La Gente Unida Jamás Será Vencida: The Power of “Changing Demographics” in the 2012 Elections and Beyond

Katherine Culliton
LA GENTE UNIDA JAMÁS SERÁ VENCIDA

The Power of Changing Demographics in the 2012 Elections and Beyond

by Katherine Culliton-González

Katherine Culliton-González is the Director of Voter Protection for Advancement Project, where she leads a highly qualified team in litigation, policy advocacy, community education, and empowerment strategies to protect fundamental voting rights. A former Fulbright Scholar, she taught human rights law in Chile and graduated as valedictorian of the 1993 American University law class. She is the author of a series of law review articles, written in English and Spanish, which have been used to protect civil rights in the Americas. Her latest law review article, published in the Harvard Law School Human Rights Journal, argues against disparate access to citizenship due to its negative impact on Latino voting rights. Before joining Advancement Project, Culliton-González served in the U.S. Department of Justice’s Civil Rights Division, where she brought a series of cases to enforce the antidiscrimination provisions of the Voting Rights Act. She frequently appears in the media as a nationally recognized voting rights expert.
Adequately summarizing the impact of the Latino vote in the United States’ November 2012 elections is a difficult task because, at least as of the time of this writing, the existing data is preliminary. But the postelection news headlines and all available exit polls illustrate the increasingly influential power of Latino voters in American politics with Latinos making up 10 percent of the electorate and influencing the results in battleground states (Pew Hispanic Center 2012).

However, although there are 23.7 million eligible Latino voters, only an estimated 12.5 million voted in 2012, according to exit polls (Taylor et al. 2012). Furthermore, the largest wave of voter suppression in decades was directed against voters of color, with new tactics, like requiring stricter and more elusive forms of voter ID and proof of citizenship, blatantly directed at Latino voters (NALEO Educational Fund 2012). As voting rights historian J. Morgan Kousser summarized on 18 September 2012: “[T]oday’s voter ID and other such laws bear an eerie resemblance to the initial legal stages of the first disfranchisement [during the Jim Crow era]” (Kousser 2012).

As discussed herein, the already influential Latino electorate is expected to double by 2030 (Taylor et al. 2012). Unfortunately, we can only expect voter suppression and increasing targeting of Latinos to worsen in the face of the rising power of the potential Latino electorate (Adelmann 2012). But as Dr. Martin Luther King demonstrated, when communities fight discrimination, the arc of the moral universe is long, but justice ultimately prevails (King 1967). A next-generation, multiracial, full-time, year-round voting rights movement is needed to protect and fully realize the inherent power of the potential Latino electorate.

**Voter Suppression Backfired in the 2012 U.S. Presidential Election**

As examples from Florida, Texas, and Pennsylvania show, efforts at voter suppression in the 2012 presidential election backfired.

Like many Americans, I witnessed the long lines at the polls caused by cutbacks in the early voting period in Florida. And on Election Day in Miami, I witnessed African American and Latino voters—there were few White voters at those polls—waiting in extremely long lines. I heard the stories of numerous voters of color who had to pay a “time tax” to exercise their right to vote.

Facing unprecedented attempts to restrict their voting rights, voters of color defied the odds by winning various court cases that challenged discriminatory photo identification voting laws (Weiser and Norden 2012). Intimidation tactics such as the Tea Party’s “True the Vote” initiative (Shen...
2012) threatened to deploy more than a million “poll watchers” on Election Day (Mock 2012). African American and Latino voters also faced Election Day dysfunctions egregious enough to cause U.S. President Barack Obama to allude to it in his election night acceptance speech, stating: “We have to fix that” (Froomkin 2012).

Advancement Project, where I serve as the director of voter protection, notes many relevant cases of individuals waiting for hours to vote in Florida. One example is Desilynn Victor, a 103-year-old Haitian American woman, who waited in line for more than four hours at her polling place at the North Miami Public Library on 27 October 2012. This Saturday was the first day of the early voting period, which had been shortened to eight days from fourteen by Florida Republicans via a statute amended 1 July 2012 (Fla. Stat. §101.657, H.B. 1355). She went home to rest and, with the assistance of voting rights advocates Carolyn Thompson and Uzoma Nkwonta, returned to vote to the cheers of hundreds of other voters still waiting in line.

A young Cuban American couple attempting to vote for the first time stood in line on three separate days during early voting. Like many working families, they came to vote with their young children. They needed to vote on an early voting day due to an inability to get time off from work to vote on Election Day. Each time the couple attempted to vote, the lines were so long that they had to leave without casting their ballot, needing to leave either to go to work or to take care of their children. They waited approximately six to seven hours on each of the days they tried to vote. If it were not for litigation permitting Miami-Dade County to hold one more day of early voting the day before Election Day, and if it were not for advocates asking the county to let people vote in the evening, this young couple would not have been able to vote in their first U.S. presidential election.

Florida and other jurisdictions have not yet released their official turnout results at the precinct level, which is needed to determine the impact of dysfunctional voting procedures. However, preliminary data already shows that Blacks and Latinos were disproportionately impacted by Florida’s cuts in early voting days, which created longer lines for voters, particularly in Miami-Dade County, which has a majority Hispanic and Black population (Herron and Smith 2013).

We cannot afford to be complacent as we wait for the election data to be analyzed. During the 2012 election cycle, new types of voter suppression were aimed more aggressively and more directly at Latinos than in recent years. In addition to resorting to manipulation through redistricting, the latest wave of voter suppression relied heavily on tactics reminiscent of the literacy tests and poll taxes for which the 1965 Voting Rights Act (VRA) was enacted to redress. Texas’s photo ID law, for example, was
than 80 percent were voters of color (Black, Asian, and Latino) (Compl. Arcia v. Detzner 2012).

Changing Demographics and Attempts at Voting Restrictions

The backdrop to the 2012 election headlines was a narrative involving the role that “changing demographics” played in the national election. That role became clearly decisive at the presidential level. On 7 November, the Pew Research Center reported that:

The minority groups that carried President Obama to victory yesterday by giving him 80 percent of their votes are on track to become a majority of the nation’s population by 2050. By 2050, the Hispanic share of the U.S. population could be as high as 29 percent, up from 17 percent now. The black proportion of the population is projected to rise slightly to 13 percent, while the Asian share is projected to increase to 9 percent from its current 5 percent. Non-Hispanic whites, 63 percent of the current population, will decrease to half or slightly less than half of the population by 2050. (Taylor and Cohn 2012)
LA GENTE UNIDA JAMÁS SERÁ VENCIDA

2012). Considering the power in numbers that Latinos ought to enjoy and the overwhelming power of a majority of voters with interests in common, we are seemingly on the cusp of massive social change leading to fundamental political changes in this next generation. But the forces of voter suppression will not make it easy. As in 2012, voter suppression directed at voters of color and even more at Latinos will only increase and become more pernicious in response to the increasing potential of changing demographics. We will need to work very hard to fully realize the power of the people to ensure any semblance of fairness and inclusiveness in American politics.

Exit polls from the 2012 national election demonstrate that the influence of Latinos is most powerful when in coalition with African Americans, whose turnout increased despite the largest wave of voter suppression tactics directed at voters of color since the enactment of the 1965 Voting Rights Act. Historically, due to numerous structural barriers, non-Hispanic Whites have always voted at a higher rate than voters of color. But on 28 December 2012, a Pew Research Center study showed that, for the first time, African Americans voted at a higher rate than non-Hispanic Whites (Taylor 2012). African Americans made up 12 percent of eligible voters and 13 percent of the electorate. By contrast, Asian American and Pacific Islanders and American Latinos lagged behind, and their increasing influence has been due mostly to population growth (Taylor 2012). In fact, Latino participation has been increasing since 2000 but only at a rate of 2.7 percent between 2000 and 2008. In 2012, Latinos continued to have lower levels of voter participation relative to Blacks and Whites (Taylor et al. 2012).

The 2012 voter suppression strategy failed. The courts blocked ten major voting laws, and turnout among Black and Latino voters as well as young people—groups targeted by voter suppression initiatives—increased. Congressional testimony described the rise of new voting restrictions as the “largest legislative effort to rollback voting rights since the post-reconstruction era,” effectuating a trifecta of voter suppression: making it harder to register to vote, harder to cast a ballot, and harder to have a vote counted (U.S. Senate Committee on the Judiciary 2011).

During the past two years, more than 180 restrictive voting bills were introduced in forty-one states, including voter identification restrictions, cutbacks to early voting, restrictions on voter registration, proof of citizenship requirements, and more (Weiser and Norden 2011). However, voter suppression backfired because many of these restrictions were defeated either legislatively or through litigation under state constitutions or under Sections 2 or 5 of the Voting Rights Act.

For voting rights advocates and our partners, who are the leaders of com-
Later this year, the Supreme Court will also hear an appeal by the State of Arizona on whether it can require additional proof of citizenship than that which is already clearly required by federal law in order for citizens to register and vote. Perhaps most importantly, looking closely at Latino turnout, which is influenced by structural gaps in access to citizenship and a related lack of interest in the current political system and candidates, it is clear that, despite the important role Latino voters played in determining the 2012 election, there is still much work to be done.

The Next-Generation Voting Rights Movement

Now is the time to expand and strengthen the voting rights movement to ensure that the foundation of our democracy does not shift back to permanent disenfranchisement through various forms of second-class citizenship for people of color. 2013 is the 150th anniversary of the Emancipation Proclamation, which was followed, by necessity, by the Fourteenth Amendment, which guarantees birthright citizenship and equal protection before the law, and the Fifteenth Amendment, which prohibits racial discrimination in voting. The 2012 elections clearly demonstrate that the 1965 Voting Rights Act is still needed and that the Fourteenth and Fifteenth Amendments still need to be enforced. However, they also illustrate
LA GENTE UNIDA JAMÁS SERÁ VENCIDA

that there is a need for additional legal and advocacy tools to truly protect voting rights and access to citizenship in the face of changing demographics.

The most important tools are at state and local levels, where an emerging new voting rights movement can be seen in the actions of members of the Caribbean American community who waited for seven to eight hours to vote in Miami, the grassroots voter registration workers across the country who did not back down in the face of intimidation, and Latino and Latina voters who had their citizenship challenged and who, despite living in mixed-status communities and feeling fearful in this xenophobic climate, went ahead and voted on behalf of themselves, their children and their future. They realize that voting is fundamental and that issues like immigration, health care, and education all depend directly upon having political power, which is supposed to be exercised by votes and not by politicians manipulating the rules to steal them.

In fact, how many of the shenanigans designed to suppress the Latino vote were due to fear, to not wanting immigrants to become citizens, or to not wanting equal access to education, all in the face of “changing demographics?” We have some clues in the proof of intentional discrimination found in the Texas voter ID litigation last year, in the wildly exaggerated allegations of noncitizens voting, and in the numerous voting rights cases where discriminatory impact against African Americans and Latinos was found. The people who waited in long lines during early voting in Florida surely knew that if someone was willing to go to so much trouble to make it more difficult for people of color to vote, then that vote was something worth fighting for.

No matter what happens next, changing demographics will be powerful, not because of the numbers but because of the power of the people. It is from that base that together we can build the next-generation voting rights movement needed to more fully realize the American dream. To be effective, the movement must recognize the commonalities between and among communities of color as well as the differences. The movement must be more inclusive of Latinos, Asian Americans, and even mixed-race families and communities in order to reflect the great legacy of the African American civil rights movement and the new challenges and opportunities presented. This can and should include recognizing that voter suppression is a form of racial discrimination directed at all communities of color, and moreover, that voter suppression also disproportionately harms women, the elderly, and the poor, no matter what their race.

**Recommendations**

The methods used to create the strong reaction to voter suppression by the African American electorate during
the 2012 elections should be carefully considered for use by Latinos and other communities of color as well as reinforced and strengthened in the African American community. This means fighting back as strongly and vocally as possible against discrimination in voting rights and not simply accepting that making it more difficult to vote is the new normal of American elections (Brazile and Crossley 2012). Furthermore, due to changing demographics, any voting bloc in this country and especially other voters of color need Latinos in order to move forward. As the 2012 voter suppression campaign was directed against all voters of color, there is clearly opportunity for a strong voting and civil rights coalition to fight back against disenfranchisement. This coalition should include everyone targeted by the 2012 voter suppression, including women, who were also historically treated as second-class citizens and not permitted to vote.

The elections of 2012 also demonstrated that the next-generation voting rights movement must be full-time, year-round, community-based, and much more powerful. All that power will be needed to fend off continued and increasing attempts at suppressing our most fundamental right: the right to vote. But more importantly, the power of the people is needed to create a next-generation voting rights and racial justice movement that is truly inclusive of the growing diversity of our nation.

Only a little more than half of the country’s eligible Latinos voted in the 2012 presidential election, but it does not have to stay this way. More than 80 percent of the Puerto Rican population votes, but voter participation drops precipitously when Puerto Ricans move to the mainland (Culliton-González 2008). This shows that Latino voter participation could be much higher than it is. African American participation has been increasing steadily since 2000, probably due to a concerted effort among movement leaders to fight back against the targeted election dysfunction the Black community has seen since Florida in 2000 (Taylor 2012). For any community, there is no reason for voting to be so difficult, no excuse for continued discrimination in voting, and no reason that rather than restricting voting rights, our country cannot instead work to increase access to voting. In many Latin American countries, elections are not held on a working day and the right to vote is valuably considered an obligation for every citizen.

Our democracy and our nation will be strengthened by increasing access to citizenship rather than restricting access to it. Measures such as multilingual access to election materials and expanded availability of voter registration forms at naturalization ceremonies should be the norm as they decrease barriers to voting for Latinos (Advancement Project 2012). Furthermore, measures such as same-
day voter registration and expanded availability of early voting options would address many of the dysfunctions seen in the 2012 national elections. Restrictive measures such as photo identification laws should be opposed, and the informed public discussion showing that they are not needed must continue in mainstream as well as community-oriented media. Moreover, the discussion of whether naturalized citizens need to prove themselves more than other citizens in order to register and vote should be made more public, and these barriers to voting should be denounced not only by the individuals affected, but also by a broad spectrum of leaders. This issue parallels the overarching discussions needed on immigration.

Without a path to citizenship, and without equal access to citizenship, the Emancipation Proclamation and the Fourteenth and Fifteenth Amendments are empty promises. Our nation needs to see “changing demographics” as a great opportunity to truly embrace every aspect of the American dream. This means that we really are all equal and do all have an equally important voice in shaping our collective future. I hope that these are the headlines in 2013.

References


Froomkin, Dan. 2012. Obama on long lines at polls: “We have to fix that.” Huffington Post, November 7.


King Jr., Martin Luther. 1967. It’s a dark day in our nation: Why I am opposed to the war in Vietnam. Sermon at the Ebenezer Baptist Church, April 30.


NALEO Educational Fund. 2012. Latino voters at risk: The impact of restrictive voting and registration measures on the
nation's fastest growing electorate. NA-LEO Educational Fund report.


YOU CAN MAKE A DIFFERENCE!

Interested in pursuing a graduate degree in public policy or international affairs? Apply to become a PPIA Fellow!

PPIA is a nonprofit organization committed to promoting inclusion and full participation of underrepresented groups in public service. Our signature program, the Junior Summer Institute Fellowship, is intended for undergraduates between their Junior and Senior years.

Our fellowship offers intensive academic programs that prepare you for the rigors of graduate school and careers in public service. Our alumni are working in every sector, both domestically and abroad.

Benefits include:

- Full tuition at a PPIA Junior Summer Institute and eligibility to receive assistance with travel expenses.
- A stipend of $1,000+, university housing with a meal plan, and all materials.
- Minimum of a one-time $5,000 scholarship at a PPIA graduate school if admitted for a Master’s degree.

Visit ppiaprogram.org to learn more!