

The 2012 elections and the assault on voting rights in the US

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There is reason to believe that the US presidential election this November will be the most anti-democratic in recent memory, with millions of voters facing new hurdles to casting ballots.

The 2010 mid-term elections put Republicans in control of many state legislatures, largely due to the disaffection, arising from the administration's right-wing policies, of many who had voted for Barack Obama in 2008. Since then, at least 17 states have attempted to restrict voting rights in advance of the November ballot.

The measures include requirements to show specific types of photo ID or produce proof of citizenship in order to vote. Laws have also been passed placing limits on early voting and absentee voting and imposing severe penalties on voter registration volunteers who violate election regulations, even in minor and inconsequential ways. The latter provisions are aimed at discouraging people from participating in voter registration drives.

The 2011 state legislative sessions were more concerned than any previous sessions with bills that aim to restrict the right to vote. It will be more difficult for over 5 million people to cast ballots in 2012. The states that have curtailed voting rights provide 171 electoral votes, or 63 percent of the 270 needed to win the presidency.

These measures target sections of the electorate who tend to vote Democratic, including poor people, minorities, students and retirees. Beyond their partisan motivation, however, is a more fundamental attack on the right to vote itself.

The escalating assault on voting rights is an expression of the protracted decay of American democracy. The US political system already rests on two big business parties and is designed to keep third-party candidates off the ballot in order to prevent the emergence of a mass political party of the working class.

The Supreme Court's January 2010 ruling in the *Citizens United* case further cemented the role of the financial elite in the election process, guaranteeing the right of corporations and wealthy individuals to spend unlimited amounts on behalf of their favored candidates.

These developments are the response of the ruling class to the widening social divide and intensifying class tensions in America, as the financial elite monopolizes an ever greater share of the national wealth and the broad mass of the people suffer a decline in their living standards.

The escalating assault on voting rights represents the reversal of a general expansion of the franchise that followed the Civil War. For just over a century, from the late 1860s to the early 1970s, the American political system tended to resolve the most pressing social problems by extending the right to vote to previously excluded or marginalized groups.

To paraphrase historian Hugh Brogan, the American political system during this period largely cured the problems of democracy with more democracy. Expanding the franchise was a key means by which the ruling class mitigated social conflict and accommodated pressure from the lower classes.

To cite some examples:

The reconstruction amendments to the Constitution that followed the Civil War, passed between 1865 and 1870, abolished slavery, granted citizenship to former slaves and all persons born within the United States, and guaranteed their right to vote, barring states from interfering with a US citizen's ability to vote and have his vote counted.

In 1913, the Seventeenth Amendment to the Constitution was ratified, allowing for the direct election of US senators, as opposed to the previous system under which senators were chosen by each state legislature. Women's suffrage followed in 1920.

The Twenty Third Amendment, ratified in 1961, guaranteed citizens in the District of Columbia the right to vote for president, and in 1964, the Twenty Fourth Amendment barred poll taxes in federal elections.

In 1965, the Voting Rights Act outlawed discriminatory voter registration procedures by which Southern blacks had been disenfranchised in many former slave states. The Civil Rights Act of 1970 strengthened and extended provisions of the Voting Rights Act.

The Twenty Sixth Amendment, ratified in 1971, lowered the voting age from 21 to 18, in response to the widely held belief that draftees old enough to die in Vietnam should be deemed old enough to vote.

The turning point of the trend of expanding the franchise closely correlated with the declining fortunes of American imperialism as a whole, most acutely expressed in the 1971 collapse of the post-World War II Bretton Woods monetary system, under which the US dollar served as the world reserve currency and was exchangeable for gold at a fixed rate.

There followed the recession and "stagflation" of the Ford and Carter years, succeeded by the decisive turn to policies of social reaction and class warfare under Reagan. The immense growth of social inequality increasingly undermined traditional democratic norms and processes.

It is beyond the scope of this article to examine every major point in the decline of democratic norms in the last three decades of the 20th century. A milestone was the attempted political coup by the Republican right against Bill Clinton on the basis of a sex scandal, which saw the first-ever impeachment of an elected president.

The US presidential election in 2000 was a watershed event. In shutting down a recount of votes that had been ordered by the Florida Supreme Court, the United States Supreme Court handed the election to Republican candidate George W. Bush, who had lost the popular vote. In so doing, the US high court established the de facto precedent that the right to vote was subject to abrogation when it ran counter to the wishes of the ruling elite.

The theft of the 2000 election met with no serious opposition from Democratic presidential candidate Al Gore, the Democratic Party as a whole, or any section of the political and media establishment. It revealed the absence of any genuine commitment within the ruling class to the defense of democratic rights.

This was rapidly demonstrated by the wholesale assault on democratic rights that followed the 9/11 attacks and the proclamation of the "war on terror." Warrantless domestic spying, indefinite detention without trial, the use of torture, the abduction and jailing of alleged terrorists were

joined by a panoply of police-state measures under the umbrella of the Department of Homeland Security, supplemented by the creation of the Northern Command, a military jurisdiction encompassing the continental United States.

This process has been expanded and institutionalized under Obama, who has, among other measures, asserted a presidential right to order the assassination of American citizens.

The response of the political establishment to the suppression of votes and theft of the 2000 election was not a reform drive aimed at protecting voting rights, but the opposite—an accelerating campaign to further restrict the ability of working class citizens to vote and have their vote counted, carried out in the name of combating “voter fraud.”

The new laws

Last year, 34 states proposed laws requiring voters to show a valid photo ID card in order to cast a ballot. Seven states passed such laws (South Carolina, Kansas, Alabama, Rhode Island, Tennessee, Texas and Wisconsin). Governors vetoed such bills in Minnesota, Missouri, Montana, New Hampshire and North Carolina, though the latter veto may be overturned by the state legislature.

The most recent state to adopt such a measure is Pennsylvania, where the state legislature passed a law March 15 requiring voters to present a photo ID at the polls, although not a single case of voter fraud has been documented in that last five years, according to the Administrative Office of the Pennsylvania Courts. Unlike some states, Pennsylvania will accept college ID cards providing they are current and include an expiration date.

The bills introduced in South Carolina, Texas and Alabama require pre-clearance by the federal government under the federal Voting Rights Act of 1965.

As of this writing, the Department of Justice has denied pre-clearance for voter ID laws in South Carolina and Texas. Attorneys general in these states have filed lawsuits asking that the relevant sections of the Voting Rights Act be overturned as unconstitutional—not a remote prospect giving the right-wing composition of the US Supreme Court.

The photo ID bills impact students, non-drivers, the disabled, the elderly, minorities and the poor. Texas’ photo ID law, for example, forbids the use of student ID cards but allows the use of permits for carrying concealed handguns.

In November, the state of Mississippi adopted a photo ID law by voter referendum, creating an amendment to the state constitution. The measure was supported by less than one-quarter of black voters. Missouri has a similar referendum that will appear on the state ballot in November.

Federal law already requires every new voter who registers by mail to show ID before voting, and some states have additional ID requirements for registration. The new laws exclude many common forms of photo and non-photo ID, such as student IDs and Social Security cards.

Prior to the 2006 elections, when Indiana became the first state with a photo ID law, no state required voters to show a government-issued photo ID at the polls.

New Hampshire Speaker of the House William O’Brien, a Republican, was caught on tape last year telling a Tea Party group that he supported the bill because students could not be relied on to vote the right way. He said that “the kids [are] coming out of the school and basically doing what I did when I was a kid, voting as a liberal.”

At least 12 states introduced legislation that would require proof of US citizenship to register or vote. Laws requiring proof of citizenship passed in Alabama, Kansas and Tennessee. Millions of eligible Americans—at least 7 percent, according to the Brennan Center for Justice at the New

York University School of Law—do not have ready access to the documents needed to prove citizenship.

States may ultimately be required to make documents voters need in order to obtain photo IDs—most notably, birth certificates, which typically cost between \$15 and \$25—accessible for free, as the requirement may otherwise be too similar to an unconstitutional poll tax. Only Kansas allows voters born in the state to obtain a birth certificate free of charge if needed to obtain ID for voting.

In Wisconsin, Department of Motor Vehicles officials reportedly turned away a Madison voter when she did not have enough money to renew her photo ID because she did not specifically request a free ID for voting. One former state employee claimed that he was fired because he sent an email to co-workers urging them to inform people that the free documents had to be specifically requested.

Impeding voter registration

In 2011, at least thirteen states introduced bills to end same-day and election day voter registration, impose hurdles to voter registration drives, or otherwise limit avenues for registration.

Florida, Illinois and Texas now severely restrict voter registration drives and impose draconian penalties on registration volunteers. In Florida, for example, volunteers must turn in completed voter registration forms within 48 hours of collecting them or face criminal charges and fines. Due to such measures, the Florida League of Women Voters has suspended voter registration activities in the state.

Florida and Wisconsin make it more difficult for people who move to remain registered and eligible to vote. This is aimed at students and working people who move frequently.

Maine has eliminated election day registration. The Ohio legislature is now debating a measure that would end the state’s weeklong period of same-day registration and early voting, leading up to Election Day.

Early voting and absentee voting allow voters to cast ballots before election day and thus avoid taking time off from work, school or other obligations to wait in line at the polls. Both programs are extremely popular with students and working class voters. At least nine states introduced bills to reduce the time period for early voting. Florida, Georgia, Ohio, Tennessee and West Virginia all reduced their early voting periods. Most nefariously, Florida removed the Sunday before election day from its early voting period, a move targeting African American voters, large numbers of whom vote immediately after attending church.

Florida also reversed prior executive orders making it easier for felons, who lose their voting rights in the state, to petition for a reinstatement of the right. Such citizens, who have served their sentences, are in effect permanently disenfranchised.

Last June, this writer spoke with Derek Newton from the American Civil Liberties Union (ACLU) of Florida about the issue of felon disenfranchisement. (See: “Mounting attacks on voting rights in US”). Newton described their situation as taxation without representation, a reference to the anti-British rallying cry of radicalized American colonists. Over one million Floridians are disenfranchised in this manner.

In addition to Florida, Virginia and Kentucky also automatically disenfranchise ex-felons. Iowa joined them last year through an executive order.

These voting bans are exceptional among democratic nations. The United States is one of only two countries that disenfranchise large numbers of persons for lengthy or indefinite periods after they have completed their time in prison.

State legislative and executive actions against voting rights tend to

center around efforts by a big business lobbying group, the American Legislative Exchange Council (ALEC). ALEC describes itself as “the nation’s largest non-partisan, individual, public-private membership association of state legislators.”

According to its web site, it stands for “limited government, free markets [and] federalism,” all watchwords of the right wing and its agenda of securing the unrestricted right of big business to reap maximum profits without regard for workers’ welfare and livelihoods or the environment. ALEC supports tort “reform,” i.e., limiting the right of people to sue businesses and receive compensation when injured as the result of corporate negligence or malfeasance. It also promotes “reform” of the Environmental Protection Agency.

ALEC began a campaign to pass laws against “voter fraud” in 2009, and subsequently circulated model legislative bills among its members for comment. In each of the ensuing years, ALEC’s model voter ID bills have been debated in state legislatures across the country. ALEC also provides support services to legislators interested in promoting its anti-democratic bills.

Voter fraud, the ubiquitous rationale for increasing voter identification requirements, is being used as a pretext for limiting voting rights. When pressed on the lack of evidence of widespread voter fraud, supporters of voter ID bills have cited examples that ultimately undermined their own allegations.

In support of voter ID legislation, Kansas Secretary of State Kris Kobach cited 221 reported instances of voter fraud in Kansas between 1997 and 2010. Even if this figure is accurate, it is remarkably low, averaging out to only 17 ballots per year that were cast fraudulently, in a state with a population of nearly three million.

Last April, county clerks in Colorado demanded that Secretary of State Scott Gessler, who made voter ID part of his election platform, produce evidence of voter fraud, saying they knew of none.

The role of the Democratic Party

In December, the Justice Department announced that it had found South Carolina’s new photo ID requirement to be in violation of the Voting Rights Act. It later challenged Florida’s restrictions on voter registration drives and early voting, and the Texas voter ID requirement.

These isolated legal moves are not part of any serious political campaign by either the Obama administration or the Democratic Party against the Republican-led assault on voting rights. There has been no national campaign to defend voting rights and no national media outcry.

Partisan electoral considerations, not a commitment to defend the right to vote and democratic rights motivate the anemic steps taken by the Democrats in general. The Democratic Party, no less than the Republicans, ruthlessly defends the political monopoly of two corporate-controlled and financed parties and works to keep socialist candidates off the ballot.

Genuine democracy is incompatible with the existing capitalist social order. The fact that the American ruling class brazenly attacks the right to vote—a principle that has historically been at the center of the struggle for democratic rights in the US, from the Civil War to the civil rights movement—highlights its turn to authoritarian forms of rule.

The working class can defend its basic democratic and social rights only through a conscious political struggle against the entire political establishment, both parties of big business, and the financial aristocracy they defend. The only basis for the defense and expansion of democracy is the struggle for socialism.



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