

The Caucuses and the Right to Vote

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ELECTION PROTECTION YOU HAVE THE RIGHT TO VOTE

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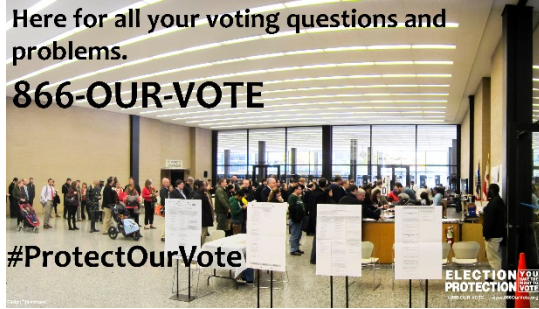
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Caucus Confusion

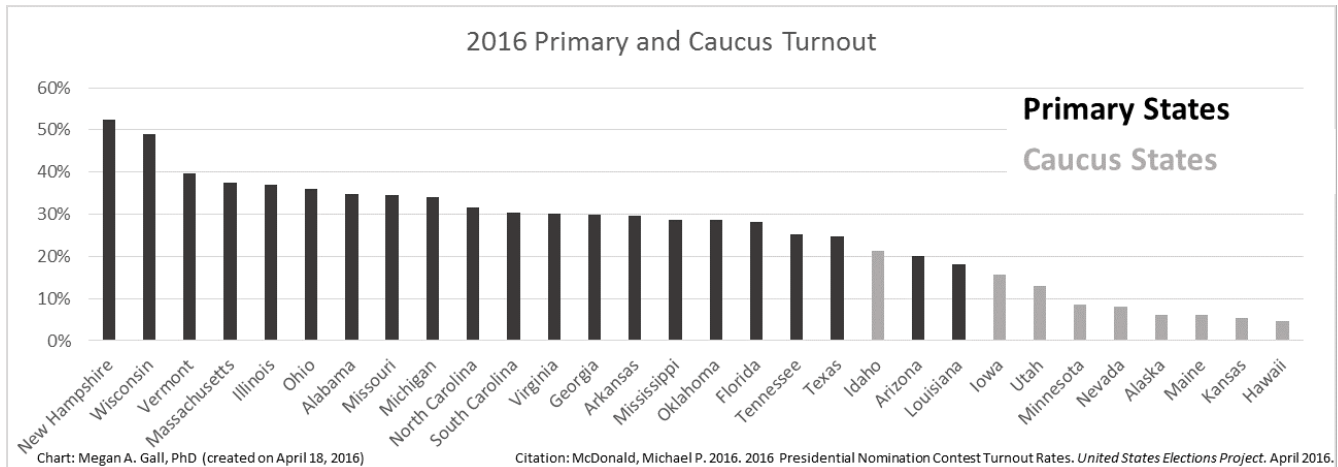
Midway through the 2016 presidential election cycle, well-intentioned voters have been disenfranchised or impeded while trying to vote in the state caucuses. Hundreds of these voters called 866-OUR-VOTE to reach Election Protection, the nation's largest nonpartisan voter protection coalition, with two common questions: *Can I vote in the caucus?* And *How do I vote in the caucus?*



So far, 15 states have held caucuses. The North Dakota Democratic Party and the District of Columbia Democratic Party will hold the last caucuses of the 2016 election cycle in June. This Election Protection brief, and accompanying interactive map, journey through the voter experience in some of the caucus states to help illustrate how caucus systems affect the fundamental right to vote.

Turnout, Representation, and Accessibility

Caucuses impact voters differently than primaries and work differently too. In presidential election years, the caucus method of voting consistently produces lower voter turnout than the primary election method of voting.¹ So far in 2016, the average turnout for states with primaries is 32.4%, while the average turnout for caucuses is 9.9%.² Looking at the first two nomination contests, Iowa caucus turnout was under 16%, whereas New Hampshire primary turnout was over 52%.³ The chart below details turnout for primaries and caucuses to date. The comparisons are striking.



Even in 2008, when voter turnout was unprecedentedly high throughout the election cycle, turnout for state caucuses was lower than for primaries. For example, voter turnout of citizens under 30 years old in the 2008 Iowa caucuses was 13% compared to the 43% in New Hampshire's 2008 primary.⁴

Research also points out that voters who participate in caucuses are less representative of the electorate than voters who participate in primaries, with some studies suggesting that caucus voters are more ideologically extreme.⁵ In addition, advocates for workers, students, the elderly, the disabled, and military personnel claim that caucuses are less accessible than primaries because of the limited timeframe to vote and the lack of

absentee or early voting opportunities.⁶ Turnout, representation, and accessibility are major concerns in any democracy, and caucuses are found to suppress all three.

Primaries resemble the general election, while caucuses are distinctly different:

- The two major state political parties manage caucuses instead of the state and local government officials who supervise most other elections. In addition, state and local governments, as well as federal law, provide no guidance for how political parties should run caucuses.
- A state's caucus rules and procedures can vary widely from election year to election year on the whim of state political party leaders.
- Voters are generally required to be physically present at caucuses; although various state parties have tested absentee and early voting and online voting. And in some caucuses, the in-person voter cannot cast a secret ballot.
- Generally, voters must be available during a narrowly scheduled timeframe if they wish to participate in caucuses.

The Voter Experience

Election Protection's tools and resources create opportunities for much more intimate interactions with voters than scholarly research allows. The 866-OUR-VOTE voter helpline was live for caucuses in Alaska, Colorado, Kentucky, Kansas, Maine, Minnesota, and Nebraska. On dates that 866-OUR-VOTE was not live, Election Protection volunteers returned voicemails about caucuses to voters in Hawaii, Idaho, Iowa, Nevada, Utah, Washington, and Wyoming. The experiences shared with us suggest that voters ultimately turn out at lower rates for caucuses because of the process's complicated nature. On the contrary, the primary method of voting more closely aligns with the general election voting process, gives voters more time to get to the polls, and generally provides more opportunities for absentee and early voting.



Election Protection data show that in Colorado and Hawaii, out-of-town registered voters learned that they could not vote because their parties' caucus rules did not allow absentee voting. In Nebraska and Nevada, voters were disenfranchised after missing the narrow window of time allotted to line up and participate in their caucuses. In Utah, where the Republican Party debuted an online caucus voting system, a voter was disenfranchised when the system failed. The stories mentioned here and in the map above give just snapshots of the larger caucus voter experience, thus far, in 2016.

Caucuses and Our Democracy

Election Protection advocates for a simplified voting process to help facilitate voter education and drive turnout. However, to fully comprehend the impact of caucuses on the right to vote, more research is needed. Are caucuses essential to our electoral process? Would replacing them with primaries improve turnout, representation, and accessibility?⁷ Do caucuses actually make voting harder, and if so, do they hold value in our democracy? Election Protection operates under the belief that every eligible citizen should be able to exercise their right to vote without difficulty, and we strongly encourage further analysis of the caucus system to determine whether it does more harm than good for our democracy.

In the States

Voters who have been frustrated and even disenfranchised when trying to participate in the 2016 caucuses have contacted Election Protection. This interactive map explores the Iowa, Nevada, Colorado, and Kentucky caucuses and the voter experience in those and other states. Click through the map to learn their stories, and read the brief to find out why more research into the caucus system is warranted. Join us in protecting the right to vote by spreading the word about Election Protection's multilingual voter helplines: 866-OUR-VOTE (run by the Lawyers' Committee for Civil Rights Under Law), 888-Ve-Y-Vota (run by National Association of Latino Elected Officials (NALEO) Education Fund), and 888-API-Vote (run by Asian and Pacific Islander American Vote (APIAVote) and Asian Americans Advancing Justice | AAJC).

Iowa: Is This America?

Iowa's caucuses are the first candidate preference contest in the presidential election cycle. The state's controversial status is mainly due to Iowa's overall lack of diversity—particularly, its lack of racial and ethnic diversity.⁸ Iowa's population is over 91% white, compared to the national rate of 72% white.⁹ Iowa's black and Latino population rates, at 2.9% and 5% respectively, are below national rates. Iowa's Latino population is steadily rising, but Latino caucus voter turnout remains low.¹⁰ Statewide, voter turnout in the 2016 Iowa caucuses was estimated at under 16%, which is significantly lower than the 2016 New Hampshire primary turnout of over 52%.¹¹ Ahead of Iowa's caucuses, media focused on the state Democratic Party's complex voting process, summed up in a 12-step process by NPR.¹² Reports of "chaos" followed the February 1 caucuses.¹³ Stories ranged from accounts of winners decided with coin tosses to allegations of inconsistent final tallies to descriptions of insufficient volunteers at precinct caucus sites.¹⁴ With low turnout, distorted representation, and reports of dysfunction, how do the Iowa caucuses impact the right to vote?

Nevada: Reaching the Rising Latino Electorate

Unlike Iowa, Nevada's white population rate is below the national average, while its Latino, Asian, Pacific-Islander, and Native American populations are all above the national average.¹⁵ Many within these groups work in Las Vegas's booming service industries in Clark County where approximately 72% of the state's population lives. Nevada-based labor unions and immigrant rights groups focused their early 2016 voter mobilization efforts on bringing new citizens into the voting process and petitioning employers to allow workers time off to caucus.¹⁶ Language barriers made explaining the multi-step caucus process more challenging. Election Protection partners, NALEO Educational Fund, League of United Latin American Citizens (LULAC), National Council of La Raza (NCLR), and Voto Latino, met with other Latino organizations the week before the Nevada caucuses to launch an initiative for Latino mobilization and turnout in the 2016 elections.¹⁷ After the Nevada caucuses, exit polls reported low Latino turnout with Latino participation estimated at 19% in the Democratic caucuses and 8% in the Republican caucuses.¹⁸ Do the unique burdens that caucuses impose on voters diminish Latino voting power in Nevada?

Colorado: Caucus Fatigue

Like many of the 2016 caucuses, Colorado's were plagued with long lines and overcrowding. The state's voters and leaders continue to question the caucus system's impact on voter engagement and the right to vote. Advocacy groups, like Colorado Common Cause and Let Colorado Vote, as well as Colorado's Secretary of State and some state party leaders, have indicated that they are open to switching back to primaries.¹⁹ The state legislature cited costs as the reason for abandoning the primary system in 2000. Supporters of returning to primaries argue that they allow for higher voter participation, the value of which offsets the costs. Colorado's two major parties left out scores of voters in their 2016 caucuses.²⁰ For example, Colorado lawmakers passed a

giant voting rights expansion bill in 2013, which included same-day registration.²¹ However, the state political parties do not allow same-day registration in the caucuses. The state parties also disallow unaffiliated voters from participating in the caucuses. These voters had to register with one of the two major political parties by January 4 in order to participate. This was especially problematic in Colorado, where state data estimate more than one million, or approximately 34%, of the state's active voters are registered as "unaffiliated."²² Amid claims that the caucuses excludes voters, is it time for Colorado to return to primaries?

Kentucky: Party Politics Harm Voters

Kentucky held caucuses for the first time since 1984. For background, U.S. Senator Rand Paul wished to vie for the Republican presidential nomination and remain in the U.S. Senate race.²³ Senator Paul offered to pay for the party's state caucus, and the GOP agreed in August 2015. This first Kentucky caucus in over 20 years necessitated tremendous voter education efforts within a limited amount of time. Based on social media posts and local news reports, voter education was grossly inadequate and the party was ill-prepared to manage the caucuses. One of the biggest problems seemed to be the lack of information about the February 19, 2016 absentee ballot request deadline and the December 31, 2015 deadline to register as a Republican. Voters were frustrated and confused about poor communication from the party regarding both deadlines, and some voters claimed they were disenfranchised due to inadequate voter education.²⁴ In addition, party leaders have indicated that the party will return to primaries after 2016, which means they will have to work to reeducate voters about the primary voting process. Did the whims of political party leaders contribute to voter disenfranchisement in Kentucky?

March 1st is the Colorado caucus. You ready?
We are.
Here for all your questions and problems.
866-OUR-VOTE



Voter Stories from the 2016 Caucuses

Thousands of voters have called Election Protection in 2016:

- A Clark County, Nevada voter reported waiting in line outdoors for 2.5 hours and observing a fellow voter passing out during the wait.
- A Boulder County, Colorado voter claimed that voters were told their votes would not count after waiting in long lines.
- An Albany County, Wyoming voter reported being disenfranchised, despite showing up to the caucus site on time, by a caucus worker who was confused about procedures.
- Another Wyoming voter reported getting Twitter reports from friends about alleged irregularities at multiple Democratic caucuses.
- A Mercer County, Kentucky voter missed the deadline to change party affiliation and could not vote. The voter was unaware that the Republican caucus was closed.
- Cumberland County, Maine voters reported that caucus voters were given misinformation about same-day registration and left without voting due to the confusion.
- A Utah voter tried to use the Republican Party's new online voting system, which malfunctioned when the voter submitted the required information. The voter tried multiple times and was ultimately disenfranchised. (The State of Utah refused to fund state primaries this year, so the parties were left to

operate caucuses. Utah’s Republican Party offered an online voting pilot program for registered Republican voters who applied to receive a PIN code to access the new voting system.)

Top 4 Ways to #ProtectOurVote:²⁵

Plan to vote

Voters, plan your trip to the polls as soon as possible. Arrange transportation for yourself or organize a carpool. Find out if you have access to early voting. Know your polling place location in advance.

Double-check the details

Voters, the rules are constantly changing due to states’ actions and developing litigation. Find out your state’s registration deadline and methods of registration. Verify your registration. Know what types of identification are required to register and to vote.

Report the problems

Voters, it is difficult to predict where and when problems will arise. Be the eyes and ears of your community and report problems or potential snafus, like last-minute polling place changes, to Election Protection. A voting problem does not have to become a voting barrier.

Ask for help

Voters, do not let confusion keep you from having a voice. Contact Election Protection to get help with voting.

4 Ways to #ProtectOurVote

- 1) Plan to vote
- 2) Double-check the details
- 3) Report the problems
- 4) Ask for help

866-OUR-VOTE
888-VE-Y-VOTA
888-API-VOTE

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About Election Protection

Election Protection is the nation’s largest nonpartisan voter protection coalition, led by the Lawyers’ Committee for Civil Rights Under Law. Through its suite of hotlines, including the 866-OUR-VOTE hotline (866-687-8683) administered by the Lawyers’ Committee, 888-VE-Y-VOTA (888-839-8682) administered by NALEO Educational Fund, 888-API-VOTE (888-273-8683) administered by APIAVote and Asian Americans Advancing Justice-AAJC and dedicated team of trained legal and grassroots volunteers, Election Protection helps all American voters, including traditionally disenfranchised groups, gain access to the polls and overcome obstacles to voting. The coalition has more than 100 partners – including Advancement Project, Asian American Legal Defense and Educational Fund, Brennan Center for Justice, Common Cause, League of Women Voters of the United States, NAACP, National Bar Association, National Coalition on Black Civic Participation, State Voices, Rock the Vote and Verified Voting Foundation – at the national, state and local levels, and provides voter protection services nationwide. For more information about Election Protection and the 866-OUR-VOTE hotline, please visit: <http://www.866ourvote.org/>.

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