



AMERICA'S DEMOCRACY PLAYBOOK



“Until we can say without doubt, ‘One nation, under God, indivisible, with liberty and justice for all.’ Until that means exactly what it says, we are still working toward becoming a more perfect union.”

- Rev. William J. Barber II, Former President, NC NAACP

INTRODUCTION:

The 2018 mid-terms were the best of times...and yes, the worst of times when it came to voter suppression and reclaiming our democracy. In many states, citizen groups rallied to put American citizens back on the voter rolls – as Amendment 4 did in Florida, giving the franchise to over a million felons. In Michigan and 3 other states, initiatives to stop partisan re-districting, aka, gerrymandering, passed. And the voters of Kansas, one of the reddest of red state, rejected one of the biggest opponents of voting rights, Kansas Secretary of State, Kris Kobach, who failed in his bid to become governor.

But in North Carolina, voters passed a new Photo Voter ID law, circumventing (for now) a 2016 Federal Court decision rejecting that state’s former voter ID law. And false claims of voter fraud reared their ugly head again in Florida’s razor thin gubernatorial and US Senate elections. And there were legitimate concerns about voter suppression in Georgia’s election results in 2018 – with the candidate for governor (and now governor), Brian Kemp, in his role of Secretary of State, accused of wrongly purging over a million citizens from the voter rolls. And hanging over it all were more Trump Tweets and complaints about voter fraud and rigged elections.

So, sadly, the beat goes on.

In light of what we saw in 2018 and in 2016, what can you, as an American citizen do to reclaim our democracy?

On the next few pages, we have listed the voter suppression plays from our film, *Rigged: The Voter Suppression Playbook*, that were used to suppress the vote from 2010 forward – and then we show steps you can take to restore the legitimacy of our democracy and its central tenet, *one person, one vote*.

1

PROJECT REDMAP

BACKGROUND:

In 2010, **Project REDMAP** was an effort by the Republican State Leadership Committee to take over key state legislatures. Chris Jankowski, who headed the effort, described it this way:

“The concept was to leverage true national dollars from national donors on the Republican side and invest them in state races, state legislative races in a way that had never been done before.”



Chris Jankowski

And while large donor dollars were being pumped into state races, many who voted with enthusiasm in 2008 for Barack Obama sat on their hands in 2010. While 51% of 18 & 19-year-olds voted in 2008, two years later it was only 21% – down more than 50%. And the African American vote declined from 13% of the electorate in 2008 to 10% in 2010 (almost a 25% drop).

1

PROJECT REDMAP

WHAT YOU CAN DO:

The most effective counter to massive amounts of outside money coming into local elections is for voters not to take their local and state elections for granted. In fact, the smaller the election, the more important is your vote – because local and state offices determine not only voting rights protection but also spending on schools, roads, healthcare, criminal justice – and also your taxes. Yes, voting for President seems important – but it is the down ballot races during mid-terms or other times where the local politicians are elected who determine what happens to you. Voter participation for presidential elections is around 60%; it drops to 40% (or by a third) for mid-terms, that is, non-presidential years.

Thus, it's very simple.

Register. Vote. It is this exercise of the franchise that those who oppose the democratic process fear the most. Needless to say, if the same people who put Obama in the White House in 2008 choose to vote in 2010, many of the voter suppression laws that were enacted after 2010 would never have happened.



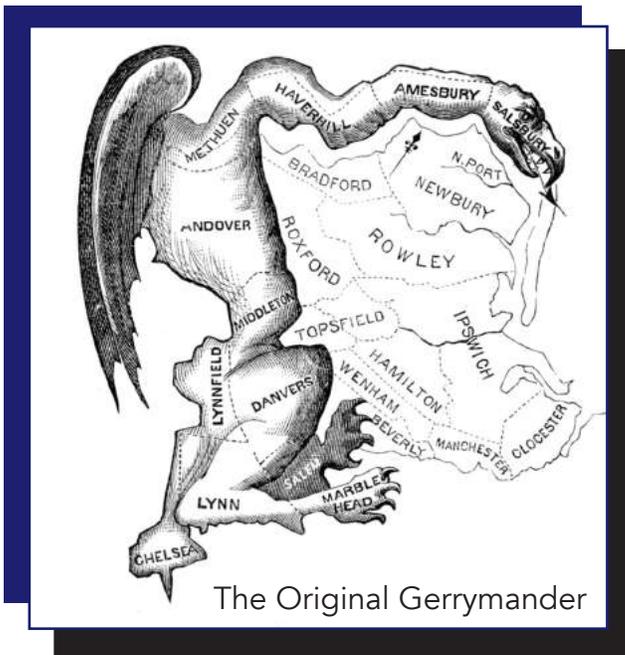
And having learned their lesson the hard way by ignoring Project Red Map in 2010, the Democrats now have their own version of Red Map, headed up by former Obama Attorney General, Eric Holder. It is called the National Democratic Re-districting Committee.

Finally, what did happen in the 2018 mid-terms? Good news. Almost 50% of voters turned out, the highest mid-term turnout since 1914 and a 25% increase over past mid-terms! The people spoke. Democracy won.

2 GERRYMANDERING

BACKGROUND:

The term, gerrymandering, is derived from an obscure early 19th century Massachusetts Governor, Elbridge Gerry. Gov. Gerry creatively configured a state senate district in order to elect a politician of his own party. The district was in the shape of a salamander... so, when combined with his last name, the term gerrymander was born.



Typically, re-districting is done after the ten-year US census is taken which is why 2010 was such a critical election year. The next census year is 2020; and re-districting will then occur in 2021. The problem with gerrymandering, which is always highly partisan, is it often results in the discouragement and subsequent suppression of voters. Says former George W. Bush strategist, Mark McKinnon, "What happens is, you get pushed into a district that is completely safe for one party or the other, and if it's completely safe, why vote?" Of course, gerrymandering is used by both political parties when they are in power and able to draw the Congressional and state voting districts. But whichever party uses it, it is wrong and runs counter to *one person, one vote*.

WHAT YOU CAN DO:

In 2017, the US Supreme Court considered two gerrymandering cases and took a rain check on both. But in 2018, a number of statewide, citizen-lead initiatives addressing gerrymandering passed. States with new anti-gerrymandering laws include Michigan, Utah, Missouri and Colorado. Many of these initiatives set up bi-partisan or independent re-districting committees. The citizen-led initiative in Michigan was appropriately named, *Voters Not Politicians*. The effectiveness and success of these citizen movements demonstrates that everyday voters have the wherewithal to make our representative government more democratic and in tune with the will of the people. In short, we are not at the mercy of our elected politicians, we can directly bring change at the ballot box through citizen-led initiatives.

3

VOTER SUPPRESSION LAWS

BACKGROUND:

For some reason, after Barack Obama's election in 2008, where record numbers of minorities and young voters turned out to vote, a number of mostly Republican legislatures (many the result of Project Red Map) passed a slew of new laws making it harder to vote.

Says Dale Ho, of the ACLU:

"In 2006, there were only two states in the country that had what I call a strict voter identification requirement, and then all of a sudden, after the 2008 election, we have a wave of laws... that made it harder for people to participate, and in almost every instance, disproportionately hit precisely these segments of the electorate (non-white voters) that are emerging."

One of the principal tools was requiring new, more stringent voter ID – such as state-issued driver's licenses. And while most Americans have driver's licenses, as many as 10% don't – and these are often minorities or poor people. This attack on the right to vote continues even now, with North Carolina passing a new photo, voter ID requirement as a ballot initiative in 2018.



3

VOTER SUPPRESSION LAWS

WHAT YOU CAN DO:

There is much that citizens can do to fight these restrictive voter laws:

a) Support with donations the work of voting rights groups which are litigating to protect our voting rights. Groups like the ACLU, NAACP, Legal Defense Fund, Campaign Legal Ctr, Demos, Lawyers Committee for Civil Rights, Advancement Project. Links are posted on our website: www.riggedthefilm.com



b) Give donations and volunteer for political candidates at the state and Congressional level who support voting rights and who on the federal level would like to amend and strengthen the 1965 Voting Rights Act.

c) Fight the good fight with citizen-led initiatives. Amendment 4 in Florida was a citizen-lead initiative that passed in Nov. 2018 with 64% of the vote. It gave back to felons the right to vote once they successfully completed their parole. To get the Amendment on the ballot, the Florida Rights Restoration Coalition collected 800,000 signatures. This initiative enfranchised more Americans than any legislation since 18-year-olds got the right to vote under President Nixon.

4

GUT THE VOTING RIGHTS ACT

BACKGROUND:

In 2011, after Project REDMAP, many state legislatures started to enact new voter restriction laws. However, this did not apply to many of the Southern states covered by the 1965 Voting Rights Act. If they were to make any changes in voting laws, they needed what is termed, pre-clearance, from the US Dept. of Justice. For instance, when Texas, which fell under the pre-clearance statute, passed a new voter ID law in 2011, the Justice Department struck it down as discriminatory towards non-white voters. But then in 2013, the US Supreme Court, by a narrow 5 to 4 vote, ruled that the pre-clearance clause of the Voting Rights Act was no longer necessary – finding that widespread racial discrimination in the South was no longer an issue. The legal fight to overturn the pre-clearance clause was funded in part by many of the same wealthy donors, like the Koch Brothers, who had also funded Red Map.



WHAT YOU CAN DO:

Since it is a Supreme Court ruling, a citizen's ability to undo this decision is a bit problematic. However, many of the voting rights organizations continue to fight the good fight in federal and state courts to overturn new and unconstitutional voting laws. In 2016, federal courts did overturn or amend the voter restriction laws in Wisconsin, Texas and North Carolina – and stopped voter purges in North Carolina and Ohio.

But unlike when the Voting Rights Act was in effect, *all these efforts are now retroactive* and take years and sometimes millions of dollars to fight in court. However, supporting these organizations in their legal battles to save the right to vote is a good investment. Again, these organizations are listed on our website: www.riggedthefilm.com

On the federal level, you can write and urge your Congressman/woman or Senator to amend the 1965 Voting Rights Act and re-establish the pre-clearance clause. In fact, there is legislation to do this but it has never cleared committee to get a vote on the floor. Ironically, in the past, the Voting Rights Act was almost always unanimously re-certified on a bi-partisan basis.

5

VOTER FRAUD – THE BIG LIE

BACKGROUND:

The myth of voter fraud took off after 2008 and is often used as a false justification for passing new voter restriction laws. But as Rev. William Barber II says in our film:

“You didn’t have all this talk about fraud until all of a sudden African Americans and Latinos began to vote in record numbers.”

And the reality is that academic study after study has shown voter fraud is a rarity and rarely impacts elections. Yet, two of the biggest proponents of voter fraud, Kris Kobach, Secretary of State in Kansas, and Brian Kemp, Secretary of State in Georgia, ran for governor in their respective states in 2018. Voters in Kansas, a very red state, elected Kobach’s Democratic opponent. In Georgia, Kemp won, amidst accusations of voter purges and voter suppression, narrowly besting his Democratic opponent, Stacy Abrams, by some 50,000 votes or about 1.5%.



5

VOTER FRAUD – THE BIG LIE

WHAT YOU CAN DO:

As the aphorism goes, “a lie goes halfway around the world before the truth puts its pants on.” Indeed, the lie of voter fraud has done a great deal of traveling.



But you, as a citizen, can and should work hard to make the real truth known. What’s the truth?

Well, a study by Justin Levitt of Loyola University School of Law found that out of billion votes cast in the US between 2000 and 2014, there were only 31 instances of voters pretending to be someone else. And a federal analysis found only 40 voters indicted for voter fraud out of 197 million votes cast between 2002-2005. That comes out to .00002%. As Obama says in our film, “That’s not a lot.” And while just this past November (2018), Republicans complained of widespread voter fraud in Florida, none was found – nor were any indictments brought or even considered. Yet, despite this, polling shows that 56% of voters maintain voter fraud is widespread. Further, 63% of millennials say voter fraud is a problem. So, as a citizen who cares about democracy, wherever and whenever you can, put your pants on quickly and put this lie of voter fraud on the run by marshalling the real facts. Certainly, those arguing the other side will have no bona fide facts to make their case for widespread voter fraud.

6

VOTER ROLL PURGES

BACKGROUND:

Voter roll purges are a tried, true and sadly, effective technique to rid the voting rolls of so-called nuisance voters, aka – voters who might not vote the way you want them to vote. For the most part, purges tend to remove a much higher proportion of non-white voters from the rolls. For instance, a Florida voter roll purge in 1999 removed enough non-white registered voters that this purge is credited with helping George Bush win Florida (and the White House) in 2000. In our film, we document a 2016 purge in Cumberland County, North Carolina that resulted in 6000 voters being struck from the rolls. The process was initiated by a group of individuals acting under a 1901 Jim Crow era law in North Carolina that allows citizens to challenge registered voters. If challenged voters don't show up to prove their residency, their names can be removed by the Board of Elections. Fortunately, in August, 2018, this North Carolina voter purging law was fortunately struck down by the courts.

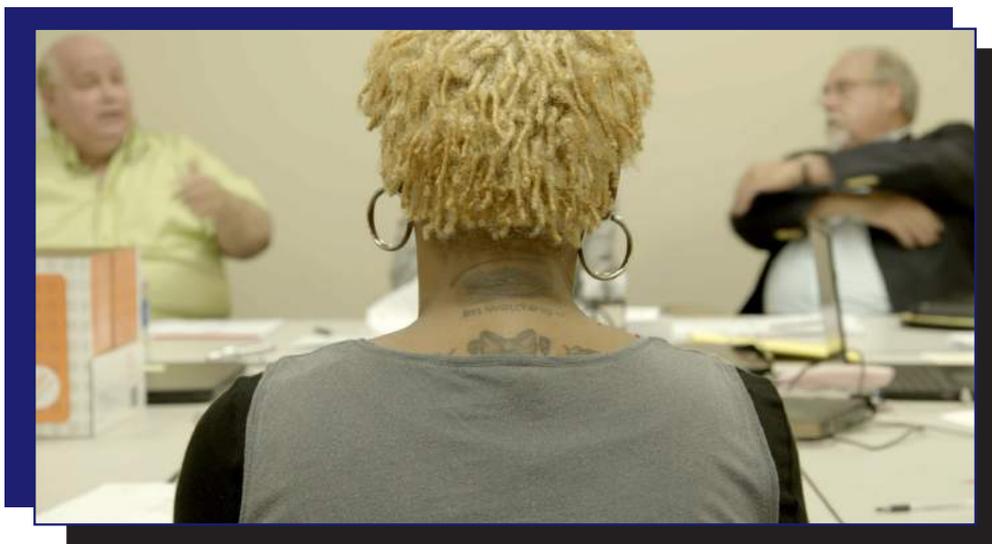
ID	LAST NAME	FIRST NAME	STATUS DESC
	AARON	ALLISON	ACTIVE
	ABBOTT	JOHNNY	ACTIVE
	ABBOTT	SEAN	REMOVED
	ABDO	ALEXANDRA	ACTIVE
	ABADI	ABDULLAH	INACTIVE
	ABAIR	CYRUS	ACTIVE
	ABAS	BETH	ACTIVE
	ABATE	ROSE	REMOVED
	ABBOTT	LOUIS	ACTIVE

In 2016, in Ohio, millions of names were struck from that state's rolls only to have a federal court overturn it. And a federal court also overturned the Cumberland County purge a few days before the 2016 election. However, the Supreme Court recently ruled that the Ohio voter purge was legal and those purged in 2016 could now be removed from the voting rolls.

6 VOTER ROLL PURGES

WHAT YOU CAN DO:

There are legal voter roll clean ups and bad ones. The legal ones do what is supposed to be done, in fact what needs to be done, remove voters who have died or moved out of their voting district or state. The bad voter roll clean-ups, which are often called, purges, are done willy nilly – removing voters who haven't voted in two election cycles (which occurs in Ohio and other states) or remove voters who have similar names to a felon (in states where felons can't vote) or who didn't respond to a letter from the Board of Elections. This haphazard approach purges more often than not non-white and younger voters – or as was the case in our film, a North Carolina woman who had to re-locate temporarily because of a hurricane and didn't respond to her voter challenge notice. So, what can/should you do as a concerned voter? Find out from your local Board of Elections (usually every county has one) or voter registrar, what the ground rules are for cleaning up the voter rolls – and if you are concerned by the methods used, speak with your representatives on the Board of Elections or to the Registrar of Voters. On the state level, make your views and concerns known to your Secretary of State who oversees statewide elections.



Remember, all these politicians work for and are elected by you and they need to listen to and be responsive to your questions and concerns – especially if your concern is that democracy is not being served. Finally, a few weeks before an election, it is worthwhile to check with your voter registrar to make sure you are still properly registered.

7 VOTER INTIMIDATION

“The whole idea is to make voting seem like a dangerous proposition. That it’s something that might get you in trouble. And again what that does is over a period of time, it insulates Republicans against the effect of African-American and Hispanic population growth.”

- Matt Angle, Lone Star Project

BACKGROUND:

Like voter purges, voter intimidation is a long standing and brutally effective technique. In the Jim Crow South, it often resulted in lynchings of African Americans or firebombing the houses of blacks who voted or burning crosses on their lawn. In 1867, shortly after the Civil War, almost 67% of new enfranchised blacks were registered to vote in Mississippi – by 1955, thanks to voter intimidation, African American registration was down to 4.3% in Mississippi. And it was the same dismal story repeated across the South.

In our film, we profile the case of Manuel Rodriguez, a Latino in Rocksprings, Tx. A felon, he voted in 2014 after asking at the polling place if he could vote. He was told yes, and the poll worker checked off the name of his grandfather, who was also

named, Manuel Rodriguez. Well, Manuel was not arrested for voter fraud until August, 2016 – just as the local sheriff, a Republican, was running for her own re-election. In Rocksprings, which has an almost 50% Latino population, it is useful to send a message to Latinos that voting could be hazardous to your health or freedom. Manuel spent the next 18 months in jail – finally, pleading guilty to voter fraud and was released for time served. And, oh yeah, the sheriff won re-election.



Manuel Rodriguez



Pam Elliott

7 VOTER INTIMIDATION

Sadly, voter Intimidation can manifest itself in other ways too, like having too few voting places, changing voting places, putting the voting place near a police station or even in a police station, having machines break down. Or another form of intimidation is sending out Tweets, like President Trump did just before the mid-terms stating, "Law Enforcement has been strongly notified to watch closely for any ILLEGAL VOTING which may take place in Tuesday's Election (or Early Voting). Anyone caught will be subject to the Maximum Criminal Penalties allowed by law. Thank you!"

Another form of voter intimidation is billboards like the one below, purchased by a conservative foundation.



WHAT YOU CAN DO:

Be vigilant. As they say, "If you see something (like voter intimidation), say something!" On election day or during early voting, there is a phone number you can call, the Election Protection Hotline, **866-Our-Vote**. Call them if you see voter intimidation or you are having a problem voting or machines are broken down or there are long lines. The Election Protection Hotline has lawyers nationwide on call and they have the wherewithal and legal horsepower to quickly address the issue. Longer term, if you have systemic concerns about how your elections are run contact your Secretary of State – or your local state or federal representatives.

8

VOTER ID DÉJÀ VU

“Barriers that you put in front of the ballot box are going to stop some people from voting. And who do they stop? Those who have a harder time getting off of work, those who have a harder time finding someone to take care of their children, those who have a harder time getting gas money or a ride to be able to get to the polls. That has traditionally been people who are poor, of color, the elderly, students.”

- Myrna Perez, Brennan Center for Justice

BACKGROUND:

In our film, we showcase the 2016 ballot initiative in Missouri to require voter id – which passed and is now in effect. Sadly, the strategy to make voting more difficult shows no signs of abating. Since, 2016, the Brennan Center for Justice says that over 30 states have introduced or passed new voter restriction legislation. And just this past November (2018), during the midterms, North Carolina passed a new voter ID ballot initiative – even though a federal court had overturned their last voter ID law. So, the beat goes on, and on and on.



WHAT YOU CAN DO:

There is much that citizens can do (and it bears repeating from before)

a) Support with donations the work of voting rights groups which are litigating to protect voting rights. Groups like the ACLU, Legal Defense Fund, Campaign Legal Ctr, Demos, Lawyers Committee for Civil Rights, Advancement Project. Links are posted on our website: www.riggedthefilm.com

8

VOTER ID DÉJÀ VU

b) Give donations and volunteer for political candidates at the state and Congressional level who support voting rights and who would like to amend and strengthen the 1965 Voting Rights Act.



c) Fight the good fight with citizen-led initiatives. Amendment 4 in Florida was a citizen-lead initiative that passed Nov. 2018 with 64% of the vote. It gave back to felons in Florida the right to vote once they have successfully completed their parole. To get the Amendment on the ballot, the Florida Rights Restoration Coalition collected 800,000 signatures. This initiative gives the right to vote to more citizens than any legislation since 18- year-olds got the right to vote under President Nixon.

d) **AND FINALLY** – these voting law changes are occurring at the state level because election are run, according to the US Constitution, by the states. So, this means you can work hard to make sure you campaign for and vote for state representatives and state senators who believe in the right to vote, who adhere to that sacred American tenet, *one person, one vote*.

9

VOTER INTEGRITY COMMISSION

BACKGROUND:

This commission, set up shortly after President Trump was elected, had a simple mandate, find voter fraud. President Trump maintained that while he had won the Electoral College, he only lost the popular vote because 3-5 million votes were cast by illegal voters. The Presidential commission was co-chaired by two Republicans, Vice President Mike Pence and Kris Kobach, Kansas' Secretary of State. So much for being bi-partisan. The ACLU's Dale Ho described the commission as "a complete disaster." This turned out to be an understatement. Shortly after it began, it was shut down – disparaged even by Republican Secretary of States who did not want to share voter data with the commission.



In the end, the commission found no voter fraud. In our film, *NY Times* reporter, Michael Wines, says he reached out to every Secretary of State after the 2016 election (the only one who didn't respond was Kobach) and "never found more than one or two, at tops, three or four suspected instances (per state) of fraud.... many states had none at all." So, so much for voter fraud in 2016.

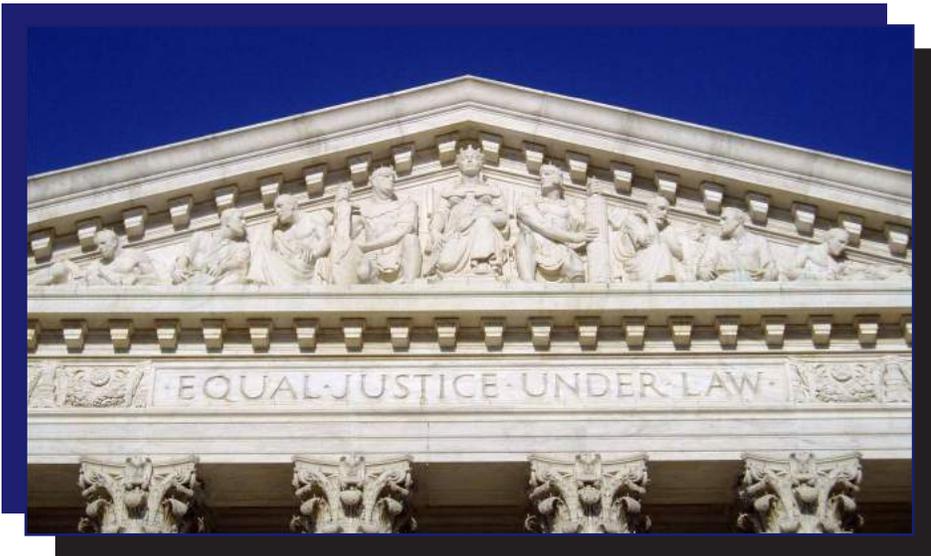
WHAT YOU CAN DO:

As with Supreme Court decisions, there is little the average citizen can do about Presidential commissions. Fortunately, this time at least, the commission self-imploded since its mandate was to find something (voter fraud) that is rare and hardly a threat to our democracy. But here again, it is important for everyday citizens to spread the truth about the myth of voter fraud – that it is not a problem afflicting our democracy. The truth is that voter suppression and the ongoing battle to abridge the right to vote is the issue we must address/discuss/and redress – the very health and well-being of our democratic experiment is at stake.

10 CHANGE THE COURTS

BACKGROUND:

In 2016, what stopped some of the more onerous aspects of ongoing voter suppression efforts were federal court decisions – and their rulings on cases usually brought by voting rights organizations. Federal courts overturned or amended voter ID laws in North Carolina, Texas and Wisconsin. The courts also stopped voter roll purges in Ohio and North Carolina (including the one we documented).



With President Trump in the White House and with Republicans controlling the US Senate, which approves Presidential judicial appointments, Republicans are now moving full tilt to tip the courts in their favor – having kept many federal court seats open during the last years of President Obama’s administration.

As Mark McKinnon, a long-time Republican strategist told us:

“Democrats are decades behind Republicans in terms of recruiting and thinking about the control of the judiciary.”

And Democratic strategist, Ron Klain said,

“And so whatever protection against voter suppression is coming from the courts is going to be eroded by the impact of this vast wave of Trump judges.”

10 CHANGE THE COURTS



Thomas Farr, Judicial Nominee

WHAT YOU CAN DO:

As a citizen, you can and should do your homework on the men and women nominated for federal and state judgeships. After all, the third branch of government plays a critical role in interpreting voting rights legislation and protecting the right to vote. Can public pushback on suspect nominations make a difference? Well, Thomas Farr, a recent nominee to a federal judgeship in North Carolina went down to defeat in the US Senate in December 2018 because of due diligence on the part of a Republican Senator, Tim Scott of South Carolina. Rev. Barber and many voting rights organizations worked hard to make Scott and other Senators aware of Tom Farr's suspect past. As a result, Sen. Scott learned that in the 1990s, Farr worked extensively with Sen. Jesse Helms to suppress black voters. This caused Sen. Scott to change his vote from yes to no – resulting in Farr's nomination being withdrawn. Sen. Scott and other senators listen carefully to what their constituents have to say about nominees for the court. Farr's defeat is a classic example of the truth will out. But it only wills out when citizens reach out to their senators and representatives, *Participatory Democracy requires participation.*

IN CLOSING

CONCLUSION:

As President Franklin Roosevelt said of our system of government:

Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.

Or to paraphrase Pogo, we have met the government and the government is us. So, we, Americans, as the government, must do our duty as citizens – register, vote, stay up on the issues of the day, speak out, participate. Care. It's the American way.

After all, nothing less than the future of our nation is at stake.

When you deprive people of the right to vote, the vote being the very fiber of this wonderful quilt we call a democracy. When you begin to tear the threads away, saying this person can't vote, that person can't vote, that person can't vote, the next thing you know, you will not have a democracy.

- Elijah Cummings, U.S. Representative (MD-D)