



CITIES VOTE: MUNICIPAL ACTION GUIDE

Race Equity and Voting in 2021 and Beyond



CENTER FOR CITY SOLUTIONS

About the National League of Cities

The National League of Cities (NLC) is the nation’s leading advocacy organization devoted to strengthening and promoting cities as centers of opportunity, leadership, and governance. Through its membership and partnerships with state municipal leagues, NLC serves as a resource and advocate for more than 19,000 cities and towns and more than 218 million Americans.

About the Local Democracy Initiative

Supporting cities committed to increasing representation for historically underrepresented communities by dismantling racist obstacles to voter registration and voter turnout, by ensuring a full and accurate Census count of historically undercounted communities, and by encouraging community-engaged redistricting practices.

About Race Equity and Leadership (REAL)

Strengthening the capacity to build more equitable communities. Established in the wake of the 2014 unrest in Ferguson, MO, the REAL department offers tools and resources designed to help local elected leaders build safe places where people from all racial, ethnic and cultural backgrounds thrive socially, economically, academically and physically.

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DEFINITIONS TO UNDERSTAND RACIAL EQUITY

RACIAL EQUITY — “Closing the gaps” so that race does not predict one’s success, while also improving outcomes for all.

INSTITUTIONAL RACISM — Policies, practices and procedures that work better for white people than for people of color, often unintentionally or inadvertently.

STRUCTURAL RACISM — A history and current reality of institutional racism across all institutions, combining to create a system that negatively impacts communities of color.

ICONIC REFERENCES



HELPFUL RESOURCE



QUICK TIP



ACTION ITEM



CASE STUDIES

About the Guide:

THE ROLE OF CITIES IN ENSURING THE END OF RACIAL VOTER DISENFRANCHISEMENT

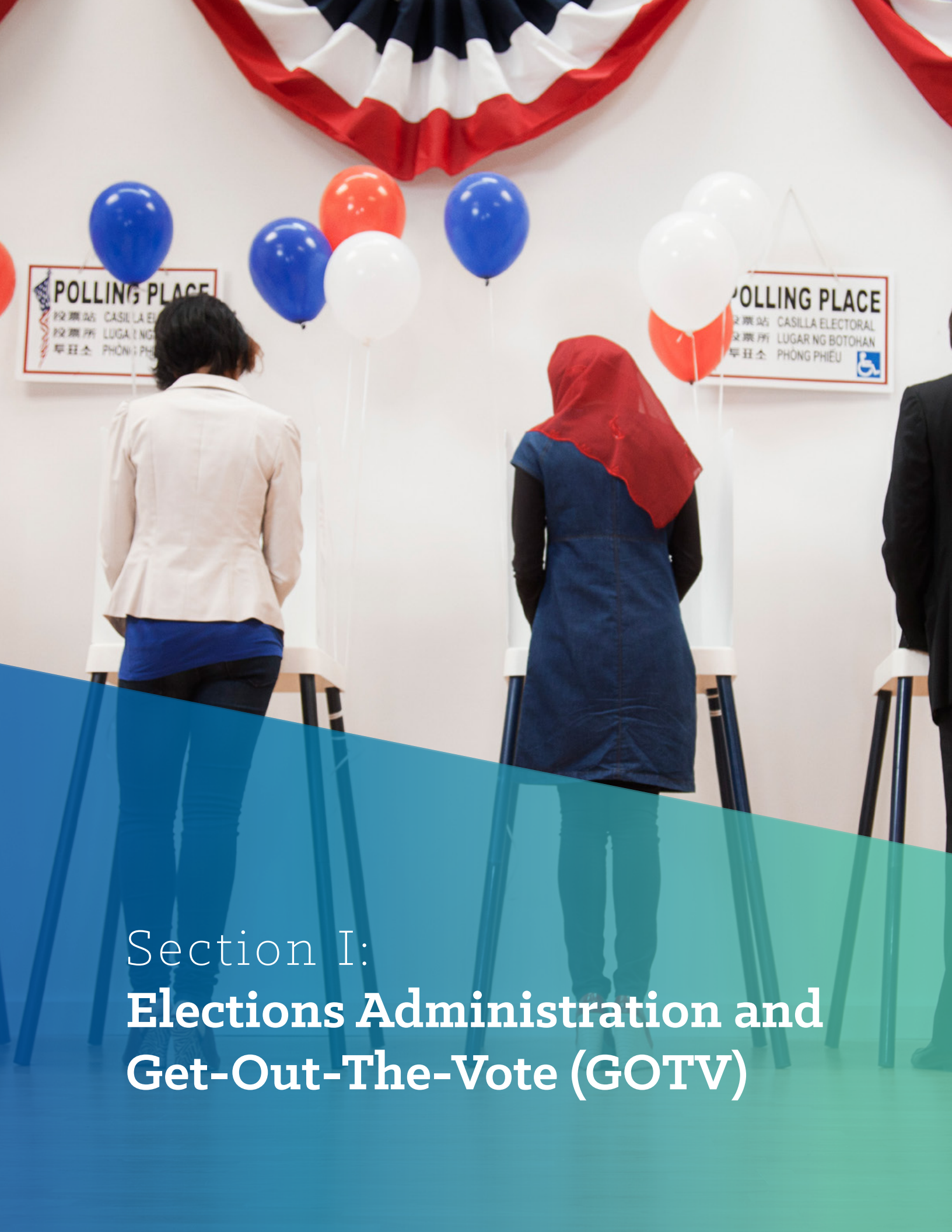
The United States saw record turnout in the 2020 general election. Despite a global pandemic, 159 million Americans cast a ballot—**19 million more than any previous U.S. election**. At the same time, legislators have proposed a wave of new laws that would make it more difficult to vote in the future, disproportionately affecting Black, Indigenous, Latinx/Hispanic, and other voters of color. The Brennan Center found that there have already been 106 laws proposed nationally, as of February 2021—Black History Month, and in less than 100 days after the biggest voter turnout the United States has ever seen—attempting to add new voter ID requirements, make it more difficult to register voters, limit voting by mail, and give states more leeway to purge voter files (Brennan Center for Justice, 2021). But city leaders care deeply about ensuring the franchise for all of their residents and have been leading the charge on protecting residents’ rights to vote, especially Black, Indigenous, Latinx/Hispanic, and other people of color.

In this Municipal Action Guide, we outline how improving access to the ballot box for Black, Indigenous, Latinx/Hispanic and other people of color benefits all people in a community (the link between civic engagement and thriving cities), the origins of voter disenfranchisement and the contemporary ways that it disguises itself now, and the actions city leaders can take to create more equitable elections. We also lay out the three primary ways that city leaders have already played a role in addressing the history of voter disenfranchisement;

Cities can **implement** voting infrastructure that enables accessible, safe, and secure elections to all eligible voters with a race equity lens, including ensuring that Black, Indigenous, Latinx/Hispanic, and other communities of color have equal access to resources and staff support at poll sites and recruiting election workers who reflect the communities they serve.

City leaders can **advocate** for better policies to make elections run smoothly and fairly for all residents, including offering the broadest possible range of options for casting a ballot and eliminating or reforming partisan and/or historically inequitable systems of representation.

Finally, city leaders can use a race equity lens to **educate** all residents on voter registration, provide equitable access to civics education and service learning opportunities, and build better relationships with historically disenfranchised communities in collaboration with trusted messengers.



Section I: Elections Administration and Get-Out-The-Vote (GOTV)

The Role of Cities

Election administration varies significantly throughout the United States and, in many cases, within states themselves. Officials may be appointed or elected; nonpartisan or partisan; singularly in charge of elections or part of a board or consortium; and situated at the county or town level. Beyond these officials, local leadership without direct authority over elections—whether city councilors, mayors, or town clerks—play a significant role in facilitating participation of community members in the democratic process. What unites every leader at every level is a responsibility to their constituents to ensure free and fair elections.

Voting and election administration has a long-standing and continuing relationship to racial inequality. The Constitution of the United States does not guarantee a right to vote—rather, it specifies who may not be excluded from voting. From the outset of the American experiment, states have been responsible for determining who is eligible to vote. Throughout history, that responsibility has been used to suppress those without power and to uphold a racial hierarchy and other undemocratic systems of power.

Overcoming existing inequities, represented by lower registration rates, lack of engagement by Black, Indigenous, Latinx/Hispanic, other communities of color, and individuals with disabilities; legal restrictions that disproportionately impact these same voters; and voter intimidation takes tremendous effort and requires the combined work of community engagement, local governments, and national advocacy and policy reform.

Voting as a Matter of Local Importance: Cities Thrive When Their Residents Vote

Research has shown that communities facing barriers to the voting process are also those disproportionately at risk to suffer from health disparities (Yogoda, 2019). Barry Burden, the director of the Elections Research Center at the University of Wisconsin-Madison makes the connection even more plain, saying “Research shows that the healthier you are, the more likely you are to cast a ballot.” And, he says, “When a person is involved with civic life, they are social, efficacious, and participating,” qualities which have a positive impact on well-being (Nerone, 2019). Put simply, healthy people are more likely to vote, and people who vote are more likely to be healthy. Conversely, people in poor health are less likely to vote, and non-voters are less likely to be healthy.

A 2010 study found that “early depression is associated with less engagement later in life, and early civic engagement is associated with less depression later in life. There is evidence that the effects can persist for as long as 20 years” (Nelson, Sloan, & Chandra, 2019). Civic engagement—including voting—reduces social isolation, which has been shown to have a significant impact on mental health. Research also shows that individuals with substance use disorders are less likely to engage in detrimental behaviors when they have a strong support network and meaningful social engagements. A survey of 162 patients at methadone clinics in New York City found that higher levels of political participation were associated with lower levels of risky behavior, such as needle-sharing. “This suggests that maintaining connections with mainstream civic activities can be related to individuals taking precautions to reduce health risks, including HIV risk. This is important in a population that could be considered less healthy and marginalized and perhaps less likely to engage given prior study findings on poor self-reported health and lower voting” (Nelson, Sloan, & Chandra, 2019).



The health and well-being of city residents, and cities as a whole, is closely tied to a strong sense of civic engagement. A 2008 study of crime data from rural counties (between 1,000 and 25,000 residents) found that “areas having a stronger civic community experienced significantly lower rates of violent crime” (Lee, 2008). The lower crime rates, the author posited, was attributable to the ability of communities to “integrate their members, regulate their behavior and collectively solve community social problems” more effectively. Voter turnout levels were a key indicator of civic community in the study, which also suggested a link between better economic indicators—lower poverty rates, higher median incomes, and lower unemployment rates—and higher levels of civic engagement. Data from a study conducted over the course of the 2010 and 2012 national elections, following the 2008 financial crisis, also showed that a decline in local home prices was associated with a decrease in the participation rate of mortgaged homeowners, particularly those with little to no home equity (McCartney, 2021).



If cities want their residents to thrive, particularly in communities of color facing historical, systemic inequity in the health, justice, and housing systems, investing in voter outreach is essential.





Section II: History of Voter Disenfranchisement

IN THIS SECTION:

- Common Modes of Disenfranchisement: Representation
- Common Modes of Disenfranchisement: Voting

“ The vote is the most powerful nonviolent change agent you have in a democratic society. You must use it, because it is not guaranteed.”

—REP. JOHN LEWIS

The Constitution of the United States does not grant an affirmative right to vote. The determination was originally left to the states as to who was qualified to vote. As states drafted their own constitutions, voting requirements varied significantly throughout the thirteen original colonies. While most limited the right to White men who owned property, a few allowed women, non-property owners who paid taxes, and/or free Black men to vote. Some states restricted voting on religious lines, though by 1790 those barriers had been eliminated.

Beginning in 1819, newly admitted states specifically prohibited Black people from voting. Those states that had extended the franchise beyond White men passed began to regress where it concerned women and Black men, while property ownership became less of a barrier to White men’s rights. By 1840, many Midwestern states permitted immigrants who intended to become citizens to vote. This still limited the franchise, as the Naturalization Act of 1790 allowed only free White persons born outside of the United States to become citizens. By this time, approximately 60 to 70 percent of adult White men, along with a few others, could vote according to state laws. The matter of presidential elections, and the determination of presidential electors, varied even more as some state legislatures opted to choose electors themselves.

While most suffrage requirements aligned between the state and local level, nine city charters drafted in the revolutionary period extended the vote to nearly all adult men. In the 1780s, Massachusetts granted all men the right to vote in town meetings so long as they could meet minimal taxpaying requirements, while Norfolk, VA, remained governed by a small group of merchants until the state granted municipal suffrage alongside the right to vote for the state legislature. As more states joined the union and set eligibility standards, individual towns and cities adopted their own municipal laws regarding municipal elections—and were frequently overruled by state legislatures.

In the period following the Civil War, key amendments to the Constitution and legislative action placed caveats on states’ ability to prevent certain groups from voting, thus extending the franchise to a greater number of individuals.



[For a timeline of legislative and judicial actions that impacted voting rights, see Section Four.](#)

Deep Roots of Inequity

Indigenous communities were intentionally excluded from the 14th Amendment, which granted Black people citizenship in 1868 (although being “granted citizenship” did not in truth fully grant the right to vote to Black people at this time, and in fact continues to be a path full of obstacles).

Utah was the last state to fully guarantee voting rights to Indigenous people in 1962, only 60 years ago. Similar to their Black neighbors, Indigenous peoples were often prevented from voting with literacy tests, poll taxes and intimidation. This was one of the big wins of the Voting Rights Act of 1965—that Indigenous people’s voting rights were strengthened in every state.

Unfortunately, 2013’s Supreme Court decision, *Shelby County v. Holder* dismantled key parts of the Voting Rights Act including many of the protections for Indigenous voters (along with their Black and Latinx/Hispanic counterparts and other communities of color). The John Lewis Voting Rights Advancement Act is currently being considered by Congress, and its passage would install new regulations to fully protect the franchise for Black, Indigenous, Latinx/Hispanic and other communities of color.

Common Modes of Disenfranchisement: Representation

AT-LARGE ELECTIONS

Historically, at-large election systems served as a way to ensure all-White government bodies and, consequently, disadvantage racial and ethnic minority groups. While at-large races have been banned for federal elections, they remain common at the municipal level. In an at-large election, candidates compete in a winner-take-all race across a jurisdiction (usually a city or county), rather than within districts.

In such systems, voters often elect candidates to multiple vacant seats at a time. If nine seats are vacant (or up for re-election) in a governing body, voters are typically able to cast up to nine votes for a slate of candidates, and candidates with the broadest appeal to a simple majority dominate. According to Fair Vote, this allows “50 percent of voters to control 100 percent of seats, and in consequence typically result in racially and politically homogenous elected bodies” (Fair Vote, n.d.).

RUNOFF ELECTIONS

Some jurisdictions, primarily in the South, employ runoff elections at the local, state, and/or federal level. Typically, runoffs are triggered when one candidate fails to clinch more than half of the total votes cast. While the concept of ensuring that an elected official has majority support makes sense on its face, runoffs have historically been used as a tool to suppress minority voices, commonly Black, Indigenous, Latinx/Hispanic, and other people of color. White supremacists favored the use of runoffs to prevent the vote from being split between several White candidates, while “African Americans could – in theory – vote as a single bloc for an African American candidate, who could end up winning with the most votes overall” (The Conversation, 2020). By adopting a runoff system, White voters could unite behind a White candidate in the second round of voting, preventing a Black candidate who received more support than any other single candidate in the first round from winning.

In the United States, most runoffs follow a two-round model, wherein candidates must campaign for a second (or extended) time ahead of a new election. This places burdens on all involved, forcing more spending and time investment by candidates, more costs for the jurisdiction to hold another election, and another Election Day on which voters must take time to cast another ballot. In the case of the widely-publicized 2021 Georgia runoff elections for the state’s two Senate seats, there was an added factor: more campaigning and another election heightened the risk of exposure to COVID-19.

GERRYMANDERING

In one of the earliest tests of the Voting Rights Act of 1965, Chief Justice Earl Warren stated, “[t]he right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot.” Following the passage of the VRA, many jurisdictions redrew district lines to ensure White majorities, simultaneously suppressing the power of the Black vote and preventing Black candidates from winning elections. While *Thornburg v. Gingles* set the precedent that explicitly race-based gerrymandering was prohibited by Section 2 of the VRA, the Supreme Court ruled in subsequent cases that drawing district maps that achieve the same outcome—disempowering voters of color—is permissible, so long as the intent was not explicitly racist.

Today, racial gerrymandering systematically dilutes the voting power of non-White, poor, young, and LGBTQ+ voters using two primary methods: by “packing” them into consolidated districts, thus minimizing their collective representation in legislative bodies, and by “cracking” such communities into a number of districts and making it more difficult to elect candidates who represent their interests. While the two strategies may seem at odds, both are common techniques used in partisan gerrymandering, and both serve to undermine the fundamental concept of one person, one vote.

Common Modes of Disenfranchisement: Voting

VOTER ID AND SIGNATURE MATCHING

States set their own rules regarding verification of voters’ identity and eligibility to vote, relying on two overall methods. The first is voter ID laws, prescribing what documents are required to prove an individual’s identity for the purposes of voting or registering to vote. The Help America Vote Act (HAVA) of 2003 included provisions mandating states to require identification from first-time voters who registered to vote by mail without verifying their identity at the time. A number of states passed laws in order to comply, but many went beyond requiring ID for first-time voters to requiring it for all voters. As of 2020, roughly two thirds of states require some form of identification; of those, half require some form of photo identification.

While photo IDs are not always cost-prohibitive—some states even offer free IDs—the documents necessary to obtain the ID, such as birth certificates and marriage certificates, can be. Moreover, many individuals, particularly older Black Americans born in the South, do not have a birth certificate proving their date and place of birth. Even individuals who have some form of photo ID, such as an out-of-state driver’s license, are required by restrictive voter ID laws to obtain new identification documents. The time and expense involved in collecting and presenting all the needed documents amounts to a modern-day poll tax that disproportionately affects Black, Indigenous, and Latinx/Hispanic voters, who are less likely than White voters to have a photo ID. The rationale—that photo IDs prevent voter impersonation—has not only been debunked, but the result is, as Gilda R. Daniels puts it in *Uncounted*, that “the unsubstantiated claims of voter fraud are considered more credible than the disenfranchisement of eligible citizens” (Daniels, 2020). States with strict voter ID laws have greater racial disparities in voter turnout and decreased turnout among Latinx, Black, Asian-American, and young voters. Voter ID laws also present significant barriers to transgender or gender non-conforming individuals whose ID may not reflect their correct name and/or gender: an estimated 260,000 voting-eligible transgender people live in the 35 states that have voter ID laws and have no IDs that correctly reflect their name and/or gender. Within this population, transgender Black, Indigenous, Latinx/Hispanic, and other people of color are likely overrepresented (O’Neill & Herman, 2020).

Other states opt to use signature matching to verify voters’ identities, wherein poll workers and/or other election workers compare a voter’s signature on the day they cast a ballot to the one provided on their original voter registration form. For a number of reasons, signature matching is subject to considerable discrepancies and subjective judgments by those overseeing the process. As a barrier to voting, signature matching has the unique distinction of disadvantaging every group whose rights have historically been restricted: women, who are more likely to change their names following marriage; transgender or gender non-conforming individuals whose names may not match their name given at birth and for whom a legal name change is not always possible; disabled and elderly voters whose ability to sign their name may be impaired by a wide range of factors, including vision loss and degenerative diseases; people whose first language is not English and learned to write using a different standardized alphabet; and voters of color, who are more likely to be scrutinized and challenged as a result of implicit bias. This bias also impacts the likelihood of a poll worker requesting photo ID in states where it is not required (Gordon & Rosenberg, 2015).

POLL SITE ACCESS

Following the decision in *Shelby County v. Holder* that struck down a key part of the Voting Rights Act of 1965, jurisdictions previously covered by the Act have been able to make changes to poll sites without clearing such actions with the Justice Department or notifying the public of changes in advance. The result has been last-minute relocations, elimination of polling places, and shortened hours at a significant number of sites, which disproportionately impact communities of color in places with a history of race-based voter suppression and discrimination. In a review of closures between 2012 and 2018 in states previously covered by Section 5 preclearance requirements, The Leadership Conference on Civil and Human Rights found that 1,688 poll sites had been eliminated (Warren & Allison, 2019).

Some of these were part of larger efforts to shift to centralized countywide vote centers, which would give voters more flexibility in where to cast a ballot, as opposed to being assigned to a single site. In theory, this model has benefits: restrictive precincts in and of themselves can be limiting and confusing when sites are changed and can amplify inequity when some voters must cast their ballots at sites with fewer workers, fewer or broken machines, and less access for persons with disabilities. The problem arises from the elimination of a number of sites—as many as 50% in some states—forcing voters to travel significant distances and wait in long lines to cast a ballot. A 2020 study by the Brennan Center for Justice found that in the 2018 federal elections, “Latin[x] voters waited on average 46 percent longer than White voters, and Black voters waited on average 45 percent longer than White voters” (Klain, Morris, Feldman, & Ayala, 2020).

RESTRICTIONS ON EARLY VOTING AND VOTE-BY-MAIL

Many states place restrictions on how and when voters can cast their ballots, and these restrictions have the effect of disenfranchising voters of color in particular. Early voting is particularly important for lower-income and Black, Indigenous, Latinx/Hispanic, and other voters of color, who are less likely to have paid time off from work to vote, are more likely to vote at under-resourced poll sites with longer wait times (Berman, 2016). State laws vary as to whether employers must grant time off for workers to vote and employers’ own policies vary significantly. In the past decade, early voting periods—once considered a nonpartisan matter—have been reduced or eliminated in some states. Black voters are significantly more likely than White voters to use early in-person voting options when they are offered and are thus disproportionately affected by reductions or eliminations of early voting periods (Weaver, 2015).

Absentee and vote-by-mail became necessary, widespread options for voters in 2020, amid a pandemic that made voting in person a potential health risk. The racial disparities in healthcare and disparate impact of COVID-19 deaths in Black communities, and cases in the Latinx and Indigenous communities made safer voting options particularly important for ensuring equal access to the ballot box, but restrictive witness-signature requirements in some states, lack of clarity on postage for ballots, postal delays, and decades of voter suppression led to distrust in the system. In Georgia, as of May 2020, only 17% of black voters had requested an absentee ballot compared to 25% of White registered voters (Whitesides, 2020). A recent study published in the *Election Law Journal* found that mail-in ballots of Black voters were being rejected at a higher rate (Baringer, Herron, & Smith, 2020). In North Carolina, about 40% of rejected ballots were from Black voters, despite accounting for only 16% of the population (Levine, 2020).

FELONY DISENFRANCHISEMENT

Following the Civil War and the expansion of voting rights to Black men, felony disenfranchisement laws—barring persons convicted of certain crimes from voting—cropped up as new means of suppressing votes (Chung, 2019). To this day, many states bar individuals convicted of felonies from accessing the franchise, either while incarcerated or for life. In states where returning residents do regain the right to vote following incarceration, some face the added barrier of repaying fees and fines levied against them before they are able to register. In Florida, disenfranchised residents unable to pay may petition for their sentence to be modified, but they face [an uphill battle](#). As of 2020, the Sentencing Project estimates that one in 16 Black Americans of voting age is disenfranchised by these laws. While disaggregated data on Latinx/Hispanic and other communities of color is not consistently available, they conservatively estimate that more than 2 percent of the eligible Latinx voting population is disenfranchised (Uggen, Larson, Shannon, & Pulido-Nava, 2020). The intersection of economic disenfranchisement and an unequal system of justice means that preventing returning residents from voting, in combination with other forms of suppression, substantially reduces the voting power of Black, Indigenous, Latinx/Hispanic, and other communities of color.



So many aspects of the old Jim Crow are suddenly legal again once you’ve been branded a felon. And so it seems that in America we haven’t so much ended racial caste, but simply redesigned it.”

—MICHELLE ALEXANDER

“ You don’t make progress by standing on the sidelines, whimpering and complaining. You make progress by implementing ideas.”

—SHIRLEY CHISHOLM

Expanding Access Through City Functions

VOTER REGISTRATION

The National Voter Registration Act (NVRA) or “Motor Voter” Act of 1992 designates all State offices that provide public assistance, unemployment compensation, and any agency primarily engaged in providing disability assistance as voter registration agencies, as well as mandating that motor vehicle license applications also serve as voter registration applications. Agency-based registration is key to ensuring equity for two notable reasons: first, the disproportionately low rates of registration for Black, Indigenous, Latinx/Hispanic, and other persons of color, naturalized citizens, those with limited English proficiency, and persons living in poverty; and second, the systemic inequalities that disproportionately affect the Black, Indigenous, Latinx/Hispanic, and other communities of color, such as low-paying jobs and higher rates of unemployment.

i At the local level, city leaders can and should seek to expand the number of agencies that serve as registration agencies and proactively monitor consistent enforcement, training, and language accessibility, and seek out opportunities to engage members of the community in need.

Section III: How Cities Leaders Can Take Action and Enfranchise Voters

IN THIS SECTION:

- Expanding Access Through City Functions
- Implementing Cultural Transformation
- Improving Election Administration



Amid the COVID-19 pandemic, the city of **Denver, CO**, worked with local nonprofits, businesses, and community organizations to distribute more than \$2 million of food and register hundreds of new voters. The city's mayor, Michael Hancock, joined volunteers at weekly supply distribution events, handing out food boxes, diapers, baby formula, menstrual products, pet food, and personal protective equipment (PPE) to those in need. Attendees to the [events](#) were also able to register to vote and to register for Supplemental Nutrition Assistance Program (SNAP) benefits and enter a prize giveaway held by a local radio station.

In **Wisconsin, City of Madison** poll workers began accepting absentee ballot applications, voter registration forms, and answering questions about this year's election in every park in the city in an event coined "[Democracy in the Park](#)." All applications and forms were tamper-evident sealed and verified with a bar code by the City Clerk's office right after the event. Voters could also check the status of their ballot dropped off from "Democracy in the Park" through the bar code any time after the event.



ACTIONS:

- ▶ Hold weekly/monthly food/supply distribution events with voter registration
- ▶ Pass an ordinance requiring landlords to provide voter registration forms to new tenants
- ▶ Expand number of city voter registration agencies and require staff to be trained on registration procedures
- ▶ Work with local artists and sports teams on collaborative voter education and voter registration initiatives
- ▶ Sponsor voter registration events in off-years
- ▶ Partner with local artists and nonpartisan and nonprofit groups from communities most impacted that host creative ways to get residents to the polls such as [Prom at the Polls](#).

TRANSPORTATION TO POLL SITES

Local leaders can promote equity through transportation by offering voters a free ride to the poll. Whether transportation is offered through free fixed route rides, partnering with ride or bikeshare services, or free door-to-door service, many options are available for cities to make transportation equity a priority. In a survey by the Census Bureau in 2016, participants were asked about reasons for not voting; **Black voters were twice as likely as White voters to cite transportation issues as reason for not voting** (United States Census Bureau, 2017).



In **Indianapolis, IN**, voters had [seven ways to get to the polls](#) with a combination of city-sponsored options such as door-to-door reservations for election day and free fixed route services, as well as multiple partnerships with rideshare organizations such as Pacer bikes, Uber, Lyft, and Bird.



ACTIONS:

- ▶ Collaborate with your local department of transportation on free fixed routes
- ▶ Evaluate your city's [transportation equity](#) and eliminate gaps
- ▶ Get creative with micro-mobility options such as bikes and scooters
- ▶ Place polling sites along transit routes



MUNICIPAL IDS

To ease the burden on voters, particularly impoverished voters, cities and towns can implement municipal ID programs that provide residents with photo identification cards. In states with strict voter ID laws, municipal IDs may serve as acceptable proof of identity for casting a ballot. Municipal ID programs can be put in place by the city either through city or town councils or by executive orders, but local ordinances are less subject to changes by future administrations. City leaders can include special accommodations in the program language to accommodate transgender people and people experiencing homelessness and set a broad range of options for applicants to prove their identity and residency, bypassing the expensive and time-consuming (if not impossible) task of being issued a birth certificate. The Center for Popular Democracy, which offers a comprehensive guide on creating municipal ID programs, points out that **“policy makers should develop their municipal ID card programs in direct and ongoing consultation with those the program is intended to serve”** (Center for Popular Democracy, 2015).



In 2015, **Newark, NJ** launched a [municipal ID program](#), issuing 9,600 cards in the first year. The city set up multiple locations for residents to obtain the IDs, including one in an area of the city heavily populated by Spanish speakers. New Jersey, however, does not require identification to vote, and in states that do, municipal IDs are not considered acceptable forms of documentation. As more localities adopt municipal ID programs, however, this may change.



ACTIONS:

- ▷ Establish a municipal ID card program
- ▷ Advocate for municipal IDs to be acceptable for voting
- ▷ Incorporate anti-bias and anti-racism curriculum into poll worker training

CONVENIENT IN-PERSON VOTING AND VOTE-BY-MAIL OPTIONS

Local leaders should work to ensure that residents have equitable, safe access to a range of voting options, as well as clear information on how to use them. There are an array of [tools](#) at their disposal to ensure that poll sites are sufficiently staffed in order to minimize wait times and ensure sufficient and equitable resource allocation. In considering closures to poll sites, it is vital for leaders to have a clear understanding of the potential impact, especially to Black, Indigenous, Latinx/Hispanic, and other voters of color, as well as to disabled voters (Brennan Center for Justice, 2020).



Cities that administer elections can proactively enfranchise voters, as the **Kalamazoo, MI** City Council did with a 2020 [resolution](#). The Council opted to expand access beyond the minimum requirements set by Michigan state law and extend voting hours, add locations for in-person voter registration and to issue and receive absentee ballots, and provide first-class postage for all absentee ballots. The resolution also called for a public forum, a report on future expansion options, and a plan to set up ballot drop boxes for future elections.



ACTIONS:

- ▷ Host information sessions on absentee ballot requirements, how to avoid signature mismatch, and ballot curing procedures
- ▷ Standardize open hours for polling locations
- ▷ Sponsor mail-in-ballot postage to encourage voters to vote-by-mail
- ▷ Extend early voting and registration hours beyond state minimums
- ▷ Ensure that poll sites are resourced and located equitably and appropriately
- ▷ Align municipal and federal election calendars

RETURNING RESIDENT ENGAGEMENT AND EMPOWERMENT

Felony disenfranchisement varies from state to state and is the subject of ongoing legal challenges, which makes it difficult for incarcerated and returning residents to know what their rights are and what procedures they must follow in order to become re-enfranchised. While local leaders cannot supersede state law, they can make a concerted effort to shed light on those questions and assist in the often-confusing process of repaying fines or petitioning for a sentence modification. Returning residents working to reintegrate into communities may feel a sense of distrust in the system and believe their vote doesn't count. It is to the benefit of all parties when local leaders reach out to ease the transition and restore a sense of agency: [a 2012 study found an association between disenfranchisement and recidivism](#) (Hamilton-Smith & Vogel, 2012).



In **Hillsborough County, FL**, the County's State Attorney worked with the Florida Rights Restoration Coalition after the state passed legislation allowing formerly incarcerated people with felony convictions to vote. After the Coalition screened applications to determine what the applicant can afford to pay and that they have completed the other terms of their sentence, applications went to the State Attorney's and Public Defenders office for review and filing. The applications then went to a special, fast-moving docket where a judge modified the sentences to allow them to vote. Following this model, cities can work with courts to expedite the process and assist returning residents with legal issues surrounding re-enfranchisement.



ACTIONS:

- ▶ Work with courts to streamline the process to restore returning residents' voting rights
- ▶ Make legal experts available to assist returning residents with understanding their rights, registering to vote, and completing requirements for re-enfranchisement
- ▶ Work with social service agencies, parole boards, and probation and parole officers to ensure that returning residents are informed of their rights and provided with voter registration, absentee, or other necessary forms
- ▶ Engage formerly incarcerated persons who have restored their voting rights to understand their experiences and insights into the process

Implementing Cultural Transformation

CREATE A "VOTING ACCESS EQUITY PLAN"

In a study conducted by the Pew Research Center on the 2016 election, **Black voter turnout was the lowest it has been for the past 20 years, during a time when the US saw record turnout and the first election since *Shelby County vs Holder*** (Krogstad & Lopez, 2017). City leaders must re-examine their city's goal to have every eligible voter cast a vote and have it count, especially during a pandemic as the need for mail-in-voting and physical distancing create additional hurdles for our communities.



In **Madison, WI**, Mayor Rhodes-Conway created the "[Voting Access Equity Plan](#)" for the Wisconsin Elections Commission on "lead[ing] with equity". The plan addresses a wide range of voting areas such as polling places, absentee voting, voter outreach, poll worker recruitment, poll worker training, and election day. The plan is based on a "Pandemic Voting Access Equity Analysis" that was carried out in June 2020.



ACTIONS

- ▶ Create a holistic landscape assessment of community resources such as gymnasiums and field houses as polling sites to access opportunities for voting location expansion
- ▶ Utilize the convening power of your city to bring together stakeholders and emphasize the importance of voting and civic engagement
- ▶ Avoid using police department community rooms as polling locations
- ▶ "Do not push people to vote by mail; many African Americans do not trust voting by mail and voting by mail is not an accessible option for voters with disabilities" (City of Madison, 2020)

MAKE THE CITY A MODEL EMPLOYER FOR VOTER ACCESS

Time off to vote varies state by state; about 58% of states in the US allow for paid time off, ranging from strict guidelines to “as needed” (Workplace Fairness, n.d.). For the other 42% of states without mandates, municipalities can make public declarations and take initiative through city council actions, city council actions and changing the culture around time off for voting. In a study conducted by the Shift Project at Harvard Kennedy School, **Black and Latinx workers are dominant in “shift” or hourly jobs, such as retail or food services, and are more likely to experience high “work schedule instability”** (Schneider & Harknett, 2019). In a 2016 Census Bureau survey, participants were asked about reasons for not voting; Asian and Hispanic voters selected “too busy, conflicting schedule” at higher percentage points than their White counterparts (United States Census Bureau, 2017).

City managers, mayors, and councilmembers can propose election days as city staff holidays. While this may only affect city staff, it sets an important example to small businesses, corporate enterprises, peer cities, and the federal government. According to a study by the Center for American Progress, **“African Americans were 25 percent more likely to work in government than the typical worker”** (Madowitz, Price, & Weller, 2020).



In Texas, employers are mandated to allow employees two hours of paid time to vote on election day. The City Council in **Austin, TX**, went one step further and passed a resolution in 2020 to direct employers to not only comply with the state mandate but vocalize voting rights to their workers and encourage their employees to utilize the time. While the resolution does not change the state mandate, it does set an example for local businesses and creates a community culture of engaged citizens.

In **Atlanta, GA**, Mayor Keisha Lance Bottoms authorized up to 8 hours of paid leave to serve as poll workers and vote safely, especially with long lines we saw relating to the COVID-19 pandemic. Mayor Bottoms [stated](#), “While the City of Atlanta is not responsible for administering elections, we are committed to doing all we can to the diminish the challenges voters experienced during the General Primary in June.”



ACTIONS:

- ▷ Extend the amount of paid time off for city employees to vote to accommodate long lines
- ▷ Offer city employees paid time off to serve as election workers
- ▷ If it is not mandated, incentivize local businesses to offer paid time off by offering fee remissions on permit renewals.
- ▷ Create public-private partnerships through the local Chamber of Commerce and build support for active civic engagement



ENGAGE STUDENTS IN CIVICS EDUCATION



Local schools can encourage voting behavior at an early age and normalize the idea of active participation in civic life. Some schools hold mock elections to align with Presidential elections, allowing students to cast ballots, count votes, and consider local propositions. Elementary schools in **Bedford, MA**, [hold mock elections](#) for young students, voting on ballot issues and candidates, making their own campaign posters and ballot booths, and even participating in an early voting period.

For older students, some states allow 16- and 17-year-olds to preregister to vote. Reaching out to students to form long-lasting habits and ensure they are registered to vote are low-cost interventions that can yield long-lasting effects (National Conference of State Legislatures, 2019). A 2009 study examined preregistration programs in Florida and Hawaii and concluded that it is most effective when it involves face-to-face interaction between students and election administrators, when election and school administrators work together, and when part of a larger civics education curriculum specific to local jurisdictions and election calendars. Programs should be expanded beyond public schools to private institutions, juvenile facilities, and home school students (McDonald & Thornburg, 2010).

There is a persistent achievement gap in civics education, with students of color and low-income students less likely than their White and/or affluent peers to achieve a “proficient” score on the National Assessment of Educational Progress (NAEP) Civics Assessment (source).

Traditional civics education can be adapted or supplemented to further engage young people for whom esoteric, abstract concepts and rote memorization are unlikely to inspire action and whose own experiences with racial inequity may be ignored or perpetuated by traditional government powers. The Center for Information and Research on Civic Learning and Education (CIRCLE) has [issued bipartisan recommendations](#), including offering service learning projects in local communities and encouraging student debate and critical thinking about current, potentially controversial issues.



ACTIONS:

- ▶ Work with local public, private, and home schools and youth residential facilities to implement creative civics education programs
- ▶ Where applicable, facilitate preregistration for students in collaboration with local election officials
- ▶ Where applicable, encourage students to serve as poll workers on Election Day

COMBAT DISINFORMATION AND BUILD CHANNELS OF COMMUNICATION

According to the 2016 Senate Intelligence Committee report, **about 66% of disinformation campaigns were related to race, primarily targeting Black and Latinx voters** (Senate Committee on Intelligence, 2016). Further, the study found that “no single group of Americans was targeted by the [St. Petersburg-based Internet Research Agency] information operatives more than African-Americans.” In the age of technology and virtual community engagement, city leaders have an opportunity to get in front of the conversation, recognize the threats, and create trusted communication channels throughout the community.



In **Mesa, AZ**, Councilmember David Luna and his team personally called Latinx voters to clear up disinformation, encourage them to vote early, answer questions related to the voting process in a pandemic, and provide bilingual guidance.



ACTIONS:

- ▶ Create a voting information action plan ahead of the election, including a way to tackle election falsehoods
- ▶ Offer voting material in multiple languages, beyond the requirements of the Voting Rights Act
- ▶ Engage your community’s anchor institutions such as hospitals and universities, as well as neighborhood and community-based organizations



Even with all the technology currently at our disposal, not everyone in our community is proficient enough to understand and navigate online resources and prefer to be informed by other means. As someone fluent in both English and Spanish, I have the ability to reach out to and connect with a larger group of people who may not understand what they need to do to have their voices heard.

—COUNCILMEMBER DAVID LUNA, MESA AZ

Improving Election Administration

ELIMINATE OR MINIMIZE AT-LARGE ELECTIONS

In contrast to at-large elections, district-based voting allows for representation on a neighborhood level with more interaction between candidates or elected officials and their constituents. District-level elections are also more likely to result in equitable, inclusive governing bodies that reflect the demographics of the jurisdiction as a whole.



Since 2014, more than 150 **California** cities made the shift from at-large to district elections, in part because of legal challenges to the California Voting Rights Act of 2001. The Act builds on the federal Voting Rights Act of 1965 by making it easier to prove that members of protected classes—defined as “a class of voters who are members of a race, color or language minority group”—are having their votes diluted by at-large elections. While some cities opted to fight the lawsuits at significant cost, the **City of Orange** voluntarily switched to district-based elections. The City Council hired a demographer to assist in drawing a fair map that prioritized communities of interest, sought public input, and made step-by-step updates to the process available in both English and Spanish on the [City’s website](#). Nearby towns that had already switched to district-based systems, including **Anaheim, Costa Mesa, and Garden Grove**, saw their first Latinx and Vietnamese-American representatives elected to city council positions (Nelson J. , 2020).



ACTIONS:

- ▶ Pass a Council ordinance to switch from at-large to district-based elections
- ▶ Invite public input and demographic expertise on the drawing of new districts

IMPLEMENT OR ADVOCATE FOR AN END TO RUNOFF ELECTIONS:

While the intent behind continuing to employ runoff systems is debatable, the burden to jurisdictions and to voters—particularly those contending with other barriers to voting, such as lack of transportation to a poll site or targeted disinformation—remains. One possible solution is ranked choice voting (RCV)*, in which voters rank candidates in order of preference. If no candidate earns more than half of the first-choice votes, the lowest vote-getter is eliminated, and ballots that ranked the eliminated candidate as their top choice are counted in favor of their second choice. This process continues until one candidate wins the majority of votes.

Ranked choice voting has several benefits, not the least of which is eliminating the need to hold a second election. In addition, RCV neutralizes the possibility of vote-splitting or “spoiler candidates,” minimizes the need for strategic voting in which votes are cast with the primary goal of defeating one candidate, discourages negative campaigning, and—in contrast to the racially biased roots of runoff elections—results in more representative government. Studies have found that jurisdictions that adopted ranked choice voting “saw an increase in the percentage of candidates of color running for office, and increases in the probability of female candidates and female candidates of color winning office” (John, Smith, & Zack, 2018).



In 2019, **New York City** voters approved a ballot initiative to adopt ranked choice voting for five municipal races: Mayor, Public Advocate, City Council, Comptroller, and Borough President. Ahead of several special elections in which the new system will face its first test, the city rolled out several [informational pages](#) and a [video](#) to help voters understand the process and launched informational text banks. After a long negotiation and initial plans to hand count votes, the city was able to reach an agreement with the State Board of Elections for certifying tabulation software needed (Bergin, 2021).



ACTIONS:

- ▶ Adopt ranked-choice voting for local elections
- ▶ Educate residents on benefits of ranked-choice voting

* Also known as instant runoff voting (IRV), preference voting, single transferable vote (STV), or the alternative vote.



Section IV: Historical Context

A TIMELINE OF LEGISLATIVE AND JUDICIAL ACTIONS AFFECTING VOTING RIGHTS

- 1868:** The 14th Amendment to the United States Constitution grants citizenship to all people born or naturalized in the United States and repealed the “three-fifths clause” that previously allowed states allowing slavery to count each slave as a fractional person for purposes of apportionment. Voters are specifically defined as male.
- 1870:** The 15th Amendment to the United States Constitution prevents states from denying the right to vote on grounds of “race, color, or previous condition of servitude.” Proponents of universal suffrage sought stronger language that would have outlawed a wider range of discrimination but were overruled by lawmakers who “wanted to retain the power to limit the political participation of the Irish and Chinese, Native Americans, and the increasingly visible clusters of illiterate and semi-literate workers massing in the nation’s cities” (Keyssar, 2000).
- 1884:** In *Ex Parte Yarbrough*, the Supreme Court affirms that the right to vote in federal elections can be protected from private interference.
- 1887:** The Dawes Act grants citizenship to Native Americans who were willing to disassociate themselves from their tribe, making those males technically eligible to vote.
- 1920:** The 19th Amendment of the United States Constitution grants women the right to vote. This functionally applies only to White women, as so-called “Jim Crow laws” like literacy tests and poll taxes, implemented across Southern states, continued to prevent all Black people from voting.
- 1922/1923:** In *Ozawa v. United States* (1922) and *United States v. Thind* (1923), the Supreme Court narrows the definition of “free white persons” to exclude persons of Japanese and Indian origin from naturalization.
- 1924:** The Indian Citizenship Act grants all Native Americans citizenship and the right to vote regardless of tribal affiliation. Western states continue to bar Native Americans from voting until 1948.
- 1943:** The Magnuson Act grants Chinese immigrants the right to citizenship.
- 1952:** The McCarran-Walter Act grants people of Asian ancestry the right to vote.

- 1961:** The 21st Amendment grants citizens of the District of Columbia the right to vote in presidential elections. Residents do not have voting representation in Congress.
- 1964:** The 24th Amendment prohibits poll taxes from being levied on voters in federal elections.
- 1965:** The Voting Rights Act of 1965 further protects voters from discrimination, prohibiting any election practice that denies the right to vote on account of race and requiring jurisdictions with a history of discrimination in voting to get federal approval for changes in their election laws before they can take effect. By the end of 1965, 250,000 new black voters are registered, one third of them by federal examiners.
- 1966:** In Harper v. Virginia Board of Elections, the Supreme Court rules that the prohibition of poll taxes extends to state elections.
- 1970:** President Richard Nixon signs an extension of the Voting Rights Act.
- 1971:** The 26th Amendment to the United States Constitution grants adults aged 18 through 21 the right to vote in response to Vietnam War protests and arguments that soldiers who were old enough to fight for their country should be granted the right to vote.
- 1974:** In Richardson v. Ramirez, the Supreme Court rules that the disenfranchisement of persons with felony convictions who have completed their sentences does not violate the equal protection clause of the Constitution. Different states continue to make their own laws regarding felony disenfranchisement: Vermont and Maine do not strip the right to vote to persons with felony convictions even during their sentences, while Florida passed a 2019 amendment allowing persons with felony convictions to vote if they have completed their sentences, including probation and parole.
- 1975:** The Voting Rights Act is renewed and places a permanent ban on literacy tests as a voting requirement. Section 203 is added, requiring voting materials be printed in languages besides English in localities with certain percentages of eligible voters whose English skills or education are limited.
- 1982:** Following the Supreme Court decision in Mobile v. Bolden, in which the Court held that plaintiffs suing under the Voting Rights Act must prove that in drafting a law, the state intended to discriminate against them based on their race, Congress amends the Voting Rights Act so that victims need only prove that the law resulted in racial discrimination.

- 1984:** The Voting Accessibility for the Elderly and Handicapped Act requires accessible polling places in federal elections, or alternative means to cast a vote if no accessible location is available.
- 1986:** In Thornburg v. Gingles, the Supreme Court holds that gerrymandering on the basis of race violates Section 2 of the Voting Rights Act. In subsequent cases (Miller v. Johnson in 1995 and Easley v. Cromartie in 2000), the Court holds that redistricting is not unconstitutional, so long as race is not the predominant factor.
- 1993:** The National Voter Registration Act of 1993, also known as the “Motor Voter Act,” requires states to make voter registration forms available at the same time they apply for or renew a driver’s license, as well as at a number of social service agencies. The Act also requires states to allow voter registration by mail and imposes rules requiring states to maintain accurate, current voter registration lists.
- 2002:** Congress passes the Help America Vote Act of 2002 (HAVA), which sets federal requirements for several aspects of election administration, including voting systems, provisional ballots, voter information, voter registration, and the provision of identification by certain voters. For instance, HAVA requires that voting systems used in federal elections provide for error correction by voters (either directly or via voter education and instruction), manual auditing for the voting system, accessibility to disabled persons (at least one fully accessible machine per polling place) and alternative languages, and a method to meet federal machine error-rate standards. Systems are also required to maintain voter privacy and ballot confidentiality, and states are required to adopt uniform standards for what constitutes a vote on each system.
- 2006:** The Voting Rights Act of 1965 is extended for the fourth time by President George W. Bush.
- 2008:** In Crawford v. Marion County Election Board, the Supreme Court rules that requiring a photo ID as a prerequisite to voting did not constitute an undue burden. State laws continue to vary with respect to voter identification laws.
- 2013:** In Shelby County v. Holder, the Supreme Court strikes down Section 4(b) of the Voting Rights Act, which lays out a formula to determine which jurisdictions are more prone to discrimination and thus must seek federal approval, or “preclearance,” before changing any voting laws. Without this section and the formula it lays out, no jurisdiction is covered by Section 5’s preclearance requirements. Immediately following the ruling, states that were previously covered under Section 5 enact new laws that disproportionately impact Latinx and Black voters and make it more difficult for them to vote.

- 2014:** A bipartisan group of lawmakers introduce the Voting Rights Amendments Act aimed in part at restoring the coverage formula struck down in *Shelby County v. Holder*. No action is taken, and the bill expires. Similar bills are introduced in 2015, 2017, and 2019, none of which advance.
- 2018:** In *Husted v. A. Philip Randolph Institute*, the Supreme Court determines that Ohio's process of identifying voters as ineligible to vote and removing them from registration lists did not violate the National Voter Registration Act.
- 2020/2021:** Following the death of Congressman John R. Lewis (D-GA), one of the leaders of the Selma to Montgomery marches that led to the passage of the Voting Rights Act of 1965, 48 Senators reintroduce a bill to restore the Act, named in Lewis' honor. The John Lewis Voting Rights Advancement Act restores the coverage formula of the original VRA and contains updated procedures to address modern issues of discrimination.

The National League of Cities supports the passage of the John Lewis Voting Rights Advancement Act.

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Notes

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