

HOW CONSERVATIVES REWROTE NORTH CAROLINA ELECTION LAWS TO DISCOURAGE VOTER PARTICIPATION

by Marion Johnson, Duke University

Five years ago, North Carolina was making great strides in enlarging voter participation; and young, low-income, and minority citizens were increasingly showing up at the polls. In 2008, North Carolina voters helped elect the first African-American President of the United States. But in 2010, Republicans gained control of the state legislature for the first time in a century; and they proceeded to redraw district lines to ensure even more gains in 2012. With a GOP governor and legislative super-majority in place in the summer of 2013, conservative Republicans in North Carolina passed a comprehensive set of new voting rules. The revised rules include an end to same-day registration (in which voters can register and vote at the same time), plus reductions in early voting and a strict voter ID that makes it harder for many eligible citizens to vote.

Seeds Planted by Right Wing Advocates

North Carolina legislators did not dream up these changes on their own. Influential and well-resourced conservative advocacy groups – including the John Locke Foundation and an organization called Civitas – spent over five years writing the playbook. Since 2007, these groups have published a steady stream of articles, news reports, and blog posts pushing for the restrictions on voting recently enacted. Both Civitas and the John Locke Foundation have enjoyed major funding from state budget director Art Pope, North Carolina’s version of the billionaire Koch brothers who is devoted to pushing an agenda of low taxes, reduced social spending and curbs on civil rights. Many North Carolina proposals for restrictive voting rules have also appeared in other state legislatures, and much of the language comes straight from the Koch- and corporate-funded American Legislative Exchange Council.

North Carolina lawmakers have also given right-wing activist groups like “True the Vote” extra tools to discourage voters not thought to be on their side. Even as the new law tightens requirements to cast a vote, it relaxes rules for challenging voters. This happens when a poll watcher suggests that particular citizens are not entitled to cast a ballot, forcing them to go through additional steps to get their ballots counted. North Carolina challengers previously had to live in the same precinct as the voters they challenged, but now they can come from anywhere in the same county, home to hundreds of thousands of people. Ironically, this measure making challenges easier is coupled with changes to make it no longer possible for North Carolinians to vote in neighboring districts or wards near where they live.

Tilting the Playing Field – And Reinventing the Past

North Carolina’s new rules get rid of practices that had allowed a larger pool of voters, including many more African Americans, Latinos, and low-income people, to take part in previous elections. Tilting the future playing field is clearly the goal, as evidenced by the telling specifics:

- According to the monitoring group Democracy North Carolina, in the 2012 election, 29 percent of early voters and 34 percent of same-day registrants were black. The new law cuts back early voting by a week and eliminate same-day voter registration altogether.
- The North Carolina State Board of Elections found that the newly required kind of photo identification is not held by more than 300,000 voters who are already registered, disproportionately black and low-income people.
- The new law puts an end to early Sunday voting, blocking the growing “Souls to the Polls” tradition in which black churchgoers go to vote together after a service.
- The new law prohibits any group, including a nonprofit organization, from paying canvassers to conduct voter registration drives – the sorts of drives that have often been deployed to register more low-income and minority voters.
- The law repeals public financing and weakens disclosure requirements for spending by outside private organizations. It also increases the maximum permissible donation to a candidate to \$5000. Not only will outside interests find it easier to influence North Carolina candidates – if these outside groups can keep their spending hidden, the North Carolina public will not be able to hold anyone accountable.

In the view of Dr. Rev. William Barber, the leader of the North Carolina NAACP, it is not incidental that voting rights came under assault just as the traditional North Carolina establishment felt threatened by newly activated voters.

North Carolina’s long tradition of racial discrimination seems to be reappearing. Starting at the end of Reconstruction, North Carolina and other states used official and unofficial means to stop poor and black citizens from voting. The 1900 state constitution required that voters pay a poll tax and be judged as literate by the local registrar, who was free to pose easy questions to some would-be voters and tough ones to others. The constitution also included a grandfather clause that exempted from the poll tax those whose ancestors were entitled to vote as of January 1, 1867. These maneuvers removed nearly all black voters from the rolls between 1896 and 1904, including many thousands who had voted before. Nearly all black officials were driven from office.

The federal government took 70 years to end such practices by invoking the Twenty-Fourth Amendment and the 1965 Voting Rights Act. But in 2013, the Supreme Court struck down a crucial tenet that allowed the U.S. Department of Justice to block potentially discriminatory voting rule changes in the states. This cleared the way for new voter suppression measures.

Instead of continuing North Carolina’s progress in making voting accessible and convenient for all citizens, conservative lawmakers took this chance to roll back rights and restrict voter participation as much as possible. Pretty clearly, they hope to tailor a smaller, more conservative electorate that will keep them in power for years to come. And this blatant move could work unless voting rights supporters redouble and sustain their efforts. Creating a new working majority to once again enlarge the right to vote may well take a generation of struggle by all North Carolinians who care about this basic requisite for any healthy democracy.