

## **Municipal Right to Vote Action Plan**

### **The Next Step Toward a Fully Protected Right to Vote**

By Usman Ahmed | Right to Vote Initiative  
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#### **INTRODUCTION**

FairVote seeks electoral rules and fair election practices that ensure every American has an equally protected and meaningful right to vote. Since 2003, we have promoted our Right to Vote Initiative, which advocates major changes in protection of the right to vote, starting with an amendment establishing an affirmative right to vote in the U.S. Constitution. There are a number of intermediate steps we support to protect voting rights, including 100% registration of newly eligible voters and publicly owned voting equipment.

This report presents an exciting new option for action to secure the right to vote: organizing for a constitutional amendment while seeking immediate, substantive changes at the municipal level. The plan is eminently simple yet potentially revolutionary in its impact for achieving real change. Cities would join a growing group of jurisdictions that commit to (1) call on Congress to support a constitutional right to vote and (2) examine their own rules and practices to seek to ensure they live up to the ideal of a constitutional right to vote.

The United States has made a great deal of progress in the area of voting rights, but recent election cycles have made it clear that there is still a long way to go. This report looks at the history of voting rights and what the lack of an affirmative right to vote means for millions of citizens. It also focuses on local reform opportunities and lays out an action plan for advancing the right to vote.

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## **THE CASE FOR A CONSTITUTIONALLY PROTECTED RIGHT TO VOTE**

For years FairVote has promoted the Right to Vote Initiative, which advocates major changes in the current system of voting in America. The United States currently administers federal, state, and local elections through a decentralized patchwork of regulations, with local election officials holding great discretion over important decisions such as who gets to vote, polling hours, ballot design, voting equipment purchases, machine allocation and selection of polling locations. This is the result of a lack of political will at the federal level to implement broad public interest standards, as well as harmful judicial precedents, such as 2000's infamous *Bush v. Gore* decision, which states that individuals do not have a constitutionally protected right to vote in presidential elections. Voters in different states and even different counties or cities can have their votes for the same office counted differently, and sometimes not at all.

To address these problems, Rep. Jesse Jackson Jr., has introduced a constitutional amendment, H.J. Res. 28, to create an affirmative, constitutionally protected right to vote – equivalent in importance to other provisions enshrined in our Bill of Rights (exact text in Appendix A).

The addition of this right to vote Amendment to the U.S. Constitution would:

- Guarantee the right of every citizen 18 and over to vote (rationale in Appendix B),
- Empower Congress to set national minimum electoral standards for all states to follow,
- Provide protection against attempts to disenfranchise individual voters,
- Ensure that every vote cast is counted correctly,
- Protect against voter fraud.

## **REAL WORLD CONSEQUENCES OF THESE PROBLEMS: THE 2004 ELECTION**

The 2004 presidential election saw numerous flaws due to the absence of a right to vote:

- At least 1.2 millions Americans voted incorrectly because of poor ballot design.
- Due to inconsistent and unequal provisional ballot counting policies, 500,000 votes or 30% of all provisional ballots cast were never counted. In Delaware only 6% were counted while 97% of those cast in Alaska were counted.
- Americans did not receive absentee ballots in time to return them on Election Day. In Broward County, Florida 58,000 absentee ballots were not delivered on time.
- Hundreds of thousands had difficulties registering to vote, and more than one in four eligible American voters are not registered – while many others are registered twice. Partisan voter registration organizations "threw away" voter registration forms, leaving an untold number of eligible voters unregistered.
- Minorities and students experienced higher levels of voter intimidation and harassment than other groups.
- Over 1,100 voting machines malfunctioned. In North Carolina a voting machine lost 4,500 votes, which should have required a revote in one state election; however, partisan politics prevented citizens from having an opportunity to make their voices heard.
- In Washington, the gubernatorial race required three recounts and was decided by less than 200 votes. Questions remain regarding votes that were lost and then discovered. Provisional ballots may have been counted as normal ballots, and potentially ineligible voters cast ballots.
- More than nine million American citizens are denied the same right to vote that they would enjoy if living in another part of the country. Several states deny voting rights for

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life to anyone once convicted of a felony. Children of American families living abroad often cannot vote when they reach voting age. American citizens living in Puerto Rico, Guam and the Virgin Islands can be drafted into the military but are unable to vote for their Commander-in-Chief. Congress governs the District of Columbia more directly than any other state, yet the more than half million citizens living in the District have no voting representation in Congress.

## **A BRIEF HISTORY OF OUR VOTING RIGHTS**

Since the Constitution was ratified, the United States has moved closer to a system of equality in which all people have the right to vote regardless of sex, race or ethnicity. While there are still problems in today's voting system, there have been significant advances over the last two centuries to help transform the voting population from white, male landowners over 21 years of age to a system in which almost all citizens who are at least 18 years of age can vote freely. But this process has been carried out piece-meal over a course of decades and has never been all-encompassing. It is time to carry forward the evolution of our voting rights in a more systematic, city-by-city fashion, until we ultimately achieve a constitutional amendment guaranteeing all citizens an affirmative right to vote (more information found in Appendix C).

## **THE CHALLENGES IN PASSING A CONSTITUTIONAL AMENDMENT**

Traditionally, FairVote's Right to Vote Initiative has been tailored towards passing a constitutional amendment guaranteeing a federally protected, affirmative right to vote. Yet it has become clear that this will be a very difficult task taking a number of years and a great deal of support and activism. In the last 30 years the only major pieces of legislation on voting rights have been the *National Voter Registration Act* (NVRA) and the *Help America Vote Act* (HAVA), but recent election administration problems and stagnant voter registration and turnout rates have proven that this is simply not enough. Given the arduous political climate toward voting rights in the states and at the federal level, FairVote is moving to implement a parallel Right to Vote Initiative at the municipal level, where tangible victories are attainable. Municipal reform is often overlooked, but it can be one of the most efficient and potent methods of political reform. The Municipal Right to Vote Initiative calls on cities to enact ordinances and charter changes in the spirit of the constitutional right to vote amendment, in hopes that the federal government will realize how important this fundamental law is. Our right to vote can be stripped from us at any time by the state and federal governments, but it is our civic duty to make sure that this injustice is no longer allowed to occur within our communities. With this new initiative, FairVote hopes to make possible at the municipal level what many think is not currently possible at the federal and state levels.

## **MUNICIPAL RIGHT TO VOTE**

FairVote has added a new strategy to its reform agenda and is attempting to reform municipalities to fall more into line with the ideals of the right to vote; key states to focus on are Ohio, Maryland, Florida and Georgia. Then the program will gradually expand to every municipality in the nation, until an affirmative right to vote can be secured at the federal level.

A unique approach to the right to vote, the municipal initiative seeks to amend city charters and ordinances rather than the U.S. Constitution. Municipalities have the ability to make unique laws that are not contained in either the U.S. or state constitutions. By effecting electoral reform in cities, the goals of the program can be instilled more efficiently and effectively. Municipalities have far less bureaucracy than the federal government, and many are willing to enact

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groundbreaking reforms. The Municipal Right to Vote Initiative can also be used to build momentum for the federal Right to Vote Initiative. Once cities join a growing chorus of voices calling for a constitutional right to vote while at the same time implementing the ideals of the right to vote amendment in their municipalities, the concept could catch fire among municipalities, catching the attention of the national government. This is the ultimate goal, but the great value of the Municipal Right to Vote Initiative is that it causes immediate change in these municipalities and sets the stage for changes of a larger magnitude. This is a fairly flexible concept that gives cities the option of implementing reforms as a package or in pieces, depending on what is possible. In an ideal version, cities would add affirmative rights to vote to their city charters to grant all citizens a protected right to vote in city elections. At the same time FairVote encourages cities to pass resolutions in support of the federal right to vote amendment. If enough cities pass resolutions while simultaneously making tangible reforms for city elections, a critical mass of attention could be generated to highlight the larger problems of our decentralized election systems.

## **SEVEN REFORMS FOR A MUNICIPAL RIGHT TO VOTE PACKAGE**

### **1. Uniform Standards/Ballots and Real Accountability**

We need uniform standards for ballot design, poll worker training, polling place locations and ballot access for presidential candidates. We need ongoing funding for elections and rigorous evaluation of what works and what can be improved.

The average age of a poll worker is 72, and they usually make around minimum wage. The ballots are oftentimes more confusing than they ought to be. Poll workers are usually given one day of training and then asked to deal with a myriad of problems that arise on Election Day. These issues must be handled with a standard method for poll worker training, pay and qualifications. Ballots must be simplified, and methods for confirmation of votes must be implemented. A city charter could stipulate many of these provisions for municipal elections.

### **2. Universal Voter Registration**

We need clean and complete voter rolls, which is the international norm. Every citizen turning 18 and every person becoming a citizen should be automatically registered.

As in many political issues, the U.S. has fallen behind the rest of the world when it comes to voter rolls. It is obviously an individual's right to choose whether he/she votes on Election Day, but forgetting to register or being left off the rolls are deplorable reasons for not voting. There are several methods proposed by FairVote for improving the current situation: increased motor voter and high school registration and, at least, meeting the requirements set forth in HAVA. All of these methods are described in detail under the 100% Registration Project found at FairVote.org, and many can be adopted at the municipal level.

### **3. Early Voting/Election Holiday**

Early voting, no-excuse absentee voting and an Election Day holiday would make voting more convenient and potentially increase participation in the democratic process. These reforms would also help shorten the absurdly long lines seen in the 2004 election.

Several nations around the world have election holidays, allowing voters to take their time rather than rushing to the polls on lunch break. The incredibly long lines towards the end of the

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day are also a large problem that causes thousands of voters to be disenfranchised. Early voting and an election holiday would allow for individuals to come to the polls at their leisure, and this would also provide poll workers with a more stress-free environment. Cities could ensure that municipal employees have Election Day holidays for city elections.

#### **4. Fair Provisional Ballot and Voter ID Laws**

As evidenced in the elections of 2004, the lack of fair and consistent federal requirements regarding provisional ballots and voter ID laws leads to confusion, inequity and lost votes.

This is key to the municipal right to vote movement. The lack of universal standards has led to a large amount of confusion as states and municipalities seek to utilize the best possible methods for a smooth election. Various ballots, and unfair use of voter ID laws have confused and disenfranchised thousands. A city could potentially allow voters to vote in municipal elections without providing a photo ID, even where the state requires it for state and federal elections.

#### **5. Public Interest Voting Machines**

We should use our nation's great technical expertise and resources to create voting equipment that supports public interest needs with specific attention to the disabled community, has open-source software and a voter-verifiable paper ballot that can be adapted for all localities' election methods.

Voter verifiable paper ballots are key to the efficiency and accuracy of an election. Recent elections have proved how important it is to be able to verify each and every vote. Electronic voting systems without an audit trail are always going to be controversial. Voting machines must be adapted to various localities and be able to address those with special needs. When making purchasing decisions and other equipment choices, cities can often opt to use paper ballots or require their equipment vendors to provide flexible, public interest equipment. Where cities lack that power, they can petition the county or state making the purchases to do so.

#### **6. Voting Rights for All Citizens**

More than nine million American citizens are denied the same right to vote that they would enjoy if living in another part of the country. Several states deny voting rights for life to anyone once convicted of a felony.

Disparate felon voting rights are prime examples of a lack of universal standards. Each state handles this matter in its own way, disenfranchising millions of Americans. Criminals are granted all of their basic rights once they leave prison, but many are never allowed to vote again, proving that voting is not a guaranteed right for every American. Cities, even where the state has disenfranchised former felons, may be able to allow these citizens to vote in municipal elections.

#### **7. Non-Partisan Election Administration**

To guarantee the integrity of the voting process, partisan officials should not make decisions about administration. Non-partisan observers should have full access to the electoral process. The role of election official should be esteemed and regarded as one of enormous importance. In almost every state, elections are administered by the Secretary of State or an appointed election administrator. Most election officials are law-abiding and execute laws to the best of their

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ability. Yet, without standards or requirements in place, there is no guarantee all election administrators will act in this manner. Cities could take the lead in ensuring their election officials are unbiased and non-partisan civil servants.

## **HAVA: A GOOD FIRST STEP, BUT MORE IS NEEDED**

The Help America Vote Act was passed in 2002 in response to the voting discrepancies exposed in the 2000 presidential election. HAVA imposes a number of requirements on states, with the stated purpose of bringing voting practices in the separate states and precincts to a national standard.

HAVA requires that all states upgrade their voting systems. Many precincts in 2000 were still using lever and punch card voting systems. The new legislation mandates that these machines be replaced immediately and sets aside federal funding for that purpose.

*All precincts are required to upgrade to electronic voting devices.* Critics of HAVA are concerned by this statement, believing that electronic voting machines were part of the problem in 2000. Yet punch cards and old lever machines clearly have failed millions of voters.

HAVA sets in place several national requirements pertaining to voter registration. First, all citizens must provide either a valid driver's license or the last four digits of their social security number when registering to vote in a federal election. Second, all voters must provide either a valid driver's license, the last four digits of their social security number, a valid photo ID, copy of current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter either with their registration or when they vote.

Finally, HAVA contains clauses providing for the enforcement of its provisions. The Attorney General has the right to bring civil action against any state or locality as he/she deems necessary for the enforcement of the uniform and non-discriminatory requirements of the law. In addition any state receiving any of the federal funding provided by the bill must establish an administrative complaint process for citizens to file their complaints. The state must review all complaints but can dismiss a complaint if they feel it is unfounded.

*Notably, HAVA does not cover municipal elections.* This is not just a theoretical concern, as many cities hold their elections separately from federal and state elections – on the one hand creating real opportunities for weakening of the right vote, but on the other allowing cities to go further than states in protecting voting rights. As a result, a key centerpiece to any municipal right to vote campaign could be to pass a charter amendment or ordinance extending HAVA requirements to city elections – then building on those HAVA requirements.

## **CASE STUDIES OF MUNICIPAL REFORM**

### **Takoma Park: A Study of General Electoral Reform Over Time**

Takoma Park is a bustling, small city on the border of Washington D.C. and Maryland. It has a long history as a shaper of unique policy and leader in reform. The last twenty years have seen a great deal of reform in the electoral process in Takoma Park. The first set of reforms came in 1992 when the city passed a law allowing non-citizens to vote in local elections. Takoma Park is one of the few cities to have this law on the books. The second wave of reforms came in 2005 when the city switched to paper ballots. First, this set up a standard system for elections contrary to the hybrid of systems found in most cities. Also, the system does not allow for the

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errors prevalent among computer- or machine-based voting systems. Finally, in November 2005, Takoma Park passed a law endorsing the use of instant runoff voting (IRV) in its upcoming elections. Takoma Park residents have steadily reformed their electoral system to better adapt to the changing nature of their city. Their dynamism should be a model for other cities.

### **East Cleveland: A Study of a Groundbreaking Reform**

East Cleveland held a unique status as the first city to allow women to vote in city elections. The 19th Amendment passed in 1920 guaranteed that voters could not be discriminated against based on sex. Yet, East Cleveland passed a law with similar language in 1916. The historic election of 1916 is an event that is relatively forgotten in the history books. Yet, it is an extremely important event, as it is a perfect example of a city passing a unique law before the Federal Government takes any action on the issue. There was also a State Supreme Court case that upheld the right to vote for women in the city of East Cleveland: *The State, Ex Rel. Taylor, v. French Et Al.*, April 3, 1917. Again, municipal reforms are unique, successful – and legal.

### **WHERE ACTION NEEDS TO BE TAKEN**

The table on the next three pages was designed for two purposes. First, for those who live in states that have few or none of these reforms, FairVote hopes to launch extensive campaigns. Also, for those who live in states that already have a majority of these reforms, FairVote is hoping that municipalities will solidify these reforms by adding a municipal right to vote to their charters.

**Table: Voting Rights by State**

State	Voter Verified Paper Ballots <sub>1</sub>	Felon Voting Rights <sub>2</sub>	Voter ID Required for <sub>3</sub>	Early Voting <sub>4</sub>	Election Day Registration <sub>5</sub>
AL	Not Yet Proposed	Permanent disfranchisement for all felony convictions	All Voters	NO	NO
AK	Legislation / Regulation Requiring Paper Ballots	Voting restored after completion of prison, parole and probation	All Voters	YES	NO
AZ	Proposed, Not Yet Enacted	Permanent disfranchisement for some felony convictions	All Voters	YES	NO
AR	Mixed Requirement	Voting restored after completion of prison, parole and probation	All Voters	YES	NO
CA	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison and completion of parole	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
CO	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison and completion of parole	All Voters	YES	NO
CT	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison and completion of parole	All Voters	NO	NO
DC	Proposed, Not Yet Enacted	Voting restored after release from prison	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
DE	Not Yet Proposed	Permanent disfranchisement for some felony convictions	All Voters	NO	NO
FL	Proposed, Not Yet Enacted	Permanent disfranchisement for all felony convictions	All Voters	YES	NO
GA	Proposed, Not Yet Enacted	Voting restored after completion of prison, parole and probation	All Voters	YES	NO
HI	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison	All Voters	YES	NO
ID	Legislation / Regulation Requiring Paper Ballots	Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application	YES	YES
IL	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
IN	Proposed, Not Yet Enacted	Voting restored after release from prison	All Voters	YES	NO
IA	Proposed, Not Yet Enacted	Permanent disfranchisement for all felony convictions	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
KS	Proposed, Not Yet Enacted	Voting restored after completion of prison, parole and probation	All First Time Voters	YES	NO
KY	Not Yet Proposed	Permanent disfranchisement for all felony convictions	All Voters	YES	NO

State	Voter Verified Paper Ballots		Felon Voting Rights	Voter ID Required for	Early Voting	Election Day Registration
LA	Not Yet Proposed		Voting restored after completion of prison, parole and probation	All Voters	YES	NO
ME	Legislation / Regulation Requiring Paper Ballots		No disfranchisement for felony convictions	First-time voters who register by mail and do not provide ID verification with registration application	YES	YES
MD	Proposed, Not Yet Enacted		Permanent disfranchisement for some felony convictions	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
MA	Proposed, Not Yet Enacted		Voting restored after release from prison	First-time voters who register by mail and do not provide ID verification with registration application	NO	NO
MI	Legislation / Regulation Requiring Paper Ballots		Voting restored after release from prison	First-time voters who register by mail and do not provide ID verification with registration application	NO	NO
MN	Legislation / Regulation Requiring Paper Ballots		Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application	YES	YES
MS	Not Yet Proposed		Permanent disfranchisement for some felony convictions	First-time voters who register by mail and do not provide ID verification with registration application	NO	NO
MO	Legislation / Regulation Requiring Paper Ballots		Voting restored after completion of prison, parole and probation	All Voters	YES	NO
MT	Legislation / Regulation Requiring Paper Ballots		Voting restored after release from prison	All Voters	YES	NO
NE	Not Yet Proposed		Voting restored after completion of prison, parole and probation after 2 year waiting period	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
NV	Legislation / Regulation Requiring Paper Ballots		Permanent disfranchisement for some felony convictions	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
NH	Legislation / Regulation Requiring Paper Ballots		Voting restored after release from prison	First-time voters who register by mail and do not provide ID verification with registration application	NO	YES
NJ	Legislation / Regulation Requiring Paper Ballots		Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application	NO	NO
NM	Legislation / Regulation Requiring Paper Ballots		Voting restored after completion of prison, parole and probation	All Voters	YES	NO
NY	Legislation / Regulation Requiring Paper Ballots		Voting restored after release from prison and completion of parole	First-time voters who register by mail and do not provide ID verification with registration application	NO	NO
NC	Legislation / Regulation Requiring Paper Ballots		Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
ND	Not Yet Proposed		Voting restored after release from prison	All Voters	YES	NO

State	Voter Verified Paper Ballots	Felon Voting Rights	Voter ID Required for	Early Voting	Election Day Registration
OH	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison	All Voters	NO	NO
OK	Not Yet Proposed	Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
OR	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
PA	Proposed, Not Yet Enacted	Voting restored after release from prison	All First Time Voters	NO	NO
RI	Not Yet Proposed	Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application	NO	NO
SC	Proposed, Not Yet Enacted	Voting restored after completion of prison, parole and probation	All Voters	NO	NO
SD	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison	All Voters	YES	NO
TN	Proposed, Not Yet Enacted	Permanent disfranchisement for some felony convictions	All Voters	YES	NO
TX	Proposed, Not Yet Enacted	Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application + registration certificate	YES	NO
UT	Legislation / Regulation Requiring Paper Ballots	Voting restored after release from prison	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
VT	Legislation / Regulation Requiring Paper Ballots	No disfranchisement for felony convictions	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
VA	Proposed, Not Yet Enacted	Permanent disfranchisement for all felony convictions	All Voters	YES	NO
WA	Legislation / Regulation Requiring Paper Ballots	Permanent disfranchisement for some felony convictions	All Voters	NO	NO
WV	Legislation / Regulation Requiring Paper Ballots	Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application	YES	NO
WI	Legislation / Regulation Requiring Paper Ballots	Voting restored after completion of prison, parole and probation	First-time voters who register by mail and do not provide ID verification with registration application	YES	YES
WY	Not Yet Proposed	Permanent disfranchisement for some felony convictions	First-time voters who register by mail and do not provide ID verification with registration application	YES	YES

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## **GET INVOLVED: FOUR METHODS OF MUNICIPAL REFORM**

### **1. Draft Resolution**

These allow for the organization of local member groups to aid in the pursuit of major goals. A draft resolution can come in many forms, but each is designed to show public support for a reform. First, one could use a draft resolution for a religious or community organization. These can be passed out in churches and various other local gatherings to garner support for a reform that is clear and concise. Second, one could propose the production of a draft resolution by a secular or government organization. Finally one could utilize actual charter language and propose a draft resolution that will be adopted directly into the city charter.

### **2. Task Force**

These are legislative commissions approved by government authority to conduct studies on particular subjects. Task forces can be a powerful tools when utilized properly. Citizens can lobby the local government to assign a task force to study the issues of voting rights in their municipality, particularly the lack of a right to vote.

### **3. City Charter Review**

Reviews are public forums held once or twice a year wherein reforms to the charter can be proposed and implemented. A city charter review is the most common method of municipal reform. The charter commission meetings are open to any suggestion from any citizen. There are usually fewer than ten members who sit on the commission, and if a majority of them agree with the ideals of the right to vote, change can be enacted rather quickly.

### **4. Amendment to the Charter**

This is the best method for applying our reforms, but it may be limited by particular city charter provisions. It is the only method of reform that circumvents the government. By garnering a certain number of signatures – dependent on the city charter and usually a percentage of the total population – reform can be enacted. The amendment will be added to the charter, so it is best if it is written in charter language. This method is not often utilized but would be a powerful tool in the Right to Vote movement.

## **ACTION PLAN**

### **1. Research the Region**

Each municipality has a unique history in its stance on voting rights. It is necessary to realize the overall demographic of the municipality and understand the chart on voting rights by state. Conducting research on the region before taking serious action would be wise and allow for an accurate prediction of potential results.

### **2. Understand and Customize Right to Vote Material**

This report is only the first step. There is a great deal of additional information at [FairVote.org](http://FairVote.org) that is also integral to the Right to Vote Initiative. This information must be properly internalized and then tailored to fit the unique region where action is to be taken. National groups like FairVote can be resources.

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### **3. Cooperate With Advocacy Groups in the Region**

FairVote cooperates with several advocacy organizations, and it is imperative to the success of this project that various organizations be involved.

### **4. Decide Upon Course of Reform Action**

There are four options that are described above, and each is a direct path to charter reform. However, if proper research is conducted on the region in question, one of the paths of reform will seem more logical than the others. The beauty of having four methods is that, if one fails, another can be used. The key to making this project a success is persistence.

### **5. Get Voting Rights Material to Local Activists**

Again, getting cooperation from other local organizations is key to the success of this project. Once the information on the right to vote has been understood, it must be disseminated to any local citizen who might be willing to help.

### **6. Utilize Media to Draw Attention to Upcoming Action**

This is an area where FairVote can provide a great deal of assistance. FairVote writes full editorial pieces, op-eds and letters to the editor for major newspapers around the country. FairVote can produce content to promote the project at the national level, but it is also necessary to use local media to draw attention to the action. Appeals must be made to local newspapers, magazines, television stations and even radio talk shows.

### **7. Attend Municipal Government Meetings and Propose Ideas**

Each of the methods of reform requires activists to present their information to local government officials. Municipal governments meet several times per year, and these meetings are usually sparsely attended. Yet, if the reforms are to be enacted, these meetings must be attended regularly, and issues of concern must be brought up at every possible occasion.

## **IMMEDIATE ACTION MUST BE TAKEN**

The Right to Vote Initiative is a long term project that will require years of diligent work from thousands of activists around the country. The ultimate goal is to have a constitutional amendment passed guaranteeing all citizens the right to vote. But this goal will only be accomplished if smaller goals can be reached. There are several national initiatives that are currently being proposed that are taking a similar stance on reform. Cities hold a great deal of power in this country, and if several cities begin to enact the reforms of the Municipal Right to Vote Initiative, it will only be a matter of time before the federal government follows suit. FairVote is going to commit a great deal of time, money and effort to this project, but it will need the help of local volunteers and organizations. *The right to vote is a democracy innovation that must be ratified as soon as possible to prevent the disenfranchisement of over five million citizens in the next election.*

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## ENDNOTES

1. <http://www.verifiedvoting.org/downloads/frontpage6.pdf>
2. <http://www.righttovote.org/state.asp>
3. <http://www.electionline.org/Default.aspx?tabid=364>
4. <http://www.electionline.org/Default.aspx?tabid=474>
5. <http://www.demos-usa.org/page249.cfm>

## APPENDICES

### Appendix A: House Joint Resolution 28

Proposing an amendment to the Constitution of the United States regarding the right to vote.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein),

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

Article --

SECTION 1. All citizens of the United States, who are eighteen years of age or older, shall have the right to vote in any public election held in the jurisdiction in which the citizen resides. The right to vote shall not be denied or abridged by the United States, any State, or any other public or private person or entity, except that the United States or any State may establish regulations narrowly tailored to produce efficient and honest elections.

SECTION 2. Each State shall administer public elections in the State in accordance with election performance standards established by the Congress. The Congress shall reconsider such election performance standards at least once every four years to determine if higher standards should be established to reflect improvements in methods and practices regarding the administration of elections.

SECTION 3. Each State shall provide any eligible voter the opportunity to register and vote on the day of any public election.

SECTION 4. The Congress shall have power to enforce this article by appropriate legislation.

### Appendix B: Four Reasons Why a Right to Vote is Needed

#### ***1. Contrary to Popular Belief, There is No Right to Vote in the U.S. Constitution***

While the U.S. Constitution bans the restriction of voting based on race, sex and age, it does not explicitly state that all U.S. citizens have an affirmative right to vote. Even the Supreme Court ruled in the Bush v. Gore case in 2000 that citizens do not have the right to vote for electors for president. States control voting policies and procedures. As a result we have a patchwork voting system run independently by 50 states, 3,067 counties and over 12,000 voting districts, all separate and all unequal.

#### ***2. Millions of Americans are Permanently Barred from Voting***

As of April 2004, approximately 5 million Americans convicted of felonies who have already served their time jail are permanently disenfranchised. Fourteen states do not have an

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automatic restoration process in place for all persons once they have completed their felony sentence. Some states like Florida hold hearings chaired by the governor and the cabinet to determine if ex-felons are ready to vote. While this does re-enfranchise some, it is arbitrary and could easily be used for political gain. All in all, approximately 1.65 million Americans are potentially prohibited from voting for the rest of their lives.

However, not only ex-felons who face difficulty registering to vote. Americans living overseas have trouble registering in their home district, because their state may not consider them residents anymore. Many college students attempting to register at their college precinct have faced voter intimidation or were simply refused the ability to register to vote. Such reasons are not only arbitrary, but in many cases politically motivated.

The right to vote amendment will guarantee all American citizens at least 18 years of age a constitutionally protected individual right to vote. Much like the rights to speech and religion, a constitutionally protected right to vote will be difficult to limit.

### ***3. State Authority Over Voting Creates Unnecessary Voting Difficulties***

Voting should be a simple process in which any registered citizen can easily participate. However, this is not always the case. Since voting is regulated by each state individually, there are fifty sets of voting policies and procedures. Voter identification and registration requirements as well as the machines that voters use vary widely between states. As true of nearly every state, counties design their own ballots, pursue their own voter education, have their own policies for handling overseas ballots, hire and train their poll workers, choose voting equipment, select polling place locations and maintained their own voter registration lists. States have wide leeway in determining policies on absentee voting, polling hours and funding elections. With such widespread variation it is difficult for any voter, in any state or precinct, to know his or her rights. But, since voting is regulated by the states, there is little the national government can do if voters are intimidated or harassed at the polling booth.

### ***4. Congress is Often Powerless to Take Action***

At present Congress can take no action to formally help improve voting standards across the nation. While the *Help America Vote Act* (HAVA) of 2002, which passed in response to the voting fiasco of the 2000 presidential elections, does establish some standards regarding a provisional ballot, states are not required to follow these policies. The only way to establish national standards to ensure that every vote is counted and that electors follow the will of the people of their state is to create a constitutionally protected right to vote. The Right to Vote Amendment will give Congress the authority to protect the individual right to vote and oversee voting policies and procedures to ensure that elections are fair, accurate and efficient.

## **Appendix C: A Brief History of Our Voting Rights**

Many Americans are fearful of amending the U.S. Constitution out of the belief that it could be a catalyst for adding other less desirable amendments. But the Constitution is not stagnant, it is a living entity and since its inception over 200 years ago has been modified 27 times. Excluding the Bill of Rights, 7 of the last 17 constitutional amendments have dealt directly with expanding the franchise and improving the way citizens vote. This timeline shows the full history of voting rights and its holes show us what we still need to achieve.

**1776:** White males at least 21 years old, but religious requirements. In New Jersey, most states included property or even

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Connecticut, and Pennsylvania free black men can vote.

**1856:** White males at least 21 years old, no longer any property or religious requirements.

**1870:** The 15th Amendment in theory extends the right to vote to all races; however, poll taxes, literacy tests and grandfather clauses eventually prevent most black males from voting.

**1920:** The 19th Amendment expands the franchise to women.

**1924:** Congress passes legislation extending citizenship, and therefore voting rights, to Native Americans, but many states continue to deny these voting rights.

**1943:** Congress ensures Chinese Americans have the right to vote by repealing the *Chinese Exclusion Acts*.

**1961:** The 23rd Amendment provides citizens of the District of Columbia with the

right to vote for President and Vice President, but not for Congress.

**1965:** Congress passes the *Voting Rights Act* that outlawed barriers to political participation by racial and ethnic minorities such as literacy tests and discriminatory districting and registration practices.

**1970:** The 26th Amendment expands the franchise by lowering the voting age from 21 to 18.

**1975:** The *Voting Rights Act* is amended to provide assistance for language minority citizens.

**2000:** Presidential Election fiasco leads to millions calling for reforms in voting laws.

**2002:** HAVA passes both the House and the Senate and is used as a direct response to the faults of the 2000 election.

**2004:** Similar issues from the 2000 election arise, but because the election is not close, problems are overlooked, and eventually forgotten.



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FairVote is a non-partisan electoral reform organization seeking fair elections with meaningful choices. Our vision of "the way democracy will be" includes an equally protected right to vote, instant runoff voting for executive elections and proportional voting for legislative elections.

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