Insights: Publications

Minority and Vulnerable Populations Voting by Mail: A Convenience or a Disadvantage

28 Wash. & Lee J. Civ. Rts. & Soc. Just. 289

DECEMBER 1, 2022 Written by Kylan S. Memminger

Mail-in voting has feverishly gained popularity in the United States over the last few primary and general elections. In light of this new balloting reality, a trend has emerged. Statistics from minority and vulnerable populations reveal that mail-in ballots composed and sent by these groups have been consistently rejected at a higher rate compared to majority populations. This Note begins by surveying the constitutional background for bringing a challenge to voting rights legislation, while confronting the divisive history of legal precedent surrounding these claims. This Note then analyzes the Supreme Court's decision in *Crawford v. Marion County Election Board* and the balancing test from that decision applied to election regulation challenges. This Note will then proceed to identify the legislature's continued attempt to safeguard the election process with the Voting Rights Act of 1965 and discuss the origin and evolution of absentee voting in the United States, pointing out issues faced specifically by minority and vulnerable groups. After a thorough discussion of these issues, this Note will advocate for a cognizable claim of action for disenfranchised minority and vulnerable voters under the Equal Protection Clause of the Fourteenth Amendment, focusing on the application of the balancing test developed in *Crawford* to claims of discriminatory voting practices, manipulating the test to give less deference to how individual state's justify strict mail-in voting regulations. This Note will emphasize the broader utilization of mail-in voting system moving forward and the importance of correcting systemic errors to provide unrestricted access to the ballot.

Related People



Kylan S. Memminger
t 312.606.3240
kmemminger@ktslaw.com