of land to individuals. The law was supposedly made to protect the land of Native Americans from new settlers, but the land given to them was horrible for farming. The Dawes Act also stated that “those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.” Even though members of these tribes became American citizens, their assimilation caused them to lose aspects of their traditions and cultures. Around this time, Native American children were also sent to boarding schools to be taught how to assimilate through learning English and other aspects of White American culture.

It wasn't until 1924 until all Native Americans living in the United States were declared citizens. The Snyder Act of 1924 says, “All non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared citizens of the United States...” The Act gave Native Americans the same rights as any other American citizen, but racism was still pervasive throughout the country. Racist measures were put into place to try to prevent them from voting during the Jim Crow era. Also, many states didn't ratify the Act until 40 years after it was first made a law.



# SUPPRESSING THE NATIVE AMERICAN VOTE

Despite the passing of the Voting Rights Act of 1965, disenfranchised voters still continue to fight for more equitable voting. However, with the overturning of protections that have occurred in the past decade (see *Shelby County v Holder*), the Native American vote continues to be disproportionately suppressed. According to a fast facts infographic by the National Congress of American Indians, voter turnout among Native Americans is “1 to 10 percentage points lower than the rate of other racial and ethnic groups.” Suppression tactics specifically impacting the Native American vote include the invalidation of tribal IDs under Voter ID laws, and State negligence when allocating election resources to Native American tribes.

**It wasn't until 1924 until all Native Americans living in the United States were declared citizens.**

The placement of districts' polling places is often grossly inconvenient to Native American communities, involving commutes of up to 150 miles to enact the right to vote.<sup>1</sup> Let's explore the logistics of this challenge: affected Native American voters traveling at an average of 60 miles per hour would have to drive about 2.5 hours just to get to their polling place and cast their ballots. They'd then have to drive about 2.5 hours back for a total commute of about 5 hours, covering 300 miles. Affected voters would then have to front the cost of all resources expended to get to and from their polling place, including but not limited to the cost of gas, tolls, wear and tear, and any resulting vehicle maintenance. While commutes vary by location, relevant factors still apply. When the time, effort, and cost of commuting to the polls is added to the challenges of

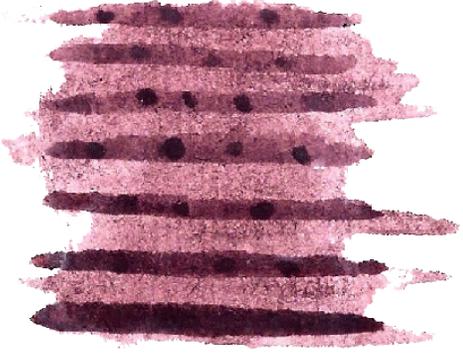
1. Dunphy, Peter. "The State of Native American Voting Rights." Brennan Center for Justice, 13 Mar. 2019, [www.brennancenter.org/our-work/analysis-opinion/state-native-american-voting-rights](http://www.brennancenter.org/our-work/analysis-opinion/state-native-american-voting-rights).



planning to vote on a Tuesday when many people are working, we see only a broad view of the logistical and financial barriers facing Native American voters on reservations. These barriers exist alongside the disenfranchisement of Native American voters based on state Voter ID laws and social deterrents such as police intimidation<sup>2</sup> and lack of interpreters.<sup>3</sup>

Taking these factors into account when considering the state of the Native American vote, it is clear that a more empathetic, equity-centric approach to improving voter turnout among Native Americans is essential. Below are links to two organizations that advocate and fight for the rights of Native American voters.

# RESOURCES



- [Native American Rights Fund](#) (NARF)

- NARF has also compiled information and resources for Native Americans [here](#).

- [Native Vote](#)

- For more reading, see "[How the Native American Vote Continues to Be Suppressed](#)" by Patty Ferguson-Bohnee, published in February 2020 by the American Bar Association.

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# VOTER SUPPRESSION

*Developed by Matthew Brooks  
Research and Copy by Matthew Brooks and Janae Kindt*





# VOTER SUPPRESSION

*Matthew Brooks*

# FOREWORD

This project was very much an exercise in understanding the basics of voting in the United States. It's a subject that I cannot say I have always possessed a great interest in, but of all the in which I could do research to help bolster this toolkit, Voter Suppression was the main one that caught my attention.

My interest mainly stemmed from my lack of familiarity with something that in many ways has the greatest power to create change not only in the political world, but also the world in general. When a group of people are faced with a decision that there is disagreement upon, what typically happens? They put it to a vote. There are also a lot of people in the world who know what voting is, but do not understand some of the turmoil surrounding it. I have always been one of those people and I wanted to change that, so I thought to myself "Where better to start than Voter Suppression?"

Learning something new is always a process that can range widely in terms of difficulty and I fully expected it to be a daunting task to tackle Voter Suppression, though it turned out to be more enjoyable than it was frustrating. The move that saved me and the piece of advice which I will suggest to you if you're also interested in looking into Voter Suppression but find it too intimidating, is to pick a subsection and stick with it.[MB1]

Voter Suppression has many different facets, all of which are connected in one way or another. If you understand one, you will have a bit of a head start on all the others because you can find the spots where one sections bleeds into another. They are not always clear cut or obvious, but it also is not too hard to see how some of the practices utilized to disenfranchise marginalized communities through Voter ID Laws are also used in Gerrymandering. Regardless of what section you choose to work with, there is likely a link between it and the others, so you are infinitely better off with developing a refined understanding of one section as opposed to trying to understand bits and pieces of all the sections.

For me, Voter ID Laws was the subsection of Voter Suppression that I chose to sink my teeth into and I definitely benefited from having basically zero knowledge of Voter ID Laws, because a lot of my research involved old material and a big pet peeve of mine when it comes to research is having to go way back in time to gather useful information. However, that had to be done, because as someone who was completely new to the subject matter, I needed to craft a foundation for my understanding of Voter ID Laws and that foundation started with going back and reading up on the history of them.

I won't lie, reading through the Crawford v. Marion County Election Board and Shelby County v. Holder court cases was an experience that was on par with some of the most monotonous readings that I ever had to do back when I was a college under-

grad majoring in English Literature. The reading was long, dry, and I blanked out and had to reread certain parts multiple times, but there is no doubt in my mind that soldiering through them was worth the reward.

The main issue with Voter ID Laws, and I address this specifically in the toolkit, is that they are too convoluted. They are simply too confusing, and in my opinion, that is the main reason why so many are unfamiliar with them. Though I cannot say that I blame people when the laws essentially vary from state-to-state and gaining a full understanding of how they work in even one state takes considerable time. To make matters even worse, a lot of the reward that you get for doing the research does not pay off until you synthesize everything you have taken in. It was only after I had read the two court cases and ruminated on them for a day or two that I really started to understand the significance of what the cases meant for Voter ID Laws going forward. While that may seem like a small thing, you have probably had an experience of your own where you finished a long grueling task and then asked yourself “What exactly was the point of all that?” It is certainly not a pleasant feeling, but when it comes to researching Voter Suppression, that is a trend that I noticed, so if you decide to dabble in similar research, you should go in expecting some frustration here and there.[MB2]

Ideally, this toolkit is meant to be a resource that can help lead you to other resources that will bolster your pool of knowledge when it comes to voting. That said, while my research mostly focused on things that occurred many years ago, there is much to be said about how those things are at play in 2020, as I feel that voting experiences a renaissance every election year and from that renaissance comes new understandings of the practice that is voting. Understandings that we would all be wise to make ourselves aware of as much as we feel

*Matthew Brooks*

Voter suppression is an issue that has plagued the voting process in the United States for many years. The battle between those who support it and those who oppose it has been one of a back and forth nature, with neither side yielding to the other's advances.

If you were to do a basic look into voter suppression, the complexity of the subject would become immediately apparent, and that complexity is the barrier that keeps some people from being unaware of its existence, how it functions, and how it affects the voting process. It is complicated due to the number of different factors that are at play, as suppression of people's vote materializes in multiple forms and there is no one thing which you can definitively identify as the culprit of voter suppression in the United States.

The American Civil Liberties Union published a piece titled "Block the Vote: Voter Suppression in 2020" on their website, and it offers a breakdown of some forms of voter suppression. The breakdown itself is not so extensive that it winds up leaving the reader confused, but it does go into enough detail to give an entry level understanding to some of the concepts surrounding voter suppression.

The following is a list of the key forms from the ACLU piece:

- Voter ID Laws
- Voter Registration Restrictions
- Voter Purges
- Felony Disenfranchisement
- Gerrymandering

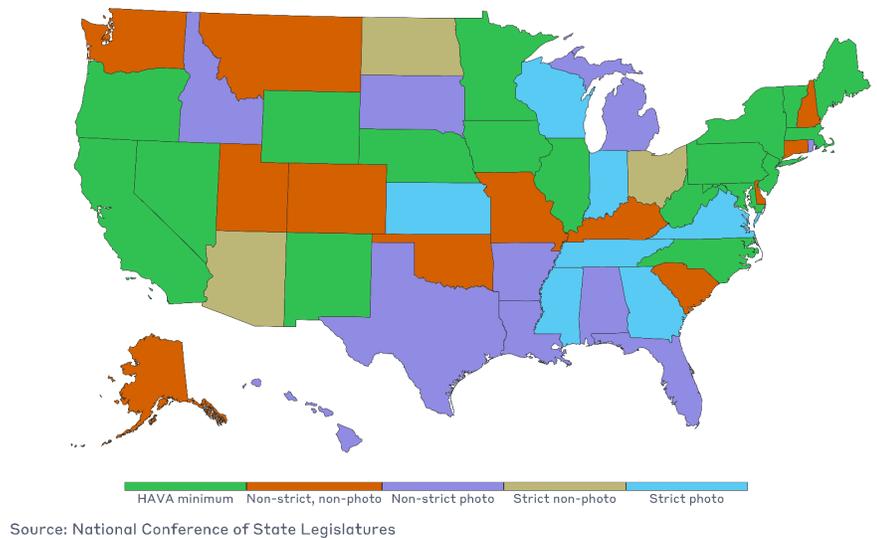
Each one of these have many intricacies and working parts, and you should explore any that pique your interest; but the remainder of what I will be discussing in this piece is focused solely around two court cases regarding Voter ID Laws.

During my own exploration into the realm of Voter ID Laws, what intrigued me the most was the lack of any real consistency in the laws themselves. How the laws work in one state can be slightly, moderately, or drastically different from how they work in another state, and I would argue that the lack of consistency making them difficult to understand is what allows them to negatively impact marginalized groups of people in a covert way. On top of the somewhat universal rules of Voter ID Laws already being complex, the rules changed based on the location.

Voter ID Laws can vary depending on the state and that seems to be the main cause of the inconsistency problem. Without going into an in-depth amount of detail, a research study by the MIT Election Data + Science Lab has a simple graph which gives a sense of how much variance there can be in terms of the strictness of Voter ID Laws from one state to the next.

Due to their lack of uniformity, Voter ID Laws remain cloaked in a veil of ambiguity, however there is a sense of clarity in the origins and progression when it comes to the foundation of the laws. During my research, I found that *Crawford v. Marion County Election Board* and *Shelby County v. Holder* are two court cases which help provide a baseline understanding of the two opposing views on Voter ID Laws, in addition to supplying examples of legal clashes between the two sides.

Figure 1: Voter ID laws as of the summer of 2017



The crux of *Crawford v. Marion County Election Board*, which took place in 2008, revolved around whether or not an Indiana law that required voters to produce some form of photo ID was a violation of the United States Constitution. The side arguing in defense of the law believed that the small number of people that it negatively affected was compensated for by the state's goal of reducing voter fraud, while the side arguing against the law found that Indiana's procedures for obtaining an ID were too "burdensome and costly" for some people, particularly those of a lower economic status and the elderly. (Wikipedia). The verdict was that the law did not infringe upon the Constitution and this outcome was significant because it led to an influx of other states implementing voter ID laws as well, and by extension created more research on the laws themselves and their impacts on voters.

In 2013, the *Shelby County v. Holder* case took place, and this one is more complicated than *Crawford v. Marion County* because it called into question the constitutionality of two provisions of the Voting Rights Act of 1965. Some extensive reading is required if you want to understand this case in its entirety, but I'll provide a brief summary of it in addition to my thoughts.



The two provisions were Section 5 and Section 4(b) of the Voting Rights Act of 1965. Section 5 made it so that specific states and local governments were required to acquire federal preclearance prior to enforcing any changes to their voting laws, while Section 4(b) had the coverage formula which decided what jurisdictions fell under the preclearance and the jurisdictions were picked based on their histories of discrimination in voting.

The majority of those involved in *Shelby County v. Holder* held the opinion that things had changed to the point where the provisions were no longer viably applicable to the modern day. The reasoning for this was because the provisions were treating specific states based on "40 year-old facts" and that they didn't adhere to the idea of "equal sovereignty of the states" that the constitution is supposed to uphold. This led to a verdict in which the provisions and need for preclearance were undone.

**the argument revolved around  
an Act that was put in place  
almost 60 years ago to address  
the deep racial discrimination  
in voting at the time**

Overall, I found it to be a very messy case because the argument revolved around an Act that was put in place almost 60 years ago to address the deep racial discrimination in voting at the time. On one hand, it makes sense that some people would view an Act that treats certain states differently based on their history of discrimination in voting as a negative one, however, it is equally sensible for people to view the removal of said Act as a form of ignoring the very same his-

tory, while potentially opening the path for the same forms of discrimination in voting to return.

The main issue is that you simply cannot have it both ways. Regardless of how much time passes, the states that fell under the preclearance will always be intrinsically linked to their history despite the verdict of the *Shelby County v. Holder* case. I suppose you could view it as a form of progress in that we're trying to move away from history, but there is a fine line between moving away from history in a way that ignores it and a way that acknowledges it. To me, people's perception of the former and the latter was the main cause of the conflict, and unfortunately there isn't any real way around that conflict with a topic as major as voting.

The outcome of *Shelby County v. Holder* was followed by the closing of an alarming number of polling locations, many of which were in counties that were mostly African American. Less polling locations meant less opportunities to vote and ultimately a lower voter turnout rate, and on top of that, many of the states that became free of the federal preclearance implemented new voting laws, some of which were eventually deemed to have discriminatory intent. I would encourage you to do some light reading on the changes each of the states worked to implement into their voting laws, as they provide some insight into the kinds of changes that might have discriminatory intent behind them.

Between *Crawford v. Marion County* and *Shelby County v. Holder*, it isn't terribly dif-

## Less polling locations meant less opportunities to vote and ultimately a lower voter turnout rate

ficult to get a sense of how disenfranchisement has been an ongoing seesaw for quite some time. To me, before you can start to really understand the current state of discrimination in voting, you must first go back and understand where it came from and how it has progressed. I empathize with people's desire to move away from history, as I am not a big fan of history myself, but at the same time, it's important for us to acknowledge that there are clear instances where history is a key part of the context; and if voter suppression and voter discrimination isn't one of those instances, then what is?

Not everyone is prevented from voting due to Voter ID laws, but I would argue that who is prevented and who isn't is only half of the whole point. The intentions behind the laws are no less important than the results, regardless of whether those results are positive or negative. To put it more plainly, looking at the outcome of something is not enough to cast a refined judgement on it. One must also examine the path which was taken to arrive at the outcome, otherwise there will always be a lack of understanding; and this is a practice that can be applied to most things in life, but when you are trying to understand something as complex as Voter Suppression, it seems to me that it is even more applicable.

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# GERRYMANDERING

*Janae Kindt*

# GERRYMANDERING

Every ten years, state governments utilize census data to redraw districts that literally shape the political representation of their citizens. Gerrymandering is a political tactic employed during this process, often referred to as redistricting, that shapes districts in a way that skews elections in the favor of one party or another.

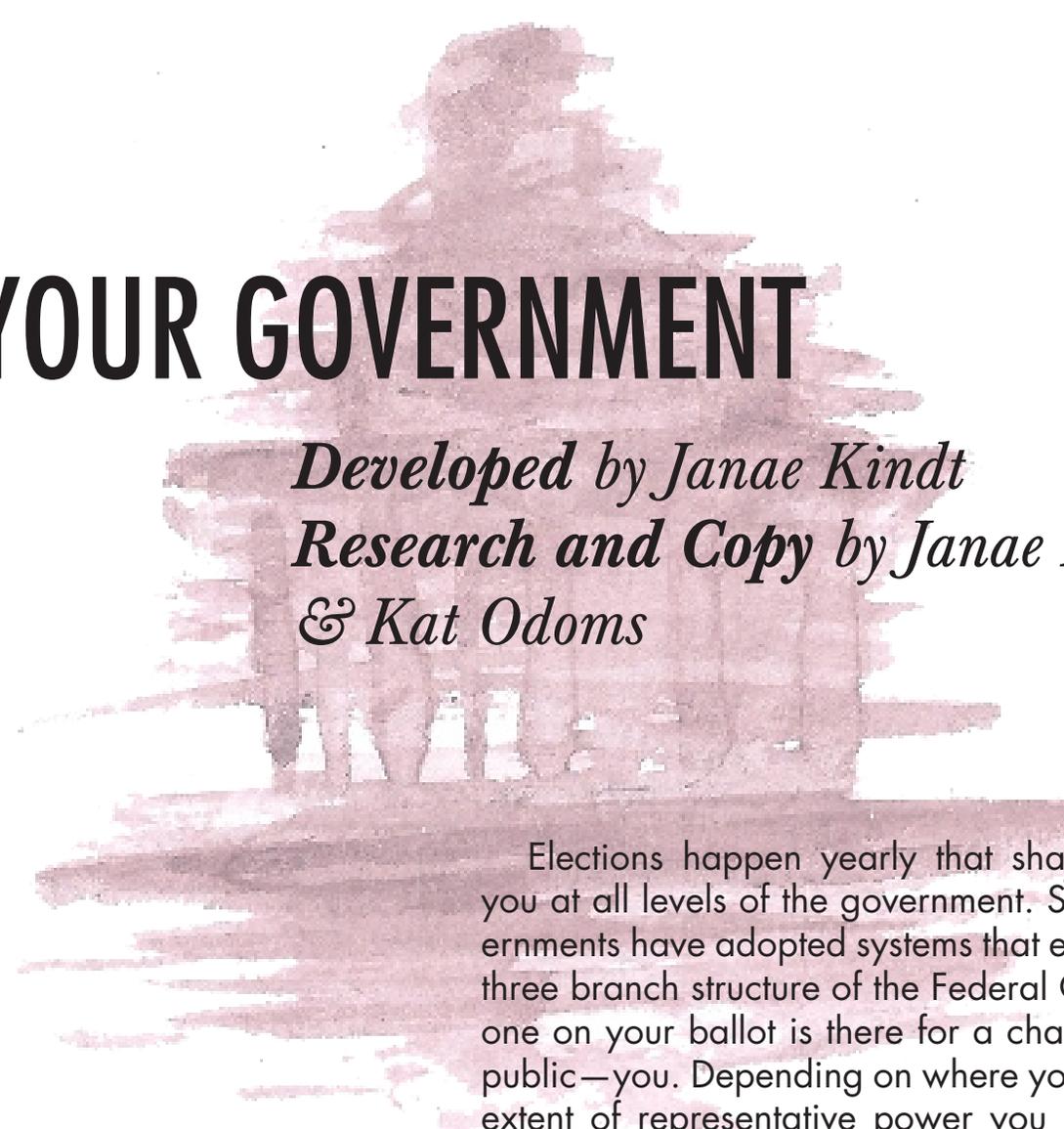
The district you live in determines who represents you. The State is responsible for using data from the Census to draw districts that give equal representation to their people in terms of anything from race to class and more. However, while State governments are asked to use Census data to inform their decisions, there is little to no legislation preventing political parties from cross referencing voting patterns in order to draw districts that guarantee the vote to one population group compared to another.

Due to the increasing partisanship displayed in American government, it is arguably essential for political parties to hold total power in a state in order to pass legislation. To safely insure as much political power as possible, political parties often seek to opportunistize the redistricting process to better their chance of maintaining power through elections to come.

Gerrymandering, in tandem with other tactics of voter suppression, often directly contributes to the disenfranchisement of specific populations of voters. In the case of the disenfranchisement of the Navajo and Ute Mountain Ute tribes of San Juan county, Utah, gerrymandering effectively silenced the Native American voice in the county by drawing a district around the tribes that rendered their population a minority; the implications of gerrymandering in this case are such that while the tribes votes themselves were not technically denied, the impact of their vote was rendered mute in a district with an opposing majority. The Navajo and Ute Mountain Ute tribes were able to successfully file suit for the redrawing of their district with the support of Census data<sup>1</sup>.

To combat gerrymandering, it is central to advocate for completion of the Census. Understanding Census data is central to understanding the impact of redistricting on your community. Census data can be utilized in cases where politicians shape districts in ways that disenfranchise protected populations under the Voting Rights Act of 1965 (FOOTNOTE: as in the case of the Navajo and Ute Mountain Ute tribes of San Juan county, Utah).

Nagle, Rebecca. "'We Are Still Here': Native Americans Fight to Be Counted in US Census." The Guardian, Guardian News and Media, 15 Jan. 2020, [www.theguardian.com/us-news/2020/jan/15/we-are-still-here-native-americans-fight-to-be-counted-in-us-census](http://www.theguardian.com/us-news/2020/jan/15/we-are-still-here-native-americans-fight-to-be-counted-in-us-census).



# YOUR GOVERNMENT

*Developed by Janae Kindt*

*Research and Copy by Janae Kindt  
& Kat Odoms*

Elections happen yearly that shape who represents you at all levels of the government. State and Local governments have adopted systems that essentially mirror the three branch structure of the Federal Government. Everyone on your ballot is there for a chance to work for the public—you. Depending on where you live, however, the extent of representative power you grant your officials might be stronger than if you lived somewhere else. In a city with a population of millions, for example, a voter might have the privilege of voting for a sheriff that aligns with their views on criminal justice reform. In a borough of a couple thousand, however, offices like the sheriff may be appointed by a county seat who's elected to represent a county composed of multiple townships. While we didn't have the capacity to fully research these nuances in privilege due to the broad and diverse nature of local government, we still believe they're important to acknowledge and make available for further research, debate, and ultimately, clarity.

# FOREWORD

The government section of this project was shaped in response to an article published on Medium by Former President Barack Obama which stressed the power of activism via the vote. President Obama explained that issues often pertaining to racism in our communities are most directly, powerfully impacted by officials in State and Local elections that see less voter turnout.

Our early discussions on Obama's article led us to worry that many people in the United States may not know how their local and state governments work. As we will explore in this project, however, voting is not as simple as we may think it is nor is it as accessible as it could be. While we decided not to seek answers on whether or why any lack of knowledge exists throughout the U.S public, we did want to research and develop something that explained different, lesser known offices that voters might encounter in yearly elections.

The challenge is that the further local you go, the more diverse your government probably looks. With increasing media bias and the focus of attention on bigger, more attention grabbing elections like the Presidential election, voters must research on their own to be effectively informed in state and local elections.

With the limited people/research power we had, it wasn't feasible to explain all or even many of the different forms of government that exist among the 90,075 local governments reported by the 2017 Census of Governments. To help empower you to inform yourself, we provided resources along with what we've put together to make it easier to understand how to get informed. In the Government section of this project you will find both broad and comprehensive explanations of your elected officials at the Federal, State, and Local levels as well as acknowledgments of the nuances that exist in U.S government (cause sis, it's complicated).

*Janae Kindt*

# THE FEDERAL GOVERNMENT:

## an Overview

The Federal Government is the national Government of the United States, composed of three distinct branches: Executive, Judicial, and Legislative. The power of these branches is endowed by the Constitution in the President, the Federal courts, and the Congress.

### EXECUTIVE

President

Vice President

The Cabinet

### LEGISLATIVE

Congress

### JUDICIAL

Supreme Court of  
the United States

# THE FEDERAL EXECUTIVE BRANCH: a Comprehensive Look

## President

Head of State and Government  
Indirectly Elected by the Electoral College  
Leads the Executive Branch  
Commander in Chief of the Military

## Vice President

Second highest officer of the Executive branch  
First in line of Presidential Succession  
President of the Senate, but cannot vote unless to break a tie

## The Cabinet

Cabinet members are appointed to head one of the following Executive Departments:

Department of Agriculture	Department of Labor
Department of Commerce	Department of State
Department of Defense	Department of the Interior
Department of Education	Department of Treasury
Department of Energy	Department of Transportation
Department of Health and Human Services	Department of Veterans Affairs
Department of Homeland Security	50+ Independent federal commissions and other federal agencies.
Department of Housing and Urban Development	Can be explored here: <a href="https://www.usa.gov/federal-agencies">https://www.usa.gov/federal-agencies</a>
Department of Justice	

# THE FEDERAL LEGISLATIVE BRANCH: a Comprehensive Look

## Congress

- A bicameral legislature composed of the House of Representatives and the Senate
- Bills are generated and voted through both chambers of the Federal Legislature before passing into law with approval from the president or being denied by veto. Vetoes can be overridden by a two-thirds majority vote in both chambers of Congress

## House of Representatives

- Population based
- About 435 members

## Senate

- State based
- Equal two Senators per state

# THE FEDERAL JUDICIAL BRANCH: a Comprehensive Look

## Supreme Court of the United States

- Highest court in the Federal Judiciary
- Holds power of judicial review, or the ability to invalidate a statute for violating a provision of the constitution
- Has the ability to strike down directives made by the president for violating the Constitution or statutory law

## District Courts, 13 Courts of Appeals

- Federal Judges are appointed by the President
- Theory on lifetime tenures of Judges according to [whitehouse.gov](http://whitehouse.gov): "Federal judges can only be removed through impeachment by the House of Representatives and conviction in the Senate. Judges and justices serve no fixed term — they serve until their death, retirement, or conviction by the Senate. By design, this insulates them from the temporary passions of the public, and allows them to apply the law with only justice in mind, and not electoral or political concerns."

# STATE-LEVEL GOVERNMENT: an Overview

The layout of the executive branch varies from state to state. The same offices in different states might have different functions or operate under different titles.

## EXECUTIVE

Governor

Lieutenant Governor

Treasurer, Auditor,  
& Attorney General

## LEGISLATIVE

Upper House of  
Representatives

Lower House of  
Representatives

## JUDICIAL

State Supreme  
Court

State  
Intermediate  
Appellate Court

# THE STATE EXECUTIVE BRANCH: a Comprehensive Look

Note: Many of these offices have slightly different names and/or responsibilities depending on the state. Some may be directly elected by voters. You can explore your state's executive offices on Ballotpedia.

## Governor

Chief executive of your state  
Power to veto legislation or pass bills into law

## Lt. Governor

Second in line for governorship of your state  
Can serve as governor or step in to become governor in the event that a governor can't serve

## Treasurer

Develops and maintains state budgets, tracking surpluses, deficits, and investments

## Auditor

Tracks the usage of state funds for compliance with state and federal law. Responsible for reviewing state and local offices and holding them accountable for any abuse of funds or the law

## Atty. General

Legal officer and advisor. Can choose to prosecute cases before grand juries and, according to [usa.gov](http://usa.gov), functions as "the people's lawyer."

## Positions/Offices selected by Governor and/or which vary by State

Secretary of State	Natural Resources
Superintendent of Education	Labor/Commerce
Agriculture	Public Service
Insurance	

# THE STATE LEGISLATIVE BRANCH: a Comprehensive Look

Most states organize their legislatures into Bicameral Legislatures:

- Typically composed of an **Upper House** and **Lower House** (think Senate and House of Representatives)
- States refer to their Upper and Lower Houses in different terms.
  - EXCEPTION: Nebraska
    - The State of Nebraska has the nation's only unicameral legislature, with one single legislative chamber. Read more [here](#).

# THE STATE JUDICIAL BRANCH: a Comprehensive Look

Judicial elections vary from state to state. Some judicial seats can be elected, others can be appointed by the governor. Ballotpedia has a comprehensive breakdown of the different types of selection methods for judicial seats as well as links to direct sources for more specific information

- Types of Judicial Elections:
  - State Supreme Court
  - State Intermediate Appellate Court
  - Local Trial Court Elections

# LOCAL-LEVEL GOVERNMENT: an Overview

While no two local governments will look exactly the same, here is a general rundown of how your local government may look:

## EXECUTIVE

Mayor /  
County Seat  
Attorney General

## LEGISLATIVE

City Council

## JUDICIAL

Local Trial Courts

## OTHER GOVERNING BODIES

School Board  
Sheriff  
Workforce Development Board

# LOCAL-LEVEL GOVERNMENT: a Comprehensive Look

Elections at the local level vary, often depending on population. Cities, for example, may hold elections for Mayor, City Council, Attorney General, Sheriff, and more. In a smaller municipal government, however, the County Seat may be the only position that appears on the ballot. County Seats would then be responsible for selecting officials and developing offices that represent their people. These offices would be developed in coordination with State officials and compliance with State law except in cases of corruption.

Local governments are granted power by their States. Local governments are typically districted around population centers; the districting and resultant representative power of localities, however, is also heavily impacted by gerrymandering. State governments shape these districts every 10 years utilizing the data from the Census, potentially gerrymandering federal and local districts to skew the distribution of power in favor of one or another political party.

Staying civically engaged with your Local Government warrants the most personal research and community involvement. According to the data from the 2017 Census of Governments, there's a total of 90,075 local governments in the United States (Census of Governments is conducted every 5 years, or years with a '2' and '7').

# GET

The following resources can help you to better understand your state and local governments:

# INFORMED:

- [Ballotpedia](#) published a guide to help you figure out how to research your local government.
- You can utilize [Commoncause.org](#) to find a comprehensive list of officials representing you Executively, Legislatively, and Judicially.
- The following page on [usa.gov](#) explains ways you can research, including finding information on voter guides and sample ballots. We'll provide the following links:
  - To find voter guides: [Ballotready.org](#)
  - To find a sample ballot: [usa.gov/election-office](#)
  - To check state/local election rules: [usvote-foundation.org/vote/eoddomestic.htm](#)

We  
The  
People.

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