

DECLARATION OF STATE OF VOTING RIGHTS EMERGENCY

With the November 6, 2018 midterm elections rapidly approaching, we note with alarm and urgency the tremendous voter suppression tactics sweeping our nation, including barriers, obstacles, misinformation, threats, racist appeals and irregularities confronting voters attempting to participate in our Democracy.

WE ARE AT WAR TO PRESERVE OUR DEMOCRACY!

When it comes to our American Democracy, we are facing a War of Attacks on our Voting Rights which were secured over numerous generations through the blood and sacrifice of our ancestors and ordinary citizens. Indeed, our nation is in the grips of the seventh year of an anti-Democracy National Voter Suppression Movement intent on destroying the basic tenets of our Republic. Every eligible American citizen should have a right to cast a ballot and have it counted. Since 2010, State legislatures have unraveled voting rights protections by passing a slew of restrictive measures specifically designed, to impair the ability of vulnerable citizens to equally and fairly participate in the electoral process. Compounding this disastrous state by state voter suppression movement have been decisions by the Supreme Court in Shelby v. Holder (2013) and Husted v APRI (2018), and some adverse rulings by lower federal courts and state courts. It is a fact that these measures have disproportionately and negatively impacted African Americans, Latino Americans, Native Americans, Asian Americans, low- income, persons with disabilities, returning citizens (the formerly incarcerated), targeted women, LGBTQIA individuals and students. The nomination of Judge Brett Kavanaugh to the Supreme Court poses a serious threat to the continued vitality of Section 2 of the Voting Rights Act and any attempts by Congress to restore Section 4b of the Act.

The current regime of voter suppression measures have resulted in various violations of the U.S. Constitution, Voting Rights Act of 1965, the National Voter Registration Act, the Help America Vote Act, and state constitutional and statutory law. These sweeping discouraging tactics have included, refusals to process registrations, the use of voter caging procedures and the failure to inform voters that they have been placed on Inactive lists subject to purging, active passage of voter ID laws, restrictions and intimidation of absentee/vote by mail process, cuts to early voting, reducing poll locations, lack of voter education and much more.

Racism has played a motivating and major role in the passage of these laws as noted by the 4th Circuit in its decision in NAACP v McCrory finding that the North Carolina legislature targeted African American voters for adverse voting laws with "surgical precision." Jurisdictions continue to pass measures to dilute the potential of voters of color to elect candidates of their choice. Equally, these state legislatures have engaged in extreme partisan gerrymandering and racial gerrymandering.

Under the Trump Administration, the Federal Government, has abdicated its critical role to protect the rights of all eligible voters by enforcing the Constitutional guarantees to equal protection, the Voting Rights Act and other legislation. It has instead, chosen to actively engage in actions designed to intimidate and confuse voters specifically through the misguided Election Integrity Commission. Additionally, Congress has failed in its responsibility to pass legislation to restore the Voting Rights Act, and to adequately appropriate new funding to the states to secure election infrastructures. States operate elections with inadequate equipment and staffing, insecure databases, vulnerable software and technology including the failure to provide paper ballots or secure ballot images. Bad private actors have promoted disinformation campaigns and voter intimidation, to deter and discourage voter participation.

With millions of votes at risk in one of the most consequential elections of this century, we are compelled to issue this Declaration of A State Voting Rights Emergency.

In support of this declaration we cite the following onerous conditions confronting voters:

Racist Voter Appeals: Over the last two weeks, we have witnessed a proliferation of Racist appeals to voters in Florida. This follows many racist appeals during the 2017 elections.

Voter Purging: States have engaged in increased and illegal voter purging, erroneously eliminating millions of eligible voters from the voter registration rolls. Currently millions of voters, especially voters of color are on inactive lists and in danger of being purged, often without proper notification. In November, many of these voters may be forced to vote by provisional ballot, which are not guaranteed to be counted.

Voter ID Discouragement and Hurdles: Millions of eligible voters lack government issued driver's licenses, passports or veteran identifications now being demanded by a majority of states. Courts have stubbornly refused to acknowledge the underlying poll tax due to the requirement that citizens obtain birth certificates prior to traveling to distant motor vehicle locations to obtain driver licenses. These voter ID requirements discourage millions of voters.

Hostile Secretaries of State: In Georgia, Kansas and Ohio, the secretaries of state are candidates in Gubernatorial races, and have all failed to recuse themselves during this electoral period. All three have recently been sued for voter suppression. In Kansas, SOS Kobach has repeatedly been cited for contempt of court for his refusal to abide by court orders. In Georgia, SOS Brian Kemp was recently caught on tape expressing a statement of concern about the increase in minority voter registrations in his state.

Crosscheck: Ominously, twenty-seven states continue to participate in the discredited, insecure and racially biased Interstate Crosscheck System which threatens millions of voters of color with being denied the right to vote in December.

Ex-Felon Disenfranchisement Confusion: Nationwide, there are an estimated 17 million eligible voters who have felony records or are currently under some form of supervision. With laws varying dramatically from state to state, many returning citizens are unsure of their eligibility. States failure to proactively and adequately inform the formerly incarcerated of their right has created confusion and resulted in miscarriages of justice as evidenced in the prosecution of Crystal Mason.

Poll Closures, Reductions and Relocations are a fundamental threat to voters lacking transportation and time to travel to new sites often changed with little public notice.

Student Voter Restrictions: States have shown hostility to student voters by refusing to place voting polls on or near campuses and making it difficult for students to register to vote in the states in which they attend school.

Bilingual Access Denials are major obstacles to Latino, Asian American, Native American, Haitian and other voters who need translated ballots

Disability Accessibility: An estimated 3 million voters with disabilities were effectively blocked from voting in 2016. Studies continue to confirm that 60% of all polling sites are disability inaccessible.

Partisan Gerrymandering is a major obstacle for voters who cannot elect candidates of their preferred political affiliation. This has resulted in the political stacking of state legislatures and the U.S. House of Representatives. Voters are discouraged by this excessive partisanship and the literal waste of their votes.

Governmental Improper Prosecution: In a stunning development, the Department of Justice and ICE have issued subpoenas against 44 counties in North Carolina and the State Board of Elections, demanding millions of voting records, including actual ballots, from the last eight years by September 25th. Due to a successful motion by voting rights lawyers, the due date has been moved to January. Still, questions

about about this apparent Witch Hunt and the scope of these subpoenas.

Deceptive Practices and Voter Intimidation in the form of flyers and robocalls with false and misleading assertions about voting rights has not abated. We know that In 2016, Russia active employed disinformation campaigns, using social media to sow racial division prior to the elections. These operations had the strategic goals of discouraging Black voters and exploiting the economic anxiety of White voters, causing them to support candidates with harsh discriminatory policies against immigrants and communities of color. Many voters will be discouraged should these divide and conquer tactics remain unchecked.

Cuts to Early Voting days are a major hurdle for African American and Latino voters.

Voting Rights Litigation: Litigation is active in North Carolina, Michigan, North Dakota, Alabama, Wisconsin, Georgia, Kansas, California, Florida, Texas, Missouri, Iowa.

Election Security: Despite evidence of active hacking and attempted election interference, the response by the U.S. Congress has been abysmal. Additionally, the Federal government has neglected to provide states with a sufficient cybersecurity blueprint to protect election equipment, and long-term monetary assistance to keep pace with technological advancements and vulnerabilities.

Other Shenanigans are predictable as we draw closer to Elections.

WE MUST MOBILIZE TO FIGHT FOR VOTER JUSTICE AND OUR DEMOCRACY

Given the severity of the threat to our Democracy and Voting Rights, we must commit to building and sustaining a United Permanent Strong Voter Justice Infrastructure in our nation. **WE** can win this war by using our full arsenal of resources, activating a broad and robust coalition of grassroots organization, and increasing voter contact. Already, the coordinated and valiant efforts of civil rights, voting rights and civic organizations have successfully beaten back voter suppression measures through political organizing, litigation and other strategies. Additionally, there are active organization efforts to register, verify, educate, mobilize and restore voters. Yet, we all recognize that the ominous threat of these times demand that we elevate our fight by uniting and deploying a more expansive powerful army of Justice.

Long range it is imperative to create and maintain a national coordinating network of all entities committed to an inclusive, robust and accessible Democracy which can provide this sustaining permanent infrastructure. the looming Midterms are our first battle but we are conscious that this War extends beyond 2020, past the Census, and into the future. We must be capable to independently promoting electoral participation by training cadres of voting rights grassroots and professional advocates. Urgently, we need more ubiquitous sharing of critical information for vast public education, rapid response and voter protection. Ultimately, we need to encourage voters to see our Democracy as a daily process of involvement beyond the election cycle. This includes holding elected officials accountable and oversight of governmental operations.

Over the coming years, we must commit to this objective of building permanent and active infrastructure. In the interim, we are actively amassing our resources to fight for voter justice.

We urge a concerted focus upon all states but particularly the states which pose the greatest threats to voters based on historical voter suppression and current contests which have raised racial justice issues including North Carolina, Georgia, Florida, Michigan, Wisconsin, Ohio, Kansas, Arizona, Texas, Alabama, Missouri, Pennsylvania, Maryland, Virginia, New Jersey, North Dakota and Iowa. To implement this targeted focus, we urge voting advocates to travel to these states in advance of the elections to offer services to local community organizations and groups for voter registration, early voting assistance and the assistance for voters during early voting. This assistance would focus on voter education designed to

verify voting, voter restoration assistance to Returning Citizens and Election Protection. Assistance with transportation and polling location is also vital in these times.

In the short term leading up to the close of voter registration dates for the November 6th 2018 Midterm elections, we must work in every rural, urban, suburban community and in our jails to register all eligible voters and to verify the voting status of the millions who have been placed on the inactive lists or purged. In 20 states that deadline is October 9th followed closely by other deadlines in many of the states.

We call upon our churches, our civic organizations, fraternities, sororities, lawyers, students, unemployed, retired, returning citizens, educators, bloggers, pod-casters, media and ALL to join the frontline of this fight by enlisting the talents of their constituents, members, community members, friends and colleagues to assist in this urgent and crucial fight.

We call upon our individuals including our Youth, Our Millennials, Our Unemployed, Our Retired and All who can be available to join us as advocates and activists in this short term and long term battle.

We urge all voters to personally use voter registration and voter verification portals like Vote.org immediately.

We urge all Returning Citizens to determine their eligibility to vote by using Restoreyourvote.org.

We urge voters to call the Election Protection Hotline for Assistance: 866-OUR-VOTE.

We call upon Congress to pass the resolution to declare September as Voting Rights Month.

We call upon Congress to pass the Voting Rights Amendment Act to Restore the Voting Rights Act of 1965.

We call upon Congress to Pass the Voter Intimidation and Deceptive Practices Act.

We call upon Congress to pass legislation banning the use of felon-disenfranchisement laws in federal elections.

We urge Congress to provide immediate funding to the states to protect and secure their electoral systems.

We call upon Secretaries of State John Husted, Brian Kemp and Kris Kobach to immediately recuse themselves from further oversight of elections in their state until the entire voting process has been completed for the 2018 Midterm Election in their respective states.

We call upon the states to immediately end voter purging programs through the use of voter caging or racial profiling. We urge all states to send information now to voters informing them if they are on the inactive voter lists and to instruct voters on actions they can take to restore their status as active voters.

We call upon states to repeal ALL voter suppression laws including onerous voter ID laws, cuts to early voting, student voter restrictions, elimination of election day registration, use of exact match requirements, use of correct precinct requirements, and more.

We call upon all states to quit participation in the Interstate Crosscheck System.

We oppose polling place closures, reductions and relocations for the Midterm Election and urge localities to expand polling sites during early voting.

We call upon all states and local jurisdictions to ensure disability accessible polling sites for early voting

and the general elections.

We call upon DOJ and ICE to cease and desist from its persecution of voters in North Carolina, and across the country.

We call upon the states and counties to provide accurate voting eligible information to all Returning Citizens and to cease and desist from prosecuting confused voters.

We support Proposition 4 in Florida to restore the vote to 1.4 million Returning Citizens and urge all churches, organizations, groups, sororities and fraternities, bloggers, podcasters, media and individuals to join in supporting this effort.

We support the Promote the Vote Ballot Initiative in Michigan to provide common sense reforms such as on-line voting, AVR, EDR and more.

We support the work of the Election Protection Coalition.

We urge that robust fiscal support be given to grassroots organizations conducting voter registration, voter verification, voter mobilization to the polls and election protection.

We urge fiscal support be given to litigation organizations to fight our battles in the courts.

This is a major short term and long term battle but WE Can Win If we follow the advice of Frederick Douglass and "ORGANIZE, ORGANIZE, ORGANIZE!"