

RESOLUTION ON VOTING RIGHTS

The Jewish people's commitment to voting rights is rooted in our sacred obligation to pursue justice, in our historical experiences, and in our commitment to cherished rights. A 2011 Jewish Council for Public Affairs resolution on elections began with the core premise that "The cornerstone of democracy is the election process." Unfortunately, the integrity of the United States' election process is challenged by the systematic disenfranchisement of key segments of the voting population.

Many of our Jewish sages stress the importance of a community in which the people have a voice in the selection of leaders. As Rabbi Yitzhak taught, "A ruler is not to be appointed unless the community is first consulted" (Babylonian Talmud *Berachot 55a*).

Our historical experiences throughout the centuries as an often-persecuted minority subjected to the whims of unaccountable leaders also instilled in us an appreciation for the value of free elections. This is among the reasons for the American Jewish involvement in the civil and voting rights struggles of the 1950s and 1960s. It is also why our community was instrumental in the enactment of the 1965 Voting Rights Act which sought to overturn decades of discrimination and intimidation at the ballot box. Jewish Council for Public Affairs' commitment to the Voting Rights Act is reflected in multiple resolutions including the 2011 resolution that states: "The Voting Rights Act is critically important to ensuring that voters and communities of color have equal and unfettered access to the political process."

The Voting Rights Act has been reauthorized four times, each time with bipartisan support in Congress. Each reauthorization was signed into law by Republican Presidents Richard Nixon, Gerald Ford, Ronald Reagan, and George W. Bush.

Unfortunately, the Voting Rights Act was severely weakened by the Supreme Court's 2013 decision in *Shelby County v Holder*. The Court struck down Section 4(b) of the Voting Rights Act that contained a formula determining which jurisdictions with a history of disenfranchisement needed preclearance from the Department of Justice before making changes to voting laws or procedures. The effect has been to diminish the Voting Rights Act as multiple states quickly adopted new, restrictive voting laws. On Election Day 2016, 14 states had new laws on the books restricting the right to vote, often through onerous voter identification laws and limits on early voting.

Voter identification laws are cause for particular concern. Acceptable forms of identification can be prohibitively costly and difficult for individuals to obtain, and many older people and immigrants do not have birth certificates or other documents. Importantly, studies repeatedly show that widespread voter identification fraud is a myth. A 2014 national study found just 31 possible cases of voter identification fraud out of one billion votes cast between 2000 and 2014.

These new voting laws often disproportionately and negatively impact communities of color. When one such voter identification law adopted by North Carolina was challenged in Federal court, the United States Court of Appeals for the Fourth Circuit overturned the law, saying its provisions “...target African-Americans with almost surgical precision.” In 2015, courts also overturned restrictive voting laws in Wisconsin and Texas. Unfortunately, many states continue to have such laws on the books.

It is the duty of all who cherish democracy to ensure that all eligible citizens are afforded the opportunity to vote and have their votes counted.

The Jewish Council for Public Affairs:

- Affirms the essential nature of the right to vote for all eligible Americans;
- Calls on Congress to adopt legislation to:
 - Modernize the Voting Rights Act’s pre-clearance formula;
 - Protect voters from the types of voting changes likely to deter people from voting, including those most likely to discriminate against people of color and language minorities, including voter identification laws; and
 - Require jurisdictions to make voting changes public and transparent; and, recognizing that not all voting practices that stymie voting access are grounded in, or have disparate impact with respect to race, color or language minority status—and to the extent that they are not—they do not give rise to claims under the Voting Rights Act, these flaws in the nation’s electoral system also demand attention. Response to *Shelby County* must be the beginning, not the end, of urgently needed reforms directed at protecting voter access to the polls and providing for more effective election administration.
- Calls on state legislatures to remove restrictive barriers to voting by measures such as instituting internet voter registration, early voting and no-reason absentee voting, and to prohibit local clerks from removing voters from the poll books except upon actual knowledge that the voter has moved to another jurisdiction or is deceased.
- Opposes actual voter fraud and supports the prosecution of those who commit such acts.

The Jewish community relations field should:

- Work in partnership with impacted communities to protect the right to vote for all eligible citizens;
- Engage with state election officials to ensure the integrity of access to voting and seek, as well, to address existing voting practices that limit voting access.
- Oppose measures that have the intent or effect of unfairly limiting the right to vote, for example through reduced locally accessible polling locations, onerous voter identification laws, curtailed early voting, or other measures.
- In places where photo identification is required for voting, support measures to assist all eligible voters in obtaining necessary identification.