

The Coming Storm: Crisis, Climate Change, and the Right to Vote

Written by William Kakenmaster and Alice C. Hill

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WILLIAM KAKENMASTER AND ALICE C. HILL, MAR 30 2020

The coronavirus outbreak has upended life for billions of people in unprecedented ways. Around the world, businesses have shuttered, stock markets have plunged, and entire countries have been placed on lockdown. As this pandemic threatens global disorder, it has exposed acute vulnerabilities in American democracy and the electoral process. Voting locations risk becoming veritable petri dishes for the spread of the disease as people crowd in lines, pack themselves into cramped polling stations, and touch the same voting lever one after another. Widespread public health concerns have already led four states—Georgia, Kentucky, Louisiana, and Ohio—to postpone their primaries, while some candidates have begun holding virtual campaign events to try to maintain momentum. Meanwhile, the White House has recommended that people avoid gatherings of 10 or more to protect people—especially vulnerable populations, including the elderly and those with compromised immune systems—from the spread of COVID-19. The Centers for Disease Control and Prevention recommend that older people avoid close contact with others, while the state of California advises people aged 65 and above to avoid going out in public altogether.

In the United States, state and local governments typically have broad authority in deciding how to conduct elections. This year, given the COVID-19 pandemic, states like Georgia, Kentucky, Louisiana, and Ohio are struggling to balance citizens' right to vote with the threat that in-person voting now poses to public health. On Monday, March 16th, two elderly voters, at the urging of Ohio's Republican Governor Mike DeWine, filed a request in the Franklin County Court of Common Pleas to delay in-person voting. One of the two, who is suffering from cancer, wanted to make sure that older voters would not have to 'choose between their health and exercising their constitutional rights.' The Court denied the request, opining that it would set a 'terrible precedent' if judges were to alter the electoral process mere hours before the polls opened. After the court's decision, Ohio's top health official, Dr. Amy Acton, took matters in hand, ordering the polls closed for health reasons. Governor DeWine and Republican Secretary of State Frank LaRose defended the decision to close the polls, stating that 'the only thing more important than a free and fair election is the health and safety of Ohioans.' Ultimately, their justification won out: shortly before 4:00 A.M. on Election Day, the Ohio Supreme Court allowed Dr. Acton's decision to close the polls to stand.

The outbreak of COVID-19 and Ohio's choice to delay voting offer a powerful example of how a crisis can undermine the democratic right to vote. Yet, other calamities beside a pandemic also have the potential to stop people from getting to the polls. One global crisis in particular hangs like a black cloud over people's ability to cast a ballot: climate change. Throughout the world, the impacts of climate change have already undermined people's right to choose their elected representatives and, without concerted action, will do so with greater frequency as temperatures continue to rise.

Voting in an Age of Climate Change and Crisis

Climate change inflicts grievous harm on our planet. Rising greenhouse gas emissions continue to drive global temperatures to new heights. These soaring temperatures bring an onslaught of catastrophic impacts, including more intense storms, deeper droughts, more ferocious wildfires, greater temperature and precipitation extremes, and rising sea levels. The Intergovernmental Panel on Climate Change (IPCC) is 'virtually certain' that tropical cyclone activity has increased in the North Atlantic since the 1970s. Researchers suggested in 2019 that climate change has

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contributed to worsening drought conditions globally since 1900. The average length of the fire season around the world has increased by almost 20 percent since 1979. In the 2000s, daily temperature averages set new record highs twice as often as they set new record lows, and the IPCC is clear that extremely hot days will occur more frequently with rising temperatures. Increasing ocean temperatures and glacial melt have caused seas to rise by 7.5 inches on average since 1901. As the IPCC's Fifth Assessment Report shouts: climate change is 'unequivocal.'

Importantly, even if all greenhouse gas emissions immediately fell to zero, the world will continue to experience accelerating climate change impacts for the foreseeable future. The continued rise of global temperatures threatens a fundamental pillar of democracy: the right to vote. As the impacts of climate change mount, they will disrupt people's ability to make it to town hall meetings, attend campaign rallies, participate in caucuses, and get to the polls to vote. Climate-change fueled extremes can forcibly displace voters and limit their access to absentee voting methods. In addition to compromising citizens' right to vote, the impacts of climate change could suppress voter turnout and skew election outcomes. Climate change impacts endanger the very spirit of democracy itself: people's freedom to participate in politics and choose their government.

When Disaster Hits, It Hits Hard

American voters fell prey to the disastrous impacts of climate change in 2012 when Hurricane Sandy threatened to disrupt the November elections. On October 29th of that year, Sandy made landfall in the northeastern coast of the United States, stretching over 1,000 miles wide and affecting 24 states. Like the current coronavirus outbreak, Sandy wreaked havoc on everyday life. Over 8 million people lost power when the storm destroyed power lines, inundated the electrical grid, and caused an explosion at a power station in Manhattan. Transportation in New York City ground to a halt as all seven subway tunnels under the East River shut down. Overwhelmed New York hospitals urgently evacuated more than 6,500 patients during the confusion of the storm and its aftermath. Wastewater treatment plants failed, spilling 11 billion gallons of sewage into waterways across New York and New Jersey. Suffice it to say, Sandy delivered a crisis of monumental proportions.

Arriving just over a week before the November 2012 elections, Hurricane Sandy's destruction significantly interfered with people's ability to vote in national, state, and local elections. The storm rattled American politics in at least two major ways. First, it sowed disorder in the electoral process. Both President Obama and Senator Romney, then candidates for the United States' highest office, suspended their campaigns to focus on relief efforts. Over 250 polling locations across New Jersey and New York had to be moved at the eleventh hour, affecting over a quarter of a million voters. Second, Sandy may have even influenced the election results themselves. One study estimates that, from the November 2008 to the November 2012 election, voter turnout declined by a disproportionate 2.8 percent in Sandy-affected counties compared with a meager 0.8 percent decline in unaffected counties. Pollsters have suggested that President Obama's deft handling of the federal government's response to Sandy gave his candidacy a slight edge during the final days of his campaign, while others argued it was a contributing factor in his victory. Warmer ocean temperatures and sea-level rise, caused by climate change, increased precipitation totals during Sandy by an estimated 35%, according to a 2015 study. As climate change fuels increasingly ferocious disasters, the example of Sandy-scale impacts looms over people's right to have a say in their government by taking part in the electoral process.

Four years after Sandy, Hurricane Matthew similarly threatened to disrupt the U.S. elections in November of 2016. Just days before Florida's deadline to register to vote, Republican Governor Rick Scott placed 1.5 million Floridians under evacuation orders. Democrats urged Governor Scott to extend the voter registration deadline, but he refused, saying that 'this is politics.' Democrats sued in federal court to force the Governor to extend the deadline, arguing that failure to do so would unfairly disenfranchise voters in hurricane-affected areas. Luckily for them, the court agreed and compelled Governor Scott to extend the deadline by one week. In his ruling, Judge Mark E. Walker wrote, 'No right is more precious than having a voice in our elections,' adding that 'the right to have a voice is why this great country exists in the first place.'

Voters in Florida were not the only ones affected by Hurricane Matthew's fury. On October 2nd, 2016, Colombian citizens went to the polls to vote on whether the government should accept the terms of a peace agreement that

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would end a decades-long war with the Revolutionary Armed Forces of Colombia. Although every major poll predicted the referendum would pass, it ultimately failed by a razor-thin margin. With an unexpectedly low turnout rate, the No campaign emerged victorious and the referendum failed by less than half a percentage point (fewer than 55,000 votes). In the days following, commentators scrambled to explain the surprising result.

What the pundits missed, however, is the fact that Hurricane Matthew's flooding affected over 70,000 people, pummeling coastal areas of Colombia with 9 inches of rain and 140 mph winds. Matthew, which had become the first Category 5 storm in the North Atlantic in nearly a decade, hit six departments along the coast especially hard. In one of those, the municipality of Uribia in the department of La Guajira, floodwaters reportedly swelled to over 15 feet, damaging dozens of homes. Then-President Juan Miguel Santos assured voters he was confident that the storm would not affect the election. Yet, turnout in Uribia amounted to a dismal 3.4 percent, while in another department, flooding forced two municipalities to move voting locations at the last minute. In other areas, as a result of the storm, ballots failed to arrive in time for the election. Notably, four coastal departments hardest hit by flood and wind had turnout rates roughly between 10 and 20 points lower than the national average. Just like in Florida, Hurricane Matthew took a hefty toll on people's freedom to voice their opinion in their country's politics and government.

When catastrophe strikes during crucial political moments, as it did in New York, Florida, and Colombia, it can hurt citizens' ability to vote. Catastrophic events could lead to other broad-reaching impacts on the exercise of the franchise. For instance, massive wildfires could burn polling locations to the ground. Dangerously extreme heat could make standing in line to vote a deadly proposition. Severe flooding could wash away mailboxes containing absentee ballots. Moreover, climate change impacts could strike simultaneously within the United States and other parts of the world, adding another layer of complexity to the already demanding challenge of protecting the right to vote. These scenarios are neither impossible nor unrealistic as temperatures continue to soar.

Safeguarding the Right to Vote

As hurricanes lash and wildfires rage with growing severity due to climate change, more must be done to protect citizens' right to vote. First, state and local governments should permit same-day registration to reduce the chances that extreme weather events cause voters to miss registration deadlines. According to studies, same-day registration increases voter turnout by three to seven percentage points on average.

Second, state and local governments should expand absentee voting by allowing people to vote in a different precinct, by proxy, through the mail, or online. Doing so facilitates access to the electoral process even when catastrophic events turn people's lives upside down.

Third, the federal government should establish an independent commission to systematically evaluate the threats that climate change and other catastrophic risks pose to elections and the right to vote. The commission should identify and outline best practices to anticipate and address challenges arising from calamities, including climate change. The nation faces a critical election this coming November. Between now and then, the hurricane season will have come and gone, the summer will have brought extreme heat, and the wildfire season will have begun in earnest. Time will tell if the country can contain the coronavirus outbreak, but the accelerating impacts of climate change are already bearing down on American politics.

In 2004, the 9/11 Commission declared that the 'most important failure' in preventing the deadliest terrorist attack in American history 'was one of imagination.' By neglecting to adjust electoral practices in the face of escalating climate change impacts, the nation risks another failure of imagination. Given the central importance of voting to American democracy, it is essential that government officials at every level take necessary steps to protect the right to vote, including by preparing for extremes never experienced before. As COVID-19 continues to spread across the United States, potentially closing off access to the polls, it will continue to reveal new vulnerabilities in the right to vote. Climate change will bring a different kind of turmoil, but the current pandemic has shown that the United States needs urgent action to avoid *ad hoc* responses to coming disruptions of voting rights. After all, in the words of Judge Walker, 'No right is more precious than having a voice in our elections.'

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