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**Equal Ground Beneath the Ballot Box: Observations and Prescriptions for Best Practices
to Eliminate Harmful Discrimination from Voting Practices**

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Abstract

The very bedrock of democracy lies beneath the ballot box. The United States government is built on the fact that Americans get to take control of their own future, to a degree, by casting a ballot. The ability for an individual to form a personal opinion or make a choice and then effectively voice that opinion or decision to the government with faith that it matters and truly makes a difference is the way our democracy survives. However, there is still much argument about whether a vote really counts, especially whether or not every vote carries the same weight. Furthermore, there is a question about whether or not all Americans even have the same access to the voting booth. The very existence of questions like this that potentially undermine the governmental system means that the democracy of the United States might not be as inclusive as it seems to be widely believed. This research will primarily focus on the conditions that force people to ask these questions and less on these questions themselves.

The main condition I will focus on in this research is the idea of discrimination in voting practices. There are formal rules in place which prohibit discrimination in theory, but it fails to be seen that they successfully prohibit it in practice. Much research exists to define or isolate where this discrimination occurs, public opinion on voting reform, and how different voting policies affect turnout and election legitimacy. However, there is a lack of research about what best practices could be across the board to address the issues of discrimination and voter dilution while also protecting the integrity of our elections from potential fraudulent actions. The purpose of my research is to identify what the best course of action is for states across the country to take in order to address the concerns of current voting rights movements while also ensuring that the elections maintain their legitimacy.

Research Question

With the seriousness of discrimination in the voting booth in mind, it's clear that some action is required in order to protect the legitimacy of voting in the United States. However, Americans are hesitant to support broad effort to expand voting rights out of concern for potentially fraudulent elections. It's important to analyze methods by which we can ensure everyone has equal access to a ballot, protect voters against voter dilution, and also maintain the integrity of the election process in the country. This research will seek to answer the question: what are the strongest prescriptions for state efforts to expand voting rights while also protecting the integrity of the voting process? By combining the current research on discrimination in the voting process demonstrating a need for voting rights expansion, I will seek to make prescriptions for the best course of action regarding vote expansion in the United States.

Literature Review

Discrimination

Discrimination is one of the most popular political buzzwords of the modern era, and most legislation has at least a tangential explicit connection to the concept of discrimination, but it's important to understand that due to the nature of social and political systems in the United States, discrimination is a factor in all legislation whether explicitly addressed or not. The media and American public have put pressure on policymakers to at least consider how new and existing legislation disproportionately affects minorities, and though those conversations are happening now more than ever, there still seems to be a breakdown in the conceptualization of

how discrimination manifests in American society and what a true solution could look like. Much of this misunderstanding comes from a failure to define discrimination robustly enough to suffice for the purposes of writing inclusive policy and addressing existing institutional injustices. Deborah Hellman of the University of Maryland School of Law explains that discrimination can actually refer to two different ideas. The first is primarily descriptive, and it includes a definition of discrimination that is “to draw distinctions among people or things on the basis of any trait” (Hellman, 2016, p. 833). The alternative explanation of discrimination is evaluative, and it refers to a method of drawing distinctions particularly in a way that is wrong (Hellman, 2016, p. 833). For the purposes of discussing access to a voting ballot in the United States, it is helpful to draw upon both of these definitions.

A key part of analyzing access to a voting ballot is reviewing the current process by which someone actually gets to cast a ballot in an election and looking for signs of discrimination in that process. In this case, the evaluative definition of discrimination would be most applicable as it is this type of discrimination that led to the Fourteenth and Fifteenth Amendments as well as the Voting Rights Act of 1965. There was widespread overt discrimination against everyone who wasn’t white, and this method of policy analysis allowed for activists and legislators to make changes to enfranchise non-white communities. Though this system has been successful in the past, the state of enfranchisement now looks much different. The primary issue is no longer that the government is making such overt unjust distinctions between people (though this still happens very often, it’s not the main focus of this research), but rather that the government is failing to make appropriate distinctions when it comes to the issue of voting rights. Voting is criminally easy for a very specific demographic, that is an upper middle class or above, white individual who works typical hours and has reliable means of

transportation at their disposal, as well as prior civic knowledge of the process to register to vote and successfully cast a ballot in an election. The government fails to take sufficient steps that would assist people who belong to minority communities, have a low-income status, or are housing insecure. In these situations, it seems as though if the government were to draw distinctions, or “discriminate” in the basic descriptive definition, between these key voting groups, then the results of elections would be much fairer and would produce a much higher turnout. Thus, while there is evaluative, despicable discrimination that bars many people from having access to a ballot, the solution could be to descriptively discriminate in such a way as to prevent voter dilution and promote civic engagement among communities across the country. This means recognizing that people can be and are separated into two groups: 1) people who can easily access and cast a fair ballot and 2) those who cannot. The composition of these groups has changed often over time as enfranchisement has been expanded and restricted, so to move forward in understanding how to extend access to the people who are not currently effectively enfranchised, it’s significant to first understand the timeline of enfranchisement in the United States.

History of Enfranchisement

To properly discuss who effectively has the right to vote, first I will address the history of enfranchisement in the United States. Voting rights have been a source of contention in America since the country’s impetus. Enfranchisement has seemingly expanded many times over, but legislators controlled the boundaries of each expansion so minutely that things have only become more complex. Initially, voting rights were only reserved for white men who owned land and were at least 21 years old (Tikkanen, n.d., para. 2). During the Reconstruction era, the

Fourteenth and Fifteenth Amendments were passed that technically allowed for all men born in the United States to vote (except Native Americans); however, unconstitutional practices such as literacy tests and poll taxes rose to popularity during this time to ensure that the majority of votes were still coming from wealthy white men (Tikkanen, n.d., para. 3). For nearly the next century, the only franchise expansions were given to women and Native Americans. In fact, it took fifty-four years after the passage of the Fifteenth Amendment for it to apply to Native Americans because that was the first time the federal government recognized indigenous people as citizens and granted them citizenship under the Citizenship Act (Jackson, 2004, p. 270). This cycle of expansion and restriction continues today and exemplifies the structural nature of this problem. Even when specific policies and actions are prohibited due to harmful discrimination, new policies replace them that ultimately exclude the same people in a new way. This means that the solution to these problems can't be to identify particular manifestations of discrimination and eliminate them one by one, but instead the systems that allow discriminatory policies in the first place must be eliminated entirely. Furthermore, since voting rights are mostly regulated by the states, there were major disparities across the country, so a federal standard would be helpful in regulating these discriminatory practices. There have been efforts to do this in the past, but the first major federal action regarding voting rights wasn't passed until 1965, and there hasn't been any significant federal voting policy since. However, it is this landmark legislation that allows a wide analysis of voting rights across the country since it made access to a ballot a federal matter.

Federal Expansion

The Voting Rights Act of 1965 is “arguably the most influential piece of legislation to come out of the Great Society reforms of the 1960s” (Jones-Correa, 2005, p. 449). It allowed for

a large percentage of African Americans in the Deep South to access a voting ballot and even run for various levels of public office. The Act was widely successful, and it effectively did exactly what it was intended to do; however, because it so quickly accomplished its goals, its success was overshadowed. In fact, the uncontroversial nature of the Act made it practically invisible, and the arguments that include the Act focus on the dilution of minority votes (Jones-Correa, 2205, p. 550). Though there were already laws in place that technically allowed for African Americans to vote, states took action to continue barring African Americans from accessing a ballot. States instituted poll taxes, literacy tests, and other practices specifically aimed at favoring the white vote (Tikkanen, n.d., para. 3). The Voting Rights Act outlawed these practices and made voting rights federally enforceable. While this was helpful in eliminating these overtly racist policies, the structures followed the cycle they always do, and legislators found new ways to bar the same groups of people. The core issue in voting rights at this point became the question of voter dilution and gerrymandering as more people could safely access a ballot than ever before, so the response from restrictive legislators was to restructure the electorate to prevent these ballots from counting in the same way as other ballots.

Vote Dilution

Bernard Grofman and Lisa Handley researched the effects of the Voting Rights Act on the Black representation in southern state legislatures following the redistricting in 1985. They found that the increase in number of Black candidates elected did not correspond to an increase in the number of Black voters (Grofman & Handley, 1991, p. 112). Instead, this is due to an increase in the number of Black-dominated districts, and the districts that elected Black representatives were typically well more than 50% Black (Grofman & Handley, 1991, p. 112). This could indicate that there were specific districts that were drawn in such a way as to allow a

few Black elected officials, but never enough to have a non-white majority. This is further supported by the fact that this research shows that white voters are not voting for non-white candidates. When the white votes are isolated in the elections studied, the white candidate always won, regardless of the actual outcome of the entire election (Grofman & Handley, 1991, p. 113). Grofman and Handley propose that this is only possible because of the enforcement of the Voting Rights Act that led to the increased use of single-member districts and ceased many practices that diluted the Black vote (Grofman & Handley, 1991, p. 112). In 1982, Section 2 of the Voting Rights Act was amended to include the practice that “if the voting power of a racial or language minority is diluted as a result of an at large structure, that local election system is vulnerable to invalidation under the Federal Voting Rights Act [that] prohibits the use of electoral arrangements having this discriminatory effect” (Engstrom, Taebel, & Cole, 1988, p. 470), and this amendment helped reduce policies that were effective vote dilution across the country. Though this led to the increased number of Black representatives in southern state legislatures, this federal enforcement fails in some ways. It didn’t explicitly prohibit skewed district boundaries and partisan gerrymandering, and this continues to be a discriminatory obstacle that voters face today. Additionally, other minority groups other than Black voters didn’t experience the same advances as Black voters did as a result from the Voting Rights Act. In the 70s, the language in the Act was expanded to include and protect other minority groups such as Asian Americans, Hispanics, and American Indians; however, the enfranchisement of these groups rarely receives attention or proper enforcement. The Act is often viewed as only a piece of Civil Rights era legislation, and the voter turnout and culture of elections fails to reflect the federal expansion of the Act to other minority groups.

Effects on Minority Groups

As mentioned previously, landmark expansions have been quickly followed by new restrictions and barriers that affect the enfranchisement of voters across the country, specifically minorities. In recent years, increasingly strict and complicated voter ID laws have moved to the forefront of such restrictive policies. Research on this topic is somewhat limited, and some studies have methodologies that may impact the results of the study. For example, Stephen Ansolabehere's research shows that ID laws are not a significant deterrent from the polls, but he conducted his research through phone and online interviews following the 2006 elections and 2008 primaries and fails to disclose how he recruited participants for the survey (Ansolabehere, 2009, p. 130). This gap in information could be a place of extreme bias considering this research favors people with a higher socioeconomic status (considering the required access to a personal phone or computer) and especially considering voting rights laws disproportionately affect members of minority communities, many of whom would not voluntarily expose themselves to questions about citizenship. To more comprehensively assess the current possible existing deterrents of minority votes, it's important to include research that specifically addresses the new legislation of the past decade and how it has affected the most recent elections as well as how it's projected to affect the elections coming up.

. The recent increase in strict voter ID laws has raised nationwide concern about minority voter suppression. Research in this area is limited and most studies took place before the recent strict voter ID laws. However, Zoltan Hajnal, Nazita Lajevardi, and Lindsay Nielson conducted a research project that used validated voting data from the Cooperative Congressional Election Study so that the researchers could produce a more comprehensive analysis of minority voter turnout in recent elections. The data show that strict voter ID laws have a substantial negative

effect on minority voter turnout (Hajnal, Lajevardi, & Nielson, 2017, p. 371). Though minority votes tend to always trend lower than white voter turnout, in states with increasingly strict voter ID laws, the gap between white and non-white votes is widening. However, this trend could be a result of other voting practices besides voter ID laws, but states with strict ID requirements tend to also have stricter registration practices and deadlines that prove to be yet more hurdles between a voter and the polls (Hajnal, Lajevardi, & Nielson, 2017, p. 369). Hajnal breaks up the data based on different minority groups to show how these state laws affect all groups that are supposed to be protected by the federal enforcement of the Voting Rights Act (Hajnal, Lajevardi, & Nielson, 2017, p. 370). It is not the Black vote that is the most affected (though Black votes are significantly less than white), rather Latinx votes are most substantially affected by such strict voter ID laws (Hajnal, Lajevardi, & Nielson, 2017, p. 370). Hajnal offers that an explanation for this significant burden in the Latinx community could be the nature of ID laws favoring citizens born in the United States and that the means by which such laws deter voters go beyond just preventing people without the appropriate ID from voting but also that people less likely to vote if they feel like they or someone in their community has been unfairly targeted by legislation (Hajnal, Lajevardi, & Nielson, 2017, p. 366). Furthermore, regardless of demographic classification, any added hurdle between a citizen becoming an active voter deters people from the process entirely.

Additionally, it's important to analyze the effect of ID laws on white voter turnout to rule out the possibility that the lower minority turnout is proportional to that of white voters. The data show that in states where these strict ID laws exist, white voter turnout is virtually unchanged (Hajnal, Lajevardi, & Nielson, 2017, p. 369). This supports the idea that voter ID laws disproportionately burden minority voters while favoring the white vote.

Partisanship at the Polls

Even if research can prove that ID laws disproportionately affect minority voters, it's important to reflect on how that impacts politics and why it's important. Many who oppose such laws claim that they are supported by people who wish to skew the political turnout to the conservative right. Little research addresses this question empirically or directly, but Hajnal, Lajevardi, and Nielson offer data to clarify this issue. Their study explains that though the political correlation to minorities is not very robust, there is evidence of a connection between minority voter suppression and an increased gap in Republican and Democratic votes. In fact, "the rate at which Republicans and conservatives outvote Democrats and liberals is much higher when strict photo laws are in place" (Hajnal, Lajevardi, & Nielson, 2017, p. 372). This connection is substantial during primary elections but weakens when applied to general elections (Hajnal, Lajevardi, & Nielson, 2017, p. 372). However, the only general elections included in this study were 2008 and 2012, and these situations aren't ideal for analysis because in both elections, the Democratic nominee was a person of color. Additionally, the political effects of voter ID laws are also significant in the analysis of opinions at the polls, not just candidate support because this study found that "the share of voters with anti-immigrant and anti-minority views grows substantially when strict voter identification laws are in place" (Hajnal, Lajevardi, & Nielson, 2017, p. 374).

Though the connection between political effects and voter ID laws is variant, there is substantial data to support the existence of the connection and its disproportionate effects on minority communities. Beyond the data, there is also much literature exploring the motivation behind types of voter ID laws, and the consensus among social scientists is that these systems of election rules are inherently discriminatory. In fact, Deuel Ross claimed that these structures

used to devise and enforce voter ID laws are reminiscent of the Jim Crow south and the era of literacy tests at the polls, and he explains that this claim is supported by the fact that many state legislators have openly admitted that they use such laws to orient the political and racial makeup of the electorate to their advantage (Ross, 2014, p. 364). However, the means by which they support the claims that voter ID laws are non-discriminatory and in fact necessary for a fair election are basically unfounded. For example, Ross explains that many proponents of such laws rely on “unconfirmed charges of coordinated voter fraud, disturbing partisan considerations, and outright racial animus,” the primary reason being accusations of voter fraud in systems that lack this level of rigor that only voter ID laws could provide (Ross, 2014, p. 377).

This reasoning is troublesome because “in person fraud is ‘extraordinarily rare.’ Election fraud generally arises from the exploitation of the absentee ballot system. It rarely involves in-person voter fraud, wherein one voter impersonates another, which is the only form of fraud that a voter ID law can in fact stop” (Ross, 2014, p. 377). So, if the laws aren’t addressing the primary problem its supporters presented as reasons for such legislation, then the evidence seems to support the idea that the purpose of these laws is something more sinister. To explore what this could be, it’s helpful to look at the populations that benefit from the strict laws in place, and Ross explains that Republican legislators reap quite a benefit in areas with strict voter ID laws as these areas routinely elect more Republicans and support more conservative policy agendas (Ross, 2014, p. 378). Furthermore, “most tellingly, officials who supported voter ID laws or laws restricting early voting as purported anti-fraud measures recently either admitted that these laws in fact served racially discriminatory purposes or were exposed as purposefully callous to the laws’ discriminatory effect” (Ross, 2014, p. 380). Some of the proponents even explicitly claimed that since minority Democrats tend to be poorer and have fewer resources, they are

exponentially more susceptible to invitation of voter fraud ((Ross, 2014, p. 381), and this assumption is entirely unfounded. However, this further supports not only the theory that discriminatory practices are not only prevalent in areas with voter ID laws, but also that voter ID laws were instituted as a mechanism of structural racism and continue to be manifestations of systemic injustice. The ACLU confirmed this theory in a recent case in North Carolina. After the state passed an election law in 2013 that imposed a voter ID requirement, cut a week of early voting, and eliminated same-day registration, the ACLU claimed that this law intentionally discriminated against African Americans, therefore containing explicit discriminatory intent (American Civil Liberties Union [ACLU], 2017, para. 3). North Carolina sought Supreme Court review, but their appeal was denied; however, this case only closed two years ago. This exemplifies the fact that these blatantly discriminatory practices are still prevalent today, and there are very few communities in the United States which have truly been enfranchised.

Current Attempts to Expand Access to Voting

Keeping in mind these issues related to accessing a ballot and casting a vote of equal weight, there are many efforts across the country currently trying to address this. Some involve reviewing how voting procedures vary by state and what the impacts of those variances are while others seek to find out what public opinion actually is with regard to voting rights. The majority of the research points to the conclusion that the more access people have to a ballot, the better it is for everyone. However, there are some significant caveats to this in terms of ensuring votes are still legitimate and protected from fraud.

According to a study by Robert Stein and Greg Vonnahme, increasing the opportunities to cast a vote while simultaneously reducing barriers to that ballot box yields a significantly higher voter turnout (Stein & Vonnahme, 2008, p. 495). His study focused on increasing voting

centers on election day, so there were many more areas of convenience voting in use on election day. This study analyzed the effects of these centers at both on a county and individual level, and the research showed that not only was turnout higher overall in the counties, but that individuals that identified as infrequent voters also reported an increased likelihood to vote when these measures were in place (Stein & Vonnahme, 2008, p. 495). These findings are further supported by research from William McGuire, Benjamin Gonzalez O'Brien, Katherine Baird, Benjamin Corbett, and Loren Collingwood. This research discusses election drop boxes specifically in King County, Washington, and they found that these boxes do increase voter turnout primary in midterm and primary elections (McGuire, O'Brien, Baird, Corbett, & Collingwood, 2020, p. 1802). Since these elections typically suffer lower turnout anyway, the increase in turnout here is consistent with Stein and Vonnahme's findings that increased convenience supports broader turnout, especially among infrequent voters.

There is a significant caveat to these findings though, and a study by Elizabeth Bergman and Philip A. Yates discusses them at length. They conducted a study of how compulsory mail-in voting affected voter turnout in states across the country, and they found that when elections are conducted solely by mail, turnout actually goes down (Bergman & Yates, 2011, p. 123). This means that the issues we currently face in voter turnout aren't because the single access system we have is the wrong single form of access, but instead we need a system that has many access points. Drop boxes, convenience centers, and optional no-excuse mail-in ballots expand the population that can reasonably and easily access a ballot, and that can dramatically affect turnout.

It is significant to note that with increased access points into the election system, there are also more opportunities for fraud. It's partially for this reason (and a host of more complicated

others) that many Americans don't support the expansion of voting rights in these methods. In fact, a study conducted after the 2008 presidential election surveyed voters about their opinions on voting expansion, and there were many states where expansion failed to gain majority support (Alvarez, Hall, Levin, & Stewart, 2011, p. 78). However, the majority in nearly all states supported strict voter ID laws which seems to support the idea that Americans are concerned with the integrity of the election system.

Post-2020 Election Legislation

In the two years since the beginning of this research work, there have been significant additions to the field of election legislation in the wake of the 2020 Presidential election amidst the coronavirus pandemic. Many states expanded mail-voting eligibility for this election due to public health and safety concerns since many individuals were immunocompromised or caretakers of someone as such or in COVID-19 isolation or quarantine. In most instances, the expanded eligibility extended to everyone by the inclusion of the legitimate reason to request a mail-in ballot that they didn't feel safe or able to come to the polls in person due to health concerns. This expansion contributed to the highest voter turnout in a Presidential election in more than a century, since the election of 1900 (Schaul, Rabinowitz, & Mellnik, 2020). Furthermore, as previously mentioned, the enfranchised population in 1900 was much smaller than it is now, so the fact that a population where women and BIPOC individuals are eligible to vote turned out in numbers rivaling that of the small group of wealthy, involved white men more than a hundred years ago is a significant landmark in US election history. This generally increased turnout follows other research and belief that voter turnout is typically low not because of a lack of interest, but rather an inability to clear the many hurdles that stand between an individual and a successfully cast ballot. There were also significant get-out-the-vote efforts by a

number of organizations, partisan and otherwise, but they were not larger enough by any margin to indicate they are the cause for increased turnout. Instead, each individual state's turnout numbers and the nation as a whole are traced to expansion of mail-in voting (Desilver, 2021). The increased turnout is encouraging since more and more people are becoming involved in the democratic process. However, as highlighted already, simply casting a ballot does not automatically mean that more votes translate to more representative elected officials, but it's certainly a step closer.

I would be remiss to discuss the increased turnout without also discussing the concerns of fraudulence and corrupted ballots that have become synonymous with the 2020 election. As previously mentioned, many states expanded mail-in voting eligibility, and millions of people took advantage of this. However, with these states adopting these policies for the first time, many of them were not prepared to handle the massive influx of mailed ballots that reached the election commissions during election week, and many states prohibited commissions from beginning to count mailed ballots until election day. Because of this, the election was not certified until the Saturday after Election Day, and tensions grew rapidly in the days between the election and results. The news was dominated with stories about fraudulent ballots or corrupted counters, and poll watchers gained national attention in battleground states that were counting millions of ballots as quickly as they could. The story that became the center of attention and the deciding factor of the election was the state of Georgia. The state had historic turnout and turned blue for the first time since 1992 when the southern governor of Arkansas Bill Clinton gained the edge in the state. In 2020, Biden took the majority in Georgia by an incredibly slim margin. There was so much contention about the legitimacy of the vote count in Georgia that the Secretary of State gave daily press briefings and where he spoke of the death threats and acts of violence that

were plaguing election and state officials. There were similar situations in battleground states where ballot counting was particularly overwhelming in number, such as Pennsylvania and Minnesota, and these stories created a sense of mistrust and doubt in some voters across the country. This was demonstrated by the protests and social media movements to “stop the steal” or “stop the count,” and the true extreme of these beliefs in fraud was confirmed by the massive insurrection at the Capitol on January 6. Despite reassurances from election commissioners and state officials, live cameras and monitoring of counting processes, and endless confirmations to ensure the accuracy of the count and legitimacy of each ballot, many still believed that the election was unjust. Primarily, these individuals were supporters of former President Donald Trump and were emboldened by his own statements about fraud and election theft. Contrarily, now President Biden took a position of patience and optimism in his now hallmark phrase “keep the faith!” he repeatedly shared during election week before results were confirmed. These stances from the candidates drew an even deeper divide among Americans as Biden supporters accused Trump supporters of being sore losers, and Trump supporters accused Biden supporters of being cheaters. Tensions only grew after a group of Trump supporters carried out an insurrection at the Capitol the day the senate voted to confirm the results of the election, and protests continued through March under the QAnon belief that true Presidents were confirmed in their power on March 4. These continued demonstrations of mistrust in the election process and repeated incitement of riots and violence have left a rift in the history of elections in the US and have forged an increasingly difficult path to elections for at least the foreseeable future.

Because of the incredibly contentious election and tumultuous months since, state legislatures across the country have introduced 361 restrictive bills regarding voting practices in 47 states, five of which have already become law and another 55 of which are already sweeping

through legislatures (Brennan Center for Justice, 2021). The majority of these bills aim to restrict mail-in voting in the wake of the turnout increases, but some seek to shorten early voting times, create more complicated steps in the registration process, and change the procedures for cleaning voter rolls (Brennan Center for Justice, 2021). There is even now a law in Georgia that makes it illegal to give a bottle of water to a voter waiting in line at a polling place (Karimi, 2021).

Unfortunately, this issue of voter turnout has become deeply partisan, and democrats believe these new policies are aimed at restricting voter turnout because, as previously mentioned, statistics show that generally, higher turnout can translate to more democrats elected. Since all of these new bills are sponsored by Republicans, they maintain that their primary goal is to instill confidence in voters and protect election legitimacy (Gardner, Rabinowitz, & Stevens, 2021). However, many of these bills are proposed in states where there were no problems with the election process this year, so that begs the question: what are they trying to fix if nothing is broken? (Gardner, Rabinowitz, & Stevens, 2021). It's these concerns and disconnects that call into question the motivation of the legislators behind these bills, and it additionally highlights a fundamental flaw in election legislation up to this point. These new policies seem to prioritize a safe election over an accessible one, whereas expansive policies seek to expand access to safe elections.

Though there are hundreds of restrictive bills proposed across the nation, there are also a number of proposed bills that would expand the vote and make it easier to access a ballot. There is even a federal effort to do so called the For the People Act (Brennan Center for Justice, 2021). The goals of this legislation are "to expand Americans' access to the ballot box, reduce the influence of big money in politics, strengthen ethics rules for public servants, and implement other anti-corruption measures for the purpose of fortifying our democracy, and for other

purposes” (Wise & Walsh, 2021). This would be the most substantial voting rights legislation since the Voting Rights Act of 1965, and it would accomplish much in the way of preventing not just specific manifestations of voter suppression but also the systems and structures that allow such legislation to pass in the first place.

Conclusion

This history of voting rights in the United States is long and complicated, but it’s not necessarily complex. As highlighted previously, the timeline of voting rights follows a cycle of expansion and new manifestations of restriction due to structural injustices in the voting system itself. Based on the research reviewed and current problems in the field, this cycle persists and continues to allow for harmful discrimination because the offered policy solutions fail to make a key consideration: that not all people are starting at the same line. Not all individuals in the United States have equal or equitable access to a ballot they can cast safely, so policies that fail to make a distinction between people who face the current obstacles and people who don’t also fail to affect real change. The evaluative discrimination that draws unfair distinctions among people and results in an inability to confidently access and cast a ballot needs to be addressed more robustly, and descriptive discrimination can be a solution. It’s necessary to recognize that there is a distinction among people as it pertains to enfranchisement, and legislation should recognize them as such. This type of discrimination can help dismantle the structures that allow for the varied voting practices across the nation that exclude groups entirely or create undue burdens on voters.

Looking forward, it will take more than one landmark policy to eliminate the evaluative discrimination in elections. Even if the For the People Act passes, it does not address the existing discrepancies in enfranchisement robustly enough to create and protect equitable access.

Recognizing the obstacles that exist for some and not others while working to continually legislate in such a way as to prevent those obstacles in any form instead of specific manifestations of evaluative discrimination can lead to an election system truly built on equal ground. In this case, we can use descriptive discrimination to dismantle the systems of evaluative discrimination that stand between us and truly free and fair elections.

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