

VOINOVICH SCHOOL  
**PUBLIC SERVICE  
PERSPECTIVES**

Greg Moore

**WEDNESDAY, FEB. 21, 2024  
12:00PM – 1:00PM**

**OHIO**  
UNIVERSITY

Voinovich School of  
Leadership and Public Service



# **Beyond the Voting Rights Act:**

## **Exploring the Challenges to American Democracy and its Impact on the 2024 Elections**

**Ohio University Voinovich School of Leadership  
and Public Administration**

**Presentation by Greg Moore  
February 21, 2024**

# **PUBLIC POLICY PERSPECTIVES**

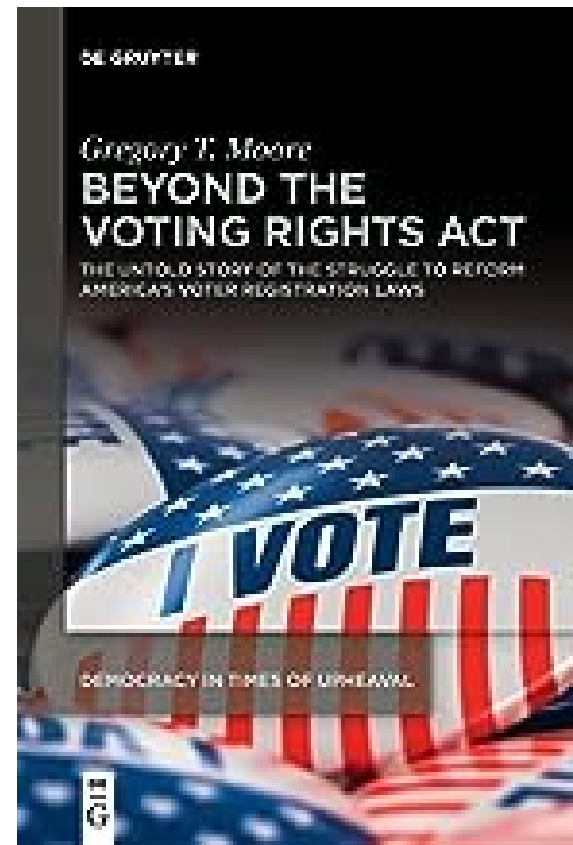
This session will explore:

- A brief history of electoral reforms which have broadened access to the ballot and expanded the American electorate
- The weakening of the landmark Voting Rights Act
- Recent efforts to roll back ballot access at the state level and the potential impact on the upcoming 2024 elections
- The important role that Ohio has played in the ongoing voting rights movement

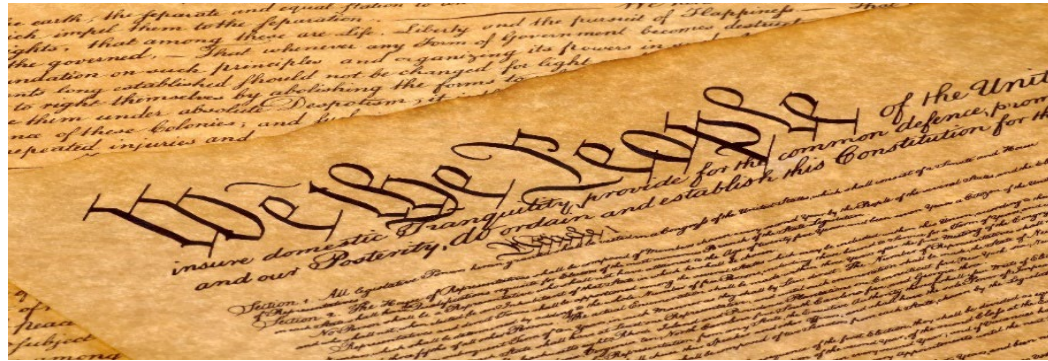
# ***Beyond the Voting Rights Act: The Untold Story of the Struggle to Reform America's Voter Registration Laws***

(DeGruyter, September 2022)

- Chronicles the battles that voting rights activists have fought over the last 35 years to dismantle voter suppression laws throughout the U.S.
- Provides an in-depth analysis of legislative and advocacy struggles to increase access to voting.
- Traces the historic national mobilization of African American voters in 2000, 2004 and 2008 that led to the historic election of the first African American President and tipped the balance of power in the US.
- Provides historical context to the struggle for democracy in the US today.
- New Perspectives on the future challenges to American Democracy



# Beyond the Ratification of the U.S. Constitution in 1789



- **76 years** to grant all African Americans men the right to vote with passage of the **15<sup>th</sup> Amendment** in 1865, in the aftermath of the civil war.
- **124 Years** to provide for the direct election of U.S. Senators by voters rather than state legislatures through ratification of the **17<sup>th</sup> Amendment** in 1913.
- **131 years** from the adoption of the Constitution to grant women the right to vote with the **19<sup>th</sup> Amendment** ratified in 1920.
- **176 years** before congress passed the **Voting Rights Act of 1965**, after a very bloody movement in Selma, Alabama and other cities.

# Beyond the Passage of the Voting Rights Act

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- **6 years after VRA** to pass the **26<sup>th</sup> Amendment** in 1971 granting the right to vote to 18 years-olds
  - **10 years after VRA** to pass the **Bi-lingual provisions of the Voting Rights Act of 1975** that removed language as a barrier to voting
  - **17 Years After VRA** to pass the **Voting Rights Act of 1982** allowing for enhanced Minority-Majority Congressional Districts
  - **28 years after VRA** to pass a law that liberalize and standardize America's voter registration procedures with the passage of the **National Voter Registration Act of 1993, (NVRA)**.
  - **38 years after VRA** to pass the **Help America Vote Act of 2003, (HAVA)** a law that set the first national standards for counting ballots and
  - Creation of the **U.S. Election Assistance Commission (EAC)** to oversee the administration of federal elections.





# The National Voter Registration Act of 1993 (5-year battle to pass the bill)

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## Key Provisions of NVRA

- Creation of one uniform standard for Voter Registration in all 50 States for the first time
- Mail in/Post Card Registration expanded to all states
- Motor-Voter Registration
- Agency based Registration
- Outlawed Purges for non-Voting
- Creation of National Voter Registration Form



# Impact of NVRA

- NVRA: led to the Greatest Expansion of the American Electorate since the passage of the VRA.
- Over 50 Million New voters Added to the Rolls between 1995 2000
- 115 Million added by the 2008 presidential election





# 2000 Election Florida



- Long Lines
- Voting machine breakdowns and malfunctions
- Voter lists complications
- Uncounted “butterfly” ballots
- Gore v Bush Supreme Court Decision

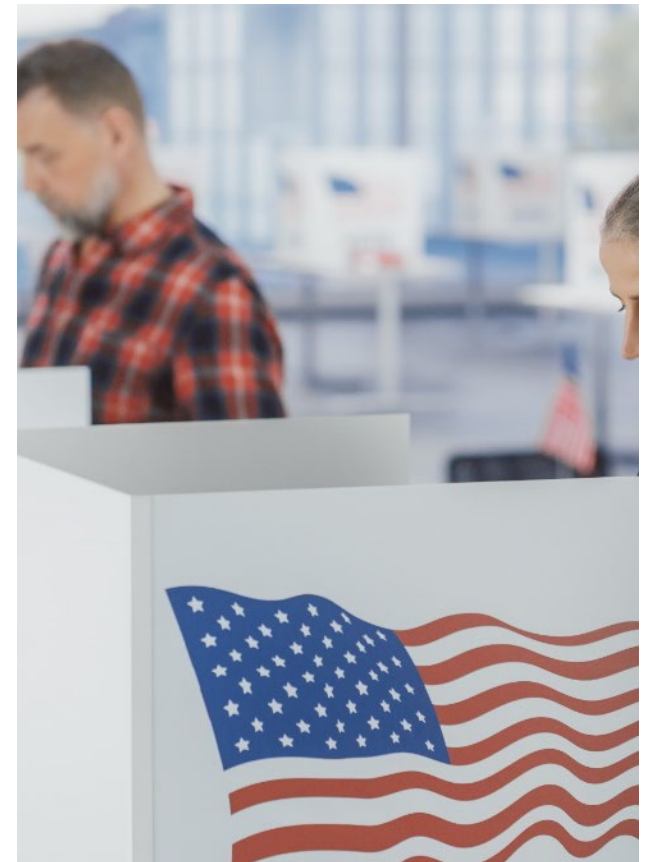
# Help America Vote Act of 2002 (HAVA)

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HAVA created new mandatory minimum standards for states to follow in several key areas of election administration. The law established the federal government's first voting system certification program.

HAVA established a new federal agency, the **U.S. Election Assistance Commission (EAC)** to:

- Provides funding to help states meet these new standards to replace voting systems and improve election administration.
- Assist the states regarding HAVA compliance with new national standards
- Creates voluntary voting system guidelines for states to adopt
- Responsible for maintaining the first National Voter Registration form
- Conducting research, administering a National Clearinghouse on Elections that includes shared practices, information for voters and other resources to improve elections.



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- HAVA required that the states implement the following new programs and procedures:
  - Provisional Voting
  - Voting Information
  - Updated and Upgraded Voting Equipment
  - Statewide Voter Registration Databases
  - Standardized Voter Identification Procedures
  - Administrative Complaint Procedures



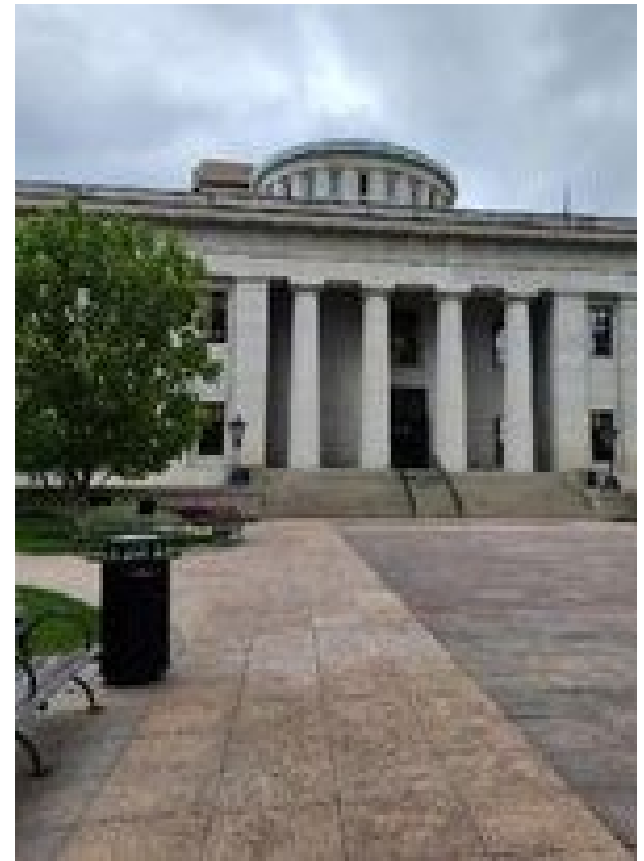


# The 2004 Presidential Election Debacle in Ohio

- Massive voter registration drives created massive turnout of over 69% statewide
- Shortage of Voting Machines
- Long lines in urban centers, minority communities and on college campuses
- Over 118,000 uncounted provisional ballots on day after the election
- Voters turned away after standing in right line but wrong precinct line for hours
- Voting Machines Malfunctioning and technical glitches



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- In response to 2004 election irregularities the Ohio Legislator instituted:
  - 28 Days of Early Voting
  - No Fault Absentee Voting
  - Mail in Absentee Ballots
  - Weekend Voting on Saturday/Sunday
  - “Golden Week” inadvertently allowed 7 days of Same Day Registration and in person Voting During Early Vote





# Historic 2008 Election



- Historic turnout of voters in Ohio and across the US
- Ohio was state that put Barak Obama over the 270 Electoral Votes threshold needed to be Elected
- Election of First African American President in US History
- Aftermath of Obama reelection in 2012 led to the acceleration of State Voter Suppression Efforts across the US

# The 2013 Shelby v Holder Supreme Court Decision and Impact on States



- VRA Covered state no longer needed to get Pre-Clearance before making major changes to voting procedures
- Aftermath of Shelby Decision led to Explosion State Voter Suppression efforts across US (Texas, Georgia, Florida, Wisconsin, and North Carolina).
- 2016: Hillary Clinton won the popular vote by over 2.8 million votes over Donald Trump but lost in the Electoral College after losing key battleground states of Ohio, Pennsylvania, Michigan, and Wisconsin.
- 2016 Election was the 3<sup>rd</sup> where candidate who lost the Popular Vote was seated as President: 1896, 2000, 2016
- 2016: States with new Photo ID and suppression Laws feel the effects of new restrictions in Key States
- 2018: Discovery of Russian Interference in 2016 Elections helps spur U.S. Congress to finally provide \$380 million in HAVA funds to states to secure Election Administration and upgrade election machinery  
First new federal funding for election administration since passage of HAVA in 2002.

# 2020 Election

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- 2020 Covid 19 Pandemic had impact on election administration and renewed calls for additional funding to states to secure the safety of elections and election workers.
- 2020 amidst congressional gridlock Congress fails to fund the hundreds of million for states to bolster election security from Covid relief spending package.
- Big Tech companies like Facebook and Google step in to provide \$400+ Millions of grants to state election board to secure election
- 2020 Vice President Joe Biden defeats President Donald Trump in a massive turnout election
- 2021 Refusal of President Trump to accept election results lead to the January 6<sup>th</sup> “insurrection” on Capitol Hill during the Electoral Count to certify the election results.
- 2022 Congress passes the Electoral Count Act clarifying the official role of Vice President in simply announcing the official certified election results.

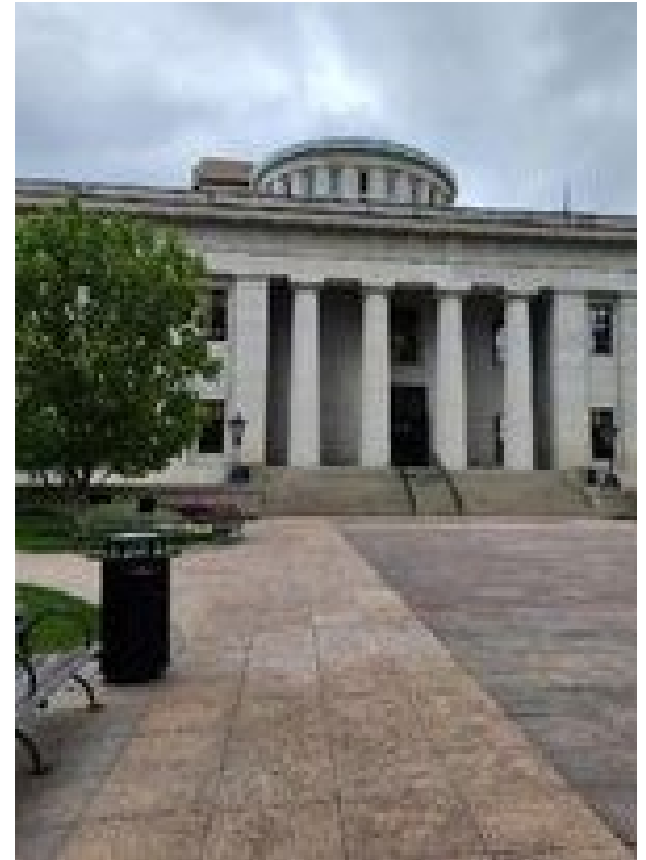


**INCREASING  
ACCESS TO VOTE  
REGISTRATION  
STRENGTHENS  
DEMOCRACY**

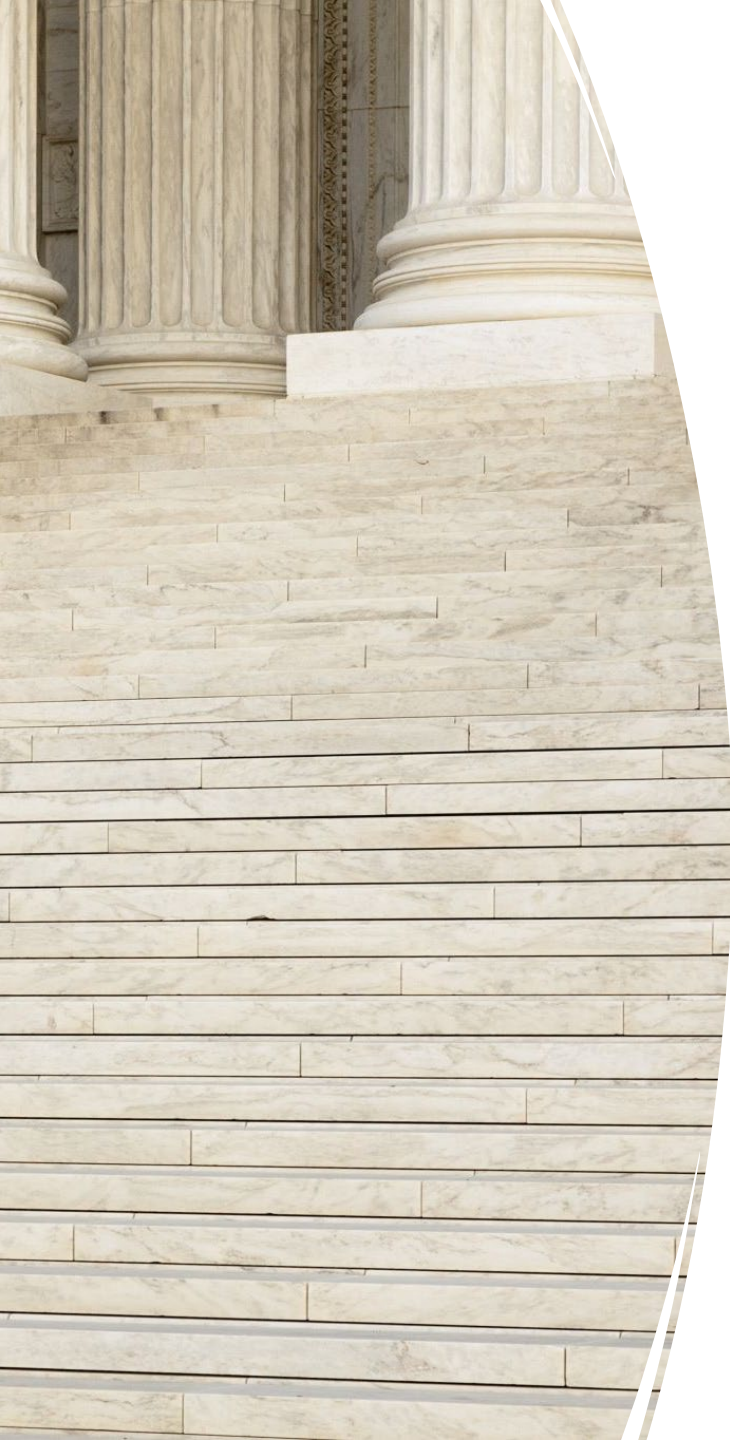
# Expansion of Voter Suppression Laws in Ohio and across the U.S.

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- Stringent Photo ID Requirements
- Roll back of early Voting and no fault absentee balloting
- Tougher State requirements for Registration Drives
- Extreme Partisan Gerrymandering
- Congress withholding of Election Administration Funds to states to keep Voting Systems Upgraded







# Voter Suppression Era 2011-2023

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- 2011 OHIO: HB 194 Bill attempt to Repeal Ohio's 2006 early Vote, Absentee and Weekend voting reforms
- Voter Purges distortional in low-income and minorities voting communities
- Strict Photo ID (Million of disenfranchised Ohio Voters with current ID)
- 2011 and 2021 Hyper Partisan Gerrymandering
- 2023 Ohio Legislature attempt to Weaken the Ohioans Right to Referendum through Issue # 1 in August, 2023



# Expansion of Voting Laws in Ohio 2006-2018

- Early Voting
- Golden Week Overlapping of early voting and voter registration deadlines
- Weekend Voting (Saturday, Sunday Souls to the Polls)
- No Fault Absentee Voting
- Direct mailing of absentee ballot requests by SOS
- Voters First Ballot Initiative on Redistricting Reform of State Legislative lines (Passed in 2015 by 62%)
- Fair District 2018 Reform of Congressional Redistricting Reform Referendum (Passed in 2018 by legislature on a bi-partisan basis and approved by voters by over 60%)



# Today's Ongoing Rights Initiatives

- Voting Rights Advancement Act (VRAA)
- For the People Act
- Push for Automatic Voter Registration (AVR)
- Push for 28<sup>th</sup> amendment repealing Citizens United and reducing the influence of Money in Politics.
- Right to Vote Constitutional Amendment









# **Promise of Democracy Foundation**

The mission of the Promise of Democracy Foundation (PDF) is to improve the quality of life of African Americans and individuals living in underserved communities through:

- Promoting democratic values
- Voting rights and electoral participation
- Research and policy analysis
- Voter registration
- Civic education
- Issue awareness programs, and the
- Literary arts

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