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**African-American Voting Disenfranchisement from  
1965 to the 2018 Midterm Elections of Georgia**

**Dissertation Submitted in Partial Fulfillment for the Degree of Master in**

Literature and Interdisciplinary Approaches

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## **Dedication**

This dissertation is dedicated to my beloved parents Abdelwahab Chibani and Nacera Chafa for their love and support throughout my life and for giving me the strength to reach and chase my dreams. I hope I will never stop making you feel proud of me.

To my sisters Hiba, Sarah, Assil, and my brother Ali who deserve my wholehearted love, as well as my dear nieces Lina and Tassnim. And finally, I would like to dedicate this dissertation to my many friends who supported me throughout the process, and especially to my best friend and sister Asmaa Gana.

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## Abstract

The aim of this study is to demonstrate a complete assessment of African-American voter disenfranchisement throughout the history of the United States; ultimately concentrating on the 21st century to evaluate the evolving forms of disenfranchisement. For that purpose, the 2018 Georgia midterm election was selected as a case study in order to collect and investigate evidence of voter suppression. In this dissertation, the techniques of voter disenfranchisement are explained with the purpose of potentially identifying their presence in the Georgia midterms. By researching voter turnout alongside demographic data of voters, findings in the study have shown that suppression techniques have been genuinely used during the aforementioned elections. In fact, discriminatory laws to disenfranchise African-Americans continue to exist in the 21st century; and it is clear that the American electoral system is still biased against African-Americans through the different laws that are designed to prevent such minority groups from voting.

### *Keywords:*

- Electoral system
- U.S. Constitution
- African-Americans
- Reconstruction Era
- Voting Rights Act
- disenfranchisement

## **List of Tables**

**Table 1:** African-American Voting Registrations (1960-1966)

**Table 2:** Total purges done against different voter registration statuses in Georgia.

**Table 3:** Absentee ballots accepted and rejected in Gwinnet County in the 2018 midterm elections.

**Table 4:** Voter Registrations and turnout in several Georgia counties by race.

## **List of Maps**

**Map 1:** County level results of Georgia Midterm elections of 2018.

# Table of Contents

Dedication .....	i
Acknowledgments .....	ii
Abstract .....	iii
Table of Contents .....	iv
List of Tables .....	vi
List of Maps .....	vii
General Introduction.....	1
<b>Chapter One: Brief History of African American Voting Rights (1865-1965)</b>	
1. Post Reconstruction Period (1865-1877).....	4
1.1 The 13 <sup>th</sup> Amendment and the Abolishing of Slavery in 1865 .....	6
1.2 Black Codes 1865-1866.....	7
1.3 The 14 <sup>th</sup> Amendment and the Guarantee of Citizenship in 1869 .....	10
1.4 The 15 <sup>th</sup> Amendment and the Protection of Voting Rights in 1870 .....	11
2. Disenfranchisement after the Reconstruction Era (1870-1950) .....	13
2.1 Jim Crow Laws 1877.....	14
2.2 Plessy v. Ferguson 1896.....	15
2.3 Direct Disenfranchisement.....	16
3. Civil Rights Era 1954 – 1968.....	18
3.1 Brown v. Board of Education 1954.....	19
3.2 Civil Rights Act of 1964 .....	20
<b>Chapter Two: Voter Disenfranchisement in the 21<sup>st</sup> century</b>	
1. Amenable State Level Policies and Laws.....	24
1.1 Pre-clearance and Coverage Formula .....	26
1.2 Shelby County v. Holder 2013 .....	26
1.3 The Fall of the Voting Rights Act 1965.....	28
2. Indirect Voter Disenfranchisement.....	29
2.1 Voter Registration and Purges Problems .....	29
2.2 Strict Voter Identification and Ballot Requirements .....	30

2.3	Voter Intimidation and Harassment.....	32
2.4	Poll Closures.....	33
2.5	Felon Voting.....	34
2.6	Gerrymandering .....	35

**Chapter Three: Case Study: 2018 Georgia Midterm Elections of 2018**

1.	The United States Electoral System.....	38
2.	Primary and General Midterm Elections .....	39
3.	The 2018 Georgia Gubernatorial Elections .....	41
3.1	“Use it or Lose it” Policy .....	42
3.2	Exact Match Policy .....	44
3.3	Polling Closures .....	45
3.4	Absentee Ballot Voting.....	46
3.5	Malfunctioning Voting Machines .....	48
4.	The Effect of Amenable State Level Voting Policies on Turnout Results.....	50
	General Conclusion.....	54
	Works Cited.....	56
	Appendices	



## List of Tables

<b>Table 1:</b> African-American Voting Registrations (1960-1966).....	25
<b>Table 2:</b> Total purges done against different voter registration statuses in Georgia.....	43
<b>Table 3:</b> Absentee ballots accepted and rejected in Gwinnet County in the 2018 midterm election.....	48
<b>Table 4:</b> Voter Registrations and turnout in several Georgia counties by race.....	51

## List of Maps

<b>Map 1:</b> County level results of Georgia Midterm elections of 2018.....	50
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## General Introduction

In the United States, voting is a constitutionally protected right and an essential symbol of meaningful political participation in the nation's electoral processes. The right to vote and to have one's vote count toward one's political interests are essential aspects of citizens' engagement in participatory democracy. Such act is therefore a key element for every citizen to take part in their country's politics by deciding who should represent them and be their voice in the American government. However, voting rights in America have long been contentious, as not all people were able to practise this political right and mainly minorities.

Indeed, after slavery was abolished in 1865, African-Americans did not enjoy the freedom they gained with full and equal rights immediately after. In fact, the fact that they were no longer slaves did not mean the end of their suffering, for they had also to be the victims of racial segregation. African-Americans were legally oppressed and the extension of the franchise to them was strongly resisted, which hindered their ability to live fully and equally in society dominated by the Whites. Moreover, the Reconstruction Era brought in laws that gave African-Americans their legal rights; one of these rights, originally introduced by the 15th amendment and enforced by the Voting Rights Act of 1965, gave Blacks their constitutional right to vote and the right to be represented in the political system. Unfortunately, even after the passing of the Voting Rights Act, state governments suppressed African-American voters through different disenfranchising laws.

Fast forward to the 21st century, and over 50 years after the Voting Rights Act, there are still disputes over the political participation of African-Americans in the electoral system. These questions arise from controversial strategies and policies that occur as obstacles to black voters, from strategies of direct disenfranchisement against

the Blacks in the past to the 21st political events that suggest indirect disenfranchisement. For instance, there has been accusations of election meddling in the midterm elections in Georgia of 2018. Such events and others will be thoroughly examined to investigate voter disenfranchisement of black American citizens in the south, with the purpose to determine the developments of African-American voting rights from the Voting Rights Act of 1965 to the midterm elections of 2018. Another purpose is to inquire into the strategies and practices that have been or are still being carried out that led to African-American disenfranchisement and prevented them from practising their right as American citizens. For that purpose, two research questions have been developed:

- Since the 15th amendment was meant to give African Americans the right to vote like their former masters, the Whites, did the latter abide by the rule, or did they invent subtle means to counter such amendment?
- If in fact, means were indeed invented to counter the 15th Amendment, are such treacherous methods still applied in 21st Century United States?

For that, the following hypotheses have been suggested:

- ❖ Since the Whites have always considered themselves the masters and owners of the Blacks, maybe they could not accept the fact that their former slaves would be on equal footing as them. For that, they might have invented subtle means to fight back.
- ❖ As the Voting Rights Act of 1965 was a means to prevent Whites from limiting the chances of African-Americans when voting, then, there might be a chance that Whites are still attempting to put constraints to African-Americans as far as voting is concerned.

Hence, and in an attempt to investigate the issue and find answers to the previously mentioned questions, the work analysis will follow a qualitative method of research based on a complete, detailed description of observations, including the context of events and circumstances on the subject. This involves the design and use of a qualitative survey instrument of document analysis and literature review.

Therefore, this work is divided into three chapters. The first chapter primarily deals with the different events and historical landmarks that African-Americans witnessed from the state of being freed passing by the major contributions of the three amendments of the Reconstruction Era and diverse strategies of direct disenfranchisement, till the enactment of the Voting Rights Act of 1965 which drastically brought African-Americans' voting rights into light. The second chapter on the other hand examines the effect of amenable state level voting policies and mainly the adoption of laws and practices that prevented African-Americans from the right to vote, along with the indirect disenfranchisement techniques implemented in the 21st century. Finally, the third chapter investigates and analyses instances where interference in the 2018 midterm elections of Georgia have been reported in order to confirm the existence of voter suppression strategies against African-American voters.

**Chapter One:**  
Brief History of African-  
American Voting Rights  
(1865-1965)

Throughout the history of the United States of America, there always existed a struggle for civil liberties; and especially in the case of African-Americans. Some of the civil rights disputed since the end of the American Civil War in 1865 were the rights of African Americans, and ranging from the right of freedom, citizenship, to ultimately the right to vote. One of the most important rights of American citizens is the franchise. Originally under the Constitution, only white male citizens over the age of 21 were eligible to vote. African-Americans on the contrast had absolutely no civil rights under the constitution, and consequently, they possessed no rights to vote.

This shameful injustice has been corrected and voting rights have been extended several times over the course of our history. Today, citizens over the age of 18 cannot be denied the right to vote, regardless of race. This path to full voting rights for all American citizens was long and presented many challenges.

In this chapter, it is important to study the complete timeline of the political franchise of African Americans, starting with the initial steps taken under the Fourteenth and Fifteenth Amendments to the Constitution. And eventually, due to the continued discrimination in some states African Americans were not fully assured voting rights until the Voting Rights Act in 1965.

## **1. Post Reconstruction Period (1865-1877)**

In the aftermath of the Civil War (1861-1865), America witnessed one of the most crucial periods in its history, the Reconstruction Era. During this era, the government faced different social, economic, and political issues; one of these issues is slavery and race relations in the post-war nation. For that, President Abraham Lincoln made plans to

reconstruct the nation and preserve the union. Moreover, some of these plans were Lincoln's aim to continue what he had already begun during the war, which was abolishing slavery. Consequently, three important amendments to the American constitution took place during the Reconstruction Era: the thirteenth, the fourteenth, and the fifteenth amendments to the U.S. Constitution. These amendments abolished slavery, protected the rights of freed slaves in the south, and guaranteed the right to vote for African-American<sup>1</sup>.

During the war, and before any of these amendments were passed, Abraham Lincoln became more convinced that in order to bring the war to an end as quickly as possible it had to become a war against slavery. For that, on January 1<sup>st</sup>, 1863 he issued the Emancipation proclamation, which freed all slaves in the confederate states<sup>2</sup>. Accordingly, the document states that "all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free." (Emancipating Proclamation, National Park Services U.S Department of the Interior). Unfortunately, the Proclamation failed to bring positive changes in the life of slaves, especially in the south, however it succeeded in turning the war into a war for freedom, and it also

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<sup>1</sup> According to the Merriam-Webster Dictionary an African-American is "an American of African and especially of black African descent." The term African-American was first used in 1782. <https://www.merriam-webster.com/dictionary/African%20American>

<sup>2</sup> The 11<sup>th</sup> southern states (South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, North Carolina, and Tennessee) that seceded from the north in 1860-1861 and attempted to form a new nation. The confederate states fought against the Union During the Civil War <https://www.historynet.com/confederacy>



allowed Blacks to join the Union Army and Navy<sup>3</sup>. In order to put an ultimate end to the institution of slavery in the nation, this would require a constitutional amendment.

### **1.1 The 13<sup>th</sup> Amendment and the Abolishing of Slavery in 1865**

On December 6, 1865, the 13<sup>th</sup> Amendment to the American constitution was ratified and was meant to formally abolish slavery. The newly freed Blacks began a long struggle to get the opportunity to be present in the political field; as it was a way for them to shape their own lives, to obtain full citizenship, and to get equal rights as the Whites. In Alexander Keyssar's words "to African Americans enfranchisement not only constituted a means of self-protection but was a critical symbol and expression of their standing in American society" (88).

Even though the first section of this amendment made it clear that the practice of slavery or involuntary servitude is not allowed anymore in the United States, as clearly stated in that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, nor any place subject to their jurisdiction," (U.S. Constitution. Amend. XIII, sec. 1) yet the amendment did not clarify the rights and privileges of Blacks. On the contrary, the second part of the first section "except as a punishment for crime" (U.S. Constitution. Amend. XIII, sec. 1)<sup>4</sup> states that slavery is permissible as a punishment for crime. Thus, it gave another way for southern legislators to pass new codes similar to the slave codes in order to control the freedmen (former slaves) and revive slavery again.

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<sup>3</sup> The Union Army referred to the United States Army, the land force that fought to preserve the Union of the collective states during the American Civil War from 1861-1865 (<https://www.historynet.com/union-army>).

<sup>4</sup> For further reading see appendix 1

W.E.B Du Bois<sup>5</sup> writes, “The slave went free; stood a moment in the sun; and then moved black again toward slavery” (Foner, 416). Even though the Thirteenth Amendment freed the slaves and was meant to put an end to the whole institution of slavery, yet it was not enough alone to make the newly freed Blacks American citizens with their full rights.

## **1.2 Black Codes 1865-1866**

Blacks were granted their freedom, but life did not change overnight. Indeed, after the Civil War many African-Americans found themselves with the status of freemen, something they long expected to win. However, although they had better status than before many found themselves landless, homeless, unemployed, and with no money to start a new life. To make matter worse, white southerners continued attempting to keep their former slaves under control especially through the Black Codes. The latter were mainly meant to advocate white southerners’ superiority over the Blacks.

For that, and to help African-American the US Congress decided to establish an official institution on March 3<sup>rd</sup> 1865 with the aim of facilitating the transition from slavery to freedom, helping the newly freed slaves by providing food, medical aid, temporary shelters, and establishing schools for the freedmen in the south. This institution was known as the Freedmen’s Bureau, formally known as the Bureau of Refugees, Freedmen, and Abandoned Lands (BRF&AL). However, such bureau could not live up to the Blacks’ expectations as it revealed to be incapable of securing lands to

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<sup>5</sup> William Edward Burghardt Du Bois, known as Du Bois was an African-American scholar, activist, and writer during the first half of the 20<sup>th</sup> century. He co-founded the National Association for the Advancement of Colored People (NAACP) in 1909. Du Bois believed that education is way through which African-Americans can fight discrimination and racism, thus; they can prove themselves as thinkers, intellectuals, and most importantly they can be integrated in society (Abdelhadi).

the freedmen. Which sadly kept African-Americans still dependent on the white landowners.

Following the assassination of Lincoln in April 1865, his successor Andrew Johnson, a democrat and a former slaveholder, showed indulgency toward the former confederate state through his reconstruction plan. Although he supported emancipating the slaves as a tool to end the war, he did not support expanding civil rights to them. And would never force southern states to grant the ex-slaves full equality. Besides, since Johnson's reconstruction plan allowed only Whites to vote for convention delegates during the period of formulating the former confederate states, none of the southern states conventions took into consideration the freedmen franchise. During one of the constitutional conventions of South Carolina the provisional governor stated that "this is a white man's government" (Government Printing Office 1455).

Southern states elected their legislators and governors largely dominated by former confederate leaders, this was due to the pardons issued by Johnson in his reconstruction policies. They drew up new constitution<sup>6</sup> that none of allowed freedmen to vote. President Johnson himself was opposed to the idea of ex-slaves voting stating that "It would breed a war of races" (Bergeron 180). Furthermore, the southern states turned their attention to the ex-slaves, and most of the south began passing discriminatory laws with the intention to limit the former slaves' freedom. These laws were known as the Black Codes. These codes were different in each state, but the

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<sup>6</sup> The confederate constitution was adopted by the confederate states after they seceded from the Union. The constitution differed from the U.S constitution in reviving the institution of slavery and guaranteeing the southern states' rights. <https://constitutioncenter.org/blog/looking-back-at-the-confederate-constitution>

majority of them controlled almost all aspects of Blacks' lives from marriage, property ownership, and the right to vote. For instance, in the Vagrancy law freedmen were obliged to sign work contracts, because if any black man was found without a job or a home, he would be fined and jailed according to the Vagrancy law. Thus, the freedmen found themselves with no other choice but signing the contracts. The Vagrancy law ensured the force labour in plantations that the white landowners feared to lose as their slaves were given freedom.

The Black Codes made black people susceptible to arrest for petty crimes and, once imprisoned, made them available to be assigned to do forced labour. Under these laws, for example, black men who were homeless or unemployed could be arrested by whites and imprisoned on charges of vagrancy or loitering. Once convinced of a crime, they could be made to work under guard for the duration of their prison term rather than spend the time inside a penitentiary or jail. (Kelley et al 24-25)

For instance, in South Carolina, non-farmer and non-servant Blacks were forced to pay special taxes. They were also barred from public places such as schools, parks, and others. These rules resulted in the majority of freed slaves to remain dependent on the plantations owned by Whites for work. Federal agencies, such as the Freedmen Bureau, that were created to help Blacks transition from slavery, were thwarted in their attempts.

Freedmen themselves refused what was taking place in the south and all the restrictive laws that were applied on them, and so they started writing petitions asking for equal civil and political rights and mainly enfranchisement. One of the petitions numerously signed by the freedmen of North Carolina, in which they demanded the right to vote, was presented to President Johnson on May 10, 1865.

### 1.3 The 14<sup>th</sup> Amendment and the Guarantee of Citizenship in 1869

As a reaction to the southern discriminative Black Codes, and as many members of the congress, the radical republicans<sup>7</sup> believed that a more powerful constitutional amendment is required to grant African-Americans the equal rights in society and to guarantee the constitutionality of the Civil Rights Act of 1866. In the same year Congress passed the 14<sup>th</sup> amendment which was later ratified on July 9, 1868. The 14<sup>th</sup> amendment gave a large definition of what American citizenship is, by providing that “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” (U.S. Constitution. Amend. XIV, sec. 1). Besides its guarantee of citizenship to all African-Americans, the 14<sup>th</sup> amendment protected the citizens’ fundamental rights from the discriminatory colour based laws. “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.” (U.S. Constitution. Amend. XIV, sec. 1)<sup>8</sup>.

According to Eric Foner, the 14<sup>th</sup> amendment did not give Blacks the right to vote, but it penalizes states that denied the right to vote. As in section II, framers of the amendments included that the right to vote to all male citizens over 21 years old should not be denied by any state, otherwise it would result in reducing the number of representatives of that state. Yet, enfranchisement was not granted to African-Americans because the amendment does not particularly or precisely refer to the right of vote to all

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<sup>7</sup> The Radical Republicans were members of the Republican Party during the American Civil War. They were distinguished by their fierce advocacy for the abolition of slavery, enfranchisement of black citizens, and holding the Southern states financially and morally culpable for the war. After the election of 1866, the radicals gained almost complete over policymaking in Congress. [http://blueandgraytrail.com/event/Radical\\_Republicans](http://blueandgraytrail.com/event/Radical_Republicans)

<sup>8</sup> For further reading see appendix 2.

American citizens regardless of their colour or race. The first version of the 14<sup>th</sup> amendment included race and colour as invalid standards or requirements for the franchise, and because of the continuous objection from both the north and the south, the committee believed that the states are not ready yet for this essential change of enfranchising coloured men (Lanning 447). Thus, many southern states continued on preventing African-Americans from their political rights, and section II of the 14<sup>th</sup> amendment was never really enforced.

Moreover, since many Southern states opposed the 14<sup>th</sup> Amendment, many racist organizations grew as a reaction against reconstruction and the policies of republicans that aimed to establish political and economic equality for Blacks. One of the most prominent organizations is the Ku Klux Klan (KKK) which was a white supremacist and terrorist group formed by former confederate soldiers in 1866 and grew rapidly all over the South. The KKK employed violence as a means of pushing back Reconstruction and its enfranchisement of African-Americans; they did not attack only Blacks but even Whites who supported equal rights for Blacks. This resulted in the KKK achieving their goals by keeping black men away from the polls. Consequently, radical republicans in Congress felt the need to pass another amendment guaranteeing equal voting rights for Blacks. Especially since the 14<sup>th</sup> amendment did not provide protection of their voting rights. Although it granted citizenship to African Americans, it did not specify clearly that voting was a right of every citizen.

#### **1.4 The 15<sup>th</sup> Amendment and the Protection of Voting Rights in 1870**

The last amendment of the reconstruction era was the 15<sup>th</sup> amendment, and Congress finally settled the ongoing issue about African-American enfranchisement by

ratifying the 15<sup>th</sup> amendment on February 3, 1870. This amendment had more precise language to protect the right to vote to all American citizens without any consideration to “race, color, or previous condition of servitude.” (U.S. Constitution. Amend. XV, sec. 1)<sup>9</sup>. Before the ratification of this amendment, African-Americans had no constitutional protection of their voting rights. After the passing of this amendment, the federal government could enforce voting rights by appropriate legislation (Cox, accessed on 28/03/2019). And as it coincided with the Military Reconstruction Act of 1867 that divided the confederacy states into military districts, Blacks were not only able to vote but they were even able to hold political offices, and become judges and police chiefs. The white southerners did not accept this at all, for instance, the white Democrats in Georgia, expelled all the Blacks elected to the subsequent state legislature reasoning that the right to vote did not imply the right to hold office (Drago 122).

Frederick Douglass<sup>10</sup>, speaking in Albany in late April, declared that the amendment “means that we are placed upon an equal footing with all other men . . . that liberty is to be the right of all” (Keyssar 103), and it was seen as a great achievement to end the African-American problem as many Blacks began to practise their right to vote; but unfortunately, it did not last for a long time and for almost a century, the 15<sup>th</sup> amendment was ignored and circumvented (David, accessed on 13/04/2019). Many southern states were forced to recognize this amendment in order to remain within the union as Congress ruled, by passing the Enforcement Laws between 1870 and 1871 and

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<sup>9</sup> For further reading see appendix 3.

<sup>10</sup> Frederick Douglass, original name Frederick Augustus Washington Bailey, (born in 1818, Tuckahoe, Maryland, U.S.—died February 20, 1895, Washington, D.C.), was a 19th-century author and orator and eminent human rights leader in the anti-slavery movement. He is an African American who was one of the most eminent human rights leaders of the 19th century. His oratorical and literary brilliance thrust him into the forefront of the U.S. abolition movement, and he became the first black citizen to hold high rank in the U.S. government (<https://www.britannica.com/biography/Frederick-Douglass>)

by implementing the 14<sup>th</sup> and 15<sup>th</sup> amendments to protect Blacks' civil rights and mainly the right to vote. The main target of these acts was the KKK, and for that President Grant<sup>11</sup> sent federal troops to the southern states to stop the KKK's terror and violence against black voters. Yet within a few years, the terror was reborn and Reconstruction officially ended, and soon later they again found new ways to disenfranchise the African-Americans (Wang 1048).

## **2. Disenfranchisement after the Reconstruction Era (1870-1950)**

By the late 1870s, reconstruction was coming to an end and African-Americans continued to face political, economic, and social obstacles; tensions continued to centre upon the relation between Blacks and Whites. And with white Democrats beginning to retake control of the state legislatures through extremely violent ways, this kept African-Americans from practising their right to vote. In addition and due to an agreement with the federal government that prompted the last federal troops being withdrawn from the south, Blacks had little protection and white southerners started to restrict the rights of Blacks; thus re-establishing a society based on white supremacy.

During the period between 1890 and 1908, Southern Democratic legislators in the U.S. created new constitutions with provisions for voter registration that effectively completed disenfranchisement of most African Americans and poor Whites by creating a variety of new barriers such as; literacy tests, poll taxes, former prisoners, the white primary, purges and many other barriers.

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<sup>11</sup> President Ulysses S. Grant, original name Hiram Ulysses Grant, (born April 27, 1822, Point Pleasant, Ohio, U.S.—died July 23, 1885, Mount McGregor, New York), U.S. general, commander of the Union armies during the late years (1864–65) of the American Civil War, and 18th president of the United States (1869–77). <https://www.britannica.com/biography/Ulysses-S-Grant>



## 2.1 Jim Crow Laws 1877

The beginning of the Jim Crow laws<sup>12</sup> can be dated back to 1877 when the Supreme Court ruled that states could not prohibit racial segregation on their modes of transportation such as trains, streetcars, and riverboats. Moreover, in 1883, in the Civil Rights cases of *United States v. Stanley*, *United States v. Ryan*, *United States v. Nichols*, *United States v. Singleton*, and *Robinson v. Memphis & Charleston Railroad*, the Supreme Court overturned the Civil Rights Act of 1875 which had prohibited racial discrimination in hotels, trains, and other public places. The court reasoned the thirteenth and fourteenth amendments to the Constitution did not give Congress the power to pass the Civil Rights Act of 1875. Furthermore, the Court noted that the 14<sup>th</sup> Amendment protected people against violations of their civil rights by states, not by the actions of individuals (Longley 42).

Thus, southern states legislators passed various laws designed to enforce racial segregation and keep Blacks and Whites separate in schools, public accommodations, restaurants, hotels, and even cemeteries. “The term Jim Crow became more than a set of laws. It referred to a way of life that was full of limitations for African Americans. In some ways, these humiliations were as bad as slavery” (Fremon 17). Many of these laws were aiming primarily on legally disenfranchising Blacks, and therefore blocking their political participation.

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<sup>12</sup> The Jim Crow Laws were named after the act of ‘Jump, Jim Crow’ which was performed by a white actor; Thomas Dartmouth Rice in the early 1830s. Rice performed in blackface a black minstrel character, he claimed were inspired by a black slave named Jim Crow. <https://www.history.com/news/was-jim-crow-a-real-person>

## 2.2 Plessy v. Ferguson 1896

“Separate but equal,” was the main objective of the 1896 U.S. Supreme Court ruling in regards of racial segregation that was passed in the American south after the end of the Reconstruction Era. This ruling legitimized the racial segregation laws that these states re-established. With the justification that it did not go against the 14th amendment to the U.S. Constitution, specifically since it gave Blacks equality with Whites. The issue stood in the separation between the black and white citizens. In 1890, Homer Adolph Plessy, a Louisiana mixed race man with one eighth African descent, was classified as black and forced to sit in the coloured section of a train. Plessy’s lawyers took the case to a Louisiana court and presided over by Judge John Howard Ferguson, who ruled against Plessy and fined him. The case was expanded to the Louisiana Supreme Court resulting with the same ruling, and to the U.S. Supreme Court afterwards. On May 18, 1896, the U.S Supreme Court upheld the ruling of the Louisiana Supreme Court, reasoning that it was within Louisiana’s state powers to exercise racial separation since it did not violate the constitution according to the court’s interpretation of the 14th amendment.

The U.S. Supreme Court rulings in the Plessy case completely legitimized the local state laws of racial segregation in the southern states, and thoroughly wiped out the reconstruction era’s achievements in legislations against racial discrimination. This case, along with other factors, marked the end of the reconstruction era, and the return of racial discrimination, overlooking civil rights of black citizens, and ultimately voting rights.

### 2.3 Direct Disenfranchisement

Life for African-Americans under the Jim Crow laws did not differ much from the one they were used to under the institution of slavery, as white supremacists did their best to keep them as second class citizens and maintain the political dominance. African-Americans were denied the right to vote and were kept out of the political field, even though the 15<sup>th</sup> amendment made it impossible for Whites to deny African-Americans the right to vote simply because of their race. From 1868-1888, the principal techniques of disenfranchisement were illegal, based on violence and massive fraud in the vote counting process, but starting from 1877 the southern states came up with explicit techniques to keep African-Americans away from the ballot box. According to the American Civil Rights Union, different methods were used to deny Blacks the right to vote and were:

- Violence: Any African-American that tried to vote was faced with very harsh and violent consequences that could lead sometimes to murder and harming their families by white supremacists and KKK members. This was to force African-Americans to refrain from voting, because they were worried about their safety.
- Literacy tests: Southern states adopted the voting literacy tests for Whites and Blacks, to make sure voters were educated enough to vote. They claimed that those tests are applicable for both Blacks and Whites; however, in reality the tests were often made much harder for black people. One thing to say about the literacy tests is that they were designed to discriminate against the 40-60% illiterate Blacks in comparison to the 8-18% of Whites (Kousser, accessed on 05/04/2019), and for those who could not pass the literacy tests, the latter could even vote despite the literacy tests thanks to the

Grandfather Clause which was meant to exclude the illiterate Blacks and give a chance to the illiterate Whites who could not pass the literacy tests. Indeed, the southern states adopted such clause only to allow the illiterate Whites to vote based on the fact that their fathers or grandfathers voted before 1867. Moreover, the questions on literacy tests were almost impossible to answer and were intentionally written to confuse the applicant.

For example, in Alabama, applicants would be given a passage from the Alabama Constitution to read out loud. The sections that would be chosen by the voter registrar were much easier than others, and according to Civil Rights Movement Veterans, white applicants would be given the easy passages compared to the complicated technical ones given to Blacks (accessed, on 18/05/2019).

- Former prisoners: African-Americans were more prone to be arrested for minor offenses and get jailed, and because southern states did not allow people who had gone to jail to vote, many African-Americans were not able to vote even after they had served their sentence.
- Poll taxes: In 1877, Georgia created cumulative poll tax which required citizens to pay all back taxes in order to be allowed to vote, and even though the tax may seem small, 20 to 25 dollars per year in today's money, but compared to the low wages people received most of them could not afford to pay the tax including poor Whites. Additionally, a citizen who is unable to pay taxes, cannot own properties, which was another requirement to vote.
- Purges: If any African-American succeeded in passing the different obstacles presented to them to get registered to vote, white officials at times purged the voting polls. Purging

refers to removing people's names from the official lists of voters, voting officials could find many possible reasons for purging a voter's name out of the voting list; such as death, felony, or moving out of the state. Often the purged voters were not notified that their names were removed from the voting lists, and it usually affected Blacks more than Whites.

- The White Primary: Another way southern states, dominated by democrats, was through continuing their discriminatory treatment during the local elections, called primaries. In which elections were held to choose a democrat candidate to face off a republican candidate during the general elections. The democrats primary elections which was usually won by a candidate that ended up winning the general elections, was restricted to only white voters. Since democrats were dominating the southern states, and consequently were the winning candidates in the general elections, the black voters in the republican race or even in the general elections did not have much impact on elections. And accordingly, they were not preventing black voters from participating in the general elections per law.

The disenfranchising laws in the southern states were very efficient in decreasing the number of black voters. According to the National Museum of American History, In Alabama and Mississippi the number of black registered voters declined from 52,705 in 1876 to 3,573 in 1898.

### **3. Civil Rights Era 1954 – 1968**

The Civil Rights Movement of the 1950's and 1960's came about out of the need to improve the quality of life for African-Americans and other people of colour. Nearly one hundred years after slavery was abolished, there was an extensive segregation,

discrimination, disenfranchisement and racially motivated violence that affected all aspects of life for black people. During the Civil Rights Movement, African-American activists and individuals challenged the law by different activities but most importantly it was done peacefully; including protest marches, boycotts, and refusal to abide by segregation laws. Many activists and leaders played a prominent role in the movement mentioning Martin Luther King Jr. who was instrumental in executing nonviolent protests, such as the Montgomery Bus Boycott and the 1963 March on Washington, where he delivered his iconic "I Have a Dream" speech. The March of 1965 protests in Selma, Alabama, played a decisive role in the passage of the 1965 Voting Rights Act (Larbi Youcef).

### **3.1 Brown v. Board of Education 1954**

Fifty eight years after the U.S. Supreme Court legitimized the state's efforts to keep segregation laws in practice against the black Americans, and continue the separate but equal doctrine in place, many events occurred that changed the course of history. The Brown v. Board of Education, a name given to five different cases presented to the U.S. Supreme Court, was presented before the Supreme Court in 1952. All these cases were lawsuits against local states policies of segregation in public schools. In which there were white schools and black schools, with evident grounds for inferior quality in black schools compared to their counterparts. This led to a series of cases against the school boards policies backed by the state sponsored segregation laws to be presented before the Supreme Court.

The Justices of the Supreme Court were divided on the ruling, especially since a decision of this magnitude would eventually mark an enormous turning point in the Supreme Court's previous viewpoint and judgment on matters of racial discrimination.

On May 14, 1954, chief Justice Earl Warren, delivered the court's opinion declaring that segregation in public schools is unconstitutional, and that separate educational facilities for black students was in his words "inherently unequal." The implementation of this ruling proceeded in states with laws supporting segregation in their schools with a plan of work for complete desegregation in public schools.

This law did not materialize overnight, and it was not due to five cases only, but it rather took years and a long list and a series of cases of discrimination against black students by state laws that sponsored racial segregation. The Supreme Court's ruling in the Brown v. Board of education case not only concerned black students, but it marked the beginning of an era where black Americans would regain their civil rights as citizens.

### **3.2 Civil Rights Act of 1964**

Not too long after the Supreme Court had passed the ruling in the case of Brown v. Board of Education in 1954, and especially due to the massive resistance of southern states leaders against desegregation attempts, congress proposed a bill to secure and protect the civil rights of African Americans in the southern states. This bill was known as the Civil Rights Act of 1957, and it was specifically targeting the extensive disenfranchisement of African Americans by southern state local laws. Unfortunately, by the time of its approval by the senate, the bill was too weak to have any impact.

Congress would later pass a stronger bill proposed by President John F. Kennedy and later pushed by President Lyndon B. Johnson, known as the Civil rights Act of 1964, with more effective protection of the civil rights law within the jurisdiction of the United States.

Direct disenfranchisement of black voters occurred by means of discriminatory state laws and violence against African Americans in the southern states after the Supreme Court's efforts of desegregation, these events pushed the federal government<sup>13</sup> to protect and enforce civil rights. The Civil Rights Act of 1964 was composed of eleven titles that were mainly concerned with voting rights, public segregation policies and equal employment. Most importantly it gave more powers to the Civil Rights Commission, especially to enforce the act.

The Civil Rights Act of 1964 ensured providing equal treatment of voters, in efforts to eliminate disenfranchisement of black voters, and it outlawed racial discrimination in public places and schools. And even though this act was concerned with the equality of voting rights in the southern states, it failed to specifically address the discriminatory means in which local laws barred black voters from participating; means such as literacy tests, economic retaliation, police suppression and even violence against black voters. This explains the reason behind the introduction of the Voting Rights Act of 1965, which was mainly concerned with voting rights and the protection of the rights of citizens under the 15th amendment.

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<sup>13</sup> The federal government is the national government of the United States composed of three distinct branches: legislative, executive, and judicial, whose powers are vested by the U.S. Constitution in the Congress, the president, and the federal courts, respectively. <https://www.usa.gov/branches-of-government>



### 3.3 Voting Rights Act of 1965

As of August 6<sup>th</sup> of 1965, the Voting Rights Act, also known as the VRA, was signed into legislation by the president Lyndon B. Johnson. This law was, and continues to be, the main means of complete enforcement of the voting rights of minorities, and especially African-Americans. The VRA prohibited any form of racial discrimination in voting rights guaranteed by the 14<sup>th</sup> and 15<sup>th</sup> amendments of the U.S. constitution. In order to do so, it bore different sections intended to target the southern states' election laws. These included provisions such as the coverage formula<sup>14</sup> and the preclearance requirement<sup>15</sup> that applied to jurisdictions determined by the federal government to have tendency to practise unlawful forms of racial disenfranchisement.

The coverage formula included in section 4 of the VRA determined which states fell under discriminatory jurisdictions and singles them out in the legislation. The 1965 coverage formula included states such as Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, and Virginia. This coverage formula was later revised in 1972 to cover Alaska, Arizona, Texas, and parts of California, Florida, Michigan, New York, North Carolina, and South Dakota. The importance of the coverage formula was the ability to enforce the preclearance requirement that was part of section 5 of the VRA.

The preclearance requirement required states under the coverage formula to seek approval of the federal government for any alterations to their election laws, thus

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<sup>14</sup>Section 4 contains a "coverage formula" that determines which states and local governments may be subjected to the Act's other special provisions. Congress intended for the coverage formula to encompass the most pervasively discriminatory jurisdictions. <https://www.justice.gov/crt/section-4-voting-rights-act>

<sup>15</sup> Section 5 requires that covered jurisdictions receive federal approval, known as "preclearance", before implementing changes to their election laws. A covered jurisdiction has the burden of proving that the change does not have the purpose or effect of discriminating on the basis of race or language minority status. <https://www.justice.gov/crt/history-federal-voting-rights-laws>

preventing any forms of discriminatory laws that would deny any minority voters of their rights.

The Voting Rights Act of 1965 is one of our nation's most critical federal civil rights statutes. It ensures state and local governments don't pass laws or policies that deny American citizens the equal right to vote based on race. As such, the Voting Rights Act was exceptionally successful at enfranchising African Americans. For example, in Mississippi between the years of 1964 and 1969, voter turnout increased from 6 percent to 59 percent.

In conclusion, the examination of the history of the African American political franchise reveals the challenging timeline that occurred in order to guarantee one of the most important civil rights. This timeline lasted over a century, with many major events occurring during this period that ultimately led to important legislations that protect and guarantee the rights of African Americans in the United States.

Moreover, the enactment of legislations and acts was not the end of the voting rights struggle for African Americans. In the next chapters, there will be a more thorough discussion of the transition of voter disenfranchisement from the direct discrimination methods into indirect state level policies during the 21<sup>st</sup> century that bypass legislation. Additionally, it is essential to mention the constant attempts of state legislatures to amend federal legislations and discuss the several indirect disenfranchisement techniques adopted by the states.

With the knowledge of the history of African-American voting rights, there should be an appreciation to all the change that occurred in abolishing discriminations. As discussed earlier about the obstacles presented against such a basic right, it is important to protect it against any obstruction by individual with discriminatory ideologies. The federal government had worked relentlessly to protect the civil rights of all American citizens, but there is a limit to the power it possesses against local governments without interfering with the constitution as subsequently examined.

In this chapter, the subject of indirect disenfranchisement will be tackled in order to understand its definition, and so to be able to identify if minority disenfranchisement is being exercised by local legislatures. And finally, the different techniques of indirect disenfranchisement and their effect on minority voters will be discussed with more detail.

## **1. Amenable State Level Policies and Laws**

Voting laws differ from a state to another, and most of the southern states have chosen to limit the political influence of minorities especially African-Americans. However, and thanks to section four and five of the VRA, states with previous history of discriminating laws required federal check on any changes at the level of voting procedures. This resulted in gradual and significant increase of African-American voters. According to the General Records of the United States Government, by the end of 1965, 250,000 new African-Americans had been registered; and in the closing months of 1966, only 4 out of the 13 southern states had fewer than 50% of African-Americans registered to vote (Record Group

11). The table below demonstrates the number of African-American registrations between 1960 and 1966 in 11 southern states.

**Table 1:** African-American Voting Registrations (1960-1966)

<b>States</b>	<b>1960</b>	<b>1966</b>	<b>Percent Increase</b>
<b>Alabama</b>	66.000	250.000	378.79%
<b>Arkansas</b>	73.000	115.0	57.53%
<b>Florida</b>	183.000	303.000	165.57%
<b>Georgia</b>	180.000	300.000	166.67%
<b>Louisiana</b>	159.000	243.000	152.83%
<b>Mississippi</b>	22.000	175.000	795.45%
<b>North Carolina</b>	210.000	282.000	134.29%
<b>South Carolina</b>	58.000	191.000	329.31%
<b>Tennessee</b>	185.000	225.000	121.62%
<b>Texas</b>	227.000	400.000	176.21%
<b>Virginia</b>	100.000	205.000	205.00%

**Source:** Steven Mintz, The Gilder Lehrman Institute of American History. (after)

As shown in the above table, the numbers show that there is an increase in voter turnout by African-American citizens between the years 1960 and 1966. This affirms the profound effect of the VRA on limiting voter suppression in the southern states. For example, in Mississippi, the number of number of African-American voter registration increased by 795.45% in 6 years, along with the other states also making some evident increase in the same period.

## **1.1 Pre-clearance and Coverage Formula**

As previously mentioned, the Voting Rights Act of 1965 included provisions such as the coverage formula and the preclearance requirement; these provisions applied to jurisdictions determined by the federal government to have tendency to practise unlawful forms of racial disenfranchisement.

The coverage formula included in section four of the VRA determines which states fall under discriminatory jurisdictions and singles them out in the legislation. The importance of the coverage formula was the ability to enforce the preclearance requirement that was part of section five of the VRA. The preclearance requirement entails that states under the coverage formula have to seek approval of the federal government for any alterations to their election laws, thus preventing any forms of discriminatory laws that would deny any minority voters of their rights; and so section five of the Act states that no changes would occur in the established voting criteria unless a specific federal court approves such a change. Especially since some states as well as counties applied the use of voter registration tests; for instance, literacy and knowledge tests. Such acts were aimed at discriminating against the African-American voters.

## **1.2 Shelby County v. Holder 2013**

In 2011, Shelby County, a jurisdiction covered under the coverage formula, began a series of lawsuits against the U.S. Attorney General to reverse the effect of the legislation in section four and five of the act. On June 25<sup>th</sup>, 2013 and after several appeals against these

provisions of the coverage formula, the U.S. Supreme Court ruled that the coverage formula was unconstitutional in the *Shelby County v. Holder* case. The court reasoned that this section gives the federal government exceeding power to enforce the 14<sup>th</sup> and 15<sup>th</sup> amendments in a completely different country than it was when the VRA was introduced. Eliminating the coverage formula from the legislation makes the preclearance requirement provision futile, thus unenforceable. Congressman John Lewis described the Supreme Court's decision as "a dagger in the heart of voting access." (Toobin, accessed on 13/05/2019)

The court's based its decision on two basic principles, the first was that the Act imposed burdens and thus had to be justified by current needs in the 21<sup>st</sup> century. The second principle was that the act presented a departure from the fundamental principle of equal sovereignty. Besides, the Court revealed that the importance of the principle of equal sovereignty was a critical issue that was significant in the assessment of different treatment of states that required direct evidence in the matter, in this case disenfranchisement tactics by states against minority constituents. As such, it was out rightly clear that the Act contravened such basic principles, and although the coverage approach made sense then, such measures were never meant to be long lasting. It questioned whether sections four and five of the said Act were still in accordance with the U.S Constitution. But at the time of ruling, much had changed compared to 50 plus years ago to a level that even the voter turnout as well as registration rates were thus approaching parity.

Furthermore, the court stated that the tactics used in the past to disenfranchise minorities were a relic from the past and preclearance was not necessary anymore. Interestingly enough, after the Supreme Court's ruling, several jurisdictions that previously required federal preclearance started implementing laws that altered their electoral systems. These changes included stricter practices that would complicate minority voting; practices such as closure of polling places, stricter voter identification laws, and others that are considered discriminatory and thus presenting a burden on minorities to vote, which in turn reducing their turnout.

### **1.3 The Fall of the Voting Rights Act 1965**

The Supreme Court's decision in *Shelby County v. Holder* case immediately led to some of the largest changes in voting rights of Americans and mainly minorities. Changes at the level of states' voting laws which once required preclearance of the federal government under section five of the VRA, now often go unobserved; that opened the door for voter suppression to be practised freely by different southern states. According to Hilary McDaniel, five of the nine states that were under the coverage formula actually started taking procedures to enact voter ID requirement (11). Texas, for instance, enacted a redistricting plan that the federal courts rejected to pre clear in the past years. Thus, the Court's ruling in *Shelby County v. Holder* case had a devastating impact on voting rights at the states level including the decline of Congress' efforts to enforce and protect the voting rights for minorities.

## 2. Indirect Voter Disenfranchisement

Voting disenfranchisement law's enactment increased drastically during the 21<sup>st</sup> century by various avenues, and their use by different legislators in election warrant it to be labelled as indirect voter disenfranchisement. In America, a number of such moves are carried out with the intention of interfering with an election process.

### 2.1 Voter Registration and Purges Problems

All American citizens are required to register two or four weeks before Election Day; this requirement ensures that every eligible citizen can practise their political right, prevents the illegible persons from voting, and avoids multiple votes by one individual. In contrast to its original purpose, voter registration has represented a significant barrier for many voters. Every year millions of Americans find themselves unable to vote because they miss a registration deadline, do not update their registration, or are not sure how to register. For example, in New Hampshire almost 100,000 college students were disenfranchised due to the state's strict voter registration laws, which require them to register 30 days before the voting day to prove they live in the town where they are supposed to vote (Root et al. 5).

Moreover, and with the aim to facilitate the registration process, some states adopt distinctive registration methods such as the Election Day registration in which voters are allowed to register at the polls<sup>16</sup> on the Election Day. According to Holly Ann Garnett and Peter Miller, the Election Day registration has a positive impact on turnouts, as it allows voters to update their registration or register for the first time without wasting time or getting

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<sup>16</sup> Polls are the places where people vote on the Election Day.  
<https://www.collinsdictionary.com/dictionary/english/poll>



confused about the appropriate registration offices and the necessary documents (11-13). In other states, an automatic voter registration is adopted, and as the name suggests, eligible citizens are registered automatically whenever they submit their information in different agencies in the states like the state department of motor vehicles (DMV). Through the automatic voter registration, the whole registration process is under the state's responsibility and not the voter.

Despite these different registration methods which are meant to make the voter registration beneficial for the voting turnouts, they still represent a serious obstacle for many voters and mainly African-Americans; because the voter registration gives states an opportunity to police the polling lists before the Election Day with a long period of time. Consequently, this opens the door for the discriminatory voter purges where registrants' names are removed from the lists under the claims of death or residency changes. According to a study undertaken by the Arizona Republic, since 2008 nearly 1.1 million voters have been removed out of the polling lists in Maricopa County, Arizona without being informed before. Voters are then surprised to find their names removed from the polling lists on the day of election. In addition, the study found that the Blacks are more likely to be affected by the purges than the Whites (Root et al. 6-7). In this manner, legislators were able to indirectly disenfranchise African-Americans.

## **2.2 Strict Voter Identification and Ballot Requirements**

The voter identification (ID) laws are part of an ongoing systematic strategy to disenfranchise African-Americans or to make it difficult for them to cast a ballot; before

2006, no state required photo identification to vote on Election Day. Today 34 states have adopted identification requirement policy at the polls, in which the voter is asked to show a certain form of identification before he can vote, such as a driver's license, state-issued identification card, military ID, tribal ID, and many other forms of IDs. These laws vary widely from one state to another as some states require voters to display a photo ID to vote while others do not require an ID. The ID laws can reduce participation in elections by 2%, as 11% of Americans lack an ID (ACLU, accessed on 26/04/2019). Moreover, the ID laws can be described as the new Jim Crow Laws in the 21<sup>st</sup> century due to the high rate of African-Americans lacking an ID form in comparison to Whites<sup>17</sup>. For many civil rights groups, voter ID laws call back to the days of poll taxes and literacy tests. Besides that, many states reject different forms of photo ID on discriminatory bases, for instance Texas allows concealed weapon permits for voting, but does not accept student ID cards; and North Carolina excludes public assistance IDs and state employee ID cards, which are excessively held by Black voters.

In M.V. Hood and Charles S. Bullock's study, they examined voter turnout in Georgia before and after the photo ID law was enacted. In comparing between 2004 and 2008 turnouts, results show that after implementing the voter ID law, a decline of about 0.4% in voter turnout was demonstrated.

The voter ID laws supporters argue that through the ID requirement, the elections are more protected from voter fraud. On the other hand, opponents argue that voter fraud is very

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<sup>17</sup> According to the American Civil Liberties Union (ACLU), up to 25% African-Americans of voting age lack a government-issued ID, compared to only 8% of whites. [www.aclu.org](http://www.aclu.org)

rare, and voter ID expert Justin Levitt determined that from 2000 to 2012 there were only 31 valid instances of voter fraud (Pryor et al 1-10).

### **2.3 Voter Intimidation and Harassment**

During several recent elections, residents in several states have been facing different types of harassment acts towards them; acts such as automated phone calls, fake flyers, and racist statements from sources with agendas against specific candidates. For instance, a White supremacist group was discovered to be part in some of these harassments, in which there were harassing automated phone calls to Florida residents allegedly from the 2018 democratic gubernatorial<sup>18</sup> candidate Andrew Gillum. Another example of voter intimidation was also from the same source, in which residents in Georgia received racist remarks against 2018 democratic candidate Stacey Adams (Wootson, accessed on 25/05/2019).

Moreover, racist remarks were also shown to minority voters at polling places. These actions were a technique conducted with the intention of intimidating voters, and consequently resulting in a discouragement to eligible voters from participating. And the 2018 elections witnessed a spread of attempts to frighten voters based on racial motivations, specifically against minorities.

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<sup>18</sup> Gubernatorial from the word governor, refers to anything related to go governors.  
<https://www.vocabulary.com/dictionary/gubernatorial>

**Chapter Three Case Study:**  
The 2018 Georgia Midterm  
Elections case

## 2.4 Poll Closures

All around America, and since the U.S Supreme Court struck down parts of the Voting Rights Act in 2013, poll closures tactic is used to prevent millions of Americans from accessing the ballot box; causing the long lines during voting periods which may push many voters to leave before they could vote due to long wait time. According to a 2016 report by the Leadership Conference Education Fund, since 2013 at least 868 polling places have closed down in half of the states that were covered by the Voting Rights Act (Lopez, accessed on 16/04/2019).

Moreover, the polls that are meant to close on the Election Day are not chosen randomly; by contrast, southern Black communities are most likely to be affected by the polls closures. To make matter worst, decisions about shutting voting places or changing their location are often made at the last minute. This consequently affects low-income and poor people who have no vehicles or any means of transportation to reach the far voting polls.

Polls closures are made under the claims of budget cuts, poll workers recruitment, and availability of suitable sites. For instance, Texas counties have closed at least 403 polling places since 2013. According to Nancy Zirkin, executive vice president of the civil rights groups, the locations of the polling closures target mainly areas with minority population, which creates a burden for those with less access to transportation once their nearby polling places were closed (Lutz, accessed on 05/05/2019).

## 2.5 Felon Voting

Felony disenfranchisement refers to the practice of denying citizens the right to vote on the basis of all felony convictions in the past. According to Erin Kelley, about 6.1 million Americans who either were convicted of felony and finished their service or those serving their terms are un-eligible to cast a vote in the election process (Brennan Center for Justice 3). Interestingly, all of the states apply the felony disenfranchisement laws, apart from the states of Vermont and Maine that grant their prisoners a right to vote (Cammett 357). The remaining states have in place various laws which prohibit felons as well as former felons from their rights to vote. For example, 48 states plus the Columbia District do not allow prisoners to exercise their political right, in which 32 states still prohibit felons that are on bail from voting, and 28 states equally prohibit offenders who are on probation from exercising their right to vote. Furthermore, in some states being convicted of felony may render one to be prohibited for life from voting even after they serve their sentence.

Nevertheless, felony disenfranchisement laws and besides their negative impact on the voting participation they do not fall equally on all Americans; African-Americans are more vulnerable to be disenfranchised due to criminal convictions. Indeed, the profound impact of these laws does not come by accident, yet it can be dated back to the Reconstruction Era where many states began enacting new discriminatory laws including felony disenfranchisement laws to prevent Black people from voting. In some states, and according to the Sentencing Project's report, the laws were designed on purpose to include crimes thought to be more often convicted by Blacks and exclude crimes thought to be more often convicted by Whites (Schroeder, accessed on 22/04/2019).

Besides, with the country's growing racial disparities especially in the prevailing criminal justice structure, roughly 34% of African-Americans are prohibited from voting due to either their current or previous statuses of conviction; as the states' restrictive felony laws depends firmly on the racial composition of their prisons (Walker et al. 5).

## **2.6 Gerrymandering**

Gerrymandering is one of the most controversial and powerful techniques indirectly used to disenfranchise minorities. It is defined as stipulating different maps for electoral districts to produce different outcomes in the voting results with the intention of establishing advantage for a specific party. This is done by dividing a state, or electoral district, into constantly modifiable smaller sectors; and the voting results in each of the sectors would decide the number of representative seats each political party assumes. So even though a candidate would win the popular vote, the party could end up having less representation in congress. These modifiable sector lines are constructed and manipulated intentionally according to the nature of the voter constituents in order to either support or undermine a specific political group. And this occurs through either diluting the voting power over several sectors or concentrating the opposing voter power in only one district hindering it from having any major effect.

For instance, republican mapmakers in North Carolina drew district lines between two dormitories in a large Black college. This resulted in 10,000 students being divided between two electoral districts. By doing so, the votes are diluted, and consequently the voting power

would be much weaker. It is a clear discriminatory tactic against minority voters, and evidently unconstitutional (Root 17).

Another example of gerrymandering took place in the 2016 elections in Maryland, in which even though the republican candidates won 37% of the total vote, they only won one seat at the house from a total of eight, which shows that districts are not truly represented (Nilsen, accessed on 02/06/2019).

In the midterm elections of 2018, millions of voters had to cast their ballots in gerrymandered districts. This technique is a straightforward act of disenfranchisement, but in a manner that bypasses the constitution. It is racially motivated to undermine the voting power of minorities and reduce their district's congressional representation.

In summary, between years 2005 and 2016, there was evidence that 49 states came up with indirect voter restrictive voting laws out of which 35 states passed them into law. For instance, an act of indirect voter disenfranchisement manifested in the state of Texas recently where voters were required to have active and valid state photo identifications before being allowed to vote, and were not able to use expired passports or licenses or any other form of identification. This presented an obstacle to those without active licences or state residency IDs, as they needed to seek them through the local DMVs. This was an indirect act of voter disenfranchisement, and it took the intervention of a federal court to reverse the strict photo identification rules for all voters. The court cited this act as a discriminatory attempt of violating the Voting Rights Act, and particularly, focused on the likely effect that such a stern requirement had on minority groups within Texas. Interpreting these acts as a strategic



political instrument aimed at maintaining Republican electoral advantages. Were it not for the court to rescind such an act of mandatory photo identification legislation, analysts had projected that about 1.2 million persons who were eligible to vote would have been prohibited from taking part in the exercise. This law serves a clear example of indirect voter disenfranchisement that occurred in America in recent times. Such legislations therefore are placing more requirements on minority voters, and act as a barrier on the poor, Blacks and other minorities (Royden et al. accessed on 02/05/2019).

To sum up, the aspect of voter disenfranchisement is ever manifesting with voter turnout severely being affected from election to another. Moreover, Election Day complications, voter intimidation, amenable state policies regarding district maps, felon voting laws amid other voter challenges as orchestrated by different stakeholders present evidence of indirect disenfranchisement. More significantly, these discriminatory tactics are used by state legislatures in control to alter voter turnout, and eventually deviate election results towards the benefit of one candidate over another in an attempt to resume specific political agendas.

To inspect if such a claim is true, the Georgia midterm elections of 2018 will be studied more closely. The Georgia midterm elections were specifically chosen due to vast claims of voter disenfranchisement, particularly since the gubernatorial candidate was the African-American politician Stacey Abrams. Interestingly enough, Abrams was running against current Georgia governor Brian Kemp, who at the time of elections was the secretary of state, the office that oversees elections in Georgia.

**Chapter Two:**  
Voter Disenfranchisement in  
the 21st century

Voter suppression continues to exist in the 21<sup>st</sup> century, and thus presents a major concern, particularly after the strict parameters that the federal government has set to limit disenfranchisement in all its forms. Unfortunately, since the states control and regulate all matters of elections, there is always a concern of discriminatory actions or manipulations of the system since there is no federal observation.

This chapter takes a detailed look at the subject of voter disenfranchisement from the perspective of the issues realized in recent elections. The Georgia midterm elections of 2018 have been chosen specifically as a case study due to numerous claims and discussions of voter suppression during this event. First, it is necessary to have some understanding of the electoral system in the United States; especially the way it functions in order to distinguish and explain influential factors as will be seen in the case of the Georgia midterms.

## **1. The United States Electoral System**

The electoral system of the United States consists of federal elections and state elections. In the federal elections, the president is elected for a four-year-term with the last being in 2016 through a system called the Electoral College<sup>19</sup>. The Electoral College is a system in which people cast their votes in their respective states, and the presidential candidate that wins the majority of the votes wins the electoral votes assigned to each state. It is a system where people indirectly elect the president through a so-called electoral college, with each of the 50 states possessing different amounts of electoral votes. For instance, there are 16 electoral votes assigned to Georgia versus 29 electoral

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<sup>19</sup> Electoral College, the system by which the president and vice president of the United States are chosen. It was devised by the framers of the United States Constitution to provide a method of election that was feasible, desirable, and consistent with a republican form of government. <https://www.britannica.com/topic/electoral-college>

votes assigned to Florida. In other words, a candidate that wins the popular vote in Georgia receives fewer votes in the Electoral College than a candidate that wins in Florida.

On the other hand, state level elections of state officials, such as the governor, the state legislative body, and the members of congress, usually take place midpoint through the presidential term using a popular vote system. The popular vote system consists of a direct election of officials by the people of each state, where each vote directly counts towards a candidate.

## **2. Primary and General Midterm Elections**

In the United States, midterm elections is the term used to describe state local elections that occur in the middle of the four-year-term of the U.S. presidential elections. These elections consist of primary and general elections and attribute important offices in each individual state. Midterm elections include electing the state governor in the so-called gubernatorial elections, in which the governor is elected to a four year term. Other important offices that are comprise the federal representations in the United States House of Representatives and Senate. Finally, other local public offices are elected during the midterms such as the county<sup>20</sup> mayors. Since in the U.S. there are two major political parties in play, the Democratic Party and the Republican Party, there is always an electoral battle occurring in every state between the aforementioned parties.

The 2018 gubernatorial elections in Georgia took place on November 6, 2018 along with other state wide elections. As previously mentioned, these elections were general elections, and were decided by a popular vote where each vote was counted

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<sup>20</sup> The county in the United States is geographical and administrative division within the state.

towards the party candidates. In this case, the general election was primarily a battle between Democratic candidate Stacey Abrams and Republican candidate Brian Kemp. The voting process occurred separately in each county, with Abrams winning the popular vote in some counties and Kemp winning in others. Prior to these general elections, each political party had primary elections held on May 22, 2018 to determine their nominees to run for the general elections, and it occurred in each county separately as well. In these primary elections, candidates within the same party face each other in order to win the party's nomination to run for each state local office. For instance, in the 2018 Georgia Republican gubernatorial primary elections, candidate Brian Kemp, and eventual Republican nominee, faced a tough battle with candidate Casey Cagle that led to an extra run of elections called the Republican primary runoff. Easily winning, the runoff led to his nomination as the gubernatorial nominee for the Republican Party. On the other hand, Stacey Abrams became the first Black woman to gain major U.S. party nomination for governor.

The importance of the midterm elections lies in taking control of state politics, and due to the midpoint placement during the presidential term, these elections are given special importance by political parties in order to dominate federal politics, and eventually take control of the congress. Possessing power in congress, either at the level of senate or house of representative, can have drastic effects on the country's law making process, and decisive power for or against the president of the United States depending on the party in control.

It is also important to mention that it is mainly the laws of the states that regulate and administer most aspects of the elections in the United States, including the election of federal officials. Aspects such as the eligibility of voters, the methods

used to run local elections, and other important parts. And accordingly, issues of voter disenfranchisement at the state level continue to be a matter of debate. The Georgia midterm elections have been widely featured in recent times due to claims of voter disenfranchisement, and voter suppression in Georgia which was one of the most discussed issues during these elections.

### **3. The 2018 Georgia Gubernatorial Elections**

Georgia governor race of 2018 attracted national attention, in which Stacey Abrams and Brian Kemp faced off in a potentially historic race to become Georgia's next governor. On the one hand, Abrams is a democratic former state legislator and the House Minority Leader for the Georgia General Assembly and a longtime voting-rights activist who had dedicated much of her career to fight for every citizen's right to vote. She won the democratic primary elections and became the first African-American woman as a gubernatorial nominee in the history of the United States. On the other hand, Kemp is a republican politician and businessman. He served as the secretary of state's office, that oversees elections in the state in Georgia the since 2010.

Georgia has been at the center of several recent complaints charging that state officials are attempting to reduce Black voters' power. Many of these complaints revolve around Brian Kemp, Georgia's current secretary of state at the time of elections. Kemp refused to leave office before the elections, provoking voting rights advocates, civil rights groups, and Abrams's campaign to argue that it was inappropriate for the man in charge of voting systems in the state to continue to manage those systems while running for office. Kemp claimed that he was working to ensure elections reliability, and that claims

of voter suppression were farce. Moreover, in a state like Georgia where 32% of the whole population are Blacks; their votes are expected to play a significant role in the gubernatorial race, voting rights groups fear voter suppression could affect the result of the midterm elections.

### **3.1 “Use it or Lose it” Policy**

Voter purges in Georgia was one of the most discussed issues during the 2018 midterm elections, as the Secretary States Office adopt a policy of removing the eligible voters from the polls for different reasons; such as moving out of the state or county, and death. According to Leigh Chapman, Senior Policy Advisor, and after submitting public records request to the State’s Office of a detailed information on who was purged. The results show that 1.3 million Georgian between 2013 and 2017 were purged from the rolls. Moreover, under Georgia law ‘Use it or lose it’, registered voters who have not voted for three years are purged; then they are sent a mail asking them to confirm they still live at their address. If they do not return it, they are marked inactive, and they are removed from the rolls. Before the 2018 midterm elections, more than 534,000 voter registrants were removed out of the polling lists simply because they did not vote in two general election cycles. However, the purges also can mistakenly remove legitimate voters. Accordingly, Greg Palast, a journalist and the director of the Palast Investigative Fund and filed a suit against Kemp arguing that after analyzing the lists of the purged voters, he found that more than half of the purged voters were removed when they should not have been. The table below demonstrates the number of purged voters with their current status.

**Table 2:** Total purges done against different voter registration statuses in Georgia

<b>Status of Voter Registrations</b>	<b>Total Purges</b>	<b>Percentage from total purges</b>
<b>Living in the same address of registration</b>	334,134	62.57%
<b>Not being active</b>	107,000	20%
<b>Moved out of the state</b>	41,797	7.8%
<b>Passed away</b>	19,000	3.56%
<b>Moved within the same state</b>	8,990	1.68%
<b>Undetermined</b>	23,079	4.32%

Source: Durkin, Erik The Gardian (after)

The Brennan Center for Justice at NYU tracks voting issues nationally, and has asserted that Georgia was among the most aggressive states in the country in removing inactive voters from its registration rolls. In the table above, there are registration purges done due to reasonable causes, such as the passing away of the registered voter or moving out of state. But as evident in this table, the highest number of purges was done inexplicably against registered voters that were still living in the same address registered at time of voting, and is followed by purges against inactive voters. The change of address of voters could present issues at the time of voting, but in reality 62 % of the removed registrations took place against voters who still lived at the same address of registration. Additionally, voter inactivity in previous elections was another reason for removal; voting rights advocates contend that "use it or lose it" is a form of voter suppression as they argue that people shouldn't lose a fundamental right simply because they choose not to vote.



These purges present clear evidence of voter suppression towards completely eligible voters.

### **3.2 Exact Match Policy**

Voting rights advocates accuse Kemp of discriminatory voting practices tied to the state's "exact match" law that was passed in 2017. Under this law, a voter registration application is complete if information on that form exactly matches records kept by Georgia's Department of Driver Services or the Social Security records. If there is no precise match, it is placed on a pending status and the applicant is notified in the form of a letter from the county board of registrars about the need to provide additional documentation.

The registration applications are placed on pending status for different reasons, as of a missing letter, dropped hyphen in a last name, or an entry error. For instance, if a registrar lists his name as John on the registration form, but on his driver's license record his first name is Johnson, then his registration application is placed in pending status. Republicans say the aim of the "exact match" law is to prevent voter fraud. Voting rights groups, however, consider the process as an extremely unreliable because even the smallest discrepancies in an application can prevent someone's voter registration from being processed. Besides and as the information of the registrants are manually inputted into the computers of the state errors are more prone to happen.

According to the Associated Press, 80% of the purged voters in 2017 come from urban areas with high Black populations as City Lab's Brentin Mock reports show. However, the Secretary States Office argued that voters on the pending lists still could

vote at the polls in November if they provided an acceptable ID, yet poll workers may be confused about eligibility of those voters wrongly turn them away due to the complexity of the different voting laws (P.R. Lockhart, accessed on 29/05/2019).

Sophia Lakin, a staff attorney on the ACLU's Voting Rights Project, argues that until 2013 Georgia was covered by section four of the VRA in which all voting changes were under the supervision of the federal court; thus, minority voting rights were more protected from discriminatory laws. However, and with those protections now gone after the court's decision in *Shelby County v. Holder* in 2013 minority voting rights have been threatened again. Additionally, the Campaign Legal Center and Lawyers' Committee for Civil Rights under Law filed a suit against Kemp's policy arguing that the exact match requirement violates the Voting Rights Act as it disproportionately and negatively impacts the ability of eligible minorities' voters and mainly African-Americans. Yet Kemp has countered that much of the criticism of his office is misplaced and he defended his office policy by claiming that these procedures are for the sake of preventing voting fraud and ensuring the legitimacy of the elections.

### **3.3 Polling Closures**

As the midterm election approached, 10 counties with large Black population closed polling places in Georgia. This represents an explicit effort to make it harder for blacks and other minorities to vote. As an example, in Randolph County, a rural and agricultural area, board of elections planned to close seven polling places out of nine in the whole county prior to the midterm elections. Notably, Randolph County is composed of more than 60% of Blacks and witnesses high rates of poverty. For that reason, the American Civil Liberties Union of the Georgia chapter considered the plan as an obvious

discrimination against Black voters due to the lack of transportation to the two remaining polling places. The Randolph County is facing national outrage over the polling closures plan, the County residents and civil rights groups, including the ACLU of Georgia, view the possible closures as a Republican-led effort to disenfranchise the Blacks (Levine, on accessed 13/06/2019).

Randolph County's election consultant, Mike Malone argued that the seven polling places were not easily reached by citizens with disabilities and the board does not have time to fix the problem before the election so they must close them; he also said that poll closures plan was proposed to reduce the cost of the elections and thus save money. Even though, the Help America Vote Act (HAVA)<sup>21</sup> passed in 2002, specifically sets accessibility standards for polling places and provided allowances to help states assess the accessibility of their polling places and implement corrective action plans to make polling places accessible in time for the next federal election. Yet, the HAVA was not fully and many polling places still do not follow the law and remain inaccessible.

### **3.4 Absentee Ballot Voting**

Absentee voting is an early voting method for people who cannot vote on Election Day, the conditions to be eligible for absentee ballot varied from state to another. For instance, qualified voters serving in the Armed Forces or Merchant Marine, citizens with physical disabilities, college students, or even being on vacation outside the state or county and many other reasons. However, some states, among them Georgia, offer 'no-excuse' absentee voting. Any registered voter may request an absentee voter by filling

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<sup>21</sup> The Help America Vote Act which Congress passed in 2002 in order to reform election infrastructure and election system across the country. HAVA provided federal funding for states to update voting equipment, also the Election Assistance Commission (EAC) was established under the HAVA. [www.eac.gov/about/help-america-vote-act/](http://www.eac.gov/about/help-america-vote-act/)

out a state request form or by phone, fax, mail, and email to receive an absentee voter and then return their ballot to the board of elections ahead of Election Day. The absentee ballot helps ensure that all eligible voter can participate in elections. It reduces also the chance of queues at the polls on Election Day.

Nevertheless, many states reject absentee ballots for minor reasons as a non-matching signature from the one on the registration application or incomplete forms or missing residential addresses. Under Georgia law, election officials check to see if the signature on a voter's ballot application matches the signature on their voter registration card. If an official decides there is a mismatch, there is no way for the voter to challenge that decision they're notified about the rejection and allowed to apply for another ballot. Therefore, voting rights advocates are rising legal challenges against state and local officials in Georgia following the rejection of more than 1,200 absentee ballots. According to the Washington Post, that higher rates of ballots rejections came from Gwinnett County where officials rejected 464 ballots Moreover, at least 160 ballots were rejected due to problems with the birth date, as voters entered the current year in lieu of their birth date. Sean J. Young argue that this problem appeared due to the poor ballots design where the birth date line is very close to the signature line. (Carpenter, accessed on 19/05/2019).

Additionally, and according to state data analyzed by Cable News Network (CNN), more than 209 of the rejected ballots belonged to African Americans and other minorities. The table below shows the percentage of rejected ballots based on voter's race.

**Table 3:** Absentee ballots accepted and rejected in Gwinnet County in the 2018 midterm elections.

<b>Race</b>	<b>Absentee ballots counted</b>	<b>Absentee ballots rejected</b>	<b>Total absentee ballots</b>	<b>Rejection rate</b>
<b>Asian</b>	622	108	730	4.8%
<b>Black</b>	2,406	209	2,615	8%
<b>Hispanic</b>	382	17	399	4.3%
<b>White</b>	3,135	81	3,216	2.5%
<b>Other</b>	1,896	191	2,087	9.2%
<b>Total</b>	7,315	464	7,779	6%

**Source:** Lawyers Committee for Civil Rights under Law.

The above table includes data of absentee ballots submitted, as well as the rejection rate of these ballots. As seen, minority groups had the highest percentages of ballot rejections. Many voting rights advocates argue that the absentee ballots rejections were unconstitutional and a discriminatory law by affecting mostly minority groups more than Whites. Thus, it represents a strong influence on turnouts of the counties with large Black population. Gwinnett has the highest rate of rejected absentee ballots among all counties in Georgia, and alone it is responsible for 40% of the total of rejected absentee ballots across Georgia (Griffin accessed 01/06/2019).

### **3.5 Malfunctioning Voting Machines**

Georgia is one of only five states that rely on electronic voting machines with no paper trail, yet many voters in areas with high minority populations reported that they

faced several problems due to malfunctioning machines, including: voting machines without power; excessively long queues at polling places; missing or erroneous voter registration records; machines that switched votes or had other malfunctions; and not being offered provisional ballots when appropriate. One voter from DeKalb County said that she, very cautiously, selected Abrams; then suddenly the machine's screen blinked twice and displayed that she had voted for Kemp, yet she was lucky to notice what happened. If this entails one thing, it shows that many Whites have voted for Stacey, but due to technical problems, such vote was given to Kemp.

In addition, a lot of voting machines were pended by local officials due to an ongoing federal lawsuit that argues Georgia's voting machines could be hacked. The jurisdiction covered different counties; for example, in Cobb County 550 out of 1,050 voting machines were out of service on the Election Day, besides to another 700 in Fulton and 585 in DeKalb, all were set aside. Thus, with fewer working machines, voters confronted heavy delays; and many voters went to the polling places several times, yet they left each time because they could not wait in lines lasting for hours. Furthermore, and according to the Atlanta Journal-Constitution the majority of counties impacted by the lack of voting machines favoured Democrat Stacey Abrams over Republican Brien Kemp (Niese, accessed 28/05/2019).

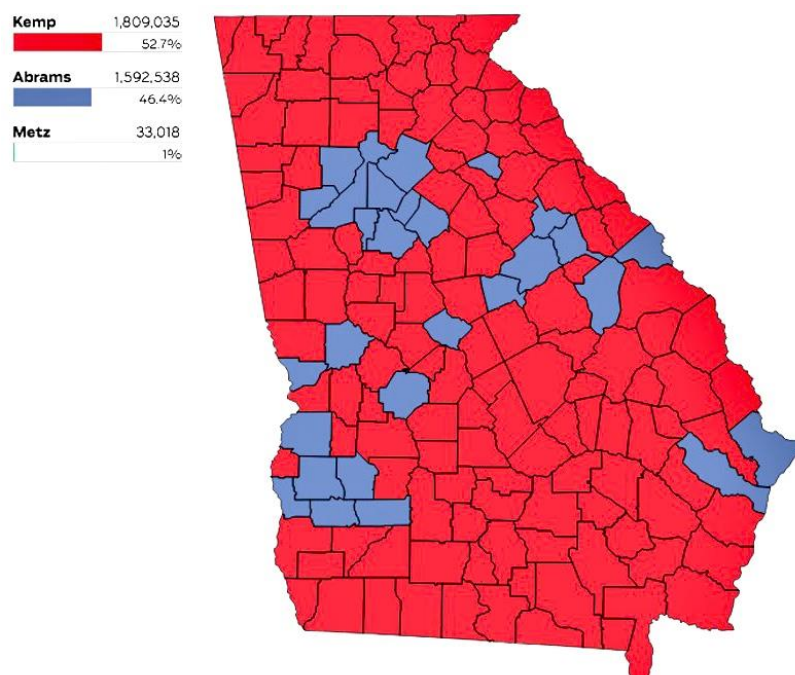
In most states, whenever there is a question about the results of elections, the problem can easily be solved by viewing the paper trail. Even electronic voting machines used across the country produce some form of a paper ballot except in Georgia. The majority of Georgia's machines are touch-screen voting systems. Not only are they old and out of date, but they can be easily hacked. For each election, Georgia's voting machines are loaded with software that is controlled by the secretary

of state's office. At the end of the election, the voters have no way of verifying the results. (Harriot, accessed 05/06/2019).

#### 4. The Effect of Amenable State Level Voting Policies on Turnout Results

After a historical race between the two gubernatorial candidates, the election results came up with republican Brien Kemp winning with 52.2% over Stacey Abrams receiving 48.8% of the votes leading to the latter's loss of the gubernatorial. (See Map 1). Nevertheless, the story did not end here; Kemp had come under extreme criticism for his role overseeing the elections in which he was a candidate. Numerous lawsuits had been filed since Election Day, accusing him of voter suppression and disenfranchising voters, particularly African-Americans (Fang, accessed on 10/06/2019).

**Map 1:** County level results of Georgia Midterm elections of 2018



Source: DiRico, Atlanta.News.Now (Accessed on 10/06/2019)

The issue of voter suppression in Georgia touches most of its 159 counties and mainly the ones with high rates of Black population. The different disenfranchising tactics that the Secretary State's Office applied during the midterm elections were mostly "use it or lose it" policy, absentee ballots rejection, exact match law, and other tactics; which were devoted to create obstacles for Black voters. The consequences of Kemp's office policy were manifested in an apparent discrepancy between the numbers of eligible voters and the counted votes.

The table below, a personal work based on some data collected from the U.S. Census bureau, highlights these discrepancies and provides an intense platform for a better understanding of the issue.

**Table 4:** Voter registrations and turnout in several Georgia counties by race

<b>County</b>	<b>Black eligible voters</b>	<b>White eligible voters</b>	<b>Total eligible voters</b>	<b>Voters for Abrams</b>	<b>Voters for Kemp</b>	<b>Total voters</b>
<b>Randolph</b>	3,348	2,273	5,621	1,518	1,257	2,789
<b>Gwinnet</b>	124,306	320,876	445,182	178,097	132,998	314,918
<b>Fulton</b>	283,712	316,689	600,401	306,589	112,991	423,788
<b>Washington</b>	7,124	6,925	14,049	4,012	4,128	8,140

Taking each county separately and scrutinizing the number of Black voters registered and those who voted, it is clear that many did not actually vote. For instance, in Randolph 3,348 of Blacks were registered while 2,273 Whites also were registered. The results show that Abrams received 1,518 votes entailing that 1,830



Blacks did not vote; similarly, Kemp received 1,257 meaning that 1,016 Whites did not vote. However, when one examines the number of people who voted for Abrams he will notice that more than 55% did not vote when compared to the Whites whose percentage was 45%. Based on that fact, Abrams could not have received the 1,518 votes from Blacks only for she represented the Democrats and those who support such party include Whites and Blacks too, this entails that Abrams received votes from both sides; Blacks and Whites. Inferring that, the percentage of Black voters who could not vote in the elections was higher than what one might think. This was also the case of other counties, and if such results revealed one thing is that there was indeed constraints put to prevent those Black voters from voting, otherwise the results of the 2018 midterm elections in Georgia would have been different.

Hence, and based on the aforementioned results and analyses, it is clear that though the U.S. has undergone a long period of changes and evolution granting minority groups rights equal to the Whites and more specifically African-Americans; who have gone from slaves to full American citizens. The facade is falling apart to reveal that until now the fear of granting African-Americans the right to vote is still prevailing causing the Whites to invent all subtle means to prevent them from making themselves heard.

Lastly, although there was a remarkable increase in the voter turnout in the 2018 midterm elections with a notable 10% increase, in Georgia eligible voters were constrained by prevailing laws as well as circumstances to cast their votes. Of particular interest, Stacey Abrams, the democratic gubernatorial candidate in the 2018 Georgia midterms, complained that massive voter suppression was the reason she lost to the republican contender. The ever growing voter suppression against the minorities

in the U.S. continued to manifest in Georgia. Such aspects were witnessed during the elections as those eligible to vote were prohibited from voting because of manufactured barriers that include: a difficult voter registration process, the prevalence of voter purges, poll closures, and malfunctioning voting equipment.

Definitely, such acts negatively affected the outcome of the elections and as a result, residents were denied an opportunity to exercise their constitutional right of political participation. As such, Stacy Abrams' loss was largely attributed to electoral mismanagement and massive voter suppression mainly orchestrated by her rival.



## **General Conclusion**

The voting rights of African-Americans have evolved since the Reconstruction Era of the United States in 1865 and 1877. Meanwhile, there was a vast amount of challenges that African-Americans had to face in order to redeem full civil rights. With that said, the U.S. federal government has since been attempting to restore these basic rights, specifically the right to vote to African-Americans through the constitutional amendments from 1865 to 1870, and through legislations such as the Voting Rights Act of 1965. Considering that mainly state governments create their proper election laws that regulate all aspects of how they run, there is limited power to what the federal government can do other than establishing parameters for states to follow. As mentioned throughout this dissertation, the issue stems from amenable state policies that intentionally target African-Americans to suppress their vote.

Indeed, through the examination of the historical timeline of African-American disenfranchisement, it is evident that state legislatures have continued to attempt to suppress African-American voting rights until the 21<sup>st</sup> century. Such was done through different discriminatory techniques that place barriers on minorities.

In conclusion, despite the United States emerging as a global leader on matters of democracy and civil rights issues, the country's elections have from time to time been conducted amid several challenges. A detailed study of the 2018 midterm elections has shown that disenfranchisement techniques have indeed been utilized; with an evident suppressive result on African-American voters. As such, states as well as the federal

## General Conclusion

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government ought to revise existing laws in regard to voter disenfranchisement in order to give various groups an opportunity to exercise their political right. The latter, though supposed to have been granted to all Americans in general, and African-Americans in particular, is still a matter of debate on whether it is subjected to treacherous means in order to prevent African-Americans from using it in order to make their voice heard.

## Works Cited

### Books

- Bergeron, H. Paul, editor. *The Papers of Andrew Johnson, vol. 9, September 1865-January 1866*. University of Tennessee Press. Knoxville, 1991. Pp. 120-180.
- Bullock, S. Charles, et al. *The Rise and Fall of the Voting Rights Act*. The University of Oklahoma Press, 2016. Google books, [www.books.google.dz](http://www.books.google.dz). Accessed 23 Apr. 2019.
- Foner, Eric. *Reconstruction: America's Unfinished Revolution, 1863-1877*. HarperCollins Publishers, Inc. 2002.
- Fermon, K. David. *The Jim Crow Laws and Racism in United States History*. Enslow Publishers, Inc. 2000.
- Scher, K. Richard. *The Politics of Disenfranchisement: Why Is It So Hard to Vote in America?* Routledge, 2015. Pp. 48-91.
- Kelley, D. G. Robin, Earl, Lewis, editors. *To Make Our World Anew, vol. II, A History of African Americans from 1800*. Oxford University Press, 2005.
- Keyssar, Alexander. *The Right to Vote: The Contested History of Democracy in the United States*. Basic Books, 2000.
- Drago, L. Edmund. *Black Politicians and Reconstruction in Georgia: A Splendid Failure*. The University of Georgia Press. 1991. Pp. 32-35.
- Tsesis, Alexander. *The Thirteenth Amendment and American Freedom: A Legal History*. New York: University Press, 2004.

### Articles

- Cammett, Ann. Shadow Citizens: "Felony Disenfranchisement and the Criminalization of Debt." *William S. Boyd School of Law*, vo. 117, no. 2, 2012, pp. 358-361.

- Colby, B. Thomas. "In Defense of the Equal Sovereignty Principle." *Duke Law Journal*, vol. 65, no. 6, 2016, pp. 1088-1093.
  - Coleman Jordan, Emma. "Taking Voting Rights Seriously: Rediscovering the Fifteenth Amendment." *Nebraska Law Review*, vo. 64, no. 3, 1985, pp. 390-400. [digitalcommons.unl.edu/nlr/vol64/iss3/3/](http://digitalcommons.unl.edu/nlr/vol64/iss3/3/)
  - Figler, Bailey. "A Vote for Democracy: Confronting the Racial Aspects of Felon Disenfranchisement." *New York University School of Law*, vo. 61, no. 723. 2016, pp. 728-751.
  - Lewis, John and E. Allen, Archie. "Black Voter Registration Efforts in the South. *Notre Dame Law Review*," vol. 48, no. 1, 1972, pp. 105-117. [scholarship.law.nd.edu/ndlr/vol48/iss1/6/](http://scholarship.law.nd.edu/ndlr/vol48/iss1/6/)
- Mabrey, Joseph. "Voter Identification Laws and Their Effects on Voter Turnout." *University of Colorado, Boulder CU Scholar*, 1 Apr. 2016, pp. 21-50.
- Martin, David. "The Birth of Jim Crow Laws in Alabama." *National Black Law Journal*, vol. 13, no. 1, 1993, pp. 184-197. [escholarship.org/uc/item/5x65v6ch](http://escholarship.org/uc/item/5x65v6ch)
  - Wang, IX. "The Making of Federal Enforcement Laws, 1870-1872 – Freedom: Political." *Chicago-Kent Law Review*, vol. 70, no. 3, April. 1995, pp. 1013-1036. [scholarship.kentlaw.iit.edu/cklawreview/vol70/iss3/6](http://scholarship.kentlaw.iit.edu/cklawreview/vol70/iss3/6)

## Theses

- Adrienne, Melanie. *The Voting Rights Act under Siege: The Development of the Influence of Colorblind Conservatism on the Federal Government and the Voting Rights Act.* 2015, City University of New York. PhD Dissertation. [www.academicworks.cuny.edu/gc\\_etds/996](http://www.academicworks.cuny.edu/gc_etds/996)

- Ann Garnett, Holly, Miller, Peter. Registration Innovation: The Impact of State Laws on Voter Registration and Turnout. 2016, University of California. Thesis.
- Hopkins, Hayley. Restrict the Vote: Disenfranchisement as a Political Strategy. 2017, Department of Political Science Northwestern University. Thesis. [www.semanticscholar.org/paper/Ballot-Challenge%34](http://www.semanticscholar.org/paper/Ballot-Challenge%34)
- McDaniel, Hilary. Voting Rights in the Modern Era of Minority Disenfranchisement. 2017, Michigan State University College of Law. Dissertation. [www.digitalcommons.law.msu.edu/king/255/](http://www.digitalcommons.law.msu.edu/king/255/)

## **Reports**

- Barriers to Voting in Louisiana. Louisiana Advisory Committee for the United States Commission on Civil Rights, June 2018, pp. 10-24.
- Coleman, J. Kevin. The Voting Rights Act of 1965: Background and Overview. Congressional Research Service, 10 March 2015, pp. 6-13.
- Evans, Rachel and E. Cuevas Ingram, Joanna. The Voting Rights Barriers and Discrimination in the Twenty-First Century California: 2000-2013. Lawyers' Committee for Civil Rights of the San Francisco Bay Area, March 2014, pp. 15-33.
- National Humanities Center, the Campaign for Citizenship Rights by African Americans, 1810s-1865. P. 18.
- Steven J. Rosenstone and Raymond E. Wolfinger. The Effect of Registration Laws on Voter Turnout.
- The American Political Science Review Vol. 72, No. 1 (Mar., 1978), pp. 22-45 Published by: American Political Science Association
- The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America Today. People for the American Way Foundation, pp. 5-23.



- United States. Congress. *Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States*. U.S. Government Printing Office, 1872.  
[www.books.google.dz](http://www.books.google.dz)

## Webography

- Carol, Anderson. “Voting while black: the racial injustice that harms our democracy.” *The Guardian*, June 7, 2018, [www.theguardian.com/commentisfree/2018/jun/07/black-voter-suppression-rights-america-trump](http://www.theguardian.com/commentisfree/2018/jun/07/black-voter-suppression-rights-america-trump) Accessed on 25/05/2019
- Cox, Dolores. “African-American suffrage: Voting rights and suppression.” *Workers world*, September 12, 2018, [www.workers.org/2018/09/12/african-american-suffrage-voting-rights-and-suppression/](http://www.workers.org/2018/09/12/african-american-suffrage-voting-rights-and-suppression/) Accessed 28/03/2019.
- DiRico, Emily. “How Georgia counties voted in the 2018 Georgia Gubernatorial election.” *The Atlanta Journal Constitution*, Nov. 6, 2018, <https://www.ajc.com/news/state--regional-govt--politics/how-georgia-counties-voted-the-2018-georgia-gubernatorial> Accessed on 23/05/2019.
- Kousser, J. Morgan. “Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction.” *Humanities & Social Sciences Online*, June, 2000, [www.networks.h-net.org/node/9997/reviews/10580/benedict-kousser-colorblind-injustice-minority-voting-rights-and](http://www.networks.h-net.org/node/9997/reviews/10580/benedict-kousser-colorblind-injustice-minority-voting-rights-and) Accessed 05/04/2019.
- Levine, Sam. “Georgia County Can’t Back Up Its Excuse for Plan to Disenfranchise Black Voters.” *Huffpost*, Aug 22, 2018, <https://www.huffpost.com/entry/georgia-county-close-polling-places-access> . Accessed on 13/06/2019.
- Lopez, German. “How the Voting Rights Act transformed black voting rights in the South, in one chart.” *Vox Media*, Aug 6, 2015, [www.vox.com/2015/3/6/8163229/voting-rights-act-1965](http://www.vox.com/2015/3/6/8163229/voting-rights-act-1965) Accessed on 16/04/2019.

- “Life after slavery for African Americans.” *Khan Academy*, [www.khanacademy.org/humanities/us-history/civil-war-era/reconstruction/a/life-after-slavery](http://www.khanacademy.org/humanities/us-history/civil-war-era/reconstruction/a/life-after-slavery) Accessed on 18/05/2019.
- Nilsen, Ella. “Republicans are making it harder for people to vote in key 2018 elections.” *Vox Media*, Oct 25, 2018, [www.vox.com/policy-and-politics/2018/10/25/18010928/2018-midterm-elections-voting-rights-purges](http://www.vox.com/policy-and-politics/2018/10/25/18010928/2018-midterm-elections-voting-rights-purges) Accessed on 29/06/2019.
- Vagins, Deborah J. et al. “Supreme Court Put a Dagger in the Heart of the Voting Rights Act.” *American Civil Liberties Union (ACLU)*, July 2, 2013, [www.aclu.org/blog/voting-rights/promoting-access-ballot/supreme-court-put-dagger-heart-voting-rights-act](http://www.aclu.org/blog/voting-rights/promoting-access-ballot/supreme-court-put-dagger-heart-voting-rights-act) Accessed on 13/05/2019.
- *Vox Media*, Oct 25, 2018, [www.vox.com/policy-and-politics/2018/10/25/18010928/2018-midterm-elections-voting-rights-purges](http://www.vox.com/policy-and-politics/2018/10/25/18010928/2018-midterm-elections-voting-rights-purges) Accessed 02/06/2019.
- Shah, Khushbu. “Textbook voter suppression: Georgia's bitter election a battle years in the making.” *The Guardian*, Nov 10, 2018, [www.theguardian.com/us-news/2018/nov/10/georgia-election-recount-stacey-abrams-brian-kemp](http://www.theguardian.com/us-news/2018/nov/10/georgia-election-recount-stacey-abrams-brian-kemp) Accessed on 12/06/2019.
- Sampathkumar, Mythili. “2018 midterms: Despite federal court rulings, voter suppression in Georgia still ‘blatant’ and worrisome according to experts.” *The Independent*, Nov 4, 2018, [www.independent.co.uk/news/world/americas/us-politics/midterms-2018/2018-midterms-georgia-stacey-abrams-brian-kemp-voter-suppression-a8617061](http://www.independent.co.uk/news/world/americas/us-politics/midterms-2018/2018-midterms-georgia-stacey-abrams-brian-kemp-voter-suppression-a8617061). Accessed on 21/06/2019

### **Government Document**

- U.S. Bureau of the Census, Population Estimates Program. Georgia Number of Housing Units by county. Accessed on 12/06/2019.

## **Lecture Notes**

- Abdelhadi, Nadia. "African-American Literature." *The Souls of Black Folks*. University of Abdelhamid Ibn Badis, Mostaganem. Apr. 2018. Class lecture.
- Larbi Youcef, Abdeldjalil. "Filmography." *Selma*. University of Abdelhamid Ibn Badis, Mostaganem. 31 Oct. 2018. Class lecture.

**Appendix 1: Article XIII (Amendment 13 - Slavery and Involuntary Servitude)**

-Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

-Congress shall have power to enforce this article by appropriate legislation.

### **Appendix 2: Article XIV (Amendment 14 - Rights Guaranteed: Privileges and Immunities of Citizenship, Due Process, and Equal Protection)**

1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2: Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,<sup>15</sup> and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3: No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously

taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

## Appendices

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4: The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5: The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

**Appendix 3: Article XV (Amendment 15 - Rights of Citizens to Vote)**

-The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

-The Congress shall have power to enforce this article by appropriate legislation.