

Inquiring Minds topic – 21 September 2018

Roger Palms, moderator

Purging Voter Rolls

Thought starters:

1. Governor Rick Scott tried voter purging ahead of the 2012 election and was blocked by the courts. Do you find that voters are alert to this?
2. What is the best way to keep voter records clean without violating voter's rights? Who should make the decisions?
3. Voters purged incorrectly, and who show up to vote, are usually given a provisional ballot. In the recent contest in Ohio, there were 3435 provisional and 5048 absentee ballots that, when counted, could sway the outcome of the election. What does this say about purging ahead of tight elections?
4. Besides death, imprisonment or a resident moving away, what other criteria should be allowed in voter purging?

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Voter Purges

On Election Day, stay away

Republicans say they're fighting fraud. Democrats call it voter suppression.

In 1965 President Lyndon Johnson signed the Voting Rights Act. Among other things, this required places with a history of discriminating against non-white voters to obtain federal approval before changing the way they conducted elections. In the ensuing decades it narrowed, and in some cases reversed, racial gaps in voting. Congress repeatedly reauthorised the Act, most recently in 2006 for 25 years.

But in 2013 the Supreme Court gutted the pre-clearance provision. Since then states that had been bound by it have purged voters from their rolls at a greater rate than other states. That is part of a dramatic rise in voter purges in recent years. Many on the right say such purges and other policies are essential to ensuring electoral integrity. Others see a darker purpose.

According to a recent report by the Brennan Centre for Justice, a think-tank and advocacy group at New York University, nearly 16m voters were removed from the rolls between 2014 and 2016. That is almost 4m more than were purged between 2006 and 2008. The increased purging far exceeds population growth or the growing number of registered voters.

Not all voters were removed erroneously. Culling voter rolls of people who have died, moved, or been convicted of a serious crime keeps them accurate. But Myrna Pérez, one of the report's authors, says that in jurisdictions previously covered by the Voting Rights Act's pre-clearance provision, there is a statistically significant relationship between districts with high purge rates and high rates of voting by provisional ballot. That could indicate bad purges. Improperly purged people are often given provisional ballots when they try to vote, whereas those who are properly purged seldom try. Between the presidential elections of 2012 and 2016, districts formerly covered by pre-clearance provisions removed more than 9m voters from their rolls. In Georgia, 156 of the state's 159 counties saw increases in removal rates.

The report also found that, in the past five years, four states have conducted purges in ways that violate federal standards—for instance, by purging voters too close to an election and failing to inform voters adequately that they had been removed from the rolls. Many states seem to have relied on flawed information. Arkansas, for instance, bars felons who are serving their sentences from voting. But a list of voters to be purged in June 2016 included more than 4,000 people who had simply come into contact with the court system because of divorces, misdemeanours and the like. New York removed hundreds of thousands of voters (more in mostly Hispanic districts than elsewhere) whom it wrongly believed had moved.

Ms Pérez also noted a rise in lawsuits filed against states by conservative activists seeking more aggressive purging of the rolls. This pattern, the report says, began in 2008—the year that a multiracial coalition elected America's first black president.

Under Barack Obama, the federal government sued states it deemed too restrictionist. Under President Donald Trump, the Department of Justice has reversed course. It has backed a strict voter-identification law in Texas which it previously opposed, and endorsed

Ohio's practice of purging infrequent voters. Both Texas and Ohio have Republican governors. Republicans have also backed laws requiring voters to show government-issued photo IDs (which ethnic minorities and young voters, who tend to vote Democratic, are less likely to have). They contend that this is essential to stop voter fraud.

Voter-impersonation fraud is vanishingly rare. One study found 31 possible cases out of more than 1bn votes cast between 2000 and 2014. Yet it has become a conservative shibboleth. Mr Trump insists, without evidence, that he lost the popular vote in 2016 only because millions of people voted illegally. He even set up a commission—run by Kris Kobach, a backer of strict voter-ID laws who might become Kansas's next governor—to investigate claims of voter fraud.

The commission lasted less than eight months. Mr Trump disbanded it weeks after a court ordered it to turn over information to Matt Dunlap, Maine's secretary of state, who complained it was keeping information from him and other Democrats on the commission. Mr Dunlap, who on August 3rd released the documents he had sought, believes "the whole purpose of the commission, regardless of evidence, was to validate the president's assertion that millions of illegal votes were cast".

Logan Churchwell, a spokesman for the Public Interest Legal Foundation, which has sued states over voter rolls it claims are inaccurate and whose head served on the commission, blamed Mr Dunlap for the failure to find evidence of voter fraud: "That's what happens when you sue something into oblivion." How a lawsuit for information six months into the commission's existence impeded its ability to find evidence of fraud over the previous six months remains unclear, however.

Republicans tend to cast their efforts to root out fraud as essential to preserving electoral integrity—a perfectly reasonable goal. But Carol Anderson, a professor at Emory University in Atlanta and author of a forthcoming book about vote-suppression, says reasonable-sounding aims long justified discriminatory policies; the poll taxes that blocked black voters, for example, were presented as a race-neutral safeguard. Running elections costs money, their backers explained, and a tax was necessary to cover the costs. Ms Anderson contends that Republicans now want to create disillusionment with the voting process, so that large swathes of the electorate come to believe it is hopeless. "That's no way to run a democracy," she says.

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