

# THE TIME TAX

America's Newest Form of Voter Suppression for Millennials, and How it Must be Eliminated to Make Voting Accessible for the Next Generation



## **A JOINT REPORT OF ADVANCEMENT PROJECT AND OURTIME.ORG**

\*Authored by OurTime.org New Media Manager Caroline Allen, Advancement Project Consulting Attorney Marian Schneider, and Senior Attorney and Director of Voter Protection Katherine Culliton-González. (Editor: Cynthia Gordy, Senior Communications Associate.) For further information, please contact us at [www.OurTime.org](http://www.OurTime.org) and [www.AdvancementProject.org](http://www.AdvancementProject.org)

November 18, 2013

# THE INSIDE STORY

	Page
Executive Summary	1
I. Young Voters and Changing Demographics	2-3
I. Areas of Concern for Young Voters of Color:	3-15
A. Long Lines (in FL, VA & other states)	3
B. Photo ID Restrictions (in PA, WI, TX & other states)	6
C. North Carolina’s Comprehensive Voter Suppression Law	10
D. Pennsylvania Attacks on Student Voting	12
E. Additional Concerns for Young Voters of Color	12
F. Fixing Low Turnout: Convenience Equals Impact	13
III. Our Seven Recommendations:	15-17
A. Inclusive and Effective Online Voter Registration	15
B. Eliminate Strict ID Requirements	16
C. Mandatory Early Voting Periods	16
D. Uniform Standards for Voting Machine and Poll Worker Allocation	16
E. Same Day Registration	17
F. Institutionalizing Voter Registration	17
G. Restore and Strengthen the Voting Rights Act	17
IV. Conclusion	17-18

# EXECUTIVE SUMMARY

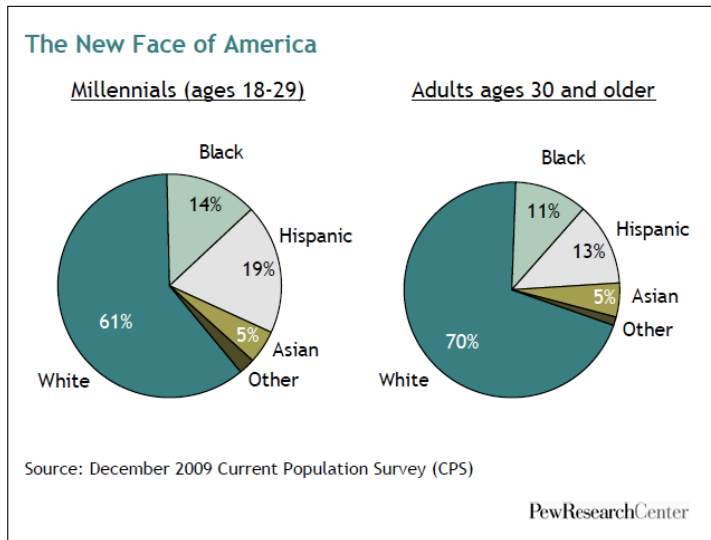
Young voters and voters of color are often overlapping demographics. Young Americans are more racially diverse than the general population because of the changing demographics of the United States, and census data shows that this trend will continue dramatically in coming years.<sup>1</sup> An estimated 22-23 million young voters (aged 18-29) turned out during the 2012 election, comprising 19% of the American electorate — a greater share than in 2008 (18%) and 2004 (17%) respectively.<sup>2</sup> Voters of color have also become an increasingly important share of the American electorate.<sup>3</sup> Yet while the proportion of young voters and voters of color has generally been increasing, participation is much less than it should be. Although African-American voter turnout has been increasing since 2000, the turnout of Latino voters, who comprise the fastest-increasing demographic due to their youth, dropped from 49.9% in 2008 to 48% in 2012.<sup>4</sup> Similarly, the turnout of Asian-American voters, also a younger and rapidly growing demographic, dropped from 47.6% in 2008 to 47.3% in 2012.<sup>5</sup> Moreover, turnout among the youngest voters (18-24 years old) dropped from 48.5% in 2008 to 41.2% in 2012.<sup>6</sup>

A close examination from OurTime.org and Advancement Project also reveals that young voters, and specifically young voters of color who did vote, turned out *in spite of* numerous ballot barriers, not because the system worked efficiently. We are experiencing the largest wave of voter suppression since the enactment of the 1965 Voting Rights Act, with clear disparate impact on communities of color.<sup>7</sup> As this report discusses, voter suppression also has an impact on young voters.

Our report takes an in-depth look at long lines in Florida and Virginia, the two states with the longest wait times in 2012, demonstrating how young people waited disproportionately longer than the general population in both states. It also highlights other instances of disenfranchisement of young voters of color during the 2012 election, as well as staggering concerns about increasing voter suppression in 2013 and the foreseeable future. We believe that our country not only needs to, but can, fix all that. We therefore recommend seven common sense election reforms that will make it easier, rather than harder, for younger voters to fully participate in our democracy. All of these issues are under the mandate of the Presidential Commission on Election Administration (“PCEA”), which we urge to recommend the changes necessary for young voters to no longer be disenfranchised.

# I. YOUNG VOTERS AND CHANGING DEMOGRAPHICS

The Millennial Generation (ages 18-29) (“Millennials”) is more racially diverse than prior generations and is therefore changing the racial composition of the electorate. As the Pew Research Center reports, 2009 census data demonstrated that 61% of Millennials are non-Hispanic White.<sup>8</sup> In comparison, over 70% of adults 30 and over are non-Hispanic Whites.<sup>9</sup> The 2009 census data showed that 14% of Millennials are African-American, 19% are Latino, 5% are Asian-American, and 1% identified themselves as “Other.”<sup>10</sup>



These changing demographics are impacting the American electorate. But as the Voter Participation Center summarizes:

In 2010, more than 71 million unmarried women, people of color and people under thirty—the groups that make up the Rising American Electorate and the majority of voting eligible members in America’s democracy—did not vote. Nearly two thirds of them, 46 million, were not registered to vote; 25 million were registered but did not vote. In 2008...more than 46 million Rising American Electorate members failed to vote. Of those non-voters, 37 million were not registered compared to 9 million who were.<sup>11</sup>

In 2012, census data showed that the majority of children born in the U.S. are people of color.<sup>12</sup> Moreover, the largest growing population of eligible voters is among people from ages 18 to 29—as Millennials are projected to be 40% of the electorate by 2020,<sup>13</sup> it is clear that the trend of a younger, less-White, more racially diverse electorate will continue. Yet unfortunately, this new generation is facing a wave of voter suppression.<sup>14</sup> Voting discrimination is a perennial problem in America, and it did not surprise again in 2012, with a particular impact on young voters.<sup>15</sup> There was also a wave of discrimination against voters of color.<sup>16</sup> Concurrent with changing demographics, logically, attacks on youth voting rights inherently have a disparate

impact on people of color, and vice versa.<sup>17</sup>

**This report provides a brief summary of examples of how, in the context of the current wave of voter suppression, youth and race intersect in the area of voting rights.** The issues of long lines and restrictive voter ID laws and their impact on young voters of color are especially highlighted. We also provide data-based recommendations as to how policymakers and election officials can and should make access to voting easier, rather than more difficult, for the growing majority of our country.

## II. AREAS OF CONCERN

In 2012, 41 state legislatures introduced more than 180 restrictive voting bills, including laws reducing early voting, restricting voter registration and requiring of limited forms of voter identification.<sup>18</sup> This trend has continued in 2013, particularly since the Supreme Court struck down key provisions of the Voting Rights Act in its June 2013 decision in the *Shelby County* case.<sup>19</sup> Since then, as Justice Ginsburg predicted in her dissent, the umbrella that shielded voters in jurisdictions with the worst history of discrimination in voting has been closed, and many states have enacted restrictions on voting rights.<sup>20</sup> As discussed below, many voting rights restrictions have a particularly harsh impact on young voters of color.

### A. LONG LINES

The 2012 election is most memorable for long lines, including documented stories about voters of color waiting in line for more than six hours.<sup>21</sup> Young voters were also disparately impacted. African-American and Latino voters had an average wait time of 20.2 minutes compared to White voters who waited on average of 12.7 minutes.<sup>22</sup> In the study sponsored by Advancement Project and conducted by election administration experts Daniel Smith and Michael Herron, data clearly shows that African-American and Latino voters across the state of Florida, as well as young voters, faced longer wait times than their counterparts. The report includes data from 5,196 of the roughly 6,100 precincts (85%) that were in use in Florida for the 2012 General Election. Advancement Project submitted this study to the PCEA in writing and in oral testimony in Miami on June 28, during a hearing in which voters of color described extremely long wait times, up to 19 hours.<sup>23</sup>

Florida voters experience some of the longest voting lines in the county, with an average wait time of 39 minutes to cast a ballot. That was three times the national average in 2012, of 13.3 minutes.<sup>24</sup> Moreover, across the country, according to another study submitted to the PCEA by Charles Stewart, African Americans waited an average of 23 minutes to vote, compared to only 12 minutes for Whites; Latinos reported waiting 19 minutes, on average.<sup>25</sup>

Advancement Project experts Professors Smith and Herron also found an overall positive correlation between the proportion of people of color voting in precincts and later close of polls. They found similar results when looking at age and wait times, while precincts with greater concentrations of younger Election Day voters had disproportionately later closing times, especially compared to those with greater proportion of older voters.<sup>26</sup>

## i. CERTAIN FLORIDA COUNTIES SHOW HIGH CORRELATION BETWEEN YOUTH AND LONG LINES

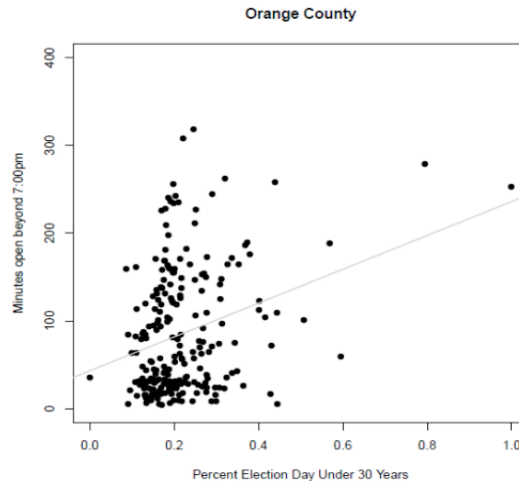


*Voters are in line at precinct 797 at fire station No. 56 in Miami-Dade County during the 2012 general election, Tuesday, Nov. 6, 2012. (Tim Chapman/Miami Herald via Getty Images)*

In Miami-Dade County, an average of 73 minutes passed before the final voter in line cast a ballot after the 7:00 pm close of polls. Miami-Dade also had at least one precinct processing its last voter *seven* hours after the polling station was closed. The region had some of the longest early voting lines in the country, and voters of color generally faced the longest wait times each day. **Moreover, more than 20% of voters in Miami-Dade County were under 30, and closing times were later in precincts where there were more voters under 30.**<sup>27</sup>

Among all Florida counties, Orange County had the highest percentage of voters under 30 (22%).<sup>28</sup> Several Orange County polling places also reported very late closing times, with precincts closing an average of 86 minutes after the 7:00 p.m. Election Day closing time, and at least one precinct shutting down *five* hours after the closing time.<sup>29</sup> In this County, precincts with high numbers of Latino voters had much later closing times, on average, than those with predominantly White voters. **The experts also found “also, quite notably, Orange County precincts that processed higher raw numbers and high proportions of voters under the age of 30 had later closing times[.]”**<sup>30</sup> This is illustrated in the following graph. Each dot represents one of the 227 Orange County precincts for which data was reported (97.4% of all Orange County precincts). The experts plotted the measure of closing time (e.g., the time that each precinct’s results were reported) by the percentage of Election Day voters under 30 in each of the 227 precincts.

The data shows that the more voters under 30, the later the closing time, as illustrated by the rising gray line below:



## ii. LONG LINES FOR VOTING IN OTHER STATES

Long lines arose as a problem in the 2004 and 2008 presidential elections, particularly in Pennsylvania and Ohio, with some disparate impact on students.<sup>31</sup> As Loyola Law School professor Justin Levitt summarized it:

Excessive Election Day lines stretched to ten hours in 2004, eleven hours in 2008, and seven hours in 2012. Even when they do not prove outcome-determinative, such waits exact a real toll on real voters... Sometimes, the burdens of excessive lines are sufficient to deter participation entirely.<sup>32</sup>

Florida is not the only state where young voters experienced longer wait times during the 2012 election. Another analysis by Advancement Project's experts on Virginia showed similar results for young voters.<sup>33</sup> **In Fairfax County, precincts with a greater density of 2012 Election Day voters between the ages of 25 and 34 had later closing times.** However, precincts with greater percentages of voters under the age of 24 and those over 65 years old had earlier closing times.<sup>34</sup> In Prince William County, voters under 24, and between 25 to 34, had much higher percentages of voters casting their ballots after the official close of polls. Advancement Project was able to conclude that in Virginia, voters in precincts with greater proportions of young voters had longer wait times.

**The Time Tax<sup>35</sup> experienced by younger voters in Florida and Virginia may have negative effects on the future voting patterns.** Young voters might not be able to wait many hours to vote in future elections, or they may be discouraged by their experiences in 2012. Election officials could easily fix the long lines by implementing the reasonable reforms suggested by Advancement Project in its PCEA testimony. These include expanded early voting, no-excuse absentee voting, polling place resource formulas, and providing for better voter assistance.<sup>36</sup>



## B. PHOTO ID RESTRICTIONS

The recent imposition of strict photo ID requirements for voting impacts young voters who are college students, whose valid student IDs or out of state licenses are not accepted, as well as non-student young voters who simply cannot afford or have a harder time paying for a driver's license or



state-issued photo ID. While not accepting student IDs is a serious problem, we start this analysis with the overall general disparities in ID possession for those Millennials who are not in college and who are impacted more directly by economic disparities. Due to the recent recession, the currently harsh economic inequality of young people, in general, makes it more likely that young voters will have less access to the strict IDs that many states are trying to require for voting.<sup>37</sup>

Professors Jon C. Rogowski and Cathy J. Cohen analyzed the November 2012 Black Youth Project Quarterly Survey and found that Millennial voters of color (aged 18-29) experienced clearly discriminatory impact of voter ID, in several ways.<sup>38</sup> First, in all states (with or without photo ID laws), young voters of color were asked to show ID more often than White youth:

### Percentage of Young Voters (ages 18-29) Asked for Identification by Type of State Law

Group	No Identification Requirement (%)	Identification Required (%)
All youth	48.6%	86.1%
Black youth	65.5%	94.3%
White youth	42.8%	84.3%
Latino youth	55.3%	81.8%

Source: *Black Youth Project Quarterly Survey, November 2012 (survey of 1,522 households weighted to reflect the racial composition of the nation).*<sup>39</sup>

Second, the survey showed that voter ID laws have racially discriminatory impacts on youth of color, as they lacked ID more than their White counterparts:

- Black youth reported that the lack of required identification prevented them from voting at nearly **four times** the rate of White youth (17.3% compared to 4.7%). Latino youth (8.1%) were also affected at higher rates than White youth.<sup>40</sup>

Third, lack of ID was reported to impact turnout, and was a more critical reason for not voting among voters of color:

- Fewer than 5% of young White voters said lack of ID was their reason for not voting.

- Three times more young Black voters (17.3%) said that they didn't vote because they lacked ID.
- Similarly, 8.1% of young Latino voters didn't vote because of lack of ID.<sup>41</sup>

There are similar disparities regarding student IDs that make it more difficult for Millennials in general, and particularly youth of color, to vote in states that do not allow them. Meeting strict criteria for photo ID can be difficult for college students, particularly out-of-state students or those who do not drive. Out-of-state students frequently do not get in-state ID when they go to college – or would find it very difficult to do if the state voter ID law required underlying documents needed to procure an ID, like a birth certificate.<sup>42</sup> Since the last election, Pennsylvania, Kansas, Wisconsin, North Carolina, Texas and other states have tried to limit or ban the use of student IDs as voter identification.<sup>43</sup>

In Texas, it is permissible to vote by showing a concealed gun license, but not a valid Texas student ID.<sup>44</sup> In Wisconsin, student IDs must meet strict criteria that, at the time of the law's passage, most public universities did not fulfill.<sup>45</sup> Similarly in Pennsylvania, the new restrictive ID law permits only Pennsylvania college or university IDs with an expiration date; however, at the time the law was passed, most colleges and universities in Pennsylvania did not have such dates on their IDs.<sup>46</sup> Although some colleges and universities modified their IDs in response to the law, not all of them did.

Furthermore, the survey found wide disparities in access to college IDs as compared to the types of ID needed under strict voter ID laws, particularly among Black and Latino youth:

Youth Group	Rate Drivers' License Possession	Rate Birth Certificate Possession	Rate Passport Possession	Rate of College ID Possession
Black youth	71.2%	73.3%	22.0%	24.9%
White youth	85.1%	84.3%	47.5%	30.9%
Latino youth	67.0%	55.1%	37.1%	28.6%

Source: Black Youth Project Quarterly Survey, November 2012.<sup>47</sup>

- The data shows that disparities in rates of driver's license possession are double that of college ID possession among young Black and White Millennials, and this disparity is six times greater for young Latinos.

North Carolina, which is home to the most comprehensive voter suppression law, includes a voter ID provision that expressly prohibits IDs from the state's numerous colleges and universities from being accepted for voting. North Carolina's bill and its disparate impact on youth of color are discussed in detail in the next section of this report.

Tennessee put in place one of the strictest hindrances to youth voting in 2012. Not only did this state require voters to show a government-issued photo ID at the polls; it also specifically did not approve of any of the state's 23 university student IDs as legal forms of voter ID. However, employees of the same university were allowed to use their university employee ID to vote.<sup>48</sup>

Evidence also shows that these ID restrictions do little or nothing to prevent voter fraud. In Pennsylvania, the Commonwealth admitted that there were zero instances of in-person voter fraud, which is the only type of fraud that voter ID would prevent.<sup>49</sup> Virginia passed a bill that would require voters to show photo identification at the polls, without any showing of voter fraud.<sup>50</sup> In November 2012, State Rep. Ted Washburn sponsored a bill to end same-day registration in Montana.<sup>51</sup> Asked by a Democratic opponent of the bill about whom he thought should not vote, Washburn stated: "the 100,000 students that are here that don't have Montana driver's licenses, that don't have any identification other than theirs at the college."<sup>52</sup> The Governor vetoed the measure on April 13,<sup>53</sup> but a referendum to repeal same-day registration will appear on the November 2014 ballot.<sup>54</sup>

## **i. PENNSYLVANIA**

In states like Pennsylvania, moreover, the mere requirement of restrictive identification has not translated to more citizens obtaining valid ID. According to Advancement Project, there were 328,000 individuals without proper ID prior to the legislation. More than one year later, 95% still lack an ID because fewer than 17,000 IDs have been issued.<sup>55</sup> Pennsylvania's new restrictive voter ID law passed in March 2012, barely one month before the primary election. The legislature fully intended to implement the law for the November 2012 election. Advancement Project and its co-counsel were successful in halting full implementation of Pennsylvania's voter ID law until the trial court finally decides whether the law violates Pennsylvania's Constitution. If the law does go into effect, hundreds of thousands of voters stand to be disenfranchised, including a disproportionate share of young voters and voters of color.<sup>56</sup>

## **ii. WISCONSIN**

Wisconsin is another state trying to make it harder for students, young people, and people of color to vote. In 2011, Wisconsin passed a law requiring all voters to show specific government-issued photo ID to vote.<sup>57</sup> Although this law was not in effect during the 2012 general elections due to litigation, it could be in the future. The case went to trial before a federal court in Milwaukee on November 4, 2013.<sup>58</sup> If the law goes into effect, voters will have to present one of the following to vote: a current or only recently expired Wisconsin driver's license or DMV-issued state ID, an unexpired U.S. military ID card, an unexpired U.S. passport, a U.S. citizenship certificate less than 2 years old, an unexpired driving receipt, an unexpired ID card receipt, an ID card issued by a federally recognized Indian Tribe in Wisconsin, or an unexpired college or university student ID from an accredited school in Wisconsin –

but only if it contains a photo, the date of issuance, signature of student, and an expiration date. Student IDs without expiration dates will not be accepted and neither will out-of-state driver's licenses and IDs.<sup>59</sup>

According to Advancement Project's October 2013 expert report, there are significant racial disparities and a history of discrimination in voting in Wisconsin that would make it harder for voters of color under the photo ID law. Registered African-American voters are 40 percent more likely than White voters to lack a driver's license or state ID, while Latino voters are 2.3 times as likely.<sup>60</sup> Moreover, this photo ID law has a particularly harsh impact on youth of color. According to a 2005 study by the University of Wisconsin-Milwaukee's Employment and Training Institute, 78% of African-American men in Wisconsin between the ages of 18 and 24 did not have a driver's license.<sup>61</sup> The same goes for 66% of young African-American women in the same age range, 57% of young Latino men aged 18 to 24, and 63% of young Latinas, all of whom may be disenfranchised by the state's voter ID law.<sup>62</sup>

**Seventy-eight percent of African-American men in Wisconsin between the ages of 18 and 24 did not have a driver's license.**

---

### **iii. TEXAS**

The State of Texas also recently passed a law that requires all voters to show a specific form of ID to vote. The only types of ID that will be accepted to vote are: an unexpired Texas driver's license, an ID issued by the Texas Department of Public Safety, a Texas license to carry a concealed handgun, a U.S. military ID card, a U.S. passport, or a U.S. citizenship certificate with a photograph. Student IDs and out-of-state driver's licenses and IDs are not accepted.<sup>63</sup> In Texas, where more than one in 10 voters lack ID, the cost to purchase a permissible form of voter ID ranges from \$22 for a birth certificate to \$345 for a copy of a naturalization certificate.<sup>64</sup> As the Millennial Generation is increasingly more unemployed and underemployed—the effective unemployment rate for 18 to 29-year-olds is 16%<sup>65</sup>—any extra money spent on voter ID takes away from young people paying off debt, or paying for their education or even groceries and rent.

## C. NORTH CAROLINA'S COMPREHENSIVE VOTER SUPPRESSION LAW AND ITS IMPACT ON YOUTH



*Students in the N.C. NAACP Youth and College Division protest the state's restrictive voting bill. Photo by Jamie Phillips Cole of the North Carolina NAACP*

In August 2013, North Carolina Gov. Pat McCrory signed into law the most far-reaching voting law in the country. Among its dozens of voting restrictions, North Carolina's H.B. 589 decreases the early voting period by a full week and eliminates same-day voter registration during early voting;<sup>66</sup> it prohibits the counting of provisional ballots cast by eligible voters who go to the wrong precinct, expands the number and scope of voter challengers, eliminates pre-registration for 16- and 17-year olds, and eliminates a state mandate for voter registration in high schools, among other provisions.<sup>67</sup> An earlier version of the bill also included a provision to penalize the parents of college students, through prohibiting the child dependency tax deduction, if their child registers to vote in the town or city where they attend school instead of at their parents' address.

The law also requires voters to present strict forms of current, government-issued photo identification to cast ballots, but does not accept student IDs, public-employee IDs or photo IDs issued by public assistance agencies as valid forms of identification. This is particularly concerning, considering that the state itself found that 612,955 registered voters in North Carolina lack a DMV-issued ID.<sup>68</sup> According to state data, voters of color in North Carolina are disproportionately likely to lack identification issued by the State Department of Motor Vehicles, are disproportionately likely to use early voting, and disproportionately likely to use same-day registration compared to other voters. Within hours after the law was signed, the North Carolina NAACP, represented by Advancement Project, pro bono counsel Kirkland & Ellis, LLP and North Carolina counsel Adam Stein of Tim Fulton Walker & Owen, PLLC, and Professor Irving Joyner filed a lawsuit alleging discrimination.<sup>69</sup> Several other lawsuits have been filed challenging various provisions of the law, including one by the U.S. Department of Justice.<sup>70</sup>

Young voters were pivotal in bringing attention to the legislation's impact while it was being debated. In April, students from universities across North Carolina led

the charge against the state's voter suppression bill when they sat in silent protest in the House chamber wearing duct tape over their mouths with messages such as "Do not silence my vote," and "Say no to voter suppression."<sup>71</sup> This inspiring action and a subsequent student-led sit in against the bill were coordinated by the North Carolina NAACP Youth and College Division.<sup>72</sup>

In September, North Carolina county election boards also took steps to restrict voting on college campuses. Appalachian State University students will be directly impacted by a Watauga County elections board decision to eliminate early voting and general election voting sites on campus,<sup>73</sup> a move that would require students to travel to an off-campus voting site that is absurdly difficult to reach: inaccessible by public transportation, and over a mile from campus, alongside a 45 mph road with no sidewalk. Worse still is the Watauga County election board's decision to condense what used to be three county polling places into one, eliminating an Election Day site on campus. This new single precinct – which was designed for 1,500 voters and only has 35 parking spaces – will have to serve 9,300 voters.<sup>74</sup>

**North Carolina county election boards took steps to restrict voting on college campuses.**

---

Students at Elizabeth City State University, a historically Black college in North Carolina's Pasquotank County, faced an even harsher attack on their right to vote.<sup>75</sup> The ambush began when Elizabeth City senior Montravias King, who has lived and voted in Pasquotank County since attending school there in 2009, decided to run for city council. After Pete Gilbert, the Pasquotank County Republican Party chairman, argued that a college campus is not a valid residency for holding public office, the county elections board disqualified King from the ballot. North Carolina's requirements to run for office are the same as those for being allowed to vote, so Gilbert's subsequently announced plans to challenge the voting eligibility of Elizabeth City students could have put him on track to disenfranchise the entire school. Gilbert also encouraged his fellow Republicans to follow his lead in other college towns across the state, telling the Associated Press, "I plan to take this show on the road."<sup>76</sup> After widespread outcry, the State Board of Elections stepped in, reversing the local board's decision and allowing King to run for office using his school address.<sup>77</sup> But in a disappointing split decision, the state board also upheld Watauga County's decision to close the voting site at Appalachian State University.

## **I. THE DAILY SHOW IN NORTH CAROLINA**

Some North Carolina politicians have even come clean about the law's true intention. In October 2013, Comedy Central's *The Daily Show* ran a segment highlighting North Carolina's voting law. The piece featured an interview with a supporter of the legislation, Buncombe County Republican precinct chair Don Yelton, who openly admitted that the law was designed to make it harder for Democrats to vote. Yelton specifically clarified, using disparaging and offensive language, that the legislation would restrict opportunities to vote for African Americans and college students.<sup>78</sup>

"If it hurts a bunch of college kids that's too lazy to get up off their [rears] and get a photo ID, so be it," Yelton said of the law during the *Daily Show* segment.<sup>79</sup> "If it hurts a bunch of lazy Blacks that want the government to give them everything, so be it."<sup>80</sup> Shortly after the segment aired Yelton was forced to resign from the North Carolina GOP executive committee.<sup>81</sup>

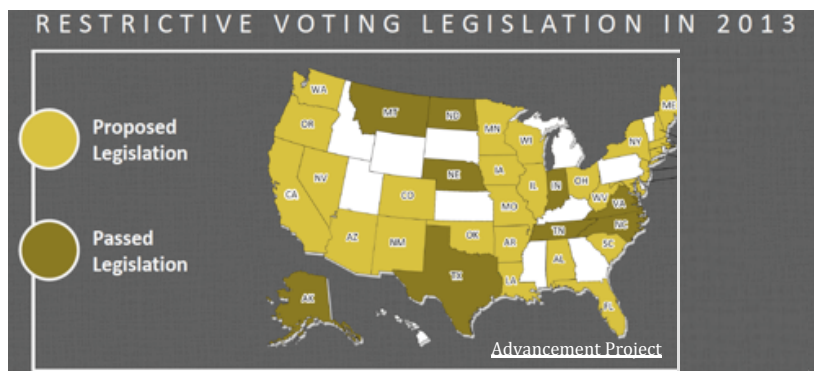
## D. PENNSYLVANIA ATTACKS ON STUDENT VOTING

Pennsylvania has a history of polling place shenanigans on college campuses. In 2008, fearing long lines for the presidential election, local elections officials petitioned to have the polling place that covered Lincoln University, a historically Black university, moved to more spacious quarters on the University's campus.<sup>82</sup> In a party line vote, the Chester County Board of Elections (which at the time included Pennsylvania's current Secretary of State Carol Aichele) denied the request.<sup>83</sup> In November 2008, voters endured 6 to 8-hour wait times at the inadequately sized polling location while poll watchers inside the polling place challenged student voters. As a result, the election district had the lowest turnout by far of any election district in the county.<sup>84</sup> After civil rights groups sued the county under Section 2 of the Voting Rights Act, the county settled and the polling place is now located on the Lincoln University campus.<sup>85</sup>

History seems to be repeating itself because in 2013, county elections boards have voted to move polling places to other locations that are inaccessible to students. In February 2013, the Cumberland County Board of Elections voted to relocate the Shippensburg Township polling location away from the Shippensburg University Foundation Building to the Shippensburg Emergency Services Building. More than 200 residents, including students, signed a petition opposing the move as not a location central to the township and harder for students to reach.<sup>86</sup> Similarly, in August, 2013 the Berks County Board of Elections voted to move the Maxatawny Township 3 polling place from the Kutztown University Field House to the Maxatawny Township Municipal Building.<sup>87</sup> The new location is about four miles from campus and cannot accommodate large numbers of students on buses.<sup>88</sup> Students comprise a significant portion of registered voters in the township, and more than half do not have cars on campus.

## E. ADDITIONAL CONCERNS FOR YOUNG VOTERS OF COLOR

Attacks on young voters were not just an issue during the 2012 election. They are ongoing, threatening the voting rights of many across the country for future elections. All but 11 states have proposed and/or passed restrictive voting legislation in 2013.<sup>89</sup> Our concerns also include the

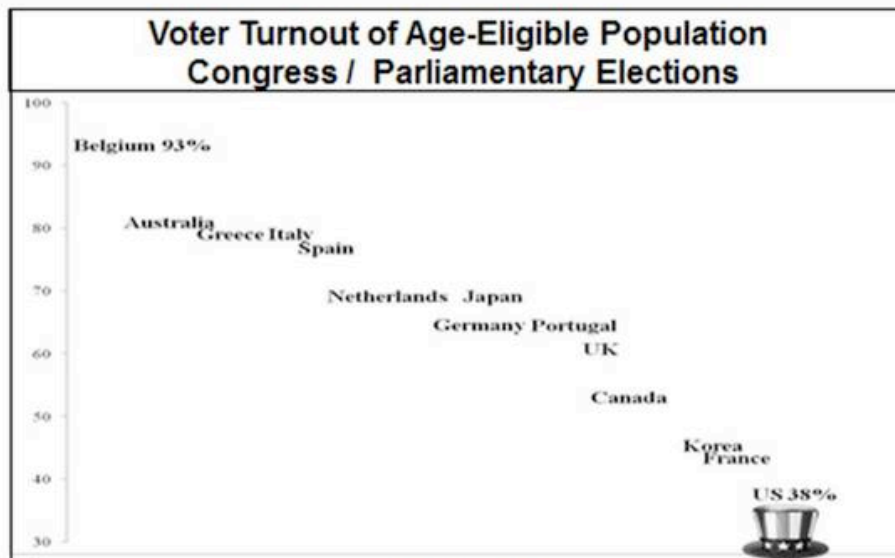


overarching issue of the many ways in which states are making it harder for voters of color to vote. As discussed above, young Americans are more racially diverse than the general population (and concurrently, communities of color are younger than the general population); consequently, any disparate impact on the right to vote for communities of color will have an inherently disparate impact on young voters.

The issues discussed above are emblematic of efforts to make it harder for people to vote. Democracy should not work this way.

## F. FIXING LOW TURNOUT: CONVENIENCE IMPACTS TURNOUT

In addition to the disparities in turnout by race and youth discussed above, compared to other countries that don't have a separate registration and voting system, voter turnout in the U.S. is abysmally low. Columbia University statistician Howard Steven Friedman found that: "Regardless of which metric of eligibility you use, the United States has one of the lowest voter turnouts of any of the comparator countries, while Australia and Belgium have the highest."<sup>90</sup>



This data also shows what does work in a functioning democracy. As he discussed in July of last year, Friedman's statistical analysis clearly demonstrates what needs to be fixed in American elections:

**Convenience impacts voter turnout.** In the United States, in all but one state, voters must go through a separate registration process before voting, and the vast majority of states do not allow Election Day registration. **This two-step process -- register, then vote -- is more complicated than the process in many other countries and discourages some Americans from voting.** In Austria, Canada, Germany, France and Belgium, voter lists are generated from larger population databases or by other government agencies,



thus simplifying the voting process... By eliminating America's two-step process of first registering and then voting (something that is not a common practice in other countries), voter turnout would increase. **The voting process can be further simplified by generating voter lists based on such preexisting government information as driver's licenses, income tax returns, and juror registration information.** After all, using government-run population databases to develop voter lists has succeeded in Austria, Germany, France, Belgium, and Canada. **Until America eliminates this two-step process, allowing for Election Day registration would help increase voter turnout.** Voter turnout in 2000 was about 15 percent higher in states that had Election Day registration than in those that did not.<sup>91</sup>

The world's leading democracy should not be trailing behind in voter participation, and the trends indicating decreasing turnout are particularly troubling for the next generation. The voting booth is the one place where we are all supposed to be equal, and if some voters cannot afford the Time Tax of complicated registration processes, long lines, and overall inconvenience as well as discriminatory obstacles to the right to vote, we will no longer be a functioning democracy. That is why the measures discussed below must be adopted immediately.

## **i. WE SHALL OVERCOME**

In the face of this persistent wave of voting changes targeting young people, many youth voters across the country are refusing to have their voices silenced. Standing up to the provision of North Carolina's law which allows voters to be challenged by any registered voter in the same county, rather than precinct – opening the doors to voter suppression by vigilante poll watchers – a student-led initiative called the N.C. Vote Defenders is training and organizing college students across the state to protect voters, especially young voters and voters of color, from overzealous poll watchers.<sup>92</sup> In response to Wisconsin's restrictive voter ID law, the Wisconsin chapter of the League of Young Voters Education Fund channeled its resources toward a comprehensive campaign educating its core membership of young people of color and non-college youth about the law and helping them obtain photo ID and birth certificates.<sup>93</sup> In state after state, young people are sending the message that they know what politicians are trying to do, and that they are prepared to fight back and vote.

Advancement Project is also partnering with grassroots community-based organizations across the country, tapping community education and outreach, direct advocacy with local election officials, and litigation as tools for change. Legal challenges to restrictive voting laws in North Carolina, Wisconsin and Pennsylvania are currently working their way through state and federal courts.

OurTime.org is also dedicated to ensuring that young people are civically engaged, regularly educating young Americans on voting rights, college affordability,

healthcare reform and other vital topics, as well as encouraging voter registration year-round. Together we are building a next-generation voting rights movement, and we will prevail.

### III. OUR SEVEN RECOMMENDATIONS

Rather than making voting more difficult, policy-makers and election officials should concentrate on positive measures that would help alleviate the woefully low percentage of voter participation rates seen in our country, especially among young people, who are our future.

#### A. INCLUSIVE AND EFFECTIVE ONLINE VOTER REGISTRATION

Perhaps the most frustrating component of our electoral system for the Millennial Generation<sup>94</sup> is the inability to register to vote online in all but 12 states.<sup>95</sup> The Millennial Generation spends more than 28 hours per week on the Internet and on email, and stamps and snail-mail are becoming an antiquated form of correspondence.<sup>96</sup> Online voter registration increases turnout, reduces error, and saves money.<sup>97</sup> After Arizona implemented online registration, registration

Online voter registration increases turnout, reduces error, and saves money.

---

rates rose from 28% to 53% among 18-24 year-olds.<sup>98</sup> Online registration was also five times less error prone than paper registration and reduced states' spending.<sup>99</sup> Washington's Secretary of State saved more than \$125,000 during the first year after offering online voter registration.<sup>100</sup> It is also clear that our government has the capacity to implement and track registration with integrity given that citizens can file federal and states taxes online, as well as submit legal and business documents to government offices online.

In addition to web-based voter registration, we agree with recommendations for electronic and automatic registration of eligible voters, or updating of their address information anytime voters interact with a wide variety of government agencies, as long as the opportunity for such registration is not limited, for example, to motor vehicle agencies.<sup>101</sup> The Brennan Center estimates that such an automatic registration system would permanently add 50 million voters to the rolls, remain accurate, and save money.<sup>102</sup>

Online voter registration must ensure that all eligible voters are able to participate. In all but one state, current online voter registration is limited to people who already have a driver's license or non-driver photo ID issued by the state in which they wish to register.<sup>103</sup> That is, the voter must already have a digital image of her signature on file so that it can be sent to the local registrar. OurTime.org and Advancement Project

recommend online voter registration systems that do not exclude any voters and provide for an alternative method of signature capture, such as at the polling place when the first time voter appears to vote.

While we agree with the need for integrity of the voting rolls and appropriate list maintenance, our communities have too often seen database information used to kick eligible voters off the rolls. For example, last year, Florida used its DMV database to wrongfully purge citizens of color who they falsely alleged were not really citizens,<sup>104</sup> and Virginia very recently used the Interstate Crosscheck System to remove 38,000 voters who allegedly moved, without any due process.<sup>105</sup> Any database system of modernization must include the full protections of the National Voter Registration Act against improper list maintenance or purging.<sup>106</sup>

## **B. ELIMINATE STRICT ID REQUIREMENTS**

We are against strict voter ID laws because they disenfranchise eligible voters. We support federal standards that would require states with restrictive photo ID requirements to accept a standardized list of IDs that include at a minimum all student and university IDs, employee IDs, Veterans Administration IDs, and non-photo identification such as a voter registration card, current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. In addition to requiring a broader list of IDs, we support the adoption of a “safety net” in all states that would allow a voter who lacks ID to vote normally after signing an affidavit at the polls confirming identity.

## **C. MANDATORY EARLY VOTING PERIODS**

Early voting allows citizens the convenience of voting at time that better suits them, rather than funneling voters into a 12 or 13-hour window on a single weekday. Voters of color are more likely to vote early, especially during organized programs such as “Souls to the Polls.”<sup>107</sup> In addition, young voters may benefit as early voting “incorporates the realities of busy schedules and allows people to participate when it makes sense for them.”<sup>108</sup> We support mandatory early voting in all 50 states, especially programs that last long enough, with flexible hours, at county-wide centers that are accessible to all voters in a county.

## **D. UNIFORM STANDARDS FOR VOTING MACHINE AND POLL WORKER ALLOCATION**

Many best practices already suggest that, in jurisdictions that use electronic direct recording “DRE” voting systems, one voting machine should be allocated per every 175 registered voters to minimize potential long lines.<sup>109</sup> We support uniform standards for voting machine allocation, and immediate availability of emergency paper ballots should 50% or more of the voting machines in a precinct become inoperable.<sup>110</sup> Likewise, in jurisdictions in which voters mark a paper ballot that is tabulated either at the polling place or centrally, we support uniform allocation of adequate privacy booths for marking paper ballots. In large paper ballot

jurisdictions, we support additional scanners to avoid long lines of voters waiting to insert their ballots into the scanners. We recommend that voting equipment allocation and other polling place resources, including the number of poll workers, be allocated according to an analysis of precinct size and past turnout statistics to prevent long lines. In other words, states like Florida that do not have a polling place resource formula should immediately require one and monitor whether and how it needs to be tweaked until there are no more long lines.<sup>111</sup>

## **E. SAME DAY VOTER REGISTRATION**

Study after study shows that same-day voter registration reduces error and increases turnout. We support existing legislation in Congress that would require all 50 states to adopt such a measure.

## **F. INSTITUTIONALIZING VOTER REGISTRATION**

We strongly recommend that our public institutions do a better job of providing information regarding voter registration among young citizens. Model legislation for this is the previously bipartisan Student VOTER Act, which would amend the National Voter Registration Act to designate colleges and universities as “voter registration agencies” in the model of a Department of Motor Vehicles (DMV).<sup>112</sup> This bill is an imperative step in the right direction in supporting proactive civic education.

## **G. RESTORE AND STRENGTHEN THE VOTING RIGHTS ACT**

In order to stop continuing racial discrimination in voting, Congress must act immediately to update the Voting Rights Act to ensure that there are effective federal protections to block discriminatory voting changes before they can be put into effect. The DOJ should use all available legal authority to vigorously enforce

**Congress must act  
immediately to  
update the Voting  
Rights Act**

all provisions of the Voting Rights Act as well as all other federal voting rights laws under its jurisdiction. Election officials should provide ample access to information about voting changes and data about their potential impact, and communities should be given the opportunity to not only know about, but also participate in, decisions regarding all aspects of any changes in voting practices or procedures.<sup>113</sup>

## **IV. CONCLUSION**

Advancement Project and OurTime.org believe that rather than making voting more difficult, policymakers and election officials should concentrate on positive measures, which the data above shows would resolve many problems in our nation’s election

system and increase participation, especially among young people, who are our future. We are building a next-generation voting rights movement to fix our nation's badly broken election system. We believe that elections should be free, fair and accessible. The ballot box is the one place where we are all supposed to be equal, whether rich or poor, young or old, and no matter what your race. These fundamental American principles—and the promise of democracy they bring—are broken, and it is up to the Presidential Commission on Election Administration to fix it for us and the generations to come.



*A young voter wears her "I voted today" sticker Sunday, Oct. 28, 2012 in Miami. (AP Photo/J Pat Carter)*

## ABOUT OURTIME.ORG

OurTime.org is the one of the nation's largest non-profit organizations that leverages online organizing, new media, and popular culture to enhance the political voice of young Americans. Just a few years old and already more than one million members strong, the organization leads campaigns to educate voters, remove ballot barriers, and convert news and policies that will impact Millennials into [relevant language](#), [short explanation videos](#), and [quick memes](#). In pursuit of these goals, we have formulated strategic partnerships with dozens of celebrities (Larry David, Jessica Alba, Steve Carell, Usher, Sarah Silverman etc) and brands including Huffington Post, Tumblr, Yahoo, Karmaloop, Funny or Die & Clear Channel to increase civic awareness and build audience among America's rising electorate. The content we create also leads to social action. In 2012, we rallied millions of petition signatures on behalf of various public policies as well as registered more than 300,000 young voters.

## ABOUT ADVANCEMENT PROJECT

Advancement Project – a national civil rights policy, communications, and legal action group committed to civil rights and racial justice – was founded by a team of veteran civil rights lawyers in 1999. Advancement Project believes that a racially just democracy is fundamental if America is to embody the high ideals for which it purports to stand. To attain a just democracy, Advancement Project supports grassroots movements for change. Over a decade of progress has augmented collective decades of experience, allowing to bring to life Advancement Project's mission:

*Advancement Project is a next generation, multi-racial civil rights organization. Rooted in the great human rights struggles for equality and justice, we exist to fulfill America's promise of a caring, inclusive and just democracy. We use innovative tools and strategies to strengthen social movements and achieve high impact policy change.*

At the national level, Advancement Project endeavors to change the public discourse around race and democracy through amplifying local issues, while providing replicable tools to grassroots organizations. Locally, it provides support to local racial justice efforts. Supporters of Advancement Project's power and democracy work include: the Ford Foundation, the Open Society Foundations, the John D. and Catherine T. MacArthur Foundation, the State Infrastructure Fund of Public Interest Projects, the Tides Foundation, the Wallace Global Fund, and others.

# ENDNOTES

---

<sup>1</sup> See, e.g., Katherine Culliton-González, *La Gente Unida Jamás Será Vencida: The Power of “Changing Demographics” in the 2012 Elections and Beyond*, *Harvard Hispanic Journal of Law and Policy* (2013) at 5 (citing PEW Hispanic)(hereinafter “Changing Demographics”); available at:

[http://works.bepress.com/cgi/viewcontent.cgi?article=1017&context=katherine\\_culliton](http://works.bepress.com/cgi/viewcontent.cgi?article=1017&context=katherine_culliton) .

<sup>2</sup> CIRCLE (The Center for Information and Research on Civic Learning and Engagement), *Youth Turnout: At Least 49%, 22-23 Million Under-30 Voted*, available at

<http://www.civicyouth.org/youth-turnout-at-least-49-22-23-million-under-30-voted/>

<sup>3</sup> *Id.*

<sup>4</sup> See, e.g., Michael P. McDonald, 2012 Turnout: Race, Ethnicity and the Youth Vote, *Huffington Post* (May 8, 2012) at

[http://www.huffingtonpost.com/michael-p-mcdonald/2012-turnout-race-](http://www.huffingtonpost.com/michael-p-mcdonald/2012-turnout-race-ethnicity_b_3240179.html)

[ethnicity\\_b\\_3240179.html](http://www.huffingtonpost.com/michael-p-mcdonald/2012-turnout-race-ethnicity_b_3240179.html) discussing the Census Bureau’s Current Population Survey November 2012 Voting and Registration Supplement, available at

<http://www.census.gov/hhes/www/socdemo/voting/>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> See, e.g., Prof. Gilda Daniels, *Lining Up: Ensuring Equal Access to the Right to Vote* (Advancement Project & Lawyer’s Committee for Civil Rights 2013)(hereinafter “Lining Up”), available at [http://b.3cdn.net/advancement/666cb8d8d9d4a9a169\\_kxm6yslwk.pdf](http://b.3cdn.net/advancement/666cb8d8d9d4a9a169_kxm6yslwk.pdf)

<sup>8</sup> The Millennial Generation is generally defined as those 18 – 29. See D’Vera Cohn, *A Demographic Portrait of the Millennial Generation: The Millennial Generation: A Portrait of Generation Next: Confident, Connected, Open to Change*, 1 PEW Research Center (Feb. 2010), available at:

<http://www.pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf>.

<sup>9</sup> *Id.* (citing 2009 American Community Survey).

<sup>10</sup> *Id.* (citing 2009 American Community Survey).

<sup>11</sup> See Voter Participation Center, *The Rising American Electorate Driving Population Growth, Significantly Under-registered and Underrepresented in Electorate, Hurt by New Voting Rules and Restrictions*, available at

<http://www.voterparticipation.org/the-rising-american-electorate/>.

<sup>12</sup> U.S. Census Bureau, *Most Children Younger Than Age 1 are Minorities*, Census Bureau Reports (May 17, 2012), at

<http://www.census.gov/newsroom/releases/archives/population/cb12-90.html>.

<sup>13</sup> See, e.g., David Maldand & Ruy Teixeira. *The New Progressive America: The Millennial Generation 8* (Center for American Progress, May 2009), available at

[http://www.americanprogress.org/wp-content/uploads/issues/2009/05/pdf/millennial\\_generation.pdf](http://www.americanprogress.org/wp-content/uploads/issues/2009/05/pdf/millennial_generation.pdf) (projections based on census and turnout data).

<sup>14</sup> Testimony of Judith Browne-Dianis, “Hearing on the State of the Right to Vote After the 2012 Election,” Before the Senate Committee on the Judiciary (Dec. 19, 2012)(hereinafter “Advancement Project Senate Judiciary Testimony”), available at

---

[http://b.3cdn.net/advancement/6895c58c222c421b62\\_kvm6bh8bp.pdf](http://b.3cdn.net/advancement/6895c58c222c421b62_kvm6bh8bp.pdf).

<sup>15</sup> See Analysis & Sources cited in Section II, *infra*.

<sup>16</sup> See, Lining Up, *supra*. n. 7.

<sup>17</sup> See Voter Participation Center, The Rising American Electorate Driving Population Growth, Significantly Under-registered and Underrepresented in Electorate, Hurt by New Voting Rules and Restrictions, *available at*

<http://www.voterparticipation.org/the-rising-american-electorate/>.

<sup>18</sup> Advancement Project Senate Judiciary Testimony, *supra*. n. 14, at p. 5, n. 17 (citing Brennan Center for Justice, "Voting Changes in 2012," *available at* [http://www.brennancenter.org/content/resource/voting\\_law\\_changes\\_in\\_2012/](http://www.brennancenter.org/content/resource/voting_law_changes_in_2012/).)

<sup>19</sup> See e.g., Michael J. Mishak, *Southern States Are Moving to Tighten Voting Restrictions* (Associated Press, Sept. 28, 2013) *available at*

<http://bigstory.ap.org/article/southern-states-are-moving-tighten-voting-rules>

(discussing post-Shelby restrictions with Advancement Project).

<sup>20</sup> *Shelby v. Holder*, 570 U.S. \_\_\_\_ (2013), Slip. Op. at 33 (Ginsberg dissent) ("Throwing out preclearance when it has worked and continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet."); and *Id.* (post-Shelby voting restrictions in formerly-covered jurisdictions).

<sup>21</sup> Changing Demographics, *supra*. n. 1.

<sup>22</sup> Jeremy W. Peters, *Waiting Times at Ballot Boxes Draw Scrutiny*, THE NEW YORK TIMES, Feb. 4, 2013, *available at*

<http://www.nytimes.com/2013/02/05/us/politics/waiting-times-to-vote-at-polls-draw-scrutiny.html?adxnnl=1&adxnnlx=1383591753-5pCgS53W/PO8P3+oMDv5mq>. see

also *How Long it Took Different Groups to Vote*, *available at*

<http://www.nytimes.com/interactive/2013/02/05/us/politics/how-long-it-took-groups-to-vote.html?ref=politics&r=1&>

<sup>23</sup> Michael C. Herron and Daniel A. Smith, Congestion at the Polls: A Study of Florida Precincts in the 2012 General Election (Advancement Project, June 28, 2012) (hereinafter "Congestion at the Polls"), *available at*

[http://b.3cdn.net/advancement/f5d1203189ce2aabfc\\_14m6vzttt.pdf](http://b.3cdn.net/advancement/f5d1203189ce2aabfc_14m6vzttt.pdf) and

<https://www.supportthevoter.gov/files/2013/11/Advancement-Project-Congestion-at-the-Polls.pdf> (PCEA website). Smith and Herron determined that there were

numerous factors that affect wait times, especially including cuts in Early Voting, as well as the insufficient number of competent staff, language barriers between staff and voters, the availability of registration and voting machines, the occurrence of machinery problems or technical glitches, a lack of adequate voting materials and voting booths, and the design and length of ballots. Other factors, such as frequent challenges to voter registrations, heavy use of provisional ballots, the presence of voters requesting inter-county registration transfers, the location and physical space of polling stations, the availability of parking, and even local weather patterns can also affect wait times. *Id.* at 12 (various factors), 57 (cuts in Early Voting led to line) and 60 (various reforms needed).

<sup>24</sup> See Charles Stewart III & Stephen Ansolabehere, *Waiting in Line to Vote* 1, 6 (July 28, 2013), *available at*



---

<https://www.supportthevoter.gov/files/2013/08/Waiting-in-Line-to-Vote-White-Paper-Stewart-Ansolabehere.pdf>.

<sup>25</sup> See Charles Stewart III, *Waiting to Vote in 2012* (The Massachusetts Institute of Technology, Draft of April 1, 2013), *available at* <https://www.supportthevoter.gov/files/2013/08/Waiting-to-Vote-in-2012-Stewart.pdf>.

<sup>26</sup> Congestion at the Polls, *supra*. n. 23, at 1.

<sup>27</sup> *Id.* at 24.

<sup>28</sup> *Id.* at 39.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Justin Levitt, *Long Lines at the Courthouse: Pre-Election Litigation of Election Day Burdens*, 9 ELECTION L.J. 19 (2010), *available at* <https://www.supportthevoter.gov/files/2013/08/Loyola-Law-Fixing-That-Lines-at-the-Polling-Place-Levitt.pdf>.

<sup>32</sup> *Id.*

<sup>33</sup> Michael C. Herron and Daniel A. Smith, Congestion at the Polls: An Analysis of Two Virginia Counties in the 2012 General Election (Advancement Project, June 30, 2013) (studying data from Fairfax and Prince William Counties)(on file).

<sup>34</sup> *Id.*

<sup>35</sup> See Advancement Project Public Comment Submitted to the Presidential Commission on Election Administration for its public meeting in Miami, Florida on June 28, 2013, at p. 2, n. 7, *available at* [http://b.3cdn.net/advancement/c6b7b9897418a7c930\\_o2m6iv5vl.pdf](http://b.3cdn.net/advancement/c6b7b9897418a7c930_o2m6iv5vl.pdf) and <http://www.supportthevoter.gov/category/public-comments/page/2/> (“A ‘Time Tax’ is a term coined by Christopher Edley, Jr. in “A Voting Rights Disaster?” Wash. Post, Oct. 28, 2008 *available at*

[http://articles.washingtonpost.com/2008-10-28/opinions/36789602\\_1\\_poll-workers-paper-ballots-registrars](http://articles.washingtonpost.com/2008-10-28/opinions/36789602_1_poll-workers-paper-ballots-registrars). “A ‘time tax’ is a government policy or practice that forces one citizen to pay more in time to vote compared with her fellow citizens. While few have noticed the scope of the problem, data indicate that, due primarily to long lines, hundreds of thousands if not millions of voters are routinely unable to vote in national elections as a result of the time tax, and that the problem disproportionately affects minority voters and voters in the South.” See Elora Mukherjee, “Abolishing the Time Tax on Voting,” 85 Notre Dame L. Rev. 177, 177 (2009).)

<sup>36</sup> *Id.*

<sup>37</sup> D’Vera Cohn, *A Demographic Portrait of the Millennial Generation: The Millennial Generation: A Portrait of Generation Next: Confident, Connected, Open to Change*, 2 PEW Research Center (Feb. 2010)(hereinafter “Millennial Generation”), *available at* <http://www.pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf>. (“[A]t the moment, fully 37% of 18- to 29-year-olds are unemployed or out of the workforce, the highest share among this age group in more than three decades. Research shows that young people who graduate from college in a bad economy typically suffer long-term consequences – with effects on their careers and earnings that linger as long as 15 years.”)

<sup>38</sup> Jon C. Rogowski & Cathy J. Cohen, *Democracy Remixed: Black Youth and the Future of American Politics: Black and Latino Youth Disproportionately Affected by Voter Identification Laws in the 2012 Election* (Feb. 28, 2013)[hereinafter "Democracy Remixed Survey"], available at <http://research.blackyouthproject.com/files/2013/03/voter-ID-laws-feb28.pdf>.

<sup>39</sup> *Id.* at 3 (Table 2).

<sup>40</sup> *Id.* at 1.

<sup>41</sup> *Id.* at 4 (Table 3).

<sup>42</sup> Dan Froomkin, *Voter ID Laws Take Aim At College-Student Voters*, HUFFINGTON POST (Sept. 22, 2012), available at [http://www.huffingtonpost.com/2012/09/22/voter-id-laws-gop-college-student\\_n\\_1791568.html](http://www.huffingtonpost.com/2012/09/22/voter-id-laws-gop-college-student_n_1791568.html)

<sup>43</sup> Martha Irvine, *Could tougher voting laws squelch the youth vote?* BOSTON GLOBE (Aug. 4, 2012), available at <http://www.boston.com/news/education/2012/08/04/could-tougher-voting-laws-squelch-the-youth-vote/LZdqrWI92vqIMCKXVMYktM/story.html>

<sup>44</sup> Tex. S.B. 14, § 14 (codified at Tex. Elec. Code § 63.0101)(acceptable IDs for voting) and Cf. Complaint, *United States v. Texas*, No. 2:13-cv-00263 (S.D. Tex., Aug. 22, 2013) at ¶ 57 (legislature rejected amendments that would ameliorate discriminatory impact of voter ID law and refused to permit student IDs for voting), available at <http://moritzlaw.osu.edu/electionlaw/litigation/documents/SteenComplaint.pdf>.

<sup>45</sup> Wendy R. Weiser and Lawrence Norden, *Voting Law Changes in 2012*, Brennan Center For Justice (October 3, 2011), available at [http://www.brennancenter.org/content/resource/voting\\_law\\_changes\\_in\\_2012](http://www.brennancenter.org/content/resource/voting_law_changes_in_2012)

<sup>46</sup> Martha Irvine, *Could tougher voting laws squelch the youth vote?* BOSTON GLOBE (Aug. 4, 2012), available at <http://www.boston.com/news/education/2012/08/04/could-tougher-voting-laws-squelch-the-youth-vote/LZdqrWI92vqIMCKXVMYktM/story.html>

<sup>47</sup> Democracy Remixed Survey, *supra*. n. 38 at 5 (Methodology).

<sup>48</sup> Michael Zoorob, *How Tennessee disenfranchises young voters*, INSIDEVANDY (Feb. 4, 2003) available at [http://www.insidevandy.com/opinion/columns/article\\_dfaa9eee-6e90-11e2-a86a-0019bb30f31a.html](http://www.insidevandy.com/opinion/columns/article_dfaa9eee-6e90-11e2-a86a-0019bb30f31a.html)

<sup>49</sup> See Stipulation dated June 12, 2012 in *Applewhite v. Cmwlth.*, No. 330 MD 2012, (Pa. Commw. Ct.) available at <http://www.advancementproject.org/resources/entry/pennsylvania-voter-id-lawsuit-testimony-applewhite-stipulation>

<sup>50</sup> See Va. S.B. 1265 (Approved March 25, 2013), Bill History (passim), available at <http://lis.virginia.gov/cgi-bin/legp604.exe?131+sum+SB1256>

<sup>51</sup> Montana Legislature, H.B. 30, Detailed Bill Information, available at [http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P\\_SESS=20131&P\\_BLTP\\_BILL\\_TYP\\_CD=HB&P\\_BILL\\_NO=30&P\\_BILL\\_DFT\\_NO=&P\\_CH\\_PT\\_NO=&Z\\_ACTION=Find&P\\_ENTY\\_ID\\_SEQ2=&P\\_SBJT\\_SBJ\\_CD=&P\\_ENTY\\_ID\\_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20131&P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=30&P_BILL_DFT_NO=&P_CH_PT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)

- <sup>52</sup> Zachary Roth, *Latest voter suppression target: college students*, MSNBC (Feb.11, 2013), available at <http://tv.msnbc.com/2013/02/11/latest-target-for-voter-suppression-college-students/>.
- <sup>53</sup> Montana Legislature. H.B. 30, Detailed Bill Information, *supra*. n. 51.
- <sup>54</sup> "National Conference of State Legislatures, Same Day Registration, available at" <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>
- <sup>55</sup> See Petitioners' Proposed Findings of Fact and Conclusions of Law *Applewhite v. Cmwlth.*, No. 330 MD 2012 (Aug. 30 2013), available at <http://www.advancementproject.org/resources/entry/petitioners-proposed-findings-of-fact-and-conclusions-of-law-in-pennsylvania>
- <sup>56</sup> Report of Bernard R. Siskin, Ph.D, Tables 2 and 4, submitted in *Applewhite v. Cmwlth.*, No. 330 MD 2012 (July 2013), available at <http://www.advancementproject.org/resources/entry/pa-voter-id-trial-expert-report-bernard-r.-siskin>
- <sup>57</sup> National Conference of State Legislatures, Voter Identification Requirements, available at <http://www.ncsl.org/legislatures-elections/elections/voter-id.aspx>
- <sup>58</sup> See, e.g., Press Release, Day 3 of Wisconsin Trial Details Voter Suppression by the Numbers: Hundreds of Thousands of Wisconsin Voters are at Risk of Being Disenfranchised under Restrictive Photo ID Law (Nov. 7, 2013), available at: <http://www.advancementproject.org/news/entry/day-3-of-wisconsin-trial-details-voter-suppression-by-the-numbers#sthash.xdUWZ41.dpuf>
- <sup>59</sup> See, e.g., Expert Disclosure of Barry C. Burden, in *Jones v. Deininger*, No. 212-cv-000185-LA (E.D. Wis. April 23, 2012).
- <sup>60</sup> See, e.g., Expert Declaration of Leland Beatty, in *Jones v. Deininger* (E.D. Wis., Oct. 4, 2013). <http://moritzlaw.osu.edu/electionlaw/litigation/documents/JonesExh1DecLelandBetty1.pdf>
- <sup>61</sup> John Pawasarat, *The Driver License Status of the Voting Age Population in Wisconsin* (Employment and Training Institute, University of Wisconsin-Milwaukee, June 2005), available at <http://www4.uwm.edu/eti/barriers/DriversLicense.pdf>
- <sup>62</sup> *Id.*
- <sup>63</sup> See Complaint, *United States v. Texas*, *supra*. n. 44 at 24.
- <sup>64</sup> *Id.*
- <sup>65</sup> See Press Release, *16% of Young People Out of Work in August*, Generation Opportunity (Sept. 6, 2013), available at <http://generationopportunity.org/press/16-of-young-people-out-of-work-in-august/>
- <sup>66</sup> Charlie Savage, *Justice Department Poised to File Lawsuit Over Voter ID Law*, THE NEW YORK TIMES (Sept.30, 2013), available at [http://www.nytimes.com/2013/09/30/us/politics/justice-department-poised-to-file-lawsuit-over-voter-id-law-in-north-carolina.html?\\_r=0](http://www.nytimes.com/2013/09/30/us/politics/justice-department-poised-to-file-lawsuit-over-voter-id-law-in-north-carolina.html?_r=0)
- <sup>67</sup> N.C.H.B. 589 (2013), available at <http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H589v5.pdf>

---

<sup>68</sup> See Advancement Project, *Statement of Katie O'Connor to the North Carolina General Assembly*, Committee 2, n. 5 (April 13, 2013), available at [http://b.3cdn.net/advancement/47c0f4bf080301cb59\\_kqm6i2bn5.pdf](http://b.3cdn.net/advancement/47c0f4bf080301cb59_kqm6i2bn5.pdf) ("According to a recent analysis by the North Carolina State Board of Elections, 612,955 registered North Carolina voters -- 9.25% of all registered voters in the state -- may not have a DMV-issued drivers license or state ID card.") (Citing North Carolina State Board of Elections, 2013 SBOE -DMV ID Analysis 1 (2013), available at [http://www.wral.com/asset/news/state/nccapitol/2013/01/08/11956025/2013\\_Analysis.pdf](http://www.wral.com/asset/news/state/nccapitol/2013/01/08/11956025/2013_Analysis.pdf).)

<sup>69</sup> See Complaint, *North Carolina NAACP et. al. v. Gov. Patrick McCrory et. al.*, No. 113-cv-658 (M.D.N.C., Aug. 12, 2013), available at [http://b.3cdn.net/advancement/5e3400241189525e93\\_71m6bx0w7.pdf](http://b.3cdn.net/advancement/5e3400241189525e93_71m6bx0w7.pdf).

<sup>70</sup> See Complaint, *United States v. North Carolina*, No. 1:13-cv-861 (M.D.N.C., Sept. 30, 2013), available at <http://moritzlaw.osu.edu/electionlaw/litigation/documents/USv.NCcompl.pdf>

<sup>71</sup> Brentin Mock, *North Carolina Students Protest Harsh Voter ID Bill*, COLORLINES (April 26, 2013), available at: [http://colorlines.com/archives/2013/04/north\\_carolina\\_inches\\_closer\\_to\\_harsh\\_voter\\_id\\_college\\_students\\_protest.html](http://colorlines.com/archives/2013/04/north_carolina_inches_closer_to_harsh_voter_id_college_students_protest.html)

<sup>72</sup> *Id.*

<sup>73</sup> Bertrand M. Gutierrez, *Access to Boone voting site raised as a major concern*, WINSTON-SALEM JOURNAL (Aug.18, 2013), available at [http://www.journalnow.com/news/state\\_region/article\\_9a0bc822-07a6-11e3-ab6f-001a4bcf6878.html](http://www.journalnow.com/news/state_region/article_9a0bc822-07a6-11e3-ab6f-001a4bcf6878.html)

<sup>74</sup> *Id.*

<sup>75</sup> Michael Biesecker, *Elections boards in N.C. move to curtail student voting*, Pilotonline.com (Aug. 14, 2013), available at <http://hamptonroads.com/2013/08/elections-boards-nc-move-curtail-student-voting>

<sup>76</sup> Anne Blythe, *County Elections Boards in NC Challenging College Student Voting Patterns*, NEWS OBSERVER (Aug. 19, 2013), available at <http://www.newsobserver.com/2013/08/19/3120626/county-elections-boards-in-nc.html>

<sup>77</sup> Anne Blythe, *State elections board reverses Pasquotank decision, backs Watauga ruling*, NEWS OBSERVER (Sept. 3, 2013), available at <http://www.newsobserver.com/2013/09/03/3161001/state-elections-board-says-elizabeth.html>

<sup>78</sup> See the clip at: <http://www.thedailyshow.com/watch/wed-october-23-2013/suppressing-the-vote>.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

---

<sup>81</sup> See Aaron Blake, *Post Politics: N.C. GOP Precinct Chairman Resigns After Using Racial Slurs on 'Daily Show,'* WASHINGTON POST (Oct. 25, 2012), available at <http://www.washingtonpost.com/blogs/post-politics/wp/2013/10/25/n-c-gop-precinct-chairman-resigns-after-using-racial-slur-on-daily-show/>.

<sup>82</sup> For the complete factual history, see Complaint, *English v. Chester County*, No. 2:10-cv-00244 (E.D. Pa. 2008) available at [http://www.aclupa.org/download\\_file/view\\_inline/591/214/](http://www.aclupa.org/download_file/view_inline/591/214/)

<sup>83</sup> *Id.* at 34.

<sup>84</sup> *Id.* at 11, 83.

<sup>85</sup> See Press Release, *Civil Rights Groups File Lawsuit Charging Racial Discrimination In Chester County Vote*, ACLU-PA, available at <http://www.aclupa.org/news/2010/01/20/civil-rights-groups-file-lawsuit-charging-racial-discrimination-in-chester-county-vote>

<sup>86</sup> Colleen Bauer, *Shippensburg Township Polling location changes*, The Slate, Feb. 11, 2013 available at <http://www.theslateonline.com/article/2013/02/shippensburg-townships-polling-location-changes>

<sup>87</sup> *Democrats Balk at polling site change*, READING EAGLE (Aug. 18, 2013), available at <http://readingeagle.com/mobile/article.aspx?id=503107>

<sup>88</sup> *2 commissioners reject bid for KU polling place* READING EAGLE (Aug. 30, 2013), available at <http://readingeagle.com/mobile/article.aspx?id=505191>

<sup>89</sup> See Complaint, *NAACP v. McCrory*, *supra*. n. 69.

<sup>90</sup> Howard Steven Friedman, *American Voter Turnout Lower Than Other Wealthy Countries*, HUFFINGTON POST (July 10, 2012), available at [http://www.huffingtonpost.com/howard-steven-friedman/voter-turnout-europe-america\\_b\\_1660271.html](http://www.huffingtonpost.com/howard-steven-friedman/voter-turnout-europe-america_b_1660271.html)

<sup>91</sup> *Id.* (emphasis added).

<sup>92</sup> See Facing South, *NC students organize against voter suppression*, available at <http://www.southernstudies.org/2013/09/nc-students-organize-against-voter-suppression.html>

<sup>93</sup> See Complaint, *Jones v. Deininger* (E.D. Wis. February 23, 2012), available at [http://moritzlaw.osu.edu/electionlaw/litigation/documents/complaint\\_025.pdf](http://moritzlaw.osu.edu/electionlaw/litigation/documents/complaint_025.pdf)

<sup>94</sup> See Millennial Generation, *supra*. n. 37, at 2.

<sup>95</sup> Six states—Connecticut, Georgia, Hawaii, Illinois, Virginia and West Virginia—have passed legislation enabling online voter registration but have not implemented it yet. Electronic (or online Voter Registration, National Conference of States Legislatures, *Voter ID Laws*, available at <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>

<sup>96</sup> Nophakhun Limsamarnphun, *Is your data safe and secure?* THE NATION (Oct. 11, 2011), available at <http://www.nationmultimedia.com/new/opinion/Is-your-data-safe-and-secure-30166572.html>

<sup>97</sup> Ponoroff, Christopher, The Brennan Center for Justice, *Voter Registration in a Digital Age* (July 13, 2010), at 13, available at [http://brennan.3cdn.net/806ab5ea23fde7c261\\_n1m6b1s4z.pdf](http://brennan.3cdn.net/806ab5ea23fde7c261_n1m6b1s4z.pdf).

---

<sup>98</sup> The Brennan Center for Justice, *VRM in the States: Online Registration* (July 27, 2013), available at

[http://www.brennancenter.org/content/pages/vrm\\_online\\_registration](http://www.brennancenter.org/content/pages/vrm_online_registration)

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> The Brennan Center for Justice, *The Case for Voter Registration Modernization*, at 2, available at

<http://www.brennancenter.org/publication/case-voter-registration-modernization>

<sup>102</sup> See The Brennan Center for Justice, Press Release, *How to Fix Long Lines: New Brennan Center Voting Proposal* (Feb. 4, 2013), available at

<http://www.brennancenter.org/press-release/how-fix-long-lines-new-brennan-center-voting-proposal>

<sup>103</sup> Ponoroff, Christopher; *Voter Registration in a Digital Age*, *supra*. n. 97.

<sup>104</sup> See, e.g., Complaint, *Arcia v. Detzner*, No. 1:12-cv-22282 (S.D. Fla., June 19, 2012), available at

[http://b.3cdn.net/advancement/70f32694f7ee5c8dcf\\_2qm6vuue6.pdf](http://b.3cdn.net/advancement/70f32694f7ee5c8dcf_2qm6vuue6.pdf)

<sup>105</sup> Virginia used the interstate database to remove anyone who was identified as having registered in another state from the voting rolls in the weeks before the 2013 gubernatorial race, without notice or due process to protect against inaccuracies, confusion, or intimidation. See, e.g., Reid Wilson, *Virginia Election Officials Purging Almost 40,000 Voters*, WASHINGTON POST (Oct. 17, 2013), available at

<http://www.washingtonpost.com/blogs/govbeat/wp/2013/10/17/virginia-election-officials-purging-almost-40000-voters/>. In Virginia, over 65% of the 38,000 voters on the list to be removed in September were between 25 – 49 years old. (AP research on file.)

<sup>106</sup> These are as follows:

- List maintenance procedures that, as required by the National Voter Registration Act (“NVRA” or “Motor Voter”), are “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.” 42 U.S.C. §1973gg-6(a)(6)(b)(1);
- Refraining from using inaccurate or inappropriate governmental or commercial databases for voter purges, especially outside of the 90-day window required by the NVRA;
- Protecting voters from unlawful and discriminatory challenges, as provided under Section 2 of the VRA, 42 U.S.C. § 1973, and state law, and improve state law protections, as needed; and
- Providing sufficient due process to every voter whose eligibility is challenged, as provided under the NVRA (including forwardable notice by mail, opportunity to update and appeal, and keeping a voter in “inactive” status but not removing them for two federal election cycles, so that they can affirm their eligibility at the polls and vote a complete ballot), along with additional protections of state law.

Lining Up, *supra*. n. 7, at 44.

---

<sup>107</sup> See e.g. ACLU, *Take Your Souls to the Polls: Voting Early in Ohio*, available at <http://www.aclu.org/voting-rights/take-your-souls-polls-voting-early-ohio>; Democracy North Carolina, *Souls to the Polls*, available at <http://www.democracy-nc.org/get-involved/souls-to-the-polls/>North Carolina.

<sup>108</sup> Fair Elections Legal Network, *Empowering Voters: A Progressive Legislative Agenda for 2014*, Early/Absentee Voting Priorities (on file).

<sup>109</sup> See, e.g., Ohio Secretary of State Directive No. 2013-15, §II.A (Aug. 13, 2013), available at <http://www.sos.state.oh.us/SOS/Upload/elections/directives/2013/Dir2013-15.pdf>

<sup>110</sup> This formula was adopted by at least one federal district court. See *NAACP v. Cortes*, 591 F. Supp. 2d 757 ( E.D.Pa. 2008).

<sup>111</sup> See Advancement Project Public Comment Submitted to the Presidential Commission on Election Administration for its public meeting in Miami, Florida on June 28, 2013, available at [http://b3cdn.net/advancement/c6b7b9897418a7c930\\_o2m6iv5vl.pdf](http://b3cdn.net/advancement/c6b7b9897418a7c930_o2m6iv5vl.pdf) and <https://www.supportthevoter.gov/files/2013/11/Advancement-Project-Congestion-at-the-Polls.pdf>

<sup>112</sup> Wendy R Weiser, Laura Seago, *A Step Toward Fuller Enfranchisement*, Brennan Center for Justice, Aug.7, 2008, available at <http://www.brennancenter.org/blog/step-toward-fuller-enfranchisement>

<sup>113</sup> Lining Up, *supra*. n. 7, at 44.