

# *Voter Rights and Voter Participation*

## *ISSUE STATEMENT*

Voting is a fundamental right of Americans. From the beginning, there have been many challenges to ensuring that the right to vote was not only guaranteed, but fully enforced. The following are the key voter rights and voter participation policy issues that are important to the nation and to the social work profession.

### *Voting Rights*

NASW reaffirms its commitment to unencumbered and guaranteed access to the ballot for all eligible voters. This can be achieved through enforcing federal and state voting statutes, reinforcing federal monitoring responsibilities (especially for national elections), using the federal and state courts to challenge voting irregularities, and advocating for policies that make voting more accessible and easier, not more difficult.

### *Voter Suppression*

NASW reaffirms its opposition to voter suppression; the denial of voting rights is an injustice. Historically, the issue of voter suppression dates to the passage of the Fifteenth Amendment in 1870. At the end of the Reconstruction Period and through the Jim Crow period, African Americans—mostly in the southern states—were subjected to overt voter suppression that included violent voter intimidation, requiring poll taxes, applying literacy tests, and economic retribution against blacks who dared to vote. In more modern times, voter suppression has taken the form of gerrymandering tactics that severely dilute the

votes of black citizens and other minorities; requiring voter identifications (IDs), which significantly reduces the number of eligible voters, especially minorities; and the practice of purging voter registration rolls of “ineligible” voters.

### *Disenfranchisement of Those Convicted of a Felony*

In most of the United States, individuals convicted of a felony are barred from voting. Maine and Vermont are the only states that allow incarcerated individuals to vote. New Jersey has pending legislation that would allow incarcerated individuals to cast a ballot. The bill would allow prisoners to vote by mail-in ballot in the district where they lived prior to being incarcerated (Levine, 2018).

Thirty states deny voting rights to felony probationers, and 34 states disenfranchise parolees. More problematic, 12 states continue to deny voting rights to some or all individuals who have successfully fulfilled their prison, parole, or probation sentences (Sentencing Project, 2016). In total, over 6.1 million Americans are forbidden from voting because of a conviction (Sentencing Project, 2016).

Although nearly every state bars incarcerated criminals from voting, only Florida and three others—Iowa, Kentucky, and Virginia—do not automatically restore voting rights at the completion of a criminal sentence (National Public Radio, 2018). As of this writing, Florida has a ballot measure that amends the state constitution, allowing convicted felons to vote. The amendment restores the voting rights after the individual completes all terms of the

sentence including parole or probation—excluding those convicted of murder or sexual offenses.

### ***Redistricting (Gerrymandering) as a Tool for Voter Suppression***

Members of Congress, state legislators, and many county and municipal offices are elected by voters grouped into districts. District boundaries are regularly redrawn to ensure districts of the same number of people and to fulfill the constitutional guarantee that each voter has an equal voice (Brennan Center for Justice, n.d.).

*Gerrymandering* refers to the manipulation of district lines to protect or change political power. A gerrymander is a deliberate attempt to ensure an electoral advantage for a political party or a specific racial or ethnic group. Most voting rights advocates see the practice as being unfair because it attempts to redraw district lines to increase the probability of a particular political electoral outcome, rather than to ensure equal representation for all members of communities (Brennan Center for Justice, n.d.). In many districts, redistricting is used to create voting districts that are based on race or ethnicity. However, there is an ever-increasing trend toward attempting to gerrymander districts by drawing artificial lines in such a way as to “pack” racial minorities in one district and make an adjacent district overwhelmingly white. In an effort to prevent gerrymandering, the Voting Rights Act provides that jurisdictions have to meet three tests: (1) compactness or coherence of the minority group in question, (2) the political cohesion of that group, and (3) the likelihood of white voters tending to vote against that group’s preferred candidates if given a majority (Estepa, 2017).

### ***Voter ID Laws***

Voter ID laws became a contentious issue during the 2008 and the 2016 presidential elections. Thirty-six states have now enacted some form of voter ID laws. Proponents state that such laws are needed to combat voter fraud. However, there is compelling evidence that

voter ID laws are often used by politicians to disenfranchise voters. The policy issue concerning the proliferation of strict voter ID laws is that such laws disproportionately affect people of color, students, older adults, and people with disabilities, all of whom are less likely not to have the required IDs (Brennan Center for Justice, n.d.).

In the states with the most restrictive voter ID laws, the following serve as barriers to registering to vote and casting a ballot:

- Nearly 500,000 eligible voters do not have access to a vehicle and live more than 10 miles from the nearest state ID-issuing office open more than two days a week. Many of them live in rural areas with dwindling public transportation options.
- Around 1.2 million eligible black voters and 500,000 eligible Hispanic voters live more than 10 miles from their nearest ID-issuing office open more than two days a week. People of color are more likely to be disenfranchised by these laws as they are less likely to have photo ID than the general population.
- Many ID-issuing offices maintain limited business hours. For example, the office in Sauk City, Wisconsin, is open only on the fifth Wednesday of any month. But only four months in 2012—February, May, August, and October—had five Wednesdays. In other states—Alabama, Georgia, Mississippi, and Texas—many part-time ID-issuing offices are in the rural regions with the highest concentrations of people of color and people in poverty.
- The cost of obtaining required voter IDs can be a barrier to voter participation for low-income eligible voters.

Voting should be encouraged and supported, as a right and responsibility of citizenship. Voter ID laws are undemocratic and unjust.

### ***Intentionally Limiting Access to Voting***

Voter suppression can also include purposeful limiting access to casting a ballot by state and local officials. Recently, numerous states

have reduced the number of voting machines in voting districts where large number of minorities reside and on college campuses (American Prospect, 2014). This practice creates long lines in certain precincts and districts, so that voters become discouraged and leave the lines before casting a ballot or simply do not get in line to vote.

### ***Voter Fraud***

The idea that there is massive voter fraud during elections in the United States is incorrect. The myth of widespread voter fraud has often been propagated by politicians and non-governmental organizations to justify implementing strong voter ID laws (Public Integrity, 2016). A study of 2,068 alleged election-fraud cases in 50 states between 2000 and 2012 found the level of fraud infinitesimal compared with the 146 million voters registered over the 12-year period (NBC News, 2016). A similar result was found in a 2010 study of 12 states substantiating that voter fraud appears to be very rare (Demos, 2010).

### ***Voter Participation and Registration***

Voter participation can be defined in both aspirational and technical terms. More generally, *voter participation* refers to an aspiration of various advocacy groups for their constituents to fully participate in voting in local, state, and national elections. The technical view of *voter participation* is that it is synonymous with voter turnout. In this context, voter participation is quantitatively collected and analyzed by nationally recognized policy institutes or governmental entities such as the U.S. Census Bureau. The voter participation analysis is usually issued in the form of a report for public consumption.

When discussing voter participation, the issue of voter registration is of foremost importance. It is well known that the United States ranks 27th among developed countries in the percentage of eligible voters who participate in national elections (Pew Research Center, 2017).

For example, during the 2016 elections, approximately, 55.7 percent of the U.S. voting-age population voted. This was much lower than voter participation for national elections in other developed democracies.

Voter participation is also greatly influenced by voter registration levels. Voter registration laws vary from state to state; for example, 15 states and the District of Columbia offer same-day voter registration, which allows any eligible voter to go to register and cast a ballot in the same day. Thirty-seven states and the District of Columbia allow online voter registration. Ten states and the District of Columbia have automatic voter registration laws, where eligible citizens are registered to vote automatically through their interactions with specific government agencies (for example, the Department of Motor Vehicles), unless they choose to decline (Brennan Center for Justice, 2018).

Another factor that influences voter participation is election type. For example, it has been documented that low voter turnout occurs more frequently during primary elections, off-year (nonpresidential year) elections for Congress, state legislators, and local elections. A 2013 study of 340 mayoral elections in 144 U.S. cities from 1996 to 2012 found that voter turnout in those cities averaged at 25.8 percent. In many cities, mayors have been elected with single-digit turnout (Political Research Quarterly, 2015).

### ***Social Workers as Advocates for Voter Rights and Voter Participation***

As a matter of policy, one of the social work profession's ethical principles is that we challenge social injustice. Social workers are expected to advocate for social change, particularly with and on behalf of vulnerable and oppressed people (NASW, 2017). This policy statement reflects NASW's promotion of proactive positions that support marginalized populations in becoming aware of their rights as eligible voters and U.S. citizens. In addition, social workers are well positioned due to their professional location within communities to serve as advocates and educators on

voter registration, engagement, and participation for all citizens.

## ***POLICY STATEMENT***

NASW supports

- strong national policies that guard against efforts to disenfranchise any group of otherwise eligible voters; such protections can be achieved through legislation that mirrors the intent of the Voting Rights Act
- federal and state voter eligibility policies that allow incarcerated individuals to vote in local and federal elections
- immediate and full restoration of voting rights for formerly incarcerated individuals who have completed their sentences (in states where access to voting for incarcerated individuals is not available)
- the position that denial of the right to vote is an injustice, and a failure to recognize basic human rights of citizens; justice-involved individuals who are currently incarcerated or have completed their sentence should have a full and unconditional right to vote, regardless of the offense for which they were convicted
- proactive advocacy that leads to the elimination of state voting policies that overtly or covertly lead to voter suppression—including, but not limited to, strict voter ID laws; purging voter registration rolls; and failure by jurisdictions to provide sufficient polling places in highly populated neighborhoods, college campuses, and rural areas
- social action and legal challenges to all state redistricting policies that are tantamount to gerrymandering and result in purposefully engineered voting districts that heavily favor one political party over another
- promoting social work advocacy policies that urge social workers to inform members of marginalized and alienated communities of the power of the right to vote and encourage them to participate in elections at all levels
- social workers working to actively support full participation in elections, including en-

gaging (as appropriate) constituents and communities in voter participation, serving at the polls on Election Day, and participating in the postelection accountability and monitoring activities

- policies and mobilization designed to increase voter participation during off-year state and local elections and mid-term nonpresidential national elections
- nonpartisan voter education programs by nongovernmental and public agencies that inform clients about the positions of candidates and how they are affected
- efforts to reform and modernize voter registration laws that make it easier for people to register and vote. This includes support for all voter participation policies at the federal and state level that seek to increase access to voting—including early voting, same-day registration, absentee voting, and online voting
- policies and initiatives that would declare national elections as a national holiday
- full implementation and enforcement of the National Voter Registration Act of 1993, the Help America Vote Act of 2002, and the Voting Rights Act of 1964
- policies that ensure there is a proactive Civil Rights Division in the Department of Justice to enforce voter rights laws and to monitor voting activities for abnormalities in voting procedures, equipment, access to polling places, and cases of voter intimidation
- policies that ensure voter privacy, accuracy of the vote count, and assurances that all votes are counted and recorded
- social workers working with coalitions and organizations dedicated to increasing voter participation, especially efforts to help people living in poverty, people of color, those with disabilities, those who experience homelessness, elderly people, single parents, and others who are traditionally oppressed and often do not participate in elections.

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