

HOW TO TALK ABOUT

VOTING

IN 2014

A TOOLKIT FOR ADVOCATES

## **ABOUT THE BRENNAN CENTER FOR JUSTICE**

The Brennan Center for Justice at NYU School of Law is a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice. We work to hold our political institutions and laws accountable to the twin American ideals of democracy and equal justice for all. The Center's work ranges from voting rights to campaign finance reform, from racial justice in criminal law to Constitutional protection in the fight against terrorism. A singular institution — part think tank, part public interest law firm, part advocacy group, part communications hub — the Brennan Center seeks meaningful, measurable change in the systems by which our nation is governed.

## **ABOUT ADVANCEMENT PROJECT**

Advancement Project is a multi-racial civil rights organization. Founded by a team of veteran civil rights lawyers in 1999, Advancement Project was created to develop and inspire community-based solutions to confront structural racism. We use the same high quality legal analysis, communications and public education campaigns that produced the landmark civil rights victories of earlier eras. Our Voter Protection Project, launched in the days after the 2000 election, has been at the heart of our work eliminating barriers to voting in advance of elections and seizing opportunities to increase civic participation and access to the ballot.

## **ACKNOWLEDGEMENTS**

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# INTRODUCTION

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As we approach the 2014 election, America is in the midst of a highly partisan battle over voting rights.

On one side, politicians are passing laws and executive actions that would make it harder for millions to vote — particularly people of color, low-income individuals, seniors, and students. On the other side, groups of voters and advocates are pushing back — in the legislatures, at the ballot box, and, especially, in the courts.

Until recently, the Voting Rights Act was a critical tool in the fight, but the Supreme Court gutted the law's core protection last year. Since then, a number of states moved forward with controversial changes.

As Americans face an ever-shifting voting landscape this November, the Brennan Center and Advancement Project hope to arm advocates with messages that work. The goal of this project is to help fight against restrictive measures, mobilize voters, and advance affirmative reforms.

This toolkit is the outgrowth of two key past developments, which we hope are instructive for how we can work together — as a field — to protect voting for all.

The first was our collective effort in 2012 to draw on quality research and implement consistent, effective messages — which was a resounding success. That year, after a wave of restrictions threatened the vote, advocates from across the country teamed up to push back. The Brennan Center and Advancement Project conducted extensive public opinion research on attitudes toward voting. We worked with advocates to develop messages that helped shape public opinion and ultimately block restrictive laws in court. In all, more than 300 organizations used this research to help win victories nationwide, from Colorado to Minnesota to Pennsylvania.

The second was the substantial feedback we received from advocates around the country about the nature of the fights they are currently engaged in, and what they needed to win. During and after the 2012 election, we spoke to our allies nationwide to elicit their candid feedback about what worked, what didn't, and where we could improve.

After dozens of conversations — some public, some confidential — we have designed this document to be maximally responsive, and to provide tools that match the needs of those fighting every day against efforts to restrict the right to vote. We have incorporated subsequent analysis by allies, such as the Leadership Conference for Civil and Human Rights, the National Association of Latino Elected and Appointed Officials, the Joyce Foundation, and others. Our goal is to give you the most up-to-date and tailored information you need to answer questions and inform your communities.

In 2014, the national struggle over voting rights is the greatest in decades. Now more than ever, it is important to educate Americans on the importance of their role in our democracy, and to encourage all eligible citizens to register and to vote on Election Day.

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# BACKGROUND:

## THE STATE OF VOTING IN 2014

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The 2010 midterm elections ushered in a wave of new state legislative majorities that sparked a rash of restrictive voting measures. And, for the first time in nearly five decades, Americans will go to the polls in November without a key protection under the Voting Rights Act, which the U.S. Supreme Court gutted last year in *Shelby County v. Holder*. Now voters in nearly half the country head to the polls in November worse off than they were four years ago.

### VOTING RESTRICTIONS SINCE 2010

- **Weakening the Voting Rights Act:** The VRA played a critical role in protecting the right to vote. But after the Supreme Court decimated a key provision, Section 5, a number of states have moved forward with controversial voting changes, including those previously blocked under the law.
- **New Restrictions for Nearly Half of All Voters:** Since the 2010 election, new voting restrictions are slated to be in place in 22 states. Unless these restrictions are blocked — and there are court challenges to laws in six of those states — voters in nearly half the country could find it harder to cast a ballot in the 2014 midterm election than they did in 2010. The new laws range from strict photo ID requirements, to early voting cutbacks, to voter registration restrictions. Partisanship and race were key factors in this movement. Most restrictions passed through GOP-controlled legislatures and in states with increases in minority turnout.
- **Brand-New Laws in Over a Dozen States:** In 15 states, 2014 will be the first major federal election with these new restrictions in place. Ongoing court cases could affect laws in six of these states.

### RECENT SUCCESSES IN EXPANDING ACCESS TO THE BALLOT

While many states moved to restrict the vote, there has also been momentum for affirmative reform. After long lines marred the 2012 election, dozens of states introduced legislation in 2013 and 2014 to improve access to the polls.

Overall, expansive voting measures passed in 16 states, and are set to be in effect in 11 states this November. Five of these states also passed voting restrictions. The most common improvements were online registration and other measures to modernize registration, and increased early voting. Many of these bills enjoy support from both sides of the aisle, as the measures resemble recommendations offered by a bipartisan commission convened by the president to address the long lines seen in 2012.

## **FIGHTING BACK IN THE COURTS**

With ongoing suits challenging laws in seven states, the courts will play a crucial role in 2014. Voting advocates have filed suits in both federal and state courts challenging new restrictions in Arizona, Arkansas, Kansas, North Carolina, Ohio, Texas, and Wisconsin. There is also an ongoing case in Iowa over administrative action that could restrict voting. More cases are possible as we approach the 2014 election.

**For more information on the court fights that could impact the 2014 election, visit: [www.brennancenter.org/2014litigation](http://www.brennancenter.org/2014litigation)**

Challenges to restrictive voting laws have had a successful track record to date. Before the 2012 election, 10 courts blocked new restrictions in at least 7 states. Some of those legal fights continued into this year — in Pennsylvania (where the governor gave up on photo ID after a state court struck it down), in Texas (where photo ID is back in court after last year's VRA decision), and in Arizona (where the state is suing over a voter registration requirement).



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# TALKING ABOUT VOTING:

## WHAT THE RESEARCH SHOWS, 2012-2014

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The messages contained in this toolkit reflect findings from a series of surveys of voters taken in 2012 and 2013. We conducted six national surveys and 11 focus groups in Colorado, Florida, Ohio, and Texas. In the run-up to the 2012 election, we tested how to push back against diverse voting restrictions while also energizing voters. After the election, we turned to emerging opportunities, testing how to advocate for affirmative reforms such as modernizing the voter registration system, instituting national minimum standards, and supporting early voting.

The polling results presented below offer an overview of some key facts about voter attitudes and knowledge of voting, as well as messaging challenges and opportunities facing advocates engaged in efforts to protect free, fair, and accessible voting practices.

### CONTEXT: LOW AWARENESS OF VOTING CHALLENGES

- **Education Is Key — Voters Unaware of Restrictions:** Despite continuing efforts by some states to restrict access to the ballot, voters generally have a low awareness of restrictions — just over half said they had not heard of them.
- **Many Voters Are Uninformed about Long Lines:** A slight majority of 2012 voters experienced, heard, or read stories of long lines at the polls, while 45 percent had not heard much, or anything at all.
- **Voters Underrate Challenges:** Because many voters are unaware of growing restrictions — and because their personal experiences with voting have not been negative — some mistakenly believe our elections are free of problems. For example, a majority said voting was easy for them personally. Voters are split on whether the U.S. voting system is on the right track — a narrow plurality say it is, but a sizeable number believe it is not.

## CHALLENGE: DESPITE NO EVIDENCE OF FRAUD, VOTERS HAVE CONCERNS

- **Voters Mistakenly Believe Fraud Is a Problem:** Although very few cases have been found or proven, most voters believe we have a responsibility to prevent fraud. This sensibility is coupled with a mistaken view held by most voters that fraud is a widespread problem.
- **Voters Favor ID Requirements:** Advocates must be careful in educating voters about the challenges associated with many voter ID policies because a majority of people tend to favor some form of photo ID.

## OPPORTUNITY: AMERICANS OPPOSE BARRIERS AND SUPPORT ACCESSIBILITY IN VOTING

- **Americans Believe in the Core Values behind Voting:** 98 percent of likely voters agree with the statement that “voting should be equally accessible to all citizens regardless of income, race, or disability,” and 97 percent agree with the statement that “as the leading democracy, the U.S. needs to work to keep our voting system free, fair, and accessible.” Some of the most effective concepts in talking about voting included connecting our nation’s core values to voting. Specifically, research shows that discussing the relationship between free and accessible voting and the Declaration of Independence’s fundamental commitment to the equality of all resonates deeply with a strong majority of voters
- **Americans Oppose Politically-Motivated Barriers to Voting:** 81 percent of voters believe it is wrong to “create new barriers for partisan purposes that make it harder to vote.” Research shows that attributing voting barriers to political motivations and electoral manipulation is a highly effective message across a range of constituencies.
- **Americans Support Positive Reforms:** 72 percent of likely voters support basic national standards for elections that would apply to all states and would include limiting the amount of time people have to stand in line to vote, establish early voting periods, and reform the voter registration system to make it more flexible.

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# HAVING AN IMPACT:

## KEY MESSAGES

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One effective way to discuss voting is to stress the importance of participating in the democratic process and the role of voting in our democracy. Effective messaging will emphasize the importance of the voting process in civic life. This encourages voters to think of voting as a core duty of American citizenship and an important way to make their voices heard. This messaging will urge voters to exercise this responsibility by registering and then voting on Election Day. Alternatively, when talking about laws and regulations that impede voting, advocates should address how politicians are seeking to manipulate the system for their own gain.

### WHEN TALKING TO POTENTIAL VOTERS ABOUT VOTING

- Voting brings us together as Americans. By voting, you join your family and friends in helping to strengthen our community.
- Voting is the one time when we are all equal — whether young or old, rich or poor — and the one time when we all have the same say.
- As American citizens, it is our responsibility and civic duty to vote.
- In order to participate in our democracy and have your voices heard, all voters need to understand the rules in their state, register on time, and show up at the correct polling place.
- It's important for us to have a say in what happens in this country. Voting is empowering and provides us all with some control over what happens to us, our families, and our community.
- Your vote makes a difference, and together, Americans' voices count. If you don't vote, you can't complain.
- Voting is our civic duty, and it's something we do to show our country and children that we are proud to be American.

### REACHING AUDIENCES: KEY VALUES

**Some core values** that research shows resonate with voters include:

- **The role of voting in civic life**
- **Voting as a core duty of citizenship**
- **Using the vote to make your voice heard**

## WHEN TALKING ABOUT LAWS AND POLICIES MAKING IT HARDER TO VOTE

- As the leading democracy of the world, our voting system should be free, fair, and accessible to all eligible Americans.
- Our country was founded on the principle that we all are “created equal.” Living up to this promise — to provide all citizens with the same freedoms and opportunities — means it is wrong to pass laws that block some eligible Americans from voting and deny them the opportunity to participate equally in our democracy.
- Unfair voting laws are being passed by politicians who are trying to manipulate the system for their own benefit — because they don’t like what the voters have to say.
- It’s wrong to pass laws for political gain that take away the right to vote from millions of eligible citizens, including seniors and veterans.

### IS VOTING A RIGHT OR A PRIVILEGE?

Advocates should generally avoid saying, “Voting is not a privilege,” as this is not an effective communications approach. While talking about voting as a right works well with many audiences, voters hold mixed views and believe voting is also a privilege.

When asked, a plurality of voters (47 percent) say it is a right, but a significant number (35 percent) say it is a privilege, and 17 percent say both. (Lake Research Partners, survey of 803 likely 2014 general election voters, December 11-16, 2012.)

This is a challenge because voting is indeed a legal right protected by the Constitution and our laws. But the general public believes both that voting is our right as citizens in a democracy, but also a privilege because it is not something everyone in the world enjoys equally.

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# COMMUNICATION TIPS:

## TECHNIQUES FOR TALKING ABOUT VOTING RESTRICTIONS

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Incorporating messages into a variety of situations can be challenging, and advocates are often addressing dynamic and distinct contexts. When pushing back against restrictive voting laws, advocates want to ensure they do not inadvertently dampen enthusiasm for the upcoming election or depress turnout. These tips provide guidance on how to incorporate high-impact messages into communications that will challenge the new laws while keeping voters enthusiastic.

### 1. Talk About Values

Engaging voters at a values level is the best way to reach them. Citing responsibility, fairness, equality, and freedom persuades voters that restrictive laws are wrong and motivates them to vote.

Communications should build on core American values.

- “The U.S. needs to keep our voting system free, fair, and accessible.”

### 2. Praise the American System

Voters believe America is the leading democracy of the world.

- “As the world’s leading democracy, we can’t pass laws that block some eligible Americans from voting, or that deny them the opportunity to participate equally in our democracy.”

### REACHING AUDIENCES: KEY TIPS

- ✓ **Talk about basic values**
- ✓ **Praise the American system of government**
- ✓ **Reference our country’s founding principles**
- ✓ **Emphasize personal responsibility**
- ✓ **Be on the side of election integrity**
- ✓ **Call out politicians**
- ✓ **Keep voters motivated**

### **3. Invoke the Civic Creed**

Voters respond very positively to the promise of civic equality in the Declaration of Independence.

This principle of political and civic equality is critical to oppose efforts that make it harder for some Americans to vote.

- “Our country was founded on the belief that all men and women are created equal.”

### **4. Reinforce Responsibility**

Eligible citizens respond to the belief that voting is their civic duty and responsibility.

- “As an American citizen, it is my responsibility to do my civic duty and vote.”

### **5. Note the Importance of Election Integrity**

Voters are concerned about voter fraud and believe Americans should take responsibility to meet voting requirements.

Communications must take these values into account by acknowledging the importance of the integrity of U.S. elections.

- “It’s important to protect the integrity of our elections and stop voter fraud. But we should not be making it harder for millions of eligible Americans to participate in our democracy.”
- “It’s important to stop fraud of all kinds. That includes laws that make it harder for millions of eligible Americans to vote.”
- Emphasize the need for flexibility in ID laws, and that “one size doesn’t fit all.”

## HOW TO TALK ABOUT FRAUD

Voters are concerned about fraud and believe it is widespread. Despite the facts, they cannot be convinced that voter fraud is virtually nonexistent. We do have an opportunity to appeal to voters' broader definition of fraud, focused on politicians manipulating the system and other forms of election-rigging.

### Key Tips:

- ✓ **DON'T** say there is no fraud. Voters reject this and stop listening.
- ✓ **DON'T** cede election integrity to the other side.
- ✓ **DO** say "It's important to stop fraud" before pivoting.
- ✓ **DO** expand the definition of fraud to include politicians manipulating the system.

### If you are unable to pivot away from fraud in conversation:

- ✓ **DO** narrowly define fraud as voter impersonation and double-voting.

## 6. Call Out Politicians

Americans are frustrated with politicians. Communications that call out politicians for manipulating election laws for their own political gain are also effective.

People are especially angry when politicians actively target specific blocks of voters — for example, by creating "purge lists":

- In 2012, Florida's governor created a list of tens of thousands of voters to purge from the voter rolls, but almost all turned out to be eligible voters, including some World War II and Vietnam veterans.

(Florida ultimately narrowed its list from 200,000 to fewer than 40 non-citizens suspected of voting illegally. When state officials attempted to purge voters again in 2013, the state suspended the effort after extensive public backlash.)

- Just last year, Virginia tried to remove 57,000 voters from the rolls based on erroneous information that they had moved. This threatened to take the right to vote away from thousands of eligible voters in the statewide election. By the election, 40,000 voters had had their names removed from voter rolls, and those purged in error had to file special ballots that actually added to chaos around the election.

## 7. Keep Voters Enthusiastic

It is critical to encourage voter participation when discussing restrictive laws.

- “It’s your civic duty as an American to join your family, friends, and community at the ballot box.”
- “Take responsibility and stand up for what you believe in, because your vote matters. Let politicians know that they need to listen to the American people.”
- “It’s every American’s responsibility to participate in our political process and make his or her voice heard. If you disagree with new policies, have your say at the ballot box. If you don’t vote, you can’t complain.”
- “You have the right and duty to participate in our democracy and make your voice heard. Every voter needs to understand the rules in his or her state, to register on time, and to show up at the correct polling place.”

## 8. Emphasize that Voting is Empowering

- “Voting makes me feel empowered, like I have some control over what happens to my family and my community.”
- “Our democracy grows in strength with every vote. Rather than making it harder to vote, Americans should come together to make sure every eligible citizen can participate.”



## ENCOURAGING VOTING

Research shows that several core ideas can help energize voters — even in the face of frustrating restrictions:

- **It's Your Civic Duty:** As an American citizen, it is your responsibility to do your civic duty and vote on Election Day.
- **Improve Your Future:** Voting brings us together as Americans and is something you can do to help strengthen your community. All eligible Americans should cast a ballot on Election Day for their future, their children's futures, and the future of our great nation.
- **Taking Control:** Voting is your chance to take control over what happens to your family and your community. Many Americans are struggling these days in the economy — to find jobs, pay their mortgages, and put food on the table — and all Americans deserve a say in how to solve these problems.
- **Stand Up:** It's important to stand up for our rights and elect leaders who will lift up our country and our communities. America's future is our future, and we need to vote and make sure the politicians hear our voices and know we count and we matter. We can't complain about the way things are going if we don't take responsibility and stand up for what we believe in.
- **Your Voice Matters:** Your vote — along with everyone's vote — matters. It lets politicians know that the American people have an opinion, and that they need to listen to what we have to say.
- **Understand the Rules:** In order to participate in our democracy and have your voice heard, you need to understand the voting rules in your state, register on time, and show up at the correct polling place.

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# HOW TO RESPOND TO RESTRICTIVE VOTING REQUIREMENTS

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Since the 2010 election, states across the country have enacted new requirements that unnecessarily burden and even disenfranchise voters.

## GENERAL MESSAGES TO ADDRESS VOTING RESTRICTIONS

The following messages offer general guidance for discussing restrictive voting requirements:

- Over the past four years, politicians in states across the country have passed laws and taken other actions that make it harder for millions of eligible Americans to vote. These actions range from creating last-minute lists of people to remove from the voter rolls to cutting back on early voting hours in targeted places — and, in many cases, to strictly limiting the forms of “valid” documents people must show in order to vote.
- These aren’t reasonable election regulations. They are efforts by some politicians to manipulate the system for their own advantage.
- These laws could keep millions of eligible citizens from participating. In a country founded on the principle that we are all “created equal,” it’s just wrong to pass laws that keep some eligible Americans from participating equally in the political process.

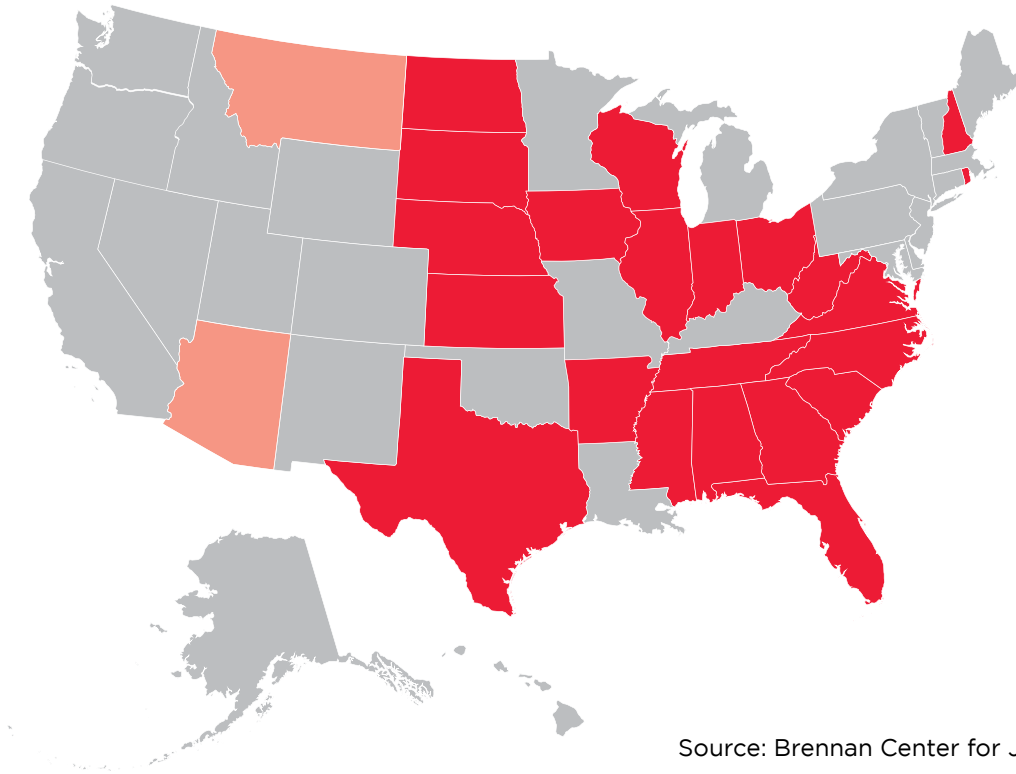
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# BACKGROUND:

## KEY FACTS ON RESTRICTING VOTING RIGHTS

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### 22 STATES WITH NEW VOTING RESTRICTIONS SINCE 2010 ELECTION



Source: Brennan Center for Justice

Alabama (voter ID), Arkansas (voter ID), Florida (early voting, registration, restoring voting rights), Georgia (early voting), Illinois (registration), Indiana (challengers), Iowa (restoring voting rights), Kansas (voter ID, registration), Mississippi (voter ID), Nebraska (early voting), New Hampshire (voter ID), North Carolina (early voting, registration, voter ID), North Dakota (voter ID), Ohio (early voting), Rhode Island (voter ID), South Carolina (voter ID), South Dakota (restoring voting rights), Tennessee (voter ID, early voting), Texas (voter ID, registration), Virginia (voter ID, registration), West Virginia (early voting), and Wisconsin (early voting, voter ID). Two states — Montana (early voting) and Arizona (registration) — do not technically fit the title and thus are reflected in light red.

These restrictive new measures affect voting rights in a number of ways, and include:

#### VOTER ID

- **13 states** — Alabama, Arkansas, Kansas, Mississippi, New Hampshire, North Carolina, North Dakota, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin — passed more restrictive voter ID laws between 2011 and 2014. All but North Carolina's are slated to be in effect in 2014.

- **9 states** — Alabama, Arkansas, Kansas, Mississippi, North Carolina, Tennessee, Texas, Virginia, and Wisconsin — passed strict photo ID requirements, meaning a citizen cannot cast a ballot that will count without a specific kind of government-issued photo ID.
- 11 percent of Americans do not have government-issued photo ID, according to a Brennan Center study, which has been confirmed by numerous independent studies.
- Research shows these laws disproportionately harm minorities, low-income individuals, seniors, students, women, and people with disabilities.
- In Texas, 1.2 million eligible voters lack a form of government-issued photo ID. Hispanic voters are 2.4 times more likely than white voters to lack accepted ID, and black voters are 1.8 times more likely than white voters to lack ID.
- In North Carolina, estimates show that 318,000 registered voters — one-third of whom are African-American — lack a DMV-issued ID.

## VOTER REGISTRATION

- A total of **10 states** — Alabama, Florida, Illinois, Kansas, Nebraska, North Carolina, Tennessee, Texas, Virginia, and Wisconsin — passed laws making it harder for citizens to register to vote between 2011 and 2014.
- **4 states** — Florida, Illinois, Texas, and Virginia — have new restrictions on voter registration drives.
- Nationally, African-Americans and Hispanics register through drives at twice the rate as whites.
- **3 states** — Alabama, Kansas, and Tennessee — also passed laws requiring registrants to provide documentary proof of citizenship, which as many as 7 percent of Americans do not have readily available.
- Nebraska and North Carolina eliminated highly-popular same-day registration, and Wisconsin made it harder for people who have moved to stay registered.

For more on new voting restrictions passed since the 2010 election, visit: [www.brennancenter.org/votingsince2010](http://www.brennancenter.org/votingsince2010)

## EARLY VOTING

- **8 states** — Florida, Georgia, Nebraska, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin — passed laws cutting back on early voting days and hours. These restrictions could exacerbate lines on Election Day and are particularly likely to hurt minority voters.
- In North Carolina, Department of Justice data show that 7 in 10 African-Americans who cast ballots in 2008 voted during the early voting period, and 23 percent of them did so during the week that was cut.
- Many states eliminated weekend and evening hours, when minority voters are more likely to cast a ballot.
- According to a study in Ohio in 2008, 56 percent of weekend voters in Cuyahoga County, the state's most populous, were black.

## RESTORING VOTING RIGHTS TO PEOPLE WITH PAST CONVICTIONS

- **3 states** — Florida, Iowa, and South Dakota — also made it harder to restore voting rights for people with past criminal convictions.
- These laws disproportionately impact African-Americans. Nationwide, 7.7 percent of African-Americans have lost the right to vote, compared to 1.8 percent of the rest of the population.

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# COMMUNICATING IN CONTEXT:

## ADAPTING THE CORE MESSAGE TO SPECIFIC ISSUES AND FIGHTS

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Research shows that the core messages and values articulated above can assist advocates in a variety of situations — both to push back against encroachments on the right to vote and to advance efforts to enact positive reforms.

This section is intended to arm advocates by providing examples of these key messages in context. Each example shows how to address the particular issue in question, and then drive it back to the core messages and values that work in persuading key audiences.

### **DON'T ENGAGE WITH FRAUD**

*The other side says:*

- *Fraud is real and widespread. We need common-sense rules that prevent those not eligible to vote from casting ballots.*

**We say:**

- We can all agree that ineligible people shouldn't vote. But we should also agree that politicians shouldn't pass laws that keep eligible citizens from exercising their right to vote.
- In these tough times, we should be flexible and provide a variety of ways to ensure election integrity — not pass restrictive laws requiring documentation that more than 21 million eligible American voters don't have.
- We must protect the integrity of our elections. That includes keeping ineligible people from voting. But we must also protect the voting rights of millions of eligible Americans who risk having their right to vote taken away because politicians have created flawed lists of people to purge from voter rolls.

## HOW TO RESPOND TO VOTER ID REQUIREMENTS

*The other side says:*

- *We need to require voters to show ID. It's the most sensible way to ensure that only eligible voters are able to cast ballots.*
- *You need an ID to fly, buy beer or cigarettes, so what is the problem with requiring an ID to vote?*

**We say:**

- These new voter ID requirements are not reasonable election regulations. They are efforts by some politicians to manipulate the system for their own advantage. These laws could keep millions of eligible citizens from participating.
- Our country was founded on the principle that we all are “created equal.” Living up to this promise — to provide all citizens with the same freedoms and opportunities — means it is wrong to pass laws that block some eligible Americans from voting and deny them the opportunity to participate equally in our democracy.
- The reality is that many voters who live in very rural or in dense urban areas are less likely than you and me to have either driver’s licenses or the sort of similar IDs that are mandated by restrictive new voting laws. In fact, more than 21 million Americans don’t have the specific form of ID required by these new laws to vote.
- These new laws do little to improve the integrity of our elections, but they do exclude eligible voters from participating in our democracy. They fall hardest on the elderly, veterans, and communities of color. Our country’s voting system must be free, fair, and accessible.
- While you need ID to fly, cash a check, or buy beer, not being able to do those things doesn’t undermine our democracy. Eligible voters being denied their fundamental rights does.
- In these tough times, we should be flexible and provide a variety of ways for eligible citizens to prove their identity — not pass restrictive laws requiring documentation that more than 21 million eligible American voters don’t have.

## HOW TO RESPOND TO PROOF OF CITIZENSHIP REQUIREMENTS

*The other side says:*

- *Only American citizens are allowed to vote in our elections. It's common sense to require voters to prove they are U.S. citizens — otherwise, immigrants and non-citizens may illegally vote.*

**We say:**

- We all agree — it's important to protect the integrity of our elections. But I don't support some politicians trying to manipulate voting laws because they don't like what the voters have to say. They are deliberately trying to limit the voting rights of people who may not support them. It's wrong to pass laws for political gain that take away the right to vote from eligible citizens.
- As the leading democracy of the world, we can all agree that our voting system should be free, fair, and accessible to all eligible Americans.
- Laws requiring voters to demonstrate proof of citizenship aren't reasonable election regulations. They are efforts by some politicians to manipulate the system for their own advantage. These laws could keep millions of eligible citizens from participating.
- In a country founded on the principle that we are all "created equal," it's just wrong to pass laws that keep some eligible Americans from participating equally in the political process.



## HOW TO RESPOND TO REGISTRATION RESTRICTIONS

*The other side says:*

- *Too many people who are not eligible to vote have been registering and casting ballots in elections. To prevent widespread fraud, we can close some loopholes that allow for invalid voting.*

**We say:**

- We cannot let politicians interfere with the right of eligible voters to vote. Unfortunately, restrictive new laws have cut back on voter registration opportunities, especially for some groups, including seniors, veterans, and folks who have been hardest hit by the economic downturn.
- The long lines we saw on Election Day 2012 were unacceptable. Outdated registration records, cutbacks to early voting, and poll sites that ran out of ballots all contributed to the long lines. It is not fair that voters who take responsibility to do their civic duty aren't guaranteed the right to vote. We must fix that.
- In order to keep our voting system free, fair, and accessible, our voter registration system needs to be modernized and brought into the 21st century to give Americans more opportunities to participate in our great democracy.
- Eligible Americans must take responsibility to register and have their say in our democracy. But it is also the government's responsibility to make sure no eligible voter is prevented from casting a ballot because of human error, complex voter registration rules, or self-interested politicians who manipulate the system for their own gain.
- Across the country, self-interested politicians have wrongly been creating lists of voters to purge from the rolls. Modernizing would allow voters to keep their registration updated and make sure it hasn't been tampered with. Let's keep the politicians out and voters in.
- As the leading democracy of the world, every eligible American should be able to participate in our great democracy, and that begins with making sure that voting is convenient and accessible.

## HOW TO RESPOND TO RESTRICTIONS ON EARLY VOTING

*The other side says:*

- *Early voting is a gateway to fraud and double-voting. We need to tailor early voting periods to ensure our elections have integrity and fairness for all.*

**We say:**

- Voting brings us together as Americans. It's the one time, whether you're young or old, rich or poor, that we all have the same say.
- America is the leading democracy of the world, and voting should be free, fair, and accessible.
- Some Americans choose to vote early because of job conflicts, travel, or transportation challenges.
- Early voting gives responsible Americans across the country the ability to have their voice heard, even if they can't make it to the polls on Election Day.
- Early voting has grown over the past decade. In 2012, over 30 percent of votes were cast before Election Day.
- Some politicians are placing burdensome restrictions on early voting to make it harder for some Americans to participate equally in our democracy. In fact, at least eight states have passed laws to severely limit the availability of early voting.
- It is wrong for politicians to manipulate the election system and deny Americans the right to vote for their own political gain.
- In these tough economic times, all eligible voters should have the opportunity to participate equally in our democracy. Early voting gives more Americans the chance to have their say.

## HOW TO RESPOND TO EFFORTS TO RESTRICT VOTING RIGHTS OF PEOPLE WITH PAST CRIMINAL CONVICTIONS

*The other side says:*

- *Felons forfeit their right to vote when they are convicted of serious crimes and sent to prison. We have to protect our elections from those who don't follow society's rules.*

**We say:**

- Once people convicted of a crime have served their time, it makes sense to restore their voting rights. Law enforcement agrees that restoring voting rights gives people a stake in their communities and reduces their chances of reoffending.
- Voting helps people rejoin society. Studies show that people who serve their time and vote are less likely to commit crimes in the future.
- Let's make our communities safer by helping people who have served out sentences be productive members of society. In the long run, it will make us all safer and save taxpayer dollars.
- When you complete your jail time, you earn your rights back. But millions of Americans living and working in our communities still cannot vote. This isn't the way our criminal justice system should work.
- We need a modern criminal justice system that works for the 21st century. That means those with past convictions who have served their time should be able to exercise their civic responsibility and vote.
- Americans believe in second chances. If you do the crime, and do the time, then you have earned forgiveness. Restoring the right to vote gives a person an opportunity for redemption and a chance to give back to the community.

## HOW TO RESPOND TO VOTER ROLL PURGES

*The other side says:*

- *Fraud is a huge problem in our elections, and voter rolls are filled with fraudulent entries, including names of the deceased and ineligible voters who squeezed through the registration system. Cleaning out rolls of ineligible voters only makes sense.*

**We say:**

- We can all agree that removing ineligible voters from the rolls is critical to protecting the integrity of our election system — but purging thousands of eligible Americans from the voter lists is plainly wrong. When politicians make lists of voters to purge, these lists are typically full of mistakes. Lots of longtime voters get unfairly caught up in the process and risk losing their rights. Voting should be free, fair, and accessible.
- Our country is founded on the principle that we are all “created equal.” Living up to this promise — to provide all citizens the same freedoms and opportunities — means that it is wrong to pass laws or adopt policies that block some eligible Americans from voting and deny them the opportunity to participate equally in our democracy.
- As the leading democracy in the world, our voting system should be free, fair, and accessible to all eligible Americans.
- In some states, politicians have developed lists and purged eligible voters from the voter rolls. These purge lists are dangerous political tools used by some politicians who want to stop certain citizens from having their say.
- Protecting the integrity of our election system is important. But politicians creating lists that include thousands of eligible voters to purge from the voter rolls is not the solution.
- We must protect our elections against voter fraud of all kinds. That includes keeping ineligible people from voting. But we must also protect the voting rights of millions of eligible Americans who risk having their right to vote taken away because politicians have created flawed lists of people to purge from voter rolls.
- Military service members who often move, college students who have changed their address, veterans, seniors, and families with foreclosed homes are most often the ones affected by deeply flawed voter purges.

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# HOW TO ADVOCATE

## FOR AFFIRMATIVE VOTING REFORMS

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Despite widespread and too-common efforts to restrict voting rights, advocates have succeeded in enacting a number of affirmative reforms that empower voters and bolster protections for basic rights. The messages below can be used by advocates engaged in efforts to enact similar affirmative reforms.

### HOW TO ADVOCATE FOR VOTER REGISTRATION MODERNIZATION

- We need to change the way we think about voter registration. We have the technology to add 50 million new voters and make sure no one loses the right to vote because they move or are kicked off the rolls. If you're an eligible voter, you should be a registered voter — period.
- Using computer technology to get and keep citizens on the voter rolls will make registration more convenient. Offering voters more choices in how they register gives them more freedom, and that is the American way.
- Unfortunately, today's outdated voter registration system is vulnerable to human error, including lost paper forms and typos, which can jeopardize a person's right to vote. That's why we need to harness the power of technology and modernize our voter registration system to give citizens more options to register securely and conveniently.
- In this day and age, no voter should ever lose the right to vote just because they move. We can modernize our registration system and make sure that every eligible citizen's voter registration is electronically updated whenever the voter changes addresses, just like our bank accounts and Social Security.
- In these tough economic times, people move around often for jobs. We can make sure that every eligible citizen's voter registration transfers when the voter updates their address.

## HOW TO ADVOCATE FOR ONLINE REGISTRATION

- Americans do so many things online these days, and registering to vote shouldn't be any different. It is time to bring our registration system into the 21st century and give voters more convenience and choice about how they register to vote.
- We should use existing technology to enable citizens to register and verify their voter information online and easily update their records when they move. This system would have strong safeguards and penalties to prevent hacking and fraud, and would give voters the choice of registering online or on paper.
- Citizens who take responsibility to register and vote should have convenient and accessible options for voter registration. Giving Americans the choice to update their registration records online will make voting more convenient for younger generations, people who move around a lot, the disabled, and our service men and women who are deployed overseas.

## HOW TO ADVOCATE FOR ELECTRONIC REGISTRATION

- Eligible Americans must take the responsibility to register and have their say in our democracy. But it is also the government's responsibility to make sure no eligible voter is prevented from casting a ballot because of human error or complex voter registration rules.
- Citizens should have the choice to be electronically registered to vote at the same time they do business with a government office, such as applying for a driver's license or state veteran's benefits.
- This will upgrade our system, eliminate errors caused by paper records, and clean up the voter rolls. And it will ensure that every American who wants the opportunity to participate in our great democracy can do so.

## HOW TO ADVOCATE FOR SAME-DAY/ELECTION DAY REGISTRATION

- In the 2012 election, some voters stood in line for hours only to find they had been kicked off the voter rolls, and there was no option for them to register at the polls to cast a ballot that counts.

- Giving eligible Americans more opportunities to register to vote is a good thing for our democracy. Citizens need to take responsibility to get themselves registered, but people who want to participate should have convenient and accessible ways of doing so, and that includes registering on Election Day.
- Our voting system needs to be free, fair, and accessible to ensure every American can have a say in our democracy. Allowing voters to register the day they vote offers freedom, convenience, and choice.

### **HOW TO ADVOCATE FOR EARLY VOTING**

- In the 2012 election, millions of voters across the country had to stand in line for hours just to cast a ballot and have their voices heard. Worse, some stood in long lines just to learn they had been kicked off the voter rolls. That's unacceptable and we can fix it.
- Elections are the one time all Americans can make their voice heard. By requiring states to expand early voting to a minimum of 10 days, including Saturdays and Sundays, we can give voters more opportunities, reduce the number of people who vote in person on Election Day, and ease the congestion at polling places.
- While dozens of states allow early voting, there are still millions of Americans who don't have this opportunity. More states should offer early voting so that every eligible American citizen can have their voice heard without waiting in line for hours.
- Early voting gives eligible Americans a choice of when they can cast their ballot. This offers voters the freedom and convenience they need to make their voice heard in our great democracy.

### **HOW TO ADVOCATE FOR THE VOTING RIGHTS ACT**

- The Voting Rights Act was passed in 1965 to stop state and local governments from passing laws or policies that deny American citizens the equal right to vote based on their race.
- Last year, a Supreme Court decision removed key parts of the law, and today, almost 50 years since the Voting Rights Act was first passed, states and localities around the country are passing discriminatory voting rules that make it harder for many Americans to vote.

- The good news is that there is a bipartisan proposal in Congress to restore the Voting Rights Act and strengthen protections for the right to vote.
- The Voting Rights Amendment Act increases transparency by requiring public disclosure of certain changes to voting laws; enables official observers to monitor elections in places with a recent history of discrimination; and allows voters to ask for a review and challenge certain types of voting changes that are likely to be discriminatory.
- The Voting Rights Act is the one law that ensures every eligible citizen has an equal opportunity to have a say. The Supreme Court's decision to strike down a key part of the Voting Rights Act opens the door to state and local politicians manipulating voting laws for their own gain, allowing them to pick and choose who they want to vote.
- We need to restore the Voting Rights Act to fulfill the promise of our Constitution and ensure that all Americans have the right to vote without facing discrimination.

## **HOW TO ADVOCATE FOR A CONSTITUTIONAL AMENDMENT GUARANTEEING THE RIGHT TO VOTE**

- As the leading democracy of the world, our voting system should be free, fair, and accessible to all eligible Americans.
- A constitutional amendment protecting our freedom to vote will guarantee that every citizen has the same opportunity to cast a ballot.
- Many are surprised to learn that there is no explicit mention in the Constitution of a guaranteed right to vote. While the Constitution mentions the right to vote more than any other — forbidding it from being abridged based on race, gender, age, or ability to pay a poll tax — it contains no affirmative language making that right explicit.
- The freedom to vote is essential to the American dream. A constitutional amendment would allow the federal government to set national minimum election standards to ensure no one is denied this fundamental American right.



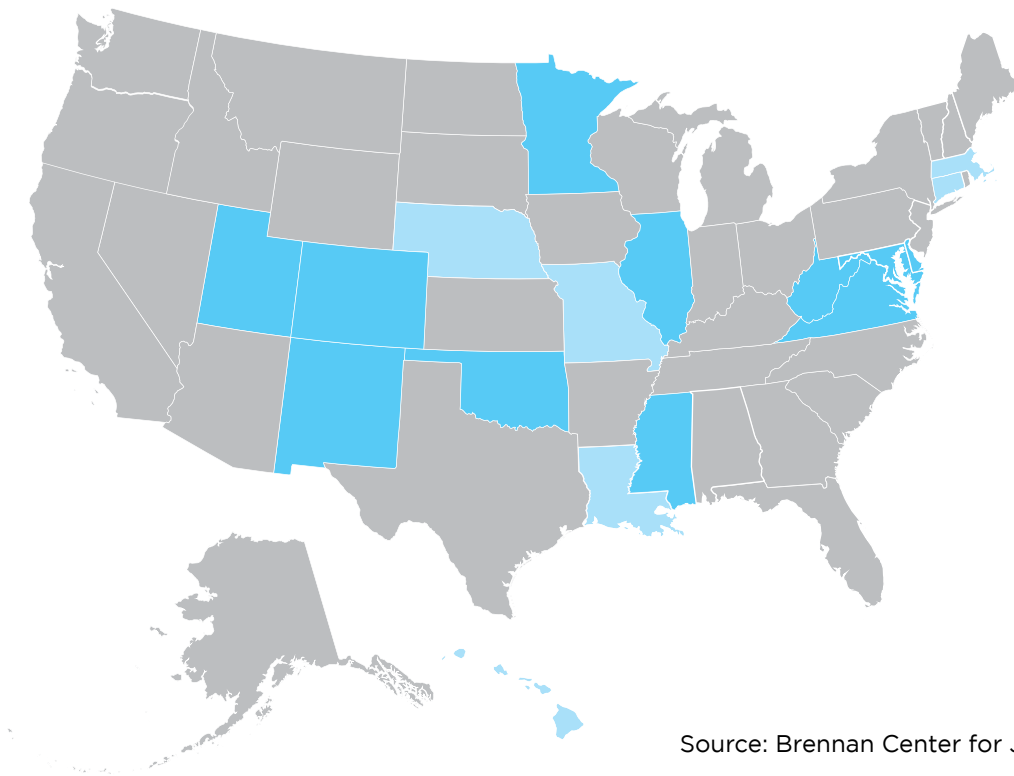
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# BACKGROUND:

## ENHANCING AND SUPPORTING VOTING RIGHTS

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### 16 STATES THAT EXPANDED VOTING IN 2013 AND 2014



Source: Brennan Center for Justice

Colorado (registration, access to ballots), Delaware (restoring voting rights), Illinois (registration, early voting), Maryland (early voting, registration), Minnesota (registration), Mississippi (access to ballots), New Mexico (registration), Oklahoma (voter ID, access to ballots), Utah (registration), Virginia (registration), and West Virginia (registration) have laws in effect this year, and are shown in blue. Laws in Hawaii (registration), Louisiana (registration), Massachusetts (early voting, registration), and Nebraska (registration) will not be in effect in 2014. Missouri and Connecticut voters will consider ballot measures this year to add early voting (Connecticut's bill passed prior to 2013 and is not included in the count of 16). These states are shown in light blue.

Reforms undertaken by states include:

#### Voter Registration Modernization

- ✓ A total of **11 states** — Colorado, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nebraska, New Mexico, Utah, Virginia, and West Virginia — passed laws to modernize the voter registration system and make it easier for eligible citizens to sign up.

- ✓ Research shows these upgrades can save money, curb the potential for fraud, and increase registration rates, efficiency, and accuracy.

For more on laws to improve voting access since 2012, visit: [www.brennancenter.org/expandvoting2012](http://www.brennancenter.org/expandvoting2012)

- ✓ **7 states** — Illinois, Massachusetts, Minnesota, Nebraska, Utah, Virginia, and West Virginia — passed laws creating or upgrading online registration systems.
- ✓ **5 states** — Colorado, Hawaii, Illinois, Maryland, and Utah — added same-day registration options.
- ✓ **2 states** — Nebraska and New Mexico — passed laws requiring motor vehicle offices to transfer voter registrations electronically to local election offices.

### Early Voting

- ✓ **3 states** — Illinois, Maryland, and Massachusetts — expanded or created early voting opportunities.
- ✓ These laws can reduce stress on the voting system, lead to shorter lines on Election Day, and improve poll worker performance, among other benefits.

### Pre-Registration

- ✓ **3 states** — Colorado, Louisiana, and Massachusetts — passed laws allowing 16- and 17-year-olds to pre-register to vote before turning 18.

### Access to Ballots

- ✓ Colorado expanded access for voters who speak a language other than English. Mississippi and Oklahoma also expanded access to absentee ballots.

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# SOCIAL MEDIA TOOLKIT

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The following are sample tweets with basic voting messaging points.

## ENCOURAGING VOTING

- #Voting is the one time when we are all equal – young or old, rich or poor – and one time we all have the same say.
- As American citizens, it is our responsibility and civic duty to #vote.
- To have our voices heard, all voters must understand rules, register on time, and show up at correct polling place. #votingrights
- #Voting is empowering and provides us all with some control over what happens to us, our families, and our community.
- Your #vote makes a difference, and together, Americans’ voices count. If you don’t vote, you can’t complain.
- #Voting is our civic duty, and it’s something we do to show our country and children that we are proud to be American.

## TALKING ABOUT RESTRICTIONS

- As the leading democracy of the world, our #voting system should be free, fair, and accessible to all eligible Americans. #votingrights
- America was founded on principle we’re all “created equal.” Living up to that means it’s wrong to pass laws blocking people from #voting.
- Politicians pass unfair #voting laws to manipulate the system for their benefit, because they don’t like what voters have to say.
- It’s wrong to pass laws for political gain that take away #votingrights from millions of eligible citizens, including seniors and veterans.

## TALKING ABOUT VOTING REFORM

- We have technology to add 50 million new voters. If you're eligible voter, you should be registered voter, period. #votingrights
- Technology makes registration more convenient. More choices means more freedom, and that's the American way. #votingrights
- Our outdated registration system is error-prone. We need to harness technology to modernize the system and give more options. #votingrights
- Modernization will allow a voter's registration to electronically update when they move, just like their bank account. #votingrights
- Americans do so many things online. Registering shouldn't be any different. It's time to modernize. #votingrights
- More states should offer early voting so every eligible American can have their voice heard without waiting in line for hours. #votingrights

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# MORE VOTING RESOURCES

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For more information and resources on voting, please visit our websites and check us out on social media:

## BRENNAN CENTER FOR JUSTICE

- [The State of Voting in 2014](#) – A roundup of new restrictions, major court cases, and voting reforms ahead of the 2014 election.
- [Election 2014](#) – A collection of all our 2014 resources on voting, money in politics, and redistricting.
- [Shelby County: One Year Later](#) – A detailed look at controversial election changes since last year’s Supreme Court ruling weakening a core Voting Rights Act provision.
- [Voting Newsletter](#) – Sign up for our biweekly voting newsletter, the premier source for voting news.



## ADVANCEMENT PROJECT

- [Community-Based Guidelines for Protecting Your Right to Vote Post-Shelby](#) – Due to the recent U.S. Supreme Court decision in *Shelby County v. Holder*, voting rights are at risk. In order to ensure equal access to the ballot, community groups are monitoring voting changes to stop potentially discriminatory voting procedures before they are implemented.
- [The Time Tax](#) – A look at the newest voting restriction targeting millennials, and how it must be eliminated to make voting accessible for the next generation.
- [Lining Up: Ensuring Equal Access to the Right to Vote](#) – The first report to comprehensively analyze the experience of voters of color in the 2012 election.



