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New voting restrictions in the South could sway races

Erin Mansfield | USA TODAY

When Michael McClanahan was growing up, his grandmother would tell him what it was like to vote before the Civil Rights Movement in their small town in northwest Louisiana. Like a carnival game, white poll workers would ask Black voters to count the number of jelly beans in a jar or pass other tests if they wanted to get their ballot, she told him.

"There was always intimidation if there was a big election," McClanahan said. "The sheriff or the town police officers were there talking into the microphone trying to intimidate people."

Those practices were outlawed by the Voting Rights Act of 1965, but now new restrictions are being adopted in the South. And they may alter the outcome of the 2024 election by lowering voting among Black Americans, who overwhelmingly choose Democrats.

Since 2020, states have tightened absentee voting. They've passed or stiffened voter identification laws. And, under pressure from Republicans who falsely claim the 2020 election was stolen, they're adjusting how they remove voters from the rolls.

The new rules could affect which presidential candidate wins the swing states of Georgia and North Carolina, the outcome of key congressional and state legislative races and which party's candidate wins a seat on the Alabama court that upended fertility medicine – among other important outcomes.

"The states aren't making it easier to vote," said Caren Short, director of legal and research for the League of Women Voters. "That leaves groups like the League, groups like the NAACP, to help voters navigate the process. And then when we are successful at doing so, the lawmakers pass laws that criminalize the very work that we're doing."

Now, the president of the Louisiana state conference of the NAACP, McClanahan said Jim Crow never left his state. And the 2020 election provided a fresh opportunity for efforts to undermine voting rights.



Voters in the South are also required to show more identification than in 2020. Some states have stiffened their in-person identification requirements, and others are requiring identification with absentee ballots.

ELIJAH NOUVELAGE/GETTY IMAGES FILE

"They're relentless," he said of the Republicans who control the Louisiana state government. "They're going to try until Jesus comes back. And they just need to know we're going to fight until Jesus comes back."

States target ballot 'harvesting'

Mississippi and Alabama are two of just four states that don't allow in-person early voting, so the only alternative to showing up to a polling place Nov. 5 is to vote absentee. However, those states and Texas have all passed laws reining in what they call "harvesting" absentee ballots. The term generally refers to someone collecting absentee ballots for other voters, a practice common among voter mobilization efforts.

The new laws restrict who can witness a person signing their absentee ballot, how many ballots a single person can witness and who can return those ballots. Civil rights groups say this disenfranchises voters who rely on help.

A court temporarily blocked the Mississippi law after the local NAACP and League of Women Voters sued, saving limits on helping people

with disabilities violated the Voting Rights Act. The case is ongoing.

Louisiana Secretary of State Nancy Landry, a Republican, is now asking her state's legislature to pass bills that "further crack down on absentee ballot harvesting" and stop people from helping with "more than one absentee ballot, except for immediate family."

Landry's office said she was not available for an interview. In a March statement, she said, "Louisiana has some of the most well-run elections in the nation, but there is always room for improvement. This package of bills will further boost our state's election integrity policies and procedures."

Ballot collection restrictions

As part of a sweeping election integrity bill in 2021, Texas created a felony offense for collecting mail-in ballots in exchange for benefits such as payment or a job offer. Gov. Greg Abbott said upon signing the bill that it "ensures trust and confidence in our elections system – and most importantly, it makes it easier to vote and harder to cheat."

Gary Bledsoe, a lawyer who heads the Texas NAACP, said the law has chilled get-out-the-vote efforts. "If you say the wrong thing to a voter when you knock on the door, you've committed a crime, a serious crime," he said. "It's meant to intimidate people."

Alabama Gov. Kay Ivey, a Republican, signed a law in March that made it illegal to turn in someone else's absentee ballot, and made it a felony to give or receive payment to collect others' absentee ballots. She promised there wouldn't be any "funny business" in elections.

Civil rights groups sued, arguing that the law "criminalizes constitutionally protected speech" and disenfranchises people of color, voters who are disabled or incarcerated, senior citizens and others who "depend on assistance to vote."

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Restrictions

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Absentee ballots are more often used by Black voters, data from Secretary of State Wes Allen's office shows.

Allen, also a Republican, disagreed with the lawsuit's contentions. "Groups that claim that SB1 is discriminatory either misunderstand this bill or are purposely misrepresenting SB1 to promote their own political narrative," he said in a statement, referring to the law by its bill number. "SB1 is designed to protect the absentee elections process and show partisan, third-party organizers that Alabama votes are not for sale."

Voter ID rules tightened

Voters in the South are also required to show more identification than in 2020. Some states have stiffened their in-person identification requirements, and others are requiring identification with absentee ballots.

A new voter identification law is in place in North Carolina, where Democrats are targeting statehouse races to cut into a Republican supermajority in the state Trump carried by just 1 percentage point in 2020. The Biden campaign, seeing the state as winnable, is investing heavily. Arkansas updated its voter identification law in 2021. Before that, when voters could not provide state-issued photo identification, they could sign an affidavit to swear to their identity. Now they have to cast a provisional ballot and return by the following Monday with ID for the vote to count.

A comprehensive election law Georgia, a swing state, passed in 2021 put stricter identification requirements on mail-in ballots. Instead of including their signatures, voters need to provide a driver's license number, a partial Social Security number or a copy of their photo identification.

Texas' 2021 election bill that targeted vote harvesting has a similar provision: Voters must use a driver's license or similar state ID number; the last four digits of a Social Security number; or provide a statement saying they don't have any of those.

According to the Pew Research Center, 81% of Americans support requiring a government-issued photo ID to vote. But not everyone has one, especially people of color. Voter turnout often goes down after identification laws are passed, according to the Brennan Center, a good-government think tank.

Though states with voter ID laws often offer free identification cards, the NAACP said when it sued Alabama those IDs were difficult to get because the offices



Voters line up at the polls in Texas, which passed sweeping new election laws in 2021. In addition, the state created a felony offense for collecting mail-in ballots in exchange for benefits such as payment or a job offer.

JAY JANNER/AUSTIN AMERICAN-STATESMAN FILE

were hard to access from rural areas without a car, had limited hours and required people to take an oath under penalty of prosecution.

"I've heard this claim a lot that somehow requiring minority voters to get an ID to vote is somehow racist or discriminatory," said Zack Smith, a senior legal fellow at the Heritage Foundation, which supports voter ID restrictions. "Frankly, I think that claim is somewhat insulting. It's basically implying that minority voters are either unwilling or unable to get an ID."

Pamela Phoenix, a Democrat who has worked polls in Tyler, Texas, pointed to people who come in and say their purses were snatched shortly before the election. "So they don't have a driver's license. They don't even have what it takes to go to the DMV and get a new driver's license. We have individuals whose houses have been totaled in fires so they don't have driver's licenses, passports, proof of utilities, none of that."

Rasby Mason, a clergy leader in Shreveport, Louisiana, said it's common for Black residents in rural parts of the South to never get driver's licenses. Others were born outside a hospital and weren't issued proper identification.

"Some people aren't just good with keeping up with those kinds of documents," Mason said.

Whose votes count?

Next on the horizon are battles over who gets to vote

and whose votes get counted.

A law passed in Georgia would embolden citizen activists trying to remove people from the rolls and change how homeless people register to vote.

In Mississippi, a lawsuit filed this year by the state and national Republican parties seeks to overturn a law the statehouse passed in 2020 allowing absentee votes to be counted up to five days after the election if the ballot is postmarked by Election Day. The lawsuit says votes counted after the deadline are invalid and that it harms Republicans because Democrats are more likely to vote absentee.

And in Louisiana, Secretary of State Landry is backing a proposal that would require her office to conduct an annual canvass of voters and identify people to place on an inactive voter list if they have not voted, made changes to their registration or participated in a nursing home program in the past 10 years.

Joel Watson, spokesperson for Landry, called the bill "merely another tool to ensure that Louisiana's voter rolls remain accurate, a key to maintaining safe and secure elections."

McClanahan, from the state's NAACP, said one vote can make a difference, and if enough people voted, they could elect governors who safeguard their right to vote. "We have to, at some point in time, use the same process that is being used to kick us out of voting to make a strong push to make sure that everyone has the unfettered right to vote," he said.