

A fight against North Carolina's voting barriers

Winning souls to the polls

by Jesse James DeConto

THIS IS CALLED a voting altar call!" said William Barber, a leader in the Moral Mondays movement in North Carolina, which since 2013 has been challenging new legislation coming out of the Republican-controlled statehouse. Barber stood on a temporary stage in the middle of CCB Plaza in Durham, surrounded by hundreds on a Monday in late July.

Barber was focused on the one political issue that undergirds all others: the right to vote. Since last summer, when the U.S. Supreme Court in *Shelby County v. Holder* gave state governments more power to shape election laws without federal oversight, legislators from Virginia to Arizona have been erecting new barriers to voting. This is part of a broader trend, as even states like Ohio and Kansas that weren't covered under the litigated Section 5 of the Voting Rights Act of 1965 have been changing election procedures, such as requiring photo IDs at voting precincts or cutting early-voting schedules. The new rules in North Carolina are among the most restrictive. The March to the Polls rally in Durham was just one of many efforts to rally blacks and other minorities to the voting booths in the face of new rules that would keep them out.

"We come to Durham, and we're going all over this state to say to [state house speaker Thom] Tillis, to say to [state senate president pro tem Phil] Berger, to say to [Governor Pat] McCrory, when we fight in North Carolina, this is not merely a political fight, this is the fight of history, this is the fight of our time, this is a blood fight," said Barber, head of the North Carolina chapter of the NAACP. "We need to make sure they cannot figure out this election because they ain't never seen folk organized like they will see us organized in a so-called off-year."

In 2010, when registered black voters and registered white, female voters did not turn out in the same numbers as they do during a presidential race, Republicans seized both chambers in the state's general assembly. In 2012, Pat McCrory was elected Republican governor. The Republican majority has since passed a series of measures on education, the environment, and social programs that sparked the Moral Mondays protests.

After the *Shelby* decision, the legislature passed a set of voting laws that:

- Reduces the early-voting period from 17 days to ten days, which also eliminates one or two days of Sunday voting
- Bans same-day registration during the early-voting period, meaning that voters have to be registered ahead of time

- Disallows ballots that are cast in the right county but at the wrong precinct (previously these ballots had gone through a validation process and were counted as provisional ballots)
- Cuts pre-registration for 16- and 17-year-olds
- Empowers "election-integrity" groups to challenge more ballots
- Requires (beginning in 2016) a photo ID in order to vote

Local boards of elections have also constrained turnouts by moving precincts off college campuses and out of minority neighborhoods and urban areas.

In a lawsuit against the state government, voting rights groups have argued that early voting and same-day registra-

North Carolina has enacted some of the nation's most restrictive voting laws.

tion make voting easier for low-income citizens and working parents who might not be able to take time off work or get childcare in order to vote on election day. Black voters have been about 35 percent more likely to vote early and use same-day registration as whites, and twice as likely to cast out-of-precinct provisional ballots, according to NC Policy Watch.

In October, the plaintiffs were able to win an injunction from the Fourth Circuit Court of Appeals delaying the elimination of same-day registration and out-of-precinct provisional ballots until the full suit can be resolved sometime in 2015. But the election law changes that remain in effect for the November 4 election will disproportionately affect young adults, women, and minorities.

Republican legislators "cherry-picked all the procedures that African Americans and youth were using, and those are the ones they went after," said Bob Hall, executive director at Democracy North Carolina, a nonpartisan voter rights group.

During the 2012 election, women in North Carolina used early voting more than men by nearly 12 percentage points. African-

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William Barber (Photo by Josh Rushing [Creative Commons])

American voters that year constituted less than a quarter of registered voters but more than a third of those who voted in the first week of early voting and almost half of those who voted on the first Sunday—opportunities that have been eliminated.

“Florida similarly eliminated a week of early voting before the 2012 election, and we all know how that turned out,” said Dale Ho, director of the ACLU’s Voting Rights Project. “Voters in Florida stood in line for hours, with some having to wait until after the president’s acceptance speech to finally vote, and hundreds of thousands gave up in frustration. Those burdens fell disproportionately on African American voters in Florida, and the same thing will happen in North Carolina,” said Ho. “We should be making it easier for people to vote, not harder.”

Of all the legal changes, losing same-day registration would be the most harmful to voters if the courts don’t permanently reverse it, according to Hall.

“That’s tens of thousands of people,” he said. “Say [someone has] moved from one county to another, or they just moved from another state, and they get tuned into the campaign after the 25-day [registration] threshold. Now, they’re going to be out of luck.”

Hall said not counting out-of-precinct ballots would also discourage voters, who might show up at a voting station near their workplace or their children’s school, only to be turned away.

“There’s a general atmosphere that has a chilling effect, rather than inviting. It’s just an intimidating message. It makes voting feel like a complicated process. They’re going to censor themselves. They’re going to pull away, and that’s sad—but that’s exactly what it’s designed to do.”

The importance of same-day registration and counting out-of-precinct ballots was evident in the September primary. Democracy NC reported that elections boards rejected 450 provisional ballots because they were cast in the wrong precinct or because the voter was unregistered—and almost 40

percent of those were from black voters and nearly 60 percent were from Democrats.

In acting to protect those opportunities for the November election, Fourth Circuit judge James Wynn said that under the Voting Rights Act “even one disenfranchised voter” denied the right to vote on account of race “is too many.”

North Carolina’s election this year has national implications as Republicans aim to seize control of the U.S. Senate for the first time since 2007. Many observers see Democratic senator Kay Hagan, who rode Obama’s coattails to victory in 2008, as vulnerable to a challenge from Tillis, who pushed the legislature to pass the new voting laws.

Nearly everyone agrees that, however organized, voting rights groups are fighting for incremental change this year.

“This year’s been pretty rough on people in general, particularly black and brown and poor folks,” said Nicole Campbell, a young voter-drive organizer with the state NAACP. “We have to get our communities that are most deeply affected to wake up. The goal is not so much flipping the majority. The goal is to get people to wake up. There’s something to be said for folks reclaiming the power of their voice, the power of engagement.”

On the ground, community organizers are hoping the new laws will motivate new voters who will counteract the laws’ intended effects. Democracy NC is running a Jumpstart the Vote campaign, including Souls to the Polls, a program for recruiting grassroots organizers in religious congregations.

Souls to the Polls has a long tradition, particularly in African-American churches, but the loss of at least one ballot-box Sunday means fewer congregants will go en masse to election sites after worship. Rallying voters requires a more sustained effort this year. Hall said that as of early August, Jumpstart the Vote had attracted 1,200 volunteers, on par with involvement in a presidential election year.

“We are seeing more people wanting to volunteer, wanting to be involved, because of the hostility of the General Assembly and the message of hope from the Moral Mondays movement,” said Hall. “People felt like North Carolina was a moderate if not progressive state in the South, and now it feels like it’s turned into a Mississippi nightmare, and people are angry.”

Hall’s field organizers are pushing people to vote early to make sure their votes are counted. Early-voting sites are open to anybody in each county, and voting before November 4 would also give voters time to discover and potentially fix problems with their registrations. “If you wait until election day, it’s too late,” said Hall.

In tandem with Hall’s group, the NAACP is conducting a Moral Freedom Summer campaign, led by organizers like Campbell, a radio producer and 2012 graduate of UNC–Chapel Hill. The state NAACP aims to recruit at least 20 community organizers in at least 50 of the state’s 100 counties to register five new voters a week for ten weeks leading up to the November election. That would be at least 50,000 new voters.

In her first three months of work this summer, Campbell’s team was able to register more than 400 new voters in Durham County.

Barber has infused the campaign with theological language. “The Bible says the power of life is in the blood,” he said, recounting the story of two black women murdered in Mississippi in 1966 after testifying at a hearing concerning offi-

cial who were violating the Voting Rights Act, passed the year prior.

“Nobody gave us our right to vote,” Barber said. “Somebody died for our right to vote. It was the blood of the martyrs that filled the pen of history with the ink that would be used by Lyndon Baines Johnson to sign the Voting Rights Act. It was the blood that shamed a nation and forced people to do the justice they said they could not do. . . . How dare you trample on the graves of our mothers and our fathers! How dare you wipe your feet through the blood of the slaughtered! Just because hands that once picked cotton can now join hands with other folk and pick presidents and pick governors and pick legislators, you thought you were in a fight? You ain’t seen nothing yet!”

At the March to the Polls rally in Durham, Duke Divinity student Candice Benbow told of the Forsyth County Board of Elections’ decision to shut down an early-voting site in Winston-Salem’s historically black Southside neighborhood where she grew up. She told of her grandmother, who raised six children, 15 grandchildren, and four great grandchildren in a section of Southside called Broadbay Heights.


“My grandmother said, ‘They think we’re stupid. They think we don’t see what they’re trying to do. They want to discourage us. We’re not backing down. We fought these devils before, and we won.’ Something is wrong when I’m fighting the same devils that my grandmother fought,” Benbow said.

She said her generation has to “beat them at their own game,” just like her grandmother’s did. “They mobilized their churches and their sewing circles and their neighborhoods,” she said. “If somebody needed a ride to register to vote or a ride to go to the polls, they took them.

“When I’m 79 years old, I don’t want my granddaughter fighting the same devils that I did,” Benbow said. “Young people, it’s time to stand up like our grandparents did. Bring your neighbor to vote. Bring your roommate to vote. Form a sewing circle, even if you don’t sew, and bring them too! We have the power to turn this thing around and make North Carolina great again!”

At his altar call in Durham, Barber asked for 40 new voter drive volunteers, not just 20.

“Turn around and face the people,” Barber urged the new organizers as they assembled in front of the stage. “That’s one, that’s two . . . 17, 18, 19. I need 20 more from Durham! 12 more from Durham! All right!”

Once the 40 had assembled, Barber called for Campbell to get to work. “Go right down there, baby,” Barber urged her. “Get your folk! Don’t you let ’em go anywhere. You got an army right now!” 

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