



ELECTION 2016

Latino Voters at Risk:

Assessing the Impact of Restrictive
Voting Changes In Election 2016

EXECUTIVE SUMMARY



A REPORT BY THE NALEO EDUCATIONAL FUND

The nation's leading non-profit organization that facilitates full Latino participation
in the American political process, from citizenship to public service.

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The Presidential election of 2016 will take place against a very different legal and political landscape than existed in 2012. Voters lost the protection of a critical piece of the Voting Rights Act, the preclearance process, to a 2013 Supreme Court ruling. Whereas in 2012, new voting policies could not be implemented in the entirety or portions of 16 states until they had cleared anti-discrimination review, in 2016, approximately eight million Latino voters are vulnerable to restrictive lawmaking and changes in election administration because they live in jurisdictions that have been freed from oversight, in spite of their documented histories of adopting practices that discriminate against minority voters.

Nineteen states created new barriers to Latino participation since 2012:

Nineteen states have enacted or implemented new laws since November 2012 that will make it harder for Latinos and other voters to cast ballots in 2016. **In sum, we estimate these laws could seriously impede more than 875,000 Latinos who are eligible to vote from participating in the 2016 Presidential election.**

States have implemented serious obstacles to voter registration:

Some of the restrictive provisions that have been implemented since 2012 make it more difficult to register to vote by adding requirements for documentation or information from potential registrants. Some states have also moved deadlines for registration to dates farther in advance of Election Day, or made it more difficult for community volunteers not affiliated with election officials to help people register.

States have imposed discriminatory restrictions on voting:

State legislatures have also made it more difficult to vote both in-person and by mail. Several states will prohibit people without acceptable photo ID from voting for the first time in a Presidential election, and some states have truncated their early voting periods. Some states have also shortened the window of opportunity for requesting an absentee ballot, or restricted helpers' ability to deliver absentee ballots for voters who cannot easily send their ballots themselves.

Restrictive laws are likely to have a disproportionate negative effect on Latino voters:

Table 1 sets forth the number and location of Latinos eligible to vote who will face challenges with electoral participation in Election 2016. In addition to the number of Latinos set forth on page 2, hundreds of thousands of additional citizens are likely to be deterred from voting by provisions whose numerical impact we cannot estimate with precision.

TABLE 1



RESTRICTIONS ON
REGISTRATION



STRICT OR
NEAR-STRICT
VOTER ID



SHORTENED
EARLY IN-PERSON
VOTING PERIODS



RESTRICTIONS ON
ABSENTEE VOTING
BY MAIL



OTHER
HEIGHTENED VOTING
QUALIFICATIONS

	RESTRICTIONS ON REGISTRATION	STRICT OR NEAR-STRICT VOTER ID	SHORTENED EARLY IN-PERSON VOTING PERIODS	RESTRICTIONS ON ABSENTEE VOTING BY MAIL	OTHER HEIGHTENED VOTING QUALIFICATIONS
Alabama	*	10,800			
Arizona				*	
Arkansas				*	
Indiana	*	*	*		
Kansas	*				
Kentucky					*
Mississippi		4,700			
Montana	*				
Nebraska			*		
New Jersey				*	
New Mexico	*				
North Carolina	More than 18,000	*	*		*
North Dakota		1,800			
Ohio			*	*	*
Tennessee		*	*		
Texas		771,300		*	
Utah				*	
Virginia	*	45,600			
Wisconsin	*	24,000	*		

TOTALS

More than
18,000

More than
858,200

*

*

*

* No estimate is provided of Latino voters affected, because there is not sufficient public data or other information required to make a reliable projection.

Election systems diminish Latino electoral opportunities:

Voters are most likely to be discouraged from voting by laws whose application directly determines who does and does not have access to the polls. But voters' actual influence on our democracy also depends upon whether election systems provide fair opportunities for underrepresented groups to elect the candidates of their choice. In some places, Latino voters have been silenced not just by laws that prevent them from voting but also by laws that design electoral systems to minimize elected officials' accountability to underrepresented communities. For example, in cities and counties where people tend to vote the same as others who share their race or ethnicity, a sizable underrepresented community can be prevented from electing a representative of its choice by use of at-large districts for which the jurisdiction's entire, majority-dominated electorate votes. Redistricting plans, likewise, have been drawn to minimize underrepresented voters' influence.

Administrative practices perpetuate discrimination against Latinos:

Although restrictive voting laws continue to be proposed and enacted, their implementation has slowed somewhat as voter advocates have won significant victories in legal challenges based on the Voting Rights Act and other protective laws. In recent years administrative decision-making has grown in prominence as a cause of unequal opportunity to participate in elections, and thus as a point of concern. Election administrators' discretion to set aggressive registration list maintenance policies, to close or consolidate polling locations, to provide insufficient resources for polling places in underrepresented communities, and to neglect the provision of language assistance throughout the election process has already made it more difficult for many Latinos and underrepresented voters to participate in elections. These and other administrative (rather than legislative) decisions pose particular danger since advocates have rarely been able to successfully use the Voting Rights Act and other legal protections to attack, and avoid, their negative effects.

Restrictive policies make democracy less inclusive when we should be making it more inclusive:

Latino registration and voting rates have long lagged far behind national averages. Latinos who are least likely to participate in elections already feel disengaged from the political system, and skeptical of the importance and potential influence of their votes. As the Latino electorate grows and constitutes an ever-larger share of all Americans eligible to vote, it is increasingly critical that Latinos progress toward becoming full participants in our nation's civic and political life. In order to accomplish this, members of the Latino electorate need to be invited and urged to participate, particularly by the family, friends, and community members they know best and trust most. Restrictive voting policies accomplish the opposite, however. Laws that make it harder to vote reinforce non-voters' sense that politicians do not want to hear from them and do not care what they think. This is why they are the wrong policy solution for the present time.

Congress and states should take immediate action to expand opportunities for all Americans to vote:

In order to effectively safeguard against adoption of procedures that discriminatorily make it harder for Latinos to vote, Congress should enact legislation that modernizes and restores the Voting Rights Act to full strength. State and local policymakers should concentrate their efforts on expanding opportunities for Americans to vote.