



# DEMOCRACY DEFENDED



# ANALYSIS OF BARRIERS TO VOTING IN THE 2018 MIDTERM ELECTIONS





The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) is the first and foremost civil and human rights law firm in the United States. Founded in 1940 under the leadership of Thurgood Marshall, LDF’s mission has always been transformative—to achieve racial justice, equality, and an inclusive society. LDF’s victories established the foundations for the civil rights that all Americans enjoy today.

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This report was produced in collaboration with LDF’s Thurgood Marshall Institute. Launched in 2015, the Institute is a multidisciplinary center within LDF. The Institute complements LDF’s traditional litigation strengths, arming LDF with dedicated support for three critical capabilities in the fight for racial justice: research, targeted advocacy campaigns, and public education.



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THE 2018 MIDTERM ELECTIONS

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# INTRODUCTION

*“You get to vote in what might be the most important election of my lifetime, maybe more important than 2008.”*

—Former President Barack Obama, rally in Illinois November 2018<sup>1</sup>

*“Our democracy rests on the ability of all individuals, regardless of race, income, or status, to exercise their right to vote.”*

—U.S. Supreme Court Justice Sonia Sotomayor, dissenting in a 2018 voting rights case<sup>2</sup>

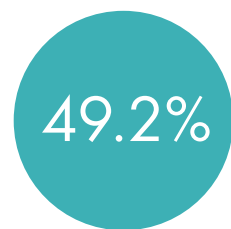
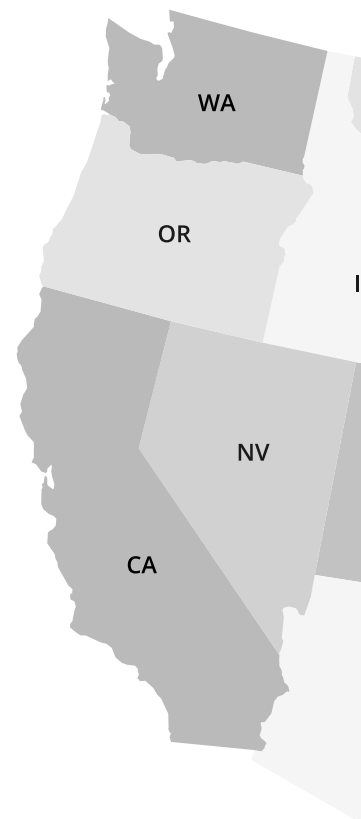
The 2018 elections proved to be record-breaking: 39 million early ballots cast (an increase from the 20 million early ballots in the 2014 midterm elections), \$5.2 billion spent (an increase from the previous \$4.4 billion record in 2016), and the highest voter turnout percentage (49.2) in a midterm election since 1914.<sup>3</sup> The election sent an unprecedented number of women to Congress—more than 100 in total, including the first Native American women, the first Muslim American women, and the first openly bisexual woman ever to serve in that body.

Journalists and pundits, politicians and voters, pollsters and organizers all characterized the highly anticipated midterm elections as one of the most critical in recent history. The first midterm under the Trump Administration, these elections were about more than just the individual gubernatorial, Senate, House, or other races. It was about more than the amendments and referenda on the ballot. Questions surrounding our national ethos were also at stake.

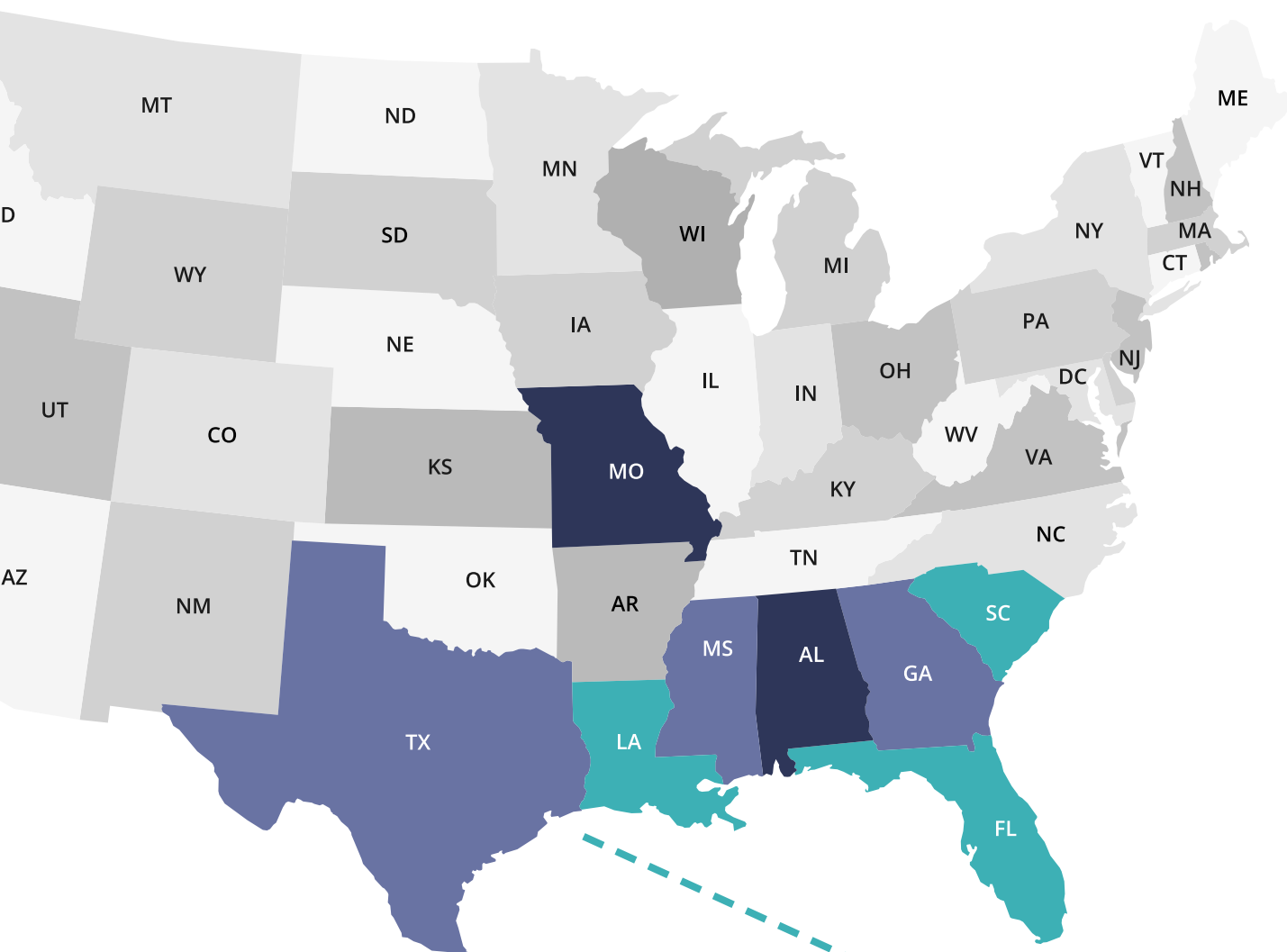
One of these questions was the extent to which our democracy is compromised by the increasing intensity of voter suppression tactics across the country. Following the Supreme Court’s 2013 decision in

*Shelby County v. Holder*,<sup>4</sup> which gutted key enforcement provisions of the Voting Rights Act of 1965 (VRA), “states and local jurisdictions have been free to implement changes in voting without the preclearance process to determine whether those changes are racially discriminatory or hurtful to language minorities.”<sup>5</sup> Despite high turnout at the 2018 midterm elections, far too many voters faced significant burdens in exercising the right to vote, including malfunctioning machines leading to mis-marked ballots, untrained poll workers, out-of-date poll lists, changed polling sites, and long lines, including instances where it took more than four hours to cast a ballot.<sup>6</sup>

For years, the NAACP Legal Defense and Educational Fund, Inc.’s (LDF) Prepared to Vote (PTV) campaign has marshalled staff and local volunteers on Election Day to protect the ability of voters—particularly voters of color—to cast ballots and participate in the political process. LDF staff and LDF-trained PTV volunteers are on the ground every year to monitor polling sites in both primary and general elections in targeted jurisdictions. For the 2018 midterm elections, LDF staff and PTV volunteers were present in eight states: **Alabama, Florida, Georgia, Louisiana, Mississippi** (for the Senate special election), **Missouri,**



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100+

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LDF staff and PTV volunteers were present across eight states. In each jurisdiction, PTV armed voters with state-specific voter guides and trainings. They also observed and responded to voting irregularities or instances of discrimination.



**South Carolina, and Texas.** In each jurisdiction, PTV armed voters with state-specific voter guides and trainings, containing important information about their state’s election laws and how to prepare to vote. Staff and volunteers also observed and responded to voting irregularities or instances of discrimination. This report provides county-level citizen voting age population data by race and ethnicity and a compilation of the voting issues our team observed on the ground. It is our hope that this report will highlight some of the ways we worked to defend our democracy on Election Day 2018 and what remains to be done.



## RACES: Gubernatorial House

# ALABAMA



## OVERVIEW OF PRE-ELECTION VOTING ISSUES

Alabama is a state known as the birthplace of voting rights. Its history includes the 1965 “Bloody Sunday” march over the Edmund Pettus Bridge where armed police beat civil rights demonstrators protesting for the right to vote. For a state with this history, the post-*Shelby County* level of voter suppression is dismaying.

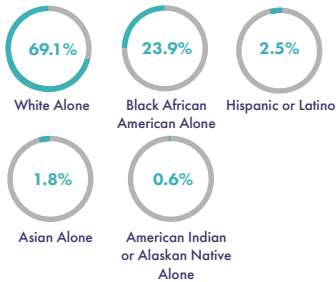
In 2011, the Alabama legislature passed a strict photo ID law, requiring in-person and absentee voters to produce one of seven forms of “valid” photo ID.<sup>7</sup> A prospective in-person voter without the required photo ID cannot cast a regular ballot unless two election officials present at the polling place choose to “positively identify” that person.<sup>8</sup> Although it was passed in 2011, Alabama postponed implementing the law to avoid the preclearance requirements of Section 5 of the VRA, which at the time required the state to prove to a federal court or to the U.S. Department of Justice (DOJ) that voting laws were non-discriminatory before they could go into effect.<sup>9</sup> The day after the Supreme Court’s 2013 decision in *Shelby County*, which invalidated the VRA’s preclearance requirement, Alabama announced that it would enforce the law in the 2014 election cycle.<sup>10</sup> In 2015, LDF filed a federal lawsuit, *Greater Birmingham Ministries et al. v. Alabama et al.*,<sup>11</sup> challenging the photo ID law as racially discriminatory in violation of the U.S. Constitution and the VRA. That lawsuit is currently on appeal in the U.S. Court of Appeals for the Eleventh Circuit.

Alabama’s voter suppression tactics extend even further. In 2015, the state announced that it would close 31 driver’s license offices, situated predominately in rural areas of Alabama’s Black Belt, even though driver’s licenses are one of the few forms of acceptable photo ID to vote in elections. LDF and other advocates voiced opposition to these proposed closures because of their likely impact on Black voters.<sup>12</sup> As a result, rather than permanently close the offices, Alabama decided to keep them open one day a month for the 2018 midterms, which still severely restricted access to photo ID for many individuals.<sup>13</sup>

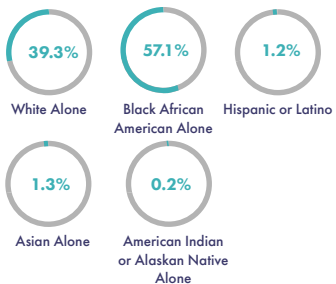
Additionally, although not currently in effect due to ongoing litigation, Alabama law requires residents to produce proof of citizenship when registering to vote.<sup>14</sup> Specifically, Alabama has requested that the federal Election Administration Commission modify the federal voter registration form to require proof of citizenship to vote in state and local elections. Such a requirement potentially sets up a dual system for voting for federal and state/local elections.<sup>15</sup>

CITIZEN VOTING AGE  
POPULATION PERCENTAGES BY  
RACE AND ETHNICITY:<sup>16</sup>

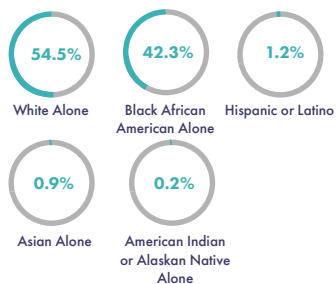
MADISON COUNTY



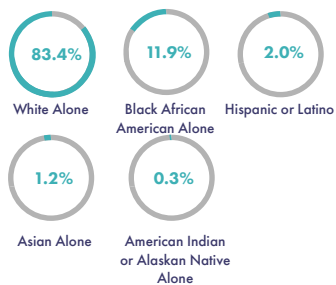
MONTGOMERY COUNTY



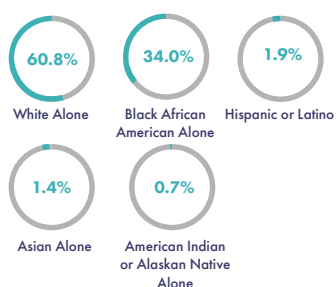
JEFFERSON COUNTY



SHELBY COUNTY



MOBILE COUNTY



SNAPSHOT OF 2018 VOTING ISSUES

MADISON COUNTY

- At Alabama Agricultural and Mechanical University (AAMU), a historically Black university, PTV volunteers encountered a number of students at the polling site who discovered that they were not registered by the Madison County Board of Registrars, although they submitted registration forms during campus registration drives. The completed forms were delivered to the Madison County Registrar, but none of the students were notified of any deficiencies in their registrations. Other students registered online but also were not on the rolls. Some students received a voter card but still did not appear on the voter rolls on Election Day. As a result, over 175 students were forced to vote by provisional ballot. The line to cast a provisional ballot was longer than the line to cast a regular ballot, and the polling location ran out of provisional ballots multiple times, causing students to wait over 90 minutes to cast a provisional ballot. The Madison County probate judge, in the days prior to Election Day, noted that the county Board of Registrars appeared to be engaged in voter suppression because of their hostility to organizers' attempts to register students at AAMU and another historically Black college, Oakwood University. As a result of this election monitoring, LDF filed a lawsuit against Madison County's Board of Registrars and Alabama's Secretary of State John H. Merrill on behalf of four Black students,<sup>17</sup> and talks have begun between AAMU, the Madison County Board of Registrars, and local stakeholders about how to address these issues in future elections.

MONTGOMERY COUNTY

- At the polling site located at Trenholm State Community College, a school with a majority-Black enrollment, instead of directing voters to the correct polling site, poll workers provided provisional ballots to voters who were registered in other precincts and those whose polling places had changed. These voters were told to cast provisional ballots that, ultimately, would not be counted. This precinct also ran out of provisional ballots during the day, and voters who needed these ballots had to wait for over an hour or return at a later time. PTV volunteers intervened and contacted the county probate judge to correct this issue. At Peter Crump Elementary School, a man who had permanently moved to the area was turned away at the precinct and told to vote at his old polling location. PTV volunteers explained the change of address procedure that would have allowed the man to cast a regular ballot at the precinct, but the chief poll inspector insisted the man cast a provisional ballot or return to his prior precinct. After encountering another woman with the same issue, volunteers escalated the issue to LDF staff to address.

- There were a variety of election administration issues at other polling sites across Montgomery County. For example, at Vaughn Park Church of Christ, the wait time reached 90 minutes almost as soon as the polling place opened. There were machine and ballot issues and a lack of forms elsewhere in Montgomery County. At Wares Ferry Road Elementary School, voting did not start on time because the wrong

machines were delivered, and workers did not allow voters to use paper ballots. At Fitzpatrick Elementary School, poll workers ran out of voter registration update forms for inactive voters and resorted to using the address portion of provisional ballots.

- There was also evidence of intimidation at Whitfield United Methodist Church. Volunteers encountered a police vehicle parked directly outside the location entrance and a sheriff's deputy monitoring the polling place registration table. The deputy later exited the polling place and shadowed a PTV volunteer as she waited to speak with voters leaving the location. At Peter Crump Elementary School, a sheriff's deputy arrived and stood next to the chief poll inspector as volunteers were speaking with her.

## JEFFERSON COUNTY

- At the Hillview Fire Station precinct, poll workers misinformed voters by telling them that voting a straight-ticket ballot and then selecting an individual sheriff candidate, also known as a "double bubble," would be read by election officials as overvoting and cause the ballot to be rejected. PTV volunteers confirmed that previous guidance allowing the practice still applied in the 2018 midterms; they then reached out to poll workers and the county probate judge to correct this misinformation.
- Prior to the election, the state removed thousands of voters from the active voter list and declared them "inactive" during a required update of voting rolls. In response to local and national advocacy to restore voters to the active voter list, Alabama's Secretary of State Merrill stated that inactive voters would be permitted to cast a regular ballot if they first updated their registration information. However, on Election Day, poll workers gave these inactive voters provisional ballots rather than allowing them to update their registration at the polling site and cast a regular ballot. PTV volunteers on site were able to intervene in some instances by calling the county probate judge. County election officials told PTV volunteers they would issue corrective guidance to poll workers at Homewood Public Library, where one of the first reports originated. Since the issue appeared to be widespread and the same issue had occurred in the 2017 Senate Election, LDF sent a letter on Election Day to Secretary Merrill, explaining that poll workers were unaware that inactive voters must be permitted to cast a regular ballot after updating their information. In response, Secretary Merrill insisted that poll workers were adequately trained on how to deal with inactive voters. LDF's experience on the ground shows otherwise.

## SHELBY COUNTY

- At Pelham Civic Complex, poll workers did not give voters without ID provisional ballots, which is required by law.
- At Vincent Revival Center and Helena Community Center, volunteers reported seeing police officers and police vehicles near the polling site, although they did not observe any officers attempting to interact with voters nor did they observe the officers engaging in any official activity.
- Machine malfunctions were reported at Montevallo University's Stewart Student Retreat Center, leading poll workers to collect and store ballots to tally later.

## MOBILE COUNTY

- As in prior election years, there were reports of Mobile County poll workers rejecting voters' photo ID if the address on the ID did not match the one on the voter rolls, even though Alabama law does not require the address on a voter's ID to match their voter registration address. In such instances, poll workers were required to allow voters with eligible ID, regardless of the address on the ID, to cast a regular ballot.







# FLORIDA



## OVERVIEW OF PRE-ELECTION VOTING ISSUES



### RACES:

Gubernatorial  
Senate  
House

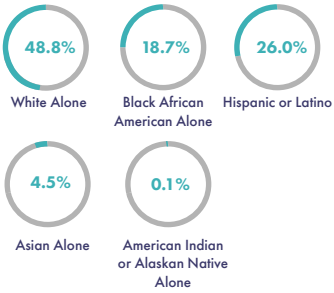
A 2018 report found that Florida has purged more than seven percent of voters from the state rolls since 2016.<sup>18</sup> The following counties had the highest rates of purges, eliminating 10 percent of their voters from the rolls: Hardee, Hendry, Palm Beach, and Okaloosa. Indeed, the state has a history of attempted voter roll purges. In 2012, Florida election officials were blocked from using an error-prone list to remove purported non-citizens from the election rolls.<sup>19</sup> In 2013, following the *Shelby County* decision, the Governor attempted to remove voters from the rolls but was unsuccessful due to efforts of county election supervisors.<sup>20</sup> In 2014, the Governor again sought to eliminate alleged non-citizens from the state voter database.<sup>21</sup>

In 2017, thousands of Puerto Rican voters were displaced by Hurricane Maria and resettled in Florida. On the night before Election Day, a federal judge issued an emergency order, reinforcing a September order obtained by LatinoJustice to compel over 30 counties in Florida to provide Spanish-language ballots to voters in accordance with the requirements of the VRA.<sup>22</sup> Nevertheless, LatinoJustice reported noncompliance or partial compliance with this order in a number of counties.<sup>23</sup>

In 2018, a federal court ordered Florida to provide early voting sites on several college campuses, following a lawsuit brought by pro-democracy groups.<sup>24</sup> Several counties, however, like Tallahassee's Leon County (home of Florida State University and Florida A&M University, a historically Black university) and Miami-Dade County (home of Florida International University, which serves large populations of students of color, and Miami-Dade College, which has more than 160,000 students), decided not to provide early voting sites on college campuses in 2018.<sup>25</sup> In July 2018, advocates complained about issues with Florida's voter registration website, including intermittent access, after organizers tried registering 17 voters in low-income, predominantly Black Orlando neighborhoods but only could successfully register two.<sup>26</sup>

## CITIZEN VOTING AGE POPULATION PERCENTAGES BY RACE AND ETHNICITY:<sup>27</sup>

### ORANGE COUNTY



## SNAPSHOT OF 2018 VOTING ISSUES

### ORANGE COUNTY

- Washington Park Branch Library previously had been a regular voting location. Unfortunately, it was not a voting location on Election Day, but many voters in the surrounding area were under the impression that it was and had not received any notice that it was no longer a polling site. PTV volunteers were unable to clarify the issue because of the steady stream of voters asking poll workers throughout the day for help identifying their correct polling place. Some of our volunteers had to drive voters to their polling place before the polls closed. In total, PTV volunteers interacted with over 100 people at this site.

## POST-ELECTION AMENDMENT 4 UPDATE

On Election Day in November 2018, Florida voters approved ballot initiative Amendment 4, which restored the voting rights of people with a felony conviction, excluding murder or felony sex offenses.

Within months of that historic voter enfranchisement, the Florida Legislature passed SB 7066. LDF, in partnership with the Florida NAACP, joined leading groups like the ACLU, ACLU of Florida, and the Brennan Center for Justice to submit multiple letters to both legislative houses in opposition to certain provisions of the bill.<sup>28</sup>

The adopted bill, SB 7066, restricts the ability of returning citizens to register to vote by requiring them to pay all legal financial obligations, including restitution converted to a civil judgment, fines, fees, and costs. The restrictions will have a disproportionate adverse impact on Florida's Black and Latinx citizens. Florida's Governor Ron DeSantis signed the bill into law on June 28, 2019. LDF, the ACLU, ACLU of Florida, and the Brennan Center for Justice immediately filed a federal lawsuit challenging the new law because it "creates wealth-based hurdles to voting and undermines Floridians' overwhelming support for Amendment 4."<sup>29</sup>



# GEORGIA



## OVERVIEW OF PRE-ELECTION VOTING ISSUES



### RACES:

Gubernatorial  
House

With one of the most hotly contested gubernatorial races in the country, the midterm election in Georgia epitomized the severity of voter disenfranchisement and suppression for the country. Between 2012 and 2016, then-Secretary of State Brian Kemp purged 1.5 million registered voters from the rolls.<sup>30</sup> In 2018, 670,000 voters were purged.<sup>31</sup> The state has further burdened voters, particularly voters of color, by closing 214 voting precincts since 2012.<sup>32</sup> This came to national attention when Randolph County attempted to close seven of nine polling places, which would have impacted the county's under-resourced Black community.<sup>33</sup>

In addition, despite rising calls for his recusal, including from LDF, 2018 gubernatorial candidate Brian Kemp continued to oversee the very election in which he was a candidate.<sup>34</sup> During the 2018 election, former Secretary Kemp was in charge of enforcing Georgia's strict voter laws passed by state legislators, particularly the "exact match" policy that holds voter registration applications if the information provided is not an exact match to the information in Social Security or state driver records. Voter registrations were not processed if they included inconsistencies such as misspelled names, not fully writing out a middle name, a missing hyphen, or signature mismatch on absentee ballots. Out of the 53,000 registrations that were held by former Secretary Kemp's office shortly before the election, 70 percent of the applicants were Black.<sup>35</sup> In fact, CityLab's Brentin Mock reported that "many of these blocked voter registrations [came] from urban areas with high black populations. In areas with smaller black populations, the percentage of pending registrations from black voters often [exceeded] the percentage of black residents living in the area."<sup>36</sup> This abdication of responsibility by the former Secretary of State and now Governor forced advocates to call into question his commitment to election integrity.

Moreover, in October 2018, local officials removed 40 Black senior citizens from a bus heading to the polls for early voting because the Jefferson County Administrator argued that the bus had not been authorized to take the seniors to the polls and the action constituted "political activity" at a county-run senior center.<sup>37</sup>

CITIZEN VOTING AGE POPULATION PERCENTAGES BY RACE AND ETHNICITY:<sup>38</sup>



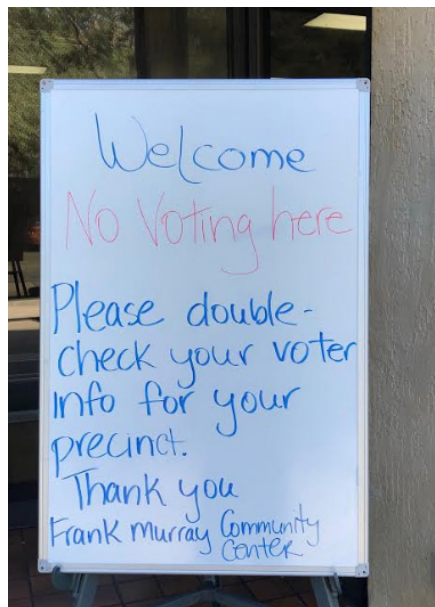
SNAPSHOT OF 2018 VOTING ISSUES

DOUGHERTY COUNTY

- Two vote-switching incidents were reported in Dougherty County. On each occasion, voters attempted to vote Democratic straight down the ticket, and the voting machine switched the vote to Republican. The voters noticed the error and reported these incidents. Poll workers were able to fix the error and register the votes correctly.
- At approximately 6:00 pm on Election Day, about 1,000 votes had been cast at the Greenbriar Church polling site. The location manager explained that one of the express voting machines had been down for a few hours, and during that time, the line grew long. By the time voters advanced to the front of the line, some were told that they were in the wrong location. Many voters were unable to continue to wait and opted to cast provisional ballots instead of going to their correct polling place.

## CHATHAM COUNTY

- The Georgia Secretary of State’s website, “My Voter Page,” had the incorrect address listed for the Frank Murray Community Center polling location. The address the website listed was: 169 Whitemarsh Island Road, Savannah, GA 31410, when the correct address for this location was: 125 Wilmington Island Road, Savannah, GA 31410. When potential voters arrived at the Frank Murray Community Center, they found this sign, which caused several people to leave without voting.

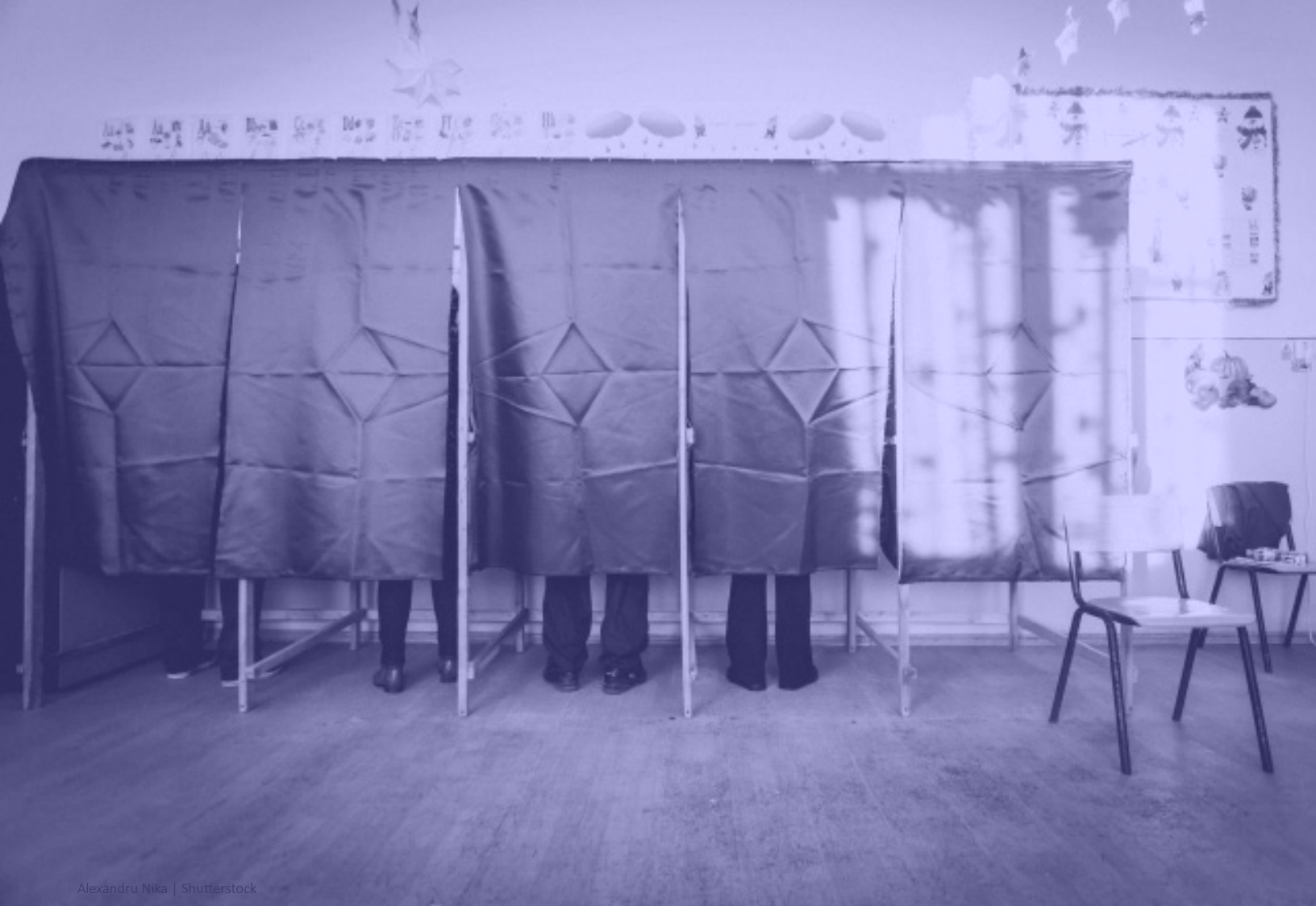


## GWINNETT COUNTY

- Five precincts in Gwinnett County were reported to have significant delays, with one experiencing delays of up to five hours, caused by technical problems including malfunctioning electronic poll books, dead batteries, and missing power cords. These issues were made worse by a lack of access to paper ballots and other means of voting as required by law.
- Given these delays, Gwinnett County announced that the polls would remain open for an extra 25 minutes. LDF immediately sent a letter to the Georgia Secretary of State stating that the 25-minute extension was insufficient and requesting an extension of at least two hours at the precincts affected by voting machine problems. LDF also submitted a request under Georgia’s open records law seeking documents related to the causes of the delays and technical problems in Gwinnett County. Ultimately, a Gwinnett County judge ordered three precincts—Annistown Elementary School, Anderson-Livsey Elementary, and Harbins Elementary—to remain open for an additional two hours and 25 minutes, 30 minutes, and 14 minutes, respectively.<sup>39</sup>

## FULTON, DEKALB, and COBB COUNTIES

- Fulton, DeKalb, and Cobb Counties had significant delays and long lines because of a shortage of voting machines, while hundreds of unused voting machines were sequestered in warehouses. The alleged rationale for this was that doing so was in response to a federal lawsuit claiming that the voting machines were susceptible to hacking. However, it appears that the court did not actually order that all these machines be sequestered, and no party ever made such a request.<sup>40</sup> Dan Abrams’s blog, *Law & Crime*, analyzed the court filings and orders in the case and concluded that no county was ordered to set aside more machines than they could spare.<sup>41</sup> First Presbyterian Church in Fulton County only had four voting machines available on Election Day in 2018, while it had up to 15 available for the 2016 election. Altogether, 550 voting machines went unused in Cobb County, 700 in Fulton, and 585 in DeKalb. LDF submitted requests to each of these counties under Georgia’s open records law seeking records related to the causes of the delays and the shortage of voting machines. In March 2019, Congressman Elijah Cummings, Chair of the House Committee on Oversight and Reform, sent letters to Governor Brian Kemp and Secretary of State Brad Raffensperger requesting details on the voting machines in the three counties.<sup>42</sup>



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## GRADY COUNTY

- LDF sent a letter<sup>43</sup> to Grady County officials documenting inadequate notice to voters in a heavily Black precinct of a change in the location of their polling place. In the past, the Agricenter was used as a polling place but was closed for the 2018 midterm election because it was being used by the Federal Emergency Management Agency for emergency response purposes. The county moved voting for this precinct to the First Baptist Church. Residents reported that they did not receive new precinct cards and did not know about the change in polling place. Moreover, the single sign placed at the Agricenter was inconspicuous, and because there were no county officials stationed at the Agricenter directing would-be voters to the correct polling place, community members volunteered to do it. LDF's letter urged that these problems be rectified before the state's runoff elections on December 4, 2018. The state returned the precinct to its original location for the December election.



# LOUISIANA



## OVERVIEW OF PRE-ELECTION VOTING ISSUES



### RACES:

House

In November 2016, a civil rights organization released a report that studied polling place closures in Louisiana since the *Shelby County* decision and found that “61 percent of Louisiana parishes have closed a total of 103 polling places since 2012,”<sup>44</sup> including in Jefferson and Terrebonne parishes. Although the state gave the justification that cost considerations were a determining factor in the consolidation of precincts (approximately \$1,300 per precinct), “the reduction in the number of polling locations handicaps voter participation.”<sup>45</sup> Moreover, according to a 2018 paper, Louisiana eliminated more than 300 precincts by consolidating them with others.<sup>46</sup> These consolidations “had a racially discriminatory effect, in that as the proportion of African-Americans in a precinct increased, so did their likelihood of being consolidated,” which made precincts larger and made it harder for voters to get to the polls.<sup>47</sup> In fact, a report from 2018 found that “although the law dictates that only the number of registered voters should be related to the number of polling locations . . . statistical analysis of the data from Louisiana shows that the racial make-up of an area is a predictor of the number of polling locations in that area.”<sup>48</sup>

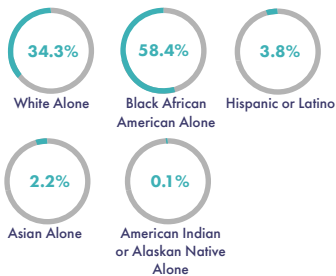
In May 2018, Louisiana passed a law to restore voting rights to persons on probation or parole with the caveat that they cannot have been incarcerated within the five years prior to Election Day.<sup>49</sup> The law had minimal impact, restoring voting rights only to approximately “2,200, or 3 percent of the 70,000 people currently on probation or parole in the state.”<sup>50</sup> Further, the legislation did not go into effect until 2019, which meant that the small percentage of those eligible for re-enfranchisement were unable to participate in the 2018 midterm election.

In terms of voter registration, Louisiana provides an array of acceptable voter ID options. However, local organizations, such as the League of Women Voters, reported that they “received a number of complaints that voters were being turned away when they did not present a photo identification.”<sup>51</sup> This discretionary action by election officials and poll workers was troubling because a Louisiana law, which was pre-cleared by DOJ in 1997, states that a voter lacking proper identification can “complete and sign an affidavit, which is supplied by the Secretary of State,”<sup>52</sup> as an acceptable alternative to a photo ID.



## CITIZEN VOTING AGE POPULATION PERCENTAGES BY RACE AND ETHNICITY.<sup>53</sup>

### ORLEANS PARISH



## SNAPSHOT OF 2018 VOTING ISSUES

### ORLEANS PARISH

- Several students at the polling site at Dillard University, a historically Black university, reported that although they had completed voter registration forms, they found they were not registered to vote when they checked the Secretary of State's website.
- The precinct at 830 Jackson Avenue did not have ramps or a handicapped-accessible entrance despite the precinct being close to a senior housing community.
- The precinct at 2733 Esplanade Avenue was not easily accessible for those with mobility issues. While there was a parking lot in the back near the accessible entrance, it was locked on Election Day. Although the lot was eventually unlocked, it did not stay unlocked for the remainder of the voting hours. Two voters with mobility issues stated it was quite difficult to get inside. The lighting in the area was also inadequate. In fact, it was so dark that a poll worker had to use her cell phone as a flashlight to direct voters; even then, visibility remained poor.
- The precinct at 4861 Rosalia Drive had pro-life signs and candidate signs within 600 feet of the polling place, and the Clerk of Court had to have the signs removed. Additionally, the A-frame "Vote Here" sign was not visible from the road. Poll workers said that, from what they understood, the authorities had ordered more "Vote Here" A-frame signs, but the manufacturer had not produced them in time for the election, causing a shortage of signs. Poll workers placed the sign on the curb until voters told them that they were not sure which door of the building was unlocked, then moved the sign next to the unlocked door to help guide voters.



# MISSISSIPPI



## OVERVIEW OF PRE-ELECTION VOTING ISSUES



### RACES:

Senate  
House

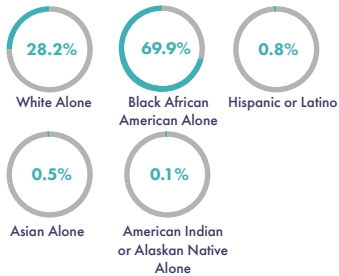
The Mississippi Senate 2018 special election between Cindy Hyde-Smith and Mike Espy became one of the most closely watched races in the nation given its context. Senator Hyde-Smith was appointed to the Senate due to former Senator Thad Cochran retiring earlier in 2018 for health reasons. Her challenger was Mike Espy, a Black former congressman and Agriculture Secretary in the Clinton Administration. The race garnered national headlines after images emerged of Senator Hyde-Smith posing in Confederate paraphernalia and invoking the notion of lynching Mr. Espy.<sup>54</sup> This type of conduct, unfortunately, was not unusual for Mississippi, which has a deep history of racial discrimination against Black voters.<sup>55</sup>

In 2012, the Mississippi legislature passed a voter ID law, but did not implement it prior to the *Shelby County* decision, given that the state was subject to the VRA's preclearance requirements.<sup>56</sup> Following the Supreme Court's 2013 decision, Mississippi's Lieutenant Governor said that preclearance "unfairly applied to certain states [and] should be eliminated in recognition of the progress Mississippi [had] made over the past 48 years."<sup>57</sup> At that time, Mississippi's Secretary of State said he would move forward immediately to implement the state's voter ID law for the June 2014 primaries. Reportedly, hundreds of voters could not vote in the 2014 midterm election because of the photo ID law.<sup>58</sup>

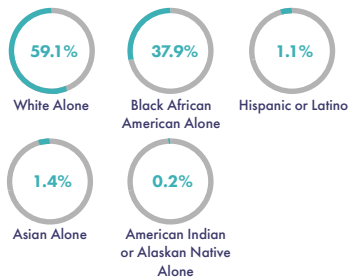
In 2016, researchers at Northern Illinois University conducted a study to rank every state based upon the difficulty of voting.<sup>59</sup> The study created a "Cost of Voting Index" to help interpret the results. The index compiles the "largest assemblage of state election laws" to rank each state based upon the "time and effort it took to vote in each presidential election year from 1996 through 2016."<sup>60</sup> The researchers also used 33 different variables related to registration and voting laws, "with differences in registration deadlines carrying the most weight." The results showed that Mississippi, which is the state with the highest percentage of black residents,<sup>61</sup> is the hardest state to vote in of all 50 states.<sup>62</sup>

CITIZEN VOTING AGE  
POPULATION PERCENTAGES BY  
RACE AND ETHNICITY.<sup>63</sup>

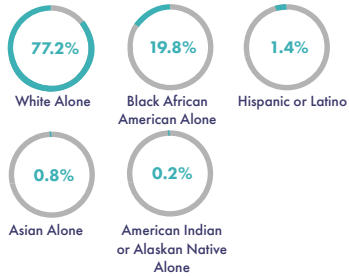
HINDS PARISH



MADISON PARISH



RANKIN PARISH



## SNAPSHOT OF 2018 VOTING ISSUES

(November 27 Special Election Only)

### HINDS COUNTY

- At the Byram City Hall polling place, volunteers encountered voter confusion about whether they were at the correct location. Byram City Hall is used as a polling place in local elections. However, because the precinct and district lines used for the Senate Election were different from those the districts used for other local elections, some voters who were registered elsewhere mistakenly came to vote at Byram City Hall. Poll workers redirected voters to their correct polling place with printed directions. Poll workers also reported 12 affidavit provisional ballots cast.
- Hinds Community College had dismal student registration and turnout. It had essentially no visible or prominent signs directing students and others to the polling place on the central campus and most voters observed at the location appeared to be community residents rather than students. When trying to locate the polling place, PTV volunteers encountered multiple students who did not know where to vote on campus.

### MADISON COUNTY

- At Pleasant Green Memorial Baptist Church, a poll worker stated that eight people had been turned away because their names did not appear on the voter rolls. It was not clear whether the polling place only had access to the voter list for that specific precinct, as some of the eight voters were able to determine their correct polling place. Other voters, however, could not determine their correct polling place, even though a poll manager recognized some of them as having voted at the precinct in 2016. The same poll worker also reported a total of 10 affidavit provisional ballots cast.
- Registration issues at Ridgeland Recreation Center revealed problems with poll worker training and possibly the registration lookup system. Early in the day, volunteers encountered a Black woman on her phone in the parking lot. She stated that she had called the circuit clerk to confirm her registration after the workers could not locate her in the electronic pollbook, even though she had voted there in 2016. The circuit clerk informed the voter that she was registered and that the poll workers should check the supplemental paper list if her name did not appear in the electronic list. The poll workers located the woman's name on the paper list, and she was able to cast a regular ballot. Notably, the poll workers were not aware of this process, and it was the voter's own initiative that ensured that she was able to vote.

- Near the end of the day at Ridgeland Recreation Center, 75 affidavit provisional ballots had been cast. Approximately five were provisional because of a change of address. Most of the affidavit provisional ballots were cast by people whose names did not appear in the pollbook after checking the paper list. Volunteers became concerned after speaking with a Black woman who cast an affidavit provisional ballot near the end of the day when they learned that poll workers were not providing written information about how to follow-up on affidavit provisional ballots. Other polling locations had printed handouts detailing how to check the status of the affidavit provisional ballots.
- Following the election, LDF, One Voice, and the Mississippi Center for Justice filed a public records request with the Madison County Election Commission inquiring about the voter roll purges that took place prior to the election.

## RANKIN COUNTY

- At the polling site located at Monterey Fire Dept. #2, volunteers encountered a poll worker who was standing close to the ballot scanning machines and reportedly made a voter uncomfortable. A Black male voter expressed discomfort because he was under the impression that the ballots had to be fed in facing up, and the poll worker was hovering over voters as they were feeding their ballots into the machine. The voter was concerned that this made his ballot selection visible to the poll worker, compromising the privacy of his vote. PTV volunteers discussed the issue with the poll commissioner, who stated that the worker was instructing voters that they could scan their ballot face up or face down. However, no other polling places had a worker offering unsolicited help to voters scanning their ballots. In fact, other sites, including McLaurin High School, had a privacy screen attached to the scanner.





# MISSOURI



## OVERVIEW OF PRE-ELECTION VOTING ISSUES



### RACES:

Gubernatorial  
Senate  
House

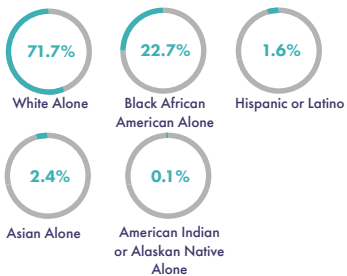
In the wake of the *Shelby County* decision, Missouri voters passed Amendment 6 to the state constitution to require a state-issued photo ID in order to vote.<sup>64</sup> The measure impacted over 200,000 Missouri voters, mostly young people, poor people, and people of color, who lacked DMV-issued photo identification.<sup>65</sup> An estimated 130,000 additional individuals had photo ID that was expired and could not be used under the new law.<sup>66</sup> The Amendment also required voters without a photo ID, but who had another form of ID, to sign a statement confirming their identity under penalty of perjury.<sup>67</sup> Priorities USA, a national progressive organization, filed a lawsuit challenging the voter ID law. In October 2018, about four weeks before Election Day, a Missouri judge barred the state from requiring voters lacking a photo ID from signing a statement.<sup>68</sup> Given the change in law so close to Election Day, the Commission scrambled to retrain precinct workers.

In addition to the voter ID law, Missouri also aggressively enforced inactive voter designations. If a voter did not vote in the last election and failed to respond to a mailing asking them to confirm their voter registration, they were listed as “inactive.”<sup>69</sup> Many voters who moved or did not realize they needed to return the mailing were unable to confirm their status. If a voter arrived at their precinct to vote and was labeled as “inactive,” a precinct worker had to call the Commission and verify that the person was registered to vote. This additional verification step caused numerous delays.<sup>70</sup> Lastly, the 2018 ballot was one of the longest and most complicated in recent history.

Voter turnout was at an all-time high for a midterm election, but unfortunately, Missouri did not offer in-person early voting.<sup>71</sup> Missouri is one of only a dozen states that does not offer no-excuse absentee voting or any other form of early balloting. Voters can only vote absentee with one of six state-recognized excuses: (1) the voter is absent from area where registered, (2) religious belief or practice, (3) employment as an election authority at a location other than polling place, (4) incarceration, (5) participation in the state’s address confidentiality program, or (6) physical disability, illness, or work as the primary caregiver for someone disabled or ill.<sup>72</sup> As of January 2019, state lawmakers filed two proposals in the Missouri General Assembly that would expand absentee voting.<sup>73</sup>

## CITIZEN VOTING AGE POPULATION PERCENTAGES BY RACE AND ETHNICITY:<sup>74</sup>

### ST. LOUIS COUNTY



## SNAPSHOT OF 2018 VOTING ISSUES

### ST. LOUIS COUNTY

- At the Clay Community Center in Ward 3, a Black voter furnished an expired state driver's license and the poll worker turned him away without offering a provisional ballot. He returned to the poll with appropriate identification and was able to cast a regular ballot.
- A PTV volunteer at the Clay Community Center observed a woman wearing a yellow Election Protection<sup>75</sup> vest informing people that if they did not have the "right" ID they could not vote, effectively turning people away from the precinct. Our volunteer also heard the woman make comments about the large number of Black people at the precinct relative to her usual voting precinct. PTV volunteers notified Election Protection and she was removed from poll monitoring.
- In Ward 2 at the Nance School, PTV volunteers observed a touchscreen machine that was repeatedly switching multiple votes and/or recording incorrect votes; when voters transitioned to paper ballots, the paper ballot feeder jammed. After three attempted calls to contact the directors of the Election Commission, LDF was able to file a complaint and requested a return call, but never received one. Election Protection and an alderwoman also called the Election Commission multiple times, without success. In the meantime, Election Protection volunteers recommended that people fill out paper ballots. The poll workers eventually figured out how to properly feed the ballots into the machines.
- Depending on the population concentration of non-English speaking voters, Missouri provides ballots in non-English. No precinct population in St. Louis triggers the availability of non-English speaking ballots. However, Ward 9 has a large population of Spanish-speaking voters. A Spanish-speaking PTV volunteer was able to assist a voter with her ballot.
- At the Dunn-Marquette Recreation Center in Ward 9, a voter had trouble presenting the appropriate ID. After being advised that he could use his Medicaid card because it was government issued and had his name and current address on it, he was able to cast a ballot.



# SOUTH CAROLINA



**RACES:**  
Gubernatorial  
House

## OVERVIEW OF PRE-ELECTION VOTING ISSUES

In 2012, South Carolina adopted a restrictive photo ID law, which DOJ and LDF, among other organizations, challenged in *South Carolina v. United States*.<sup>76</sup> In response to that litigation, South Carolina adopted a “reasonable impediment” exception that acknowledges the many reasons a qualified South Carolina voter may be unable to procure acceptable photo identification and establishes a process to enable voters without identification to vote in-person.<sup>77</sup>

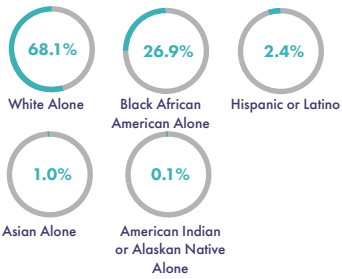
Following the *Shelby County* decision in 2013, South Carolina’s Attorney General stated: “[t]his is a victory for all voters, as all states can now act equally, without some having to ask for permission or being required to jump through the extraordinary hoops demanded by federal bureaucracy.”<sup>78</sup> Nevertheless, the Attorney General reaffirmed the state’s 2012 commitment to broadly interpret the reasonable impediment exception to the photo ID law.<sup>79</sup>

Despite this assurance, a 2014 study revealed the burdens South Carolinians face to obtain compliant state ID.<sup>80</sup> Further, there are indicators that the law disproportionately impacts Black South Carolinians. The State estimated that, as of 2016, the approximately 178,000 South Carolinians who lack an acceptable photo ID under the law are disproportionately people of color.<sup>81</sup> Additionally, an analysis of the 2016 elections found that “African-American voters made up 27.6 percent of registered South Carolina voters in 2016, but 38.5 percent of the voters impacted by the ID requirement were African-American,” and that “35 percent of voters citing an impediment to getting an ID were Black, and 42 percent of the voters who forgot their ID were Black.”<sup>82</sup> Although South Carolina adopted the “reasonable impediment” exception, poll workers typically do not mention the reasonable impediment requirement when someone indicates they do not have a photo ID. Even with the appropriate photo ID, at least one eligible voter was told that he was “dead” when presenting himself at the polls with a valid photo ID.<sup>83</sup>

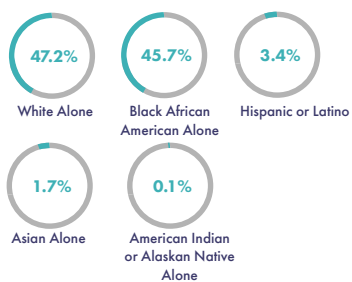


CITIZEN VOTING AGE  
POPULATION PERCENTAGES BY  
RACE AND ETHNICITY:<sup>84</sup>

CHARLESTON COUNTY



RICHLAND COUNTY



## SNAPSHOT OF 2018 VOTING ISSUES

### CHARLESTON COUNTY

- Some voters at St. John’s High School waited three to four hours to vote. Volunteers contacted the County Board of Elections to request more voter registration list laptops and voting machines, but the bottlenecks continued throughout the day. At Ladson Elementary School, a poll worker shortage caused some voters to have to wait up to two-and-a-half-hours to cast a ballot. A.C. Corcoran Elementary School also had lines with up to a two-and-a-half-hour wait time. At all of these locations, voters stood in line well past 7:00 pm, when the polls closed. Although the long lines may be attributed in part to increased voter enthusiasm and turnout, PTV volunteers saw varying degrees of efficiency and competency at each polling location. Voters shared positive experiences at locations where technical issues were promptly addressed, staff were generally competent, and workers had enough functioning equipment like voting machines and registration laptops. However, locations that lacked any one of these elements quickly devolved into sites with excessive wait times.
- At St. Andrews Middle School, electrical problems delayed the set-up of the voting machines, and three out of the four voter registration laptops were not working properly when poll workers arrived. These technical issues were resolved when a technician from the county arrived, but voters remained in long, unmoving lines while waiting for the precinct to open. Voting machine and laptop malfunctions were also observed at Haunt Gap Middle School, W.L. Stephens Aquatic Center, and James Island Charter High School. A shortage of laptops to check in voters created bottlenecks in many precincts, leading to issues like the four-hour wait time at St. Johns High School.
- At St. James Church, poorly-trained poll workers with resource limitations and troublesome equipment led to very slow processing of voter IDs and a two-and-a-half-hour wait time. Despite having 13 voting machines at St. James Church, only seven or so were in use until about 6:00 pm because workers were slowly checking in voters on the three laptops.
- At James Island Elementary School, curbside voting, which is required by law in the state, was not set up until half an hour after the polls opened. There, two of the three poll workers trained to operate the electronic voter registration laptops left to work on curbside voting, which left only one poll worker to check voter IDs and registrations. At other locations, like St. Andrews School of Math and Science, poll workers instructed voters who wanted to vote curbside to exit their vehicles and bring their IDs inside the polling site to be checked, despite their disability or age. When those disabled voters got inside the precinct, they were told to stand and wait in another line for a poll worker to check them in before they could return to their vehicles.
- At St. James Church, one woman who was nine months pregnant and could not stand for two hours in the heat had trouble obtaining curbside help. These issues were reported to the County Election Board and volunteers requested more workers.

- James Island Charter High School had proactive poll workers who sought out older and disabled voters to provide them seats, shelter them from the heat, and offer curbside voting. Yet even apparently well-run polling locations still had issues with inadequate signage for curbside voting. Ashley River Creative Arts Elementary School was an example of this. Volunteers saw the most complete set of signage educating voters, including a flow chart of options showing voters when they would be able to vote a regular ballot versus a failsafe or provisional ballot, but the site still lacked adequate information about curbside voting.
- Volunteers encountered poll workers refusing to provide provisional ballots at St. John Catholic Church, St. Andrews School of Math and Science, and W.L. Stephens Aquatic Center.
- At St. Andrews School of Math and Science, where lines stretched over two hours, at least 10 voters waiting outside appeared to be listed as inactive despite reporting that they voted in the 2016 general election.
- At St. John Catholic Church, one older voter, who insisted that she voted at the precinct in 2008 and 2012, was told that there was no record of her voter registration anywhere in the state. Poll workers refused to give her a provisional or challenge ballot and instructed her to go to the county election headquarters.
- An hour before the polls closed, volunteers at St. Andrews Middle School reported that one woman with a small child was sent to two other locations with long lines before finally being sent to the correct polling site. No poll worker informed her she could vote at the county election headquarters.
- Another woman at St. Andrews Middle School asked PTV volunteers to confirm that she was in the correct location. She had attempted to vote at the same location as the other voters living in her townhouse but was told that her address was in another precinct. She was able to vote, but the voter and poll manager confirmed that she was not voting on races that affected where she lived.

## RICHLAND COUNTY

- Throughout Richland County, voters reported voting machines mismarking their votes or switching their selection to another name. The county offered the rationale that aging touch-screen machines caused calibration problems, which led to the issues the voters experienced. Following reports on the matter, Richland County Election Director Rokey Suleman advised all voters to review their ballots before casting their final vote. Although the director confirmed that “no one had their vote switched” and “the issues were another symptom of aging voting equipment,” his hope is for a “new voting infrastructure [to be] in place before the next general election in 2020.”<sup>85</sup>
- Voters who had moved, updated their driver’s license address, and reportedly checked the “register to vote” box on their DMV change of address form found that their registration had not been updated to the new address. Voters who moved from a different county in South Carolina more than 30 days before the election were prohibited from voting. Voters who moved within the same county were told to return to their old polling place or head to the County Board of Elections headquarters to cast a ballot that would count. This failure to update voter registrations is troubling enough on its own, but voters with unchanged registrations sometimes only learned of the problem after waiting in line at some precincts for an hour or more. One woman at North Star Church learned, after waiting in line for an hour, that the DMV had not sent her voter registration and she would be unable to cast a ballot this election.
- A mother of a newborn baby, who had already spent her day trying to vote, found that she had supposedly been sent an absentee ballot for the general election after requesting an absentee ballot for the primary in June. When she tried to vote on November 6, she was told that she could not cast a regular ballot because they could not be certain that she had not already voted absentee in the general election. Despite not receiving the absentee ballot or voting absentee for the general election, the Board of Election told the voter over the phone that she could cast a provisional ballot and attend the Friday hearing or visit the headquarters in person that day to resolve the issue.
- At Precincts Ridge View 1 and 2, a precinct had been split up and it was unclear if or when voters had been given notice of the change.

VOTE HERE  
VOTE AQUÍ

在此投票

여기서 투표하십시오

OUTSIDE SIGN

OUTSIDE SIGN

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D

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# TEXAS



## OVERVIEW OF PRE-ELECTION VOTING ISSUES



### RACES:

Gubernatorial  
Senate  
House

Immediately after the *Shelby County* decision, the Texas Attorney General and Secretary of State announced that the state's photo ID law would go into effect immediately.<sup>86</sup> The law had been rejected previously by a federal court as the most discriminatory measure of its kind in the country following litigation under Section 5 of the VRA by LDF,<sup>87</sup> DOJ, and others.<sup>88</sup> In response, LDF, DOJ, and other groups filed suit against Texas under Section 2 of the VRA and a federal court ultimately struck down the voter ID law. The U.S. Court of Appeals for the Fifth Circuit, however, allowed Texas to implement a different version of the photo ID law, even though the lower court had determined that it perpetuated the discriminatory intent of the original law.<sup>89</sup>

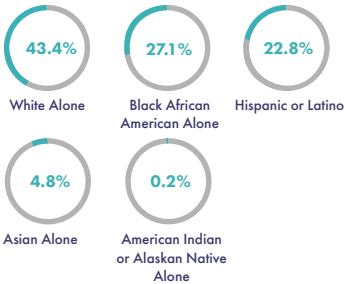
In September 2018, LDF, along with the Texas Civil Rights Project, Texas State Conference of the NAACP and the Anti-Defamation League of South Texas, Texoma, and Austin, sent a letter to the Texas Secretary of State Rolando Pablo, urging his office to provide notice to voter registrars and other relevant election officials throughout the state outlining and explaining the procedures for challenging a person's eligibility to vote.<sup>90</sup> In August 2018, the *Houston Chronicle* reported that approximately 4,000 registered voters in Harris County were challenged by True the Vote, an organization that has been accused of voter intimidation in the past.<sup>91</sup>

For the 2018 elections, Waller County election commissioners failed to provide polling sites on the Prairie View A&M University (PVAMU) campus, a historically Black college in Waller County, and in the surrounding city of Prairie View during the first week of early voting. In the second week of early voting, the city provided five early voting days, but two of the polling sites were off-campus at locations that were not accessible to many PVAMU students who lacked transportation.<sup>92</sup> In the majority-White city of Waller, by contrast, voters had two locations to vote during the first week and 11 days of early voting in total.<sup>93</sup> In response to public pressure and a lawsuit filed by LDF, election commissioners in Waller County took a modest but important step forward to provide equal opportunities to vote through early voting at PVAMU.<sup>94</sup>

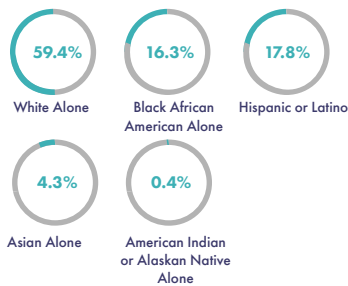
LDF also sent a letter to the Texas Secretary of State in October 2018 expressing serious concern about reports of irregularities caused by Hart eSlate electronic voting machines and sent a letter to officials in McLennan County, Texas asking that they relieve an election worker from her duties for failing to comply with state election law.<sup>95</sup>

CITIZEN VOTING AGE  
POPULATION PERCENTAGES BY  
RACE AND ETHNICITY:<sup>96</sup>

DALLAS COUNTY



TARRANT COUNTY



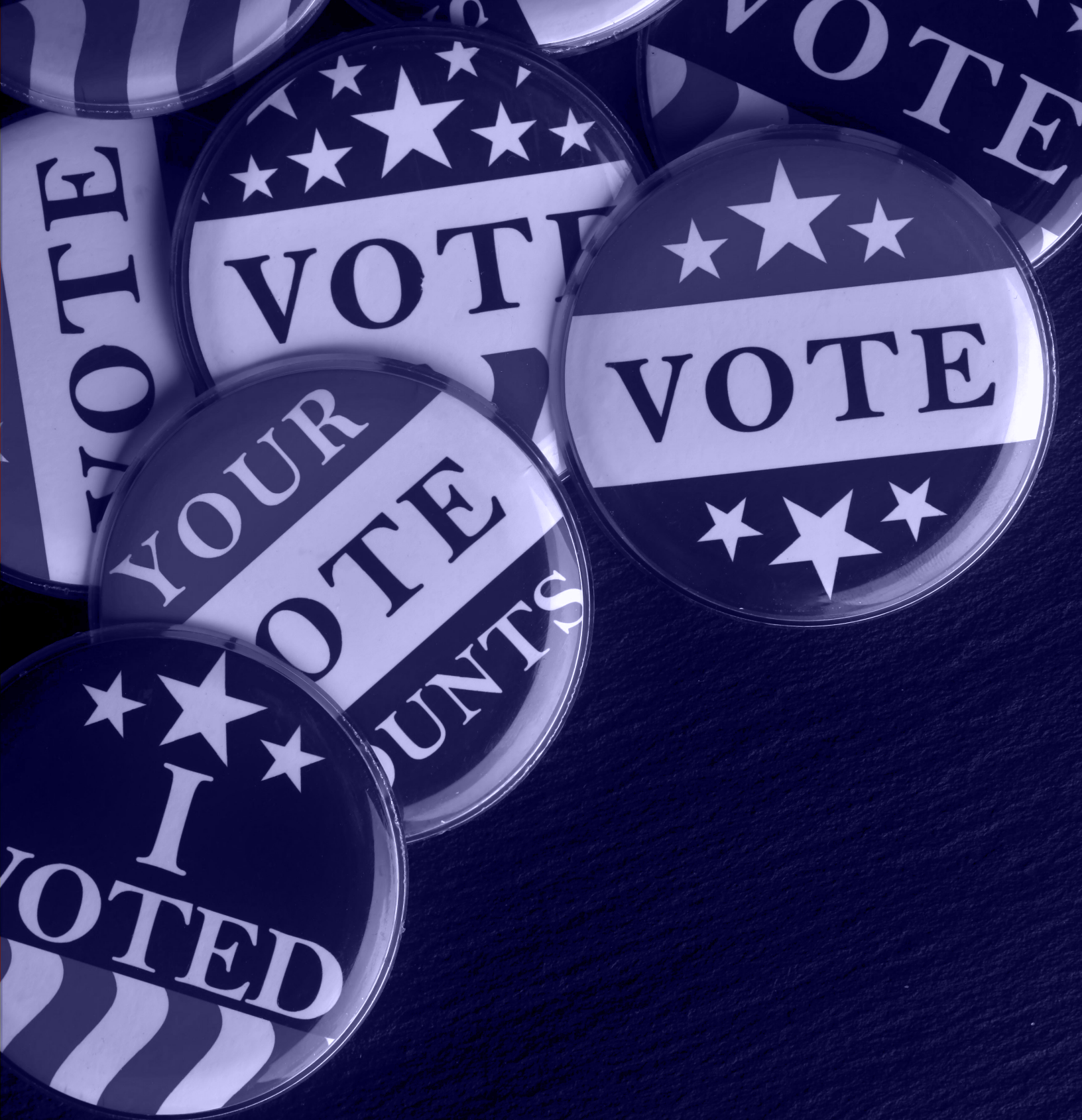
## SNAPSHOT OF 2018 VOTING ISSUES

### DALLAS COUNTY

- About half of the voters who arrived at Lakeside Activity Center were turned away because they were at the wrong polling location. A tally kept by a volunteer at the site totaled 390 voters turned away in the course of the day. Most of the voters who were turned away were people of color, particularly Black voters. All voters informed PTV volunteers that this was their regular polling location, and they had not received notice of the location change. One voter had a particularly complex story. He reported that he voted at Lakeside in the 2016 election, as he had in every election since moving to the county and updating his registration in 2008. This Election Day, the workers told him he was not listed as a Dallas County voter at all. He discovered by calling the Secretary of State's office that he was still registered at his former address, in a county from which he moved in 2008. The Secretary of State tried to claim that he was not registered in Dallas County, even though his 2016 voting history was visible to the Secretary of State (by that office's own report). Eventually, the poll workers told him to vote at a nearby polling location.
- At Precincts 3802 and 3803, officials gave incorrect information about acceptable photo IDs to voters and failed to inform voters about alternatives.
- At Precinct 3056, a complaint was lodged with the precinct chair stating that campaign workers were electioneering within 100 feet of the entrance to the building. The sheriff's office showed up to the polling location with lights and sirens activated. The sheriff was accompanied by an election official and followed by two deputies in unmarked cars. The election official stated they had received a report of a fight or argument over the polling line dispute. However, PTV volunteers present did not witness any fight or argument.
- At Atwell Academy, a sheriff car parked outside the polling location and refused to leave.
- Precincts 1040 and 1041 used a fire station as a polling location. Voters used the garage area, which posed a risk to their safety because fire trucks come and go during voting hours.

## TARRANT COUNTY

- In Fort Worth, there was a similar pattern of voters who had voted in the same place for years being removed from the rolls of those polling locations for this election. A voter at Grace Temple Seventh-day Adventist was told he was not on the list, then discovered that his voting status was “suspended.” The Secretary of State’s website indicated he could vote at a polling site in Tarrant County by completing a residence form. The voter asked the PTV volunteer to accompany him inside to assist, but the election worker told the volunteer she had to leave. When the voter came out, he stated he was told he had to return to his prior address in Arlington to fill out the form and vote.
- At the polling place for Precinct 1005, a voter reported that there was no bell available for disabled voters to notify clerks that they needed assistance for curbside voting. This was a particular problem because many older and disabled people live in this precinct. Further, the voter complained of inadequate signage outside the location.
- At Precinct 1278, officials gave incorrect information about acceptable photo IDs to voters and failed to inform voters about alternatives.



# CONCLUSION

This report highlights some of the means by which the eight states that are covered in the report acted to suppress voting and numerous instances of voter suppression observed by our PTV volunteers in those states. It is in no way an exhaustive account of all the challenges voters, especially Black voters in these states, encountered in the 2018 midterm elections. This report along with others shows that it is imperative that Congress acts swiftly to remedy the myriad failures of our election administration that undermine the integrity of our democracy. Access to fair elections is a right guaranteed by citizenship. The year 2020 will mark the 150th anniversary of the passage of the 15th Amendment to the U.S. Constitution, yet, it is clear that the full rights and protections of that Amendment still operate as an unfulfilled promise. The next national election cycle is upon us, and it is our collective duty to ensure that it is free of racial discrimination and other unlawful barriers to voting and that the right to vote is honored and protected for all.



# ENDNOTES

- 1 Lynn Sweet, *Obama tells rally in Chicago: 'The character of our nation is on the ballot,'* Chi. Sun Times (Nov. 5, 2018), <https://chicago.suntimes.com/news/barack-obama-common-j-b-pritzker-uic-illinois-democrats-republican-bruce-rauner-midterm-election/>.
- 2 *Husted v. A. Philip Randolph Institute*, 138 S. Ct. 1833, 1865 (2018) (Sotomayor, J., dissenting).
- 3 Grace Panetta, Shayanne Gal & Michelle Mark, *12 records the 2018 midterm elections smashed*, Bus. Insider (Nov. 7, 2018), <https://www.businessinsider.com/2018-midterm-election-records-early-voting-women-lgbt-candidates-2018-11>.
- 4 570 U.S. 529 (2013). See also Case Page, NAACP Legal Def. & Educ. Fund, Inc., *Shelby County, Alabama v. Holder* (Nov. 6, 2010), <http://www.naacpldf.org/case/shelby-county-alabama-v-holder>.
- 5 NAACP Legal Def. & Educ. Fund, Inc., *Democracy Diminished: State and Local Threats to Voting Post-Shelby County, Alabama v. Holder 1*, <https://www.naacpldf.org/wp-content/uploads/Democracy-Diminished-State-and-Local-Threats-to-Voting-Post-Shelby-County-Alabama-v.-Holder.pdf> [hereinafter *Democracy Diminished*].
- 6 Danielle Root & Aadam Barclay, *Voter Suppression During the 2018 Midterm Elections*, Ctr. for Am. Progress (Nov. 20, 2018), <https://www.americanprogress.org/issues/democracy/reports/2018/11/20/461296/voter-suppression-2018-midterm-elections/>; Tyler Estep & Amanda C. Coyne, *Breaking: Extended hours ordered at 3 Gwinnett precincts*, Atlanta J.-Const. (Nov. 6, 2018), <https://www.ajc.com/news/local-govt--politics/machines-down-hundreds-wait-one-gwinnett-voting-precinct/nNdh2wuAvjinnomVB5Oq9M/>.
- 7 Kim Chandler, *State has yet to seek preclearance of photo voter ID law approved in 2011*, AL.com (Jun. 12, 2013), [http://blog.al.com/wire/2013/06/photo\\_voter\\_id.html](http://blog.al.com/wire/2013/06/photo_voter_id.html).
- 8 Jessica Mason Pieklo, *Lawsuit: Alabama Voter ID Law Intentionally Discriminatory*, Rewire News (Dec. 3, 2015), <https://rewire.news/article/2015/12/03/lawsuit-alabama-voter-id-law-intentionally-discriminatory/>.
- 9 *Id.*
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# NOTES

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