



PROTECTING THE VOTE IN 2012

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A Proposal from the Common Cause Education Fund
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SUMMARY

The Common Cause Education Fund requests financial support for the implementation of our comprehensive voter protection action plan for 2012. Our goal is to combat restrictive measures and voter suppression, insure the integrity of voting systems and promote citizen participation in twenty states. Funding will specifically be used to support policy development, coalition building, outreach to election officials, grassroots organizing, public education communications tools and traditional and social media outreach.

BACKGROUND: VOTING RIGHTS UNDER ATTACK

In 2010, only 41.6% of Americans eligible to vote actually turned out to vote.¹ This low voter turnout rate has profound impacts on every major issue we grapple with today, whether it is the economic crisis, education, social welfare or national defense. Because the electorate is only a fraction of the total population of eligible voters, the policy and candidate choices made by voters do not represent the population at large.² With our elected leaders locked in intractable debates about so many issues, the expansion of our “exclusive electorate” is critical to breaking the gridlock.

And yet, we see throughout the country concerted and often successful efforts to limit, rather than expand voter participation. In the past two years, new restrictions have been put into place which could impact the participation of up to 5 million voters – many of them the elderly, the poor, students or minorities.³ These restrictions include:

- Restricting voter registration drives in Florida, Illinois, Texas, making it more difficult for people who move to stay registered and vote in Florida and Wisconsin.
- Requiring proof of citizenship, restricting who can vote in Alabama, Kansas, and Tennessee to those who can provide a valid birth certificate or other limited documentation. Previously, only two states had passed proof of citizenship laws, and only one had put such a requirement in effect.
- Photo ID laws signed into law in seven states: Alabama, Kansas, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin. Before 2011, only two states required photo ID for voting.
- Reducing access to the polls during early voting in Florida, Georgia, Ohio, Tennessee, and West Virginia.

All of these attacks on voting rights are the product of a coordinated assault that is not over yet. Partisan elected officials and operatives, often spurred on and supported by entities such as the American Legislative Exchange

¹ Michael McDonald, 2010 General Election Turnout Rates, Jan. 28, 2011, http://elections.gmu.edu/Turnout_2010G.html.

² Mark Baldassare, Public Policy Institute of California, California's Exclusive Electorate, September 2006, http://www.pplic.org/content/pubs/atissue/A1_906MBA1.pdf

³ Wendy Weiser, Lawrence Norden; Voting Law Changes in 2012 http://brennan.3cdn.net/d16bab3d00e5a82413_66m6y5xpw.pdf

Council (ALEC), are working intensively to change election policies aimed at preventing eligible Americans from casting a ballot.

In addition, in many precincts the integrity of the voting system is itself compromised by the use of machines that are prey to malfunctions and lack the capacity for conducting recounts. Enthusiasm for all things Internet has led to a push for online voting by overseas military, a practice experts repeatedly demonstrate is vulnerable to hacking.

And, finally, there are the disinformation campaigns, the use of deceptive practices to confuse and discourage voters from coming to the polls.

COMMON CAUSE VOTER PROTECTION CAMPAIGN FOR 2011 -2012

This assault on voters' rights demands a coordinated, multi-faceted defense. Working collaboratively with national and local partners, Common Cause is playing a key role in the states to defeat voter suppression campaigns and advance a proactive voter protection campaign by coordinating legislative strategies, educating elected leaders, engaging in litigation and launching media campaigns to expose the assault on voters.

With many years of experience working on election issues and voter protection, including mounting robust and effective voter protection efforts in many states in 2008 and working in targeted states again in 2010, and with strong on the ground organizations and the ability to leverage national partnerships and media coverage, Common Cause is uniquely positioned to fight voter suppression and advance a proactive voter protection campaign over this next year. Leading up to the general election in November 2012, these efforts are more critical than ever.

National and State Leadership

Effective voter protection and voter engagement requires collaboration among many partners. We work closely with a range of national policy partners, including the Advancement Project, the Brennan Center, Demos, Fair Elections Legal Network, Lawyers Committee on Civil Rights, MALDEF, and Project Vote, along with other leaders of the Election Protection network. We also partner with voter engagement groups such as Communications Workers of America, Public Interest Research Group, League of Women Voters, Mi Familia Vota, and People for the American Way.

In addition to effective collaboration at the national level, what Common Cause brings to this effort is on-the-ground knowledge, relationships and expertise in each state. Common Cause state organizations have deep experience with the legislatures in specific states; broad knowledge of election procedures; strong working relationships with election administrators, including top election officials, whether allies or not; working relationships with a broad coalition of reform and grassroots leaders; the ability to generate media through strong relationships with social media, print, broadcast and online outlets; and the capacity to mobilize volunteers, whether Common Cause members or from the broader public.

Common Cause has a presence in 35 states, with 20 organizations led by paid staff and 15 by volunteer leaders supported by national staff. Our state organizations are central to the voter protection work happening across the country.

Leadership states: In California, Colorado, Minnesota, New Mexico, New York, North Carolina and Pennsylvania, we are already playing lead roles in addressing voting issues, fighting restrictive legislation and educating voters through media outreach and coalition engagement.

Additional priority states: Our state organizations in Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Oregon, Rhode Island, Wisconsin and Vermont are gearing up to prioritize voter protection in the coming months.

National Common Cause program staff will provide additional capacity in the form of program development, policy support, communications strategy and tools, and coordination with national partners. Depending on resources, this includes sending staff and support to assist selected volunteer-led state chapters where the threats are most significant.

Our 40-year history and long standing leadership in the states demonstrate that we mean business. We use every tactic possible to ensure voters are protected: building diverse coalitions and working closely with a range of partners from the democracy and broader reform communities, litigating, testifying at hearings, monitoring hotlines, training poll workers, meeting with editorial boards, holding press conferences and working directly with voters. We routinely reach out to election officials to work with them before crisis occurs. In some states, we conduct massive voter education outreach to minority communities, students and other traditionally marginalized populations.

In Minnesota, for example, our release of a report detailing the costs of implementing the proposed photo ID law helped to defeat the measure. In New Mexico and Colorado, we have been working consistently with members of the media and coalition partners to counter misleading statements being made by government officials, particularly the two respective Secretaries of State who continue to perpetuate the misperception that voter fraud is a serious issue. Both falsely claim that large numbers of illegal immigrants are on the voter rolls, without any evidence supporting their claims.

Where there are openings, we are advancing proactive strategies to change the debate and to engage more people in the voting process. In California, for example, we were a leader in a successful campaign to pass online voter registration this fall, a cost effective measure proven to increase the number of registered voters. And finally, across the board, we are working with local partners to improve voter registration practices and support civic engagement strategies for increasing voter engagement, particularly among young adults. **[For a break down of our activity state by state please see the Appendix.]**

Common Cause Voter Protection and Public Education Campaign, 2011-2012

Election administration and voter protection requires a year-round effort, and certainly intensifies in the face of a presidential election. A number of our state offices have already been actively involved voter protection at the legislative level, especially where dramatic shifts in state politics have led to concerted voter suppression initiatives.

The strategies and tactics we will pursue will be tailored to the specific challenges of those states, our available partners on the ground, and coalition needs. National staff will assist in the development of campaigns, ensure effective coordination with national partners, convene trainings, provide legal and communication support. Depending on the need in any particular state, we will litigate, lobby, and engage in broad public education to protect and engage the American electorate.

Common Cause will protect and defend voters by defeating voter suppression legislation, while advancing proactive reforms to engage citizens. We will coordinate with partners to advance data driven campaigns that will shift the public dialogue around voter fraud. Common Cause will lead and participate in voter protection

efforts with the Election Protection and other coalitions. We will institute effective data collection strategies to inform policy reforms that will be advanced in 2013.

Protect against voter suppression attacks with effective messaging and coordinated campaigns

Despite the lack of evidence that election fraud by individual voters is a problem, irresponsible rhetoric promulgated on right-wing talk shows and media has fostered a climate in which a majority of Americans now believe that the threat of voter fraud is significant enough to warrant measures that make it harder for people to vote. This has led to several states eliminating progressive policies around voting, and erecting new significant barriers to casting a ballot. At the same time a majority of voters believe that voting is a fundamental right.

It's time to reshape the dialogue about voting in the United States. Common Cause will advance coordinated media and education campaigns at the state level to effectively re-shape the public debate to focus on the importance of participation and put a stop to requirements that keep our young, minority and low income voters from accessing the polls.

- Common Cause will work with national partners who are conducting polls and messaging research that will reframe the debate to ensure that those messaging tools are utilized at the state and local level. Common Cause state leaders will:
 - Implement an earned media campaign on the ground in states with local partners using key messages to reshape the public conversation;
 - Prepare reports, fact sheets and other voter protection materials that integrate national message frames with state issues and share with allies;
 - Convene local partners to develop and utilize key talking points to be used in coordinated effort at local level; and
 - Promote messages on local radio, television and community presentations.
- Coordinate effective political and grassroots organizing strategies to defeat legislation or ballot measure that creates barriers to voting; and
- Gather stories, issue reports, and work with media to document impact of ID, and other newly implemented voter suppression laws.

Advance proactive measures that get and keep people on the rolls

Rather than wait for the smoke to clear on voter suppression attacks, we will advance proactive reforms to engage voters and protect them from bad actors. Elections must be brought into the 21st century – this means modernizing our voter registration processes, improving communication with voters, ensuring the integrity of our voting systems, and putting an end to deceptive campaign tactics that thwart voter participation. We will:

- Put forth a proactive agenda to shift emphasis away from ‘voter fraud’ toward voter engagement;
- Coordinate national and state campaigns to advance voter registration reforms such as online registration, pre-registration for 16 year olds, and automated registration;

- Implement a coordinated campaign in partnership with the Lawyers Committee on Civil Rights to run legislation to punish those who use deceptive practices to mislead voters and require corrected information by a trusted government entity – reframe what constitutes true election fraud; and
- Work with local officials to identify strategies for outreach and education to voters impacted by photo ID and proof of citizenship laws to mitigate the damage and work to marshal resources while there is still time to get people the ID's they need.

Ensure the integrity of voting systems

Simply helping voters register to vote and gain access to the polls is not enough. There have been a number of high profile elections in which computerized voting machines have been misprogrammed or experienced a glitch and thousands of votes have simply disappeared or been added. In these instances, voters have been disenfranchised not by voter suppression, but by computer glitches and failures. These malfunctions have thrown the entire outcome of these races into question. To guard against these losses, Common Cause:

- Advocates for states to implement voting systems in which voters mark paper ballots or at least voting systems which produce some sort of voter verifiable paper record. In this way, if there is a voting system malfunction there will be something to recount;
- Advocates for states to require that all voting systems be subjected to random, routine, mandatory audits of their voting systems in the post election period. By performing an audit of the election, election officials will be able to determine if the outcome of the election is correct or has been affected by a computer glitch;
- Works with our coalition allies to combat the implementation of Internet voting pilots in a number of states to serve military voters. This type of voting has never been made secure and has been roundly criticized by computer security experts as being extremely vulnerable to hacking ; and
- Works with the Los Angeles Registrar of Voters to develop a new publicly created, owned and operated voting system for that city.

Deceptive Practices Response Campaign

We will be prepared with action plans to quickly respond to deceptive practices such as misleading information about when to vote, ID requirements, the spread of any rumors that might discourage people from going to the polls, any other deceptive voting information put forward by partisan operatives. We will:

- Work with national Election Protection to coordinate responses in states, utilizing phone banks, robocalls, and radio and print ads when necessary;
- Have celebrities – actors, sports figures, etc. ready to be trusted messengers with accurate voting rights information to use in TV and radio ads, as well as robocalls;
- Conduct volunteer phone banking in targeted areas or to targeted populations of voters; and
- Utilize radio, TV, print and social media to advance accurate non partisan voter information.

Voter engagement

In addition to fighting against regressive suppression efforts, we must also continue to engage new and infrequent voters. Voter participation in the U.S. still falls far behind many other countries. Our cumbersome voter registration system(s) continues to be one of the biggest barriers. By pursuing policies that open voter registration to all eligible voters, Common Cause can make our elections, policies, and elected more representative and accountable to the people.

Further, the Department of Justice's recently released language minority requirements have local elections administrators scrambling to comply. Common Cause can play a critical role in facilitating an inclusive process that connects election administrators with the language minority leaders from respective communities, and practitioners with experience in other parts of the country to develop a comprehensive plan based on national best practices and local sensitivities. We will:

- Continue to advance legislation and policies in states that modernize voter registration (through, for instance, online voter registration, same day or Election Day registration, automated registration and 16-year old pre-registration);
- Support and defend 3rd party registration efforts;
- Conduct voter education campaigns about where when and how to vote. This will particularly important in communities where redistricting has created new precinct polling locations;
- Advance redistricting reforms that promote greater public participation, transparency and respect for minority rights; and
- Work with partners in language minority communities to ensure they have tools to vote.

Data collection and post election reports to inform future reforms

Finally, voter protection doesn't end on November 6, 2012. We will:

- Gather data about voting issues and problems as documented through hotlines, reports from poll monitors and partner organizations. With redistricting completed in all but a handful of states, we will also use our voter protection campaigns to help document the impact of new districts on vulnerable populations;
- Convene partners in key regions to debrief work;
- Issue post-election reports with observations and recommendations that can inform policy and election administration changes;
- Continue to build relationships with election administrators; and
- Keep members/public engaged by holding public forums, and engaging them in legislative campaigns in 2013.

Conclusion

Common Cause has many years of experience working on election issues and voter protection, including mounting a robust and effective public education and voter protection effort in 2008 and working in targeted states again in 2010. We have 43 staff in 20 state offices, 15 states with volunteer leaders and advocates, and the

support of the national office, which assists state organizations with media outreach, web and online communications, member alerts and conference calls as well as, policy expertise, administration and fundraising.

Given the aggressive, well-organized and well-funded attempts to suppress the vote that are already underway, reform groups are faced with a heavy lift over this next year as we work together to confront threats, engage the public, and ensure that voters are able to access the ballot box. For the 2008 election cycle, the Common Cause Education Fund raised \$1,000,000 to support our voter protection work. With significantly increased needs for organizers, media outreach, policy research, and support for a wide range of tactics to educate and engage voters, our goal for the 2012 election cycle is to raise \$3,000,000 from foundations, major donors and individuals, both in the states and nationally.

LEAD VOTER PROTECTION CAMPAIGN STAFF

Jenny Rose Flanagan, Director of Voting and Elections, works with state and national leaders to improve election policy and administration at federal and state levels in order to increase access to the polls and reduce barriers to voting. Jenny previously served as executive director of Colorado Common Cause, where she led the organization through the successful passage of Colorado's ethics law, lobbied state and local officials for changes to voting practices in Colorado to ensure all voters have access to the polls, and promoted transparency in government. Jenny is one of the primary founders of Just Vote! Colorado Election Protection, Colorado's election monitoring program established in 2004. Jenny joined Common Cause in June 2004 as the associate director in Colorado, after completing a fellowship with the New York State Senate, working on election issues, including state implementation of the Help America Vote Act. Jenny received her BA in Communications from George Washington University and a Law Degree and Masters of Social Work from the University of Denver.

Karen Hobert Flynn, Vice President for State Operations since 2007, works with Common Cause's 35 state chapters and manages staff and volunteer leaders to develop and implement strategic campaigns around campaign finance reform, redistricting, election reform, ethics, and other democracy reform issues. Karen has been involved with Common Cause since 1985, as a member of the national staff and, in Connecticut as a state chair, and a state executive director from 1995-2007. Karen was a key leader and strategist of the campaign for the first legislatively passed clean money public financing system for statewide and legislative races in 2005 and she has worked to defend and fix the law from 2006 to 2009 and most importantly, shortly before the 2010 election. Her expertise in organizing, advocacy and citizen engagement at the state level is both broad and deep.

Susannah Goodman, Director of Voting Integrity and Common Cause's Corporate Accountability, led the organization's Voting and Elections Program from 2007- 2011, including playing a leadership role in pushing for the use of secure, accurate and auditable voting systems. She joined Common Cause in 2004 after more than 15 years of working on issues related to shareholder rights, personal finance, and consumer and environmental protection and also has been a lobbyist and organizer for Public Citizen.

Additional Common Cause national staff for Voter Protection Campaign: Bob Edgar, President and CEO; Derek Cressman, Regional Director, Western States; James Browning, Regional Director, Eastern States; Arn Pearson, Vice President for Programs; Stephen Spaulding, Legal Associate; Mary Boyle, Vice President for Communications; Marilyn Carpinteyro, Field Director; Dale Eisman, Senior Writer; Tracey Leatherberry, Youth Outreach; Nikki Willoughby, Social Media.

State Executive Directors:

Kathay Feng, California
Elena Nunez, Colorado

Cheri Quickmire, Connecticut
William Perry, Georgia
Nikki Love, Hawaii
Rey Lopez-Calderon, Illinois
Julia Vaughn, Indiana
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Susan Wichmann, Maryland
Melanie McElroy, Michigan
Mike Dean, Minnesota
Bob Phillips, North Carolina
Steve Allen, New Mexico
Susan Lerner, New York
Pat Clifford, Ohio (consultant)
Janice Thompson, Oregon
Barry Kauffman, Pennsylvania
John Marion, Rhode Island
Wally Roberts, Vermont
Jay Heck, Wisconsin

THE COMMON CAUSE EDUCATION FUND

Established in 2000, The Common Cause Education Fund (CCEF) is the 501(c)(3) public education and research affiliate of Common Cause (CC), a national, nonpartisan organization with almost 400,000 supporters and activists and chapter organizations in 35 states. CCEF and CC work together to strengthen democracy: to make government more open, honest and accountable, to empower citizens and to amplify the voices of ordinary American in the political process.

Common Cause works to advance policies that strengthen our democratic processes by 1) protecting the rights of all Americans to vote, 2) removing barriers to voter participation in elections while ensuring secure, accurate and private voting, and 3) stimulating more robust voter participation that better reflects the full diversity of this country.

ADDENDUM: Examples of Current Common Cause Voter Protection Efforts at the State Level

At the federal level we will coordinate the work of our states to create an effective narrative to fight back against the attacks on eligible voters. Working with national partners we will develop policies, message frames and materials to bolster our state programs.

In **California**, California Common Cause Executive Director Kathay Feng has helped anchor the Election Protection efforts in California over the past few election cycles, including providing legal advice, coordinating coalition outreach and community education, and communicating with counties and the media about issues. We expect to play an even greater role given the recent departure of the pro bono California Election Protection director.

- Online Registration was passed in 2011 – we are working with the counties, state and Department of Motor Vehicles to ensure that the system is implemented in time for the November 2012 elections.
- Since the state has zeroed-out funding to counties for registering people who return their forms by mail and mailing ballots to people who have requested Vote By Mail ballots. We are working on an advocacy and possible litigation strategy to challenge any denial of rights to registrants and voters.
- Top-two elections. June and November 2012 will be the first elections in which this new system of voting will be rolled out. We will be working with media and a large coalition of organizations to educate the public (hopefully diffusing confusion) about the new system.

In **Colorado**, we lead Just Vote! Colorado Election Protection, a coalition led organization which is the go-to organization in Colorado for election issues in the civic engagement community, for members of the media, and progressive policy makers. Our focus is in protecting against attacks to voters rights and providing voters the tools they need to participate in elections.

- We also co-lead the election administration table with participants at our State Voices and America Votes tables to coordinate voter protection campaigns. Our groups successfully helped ensure that thousands of eligible voters would receive ballots in the 2011 election by working with county clerks, effective messaging in the media and member engagement.
- We have also countered efforts of Congressman Mike Coffman to repeal the language access requirement in the Voting Rights Act.
- We will continue to fight against the efforts of our hyper-partisan Secretary of State who has prioritized the implementation of proof of citizenship and photo ID requirements.

In **Minnesota**, we are working in a coalition with the League of Women Voters and the Civic Engagement Table and running a targeted grassroots campaign to prevent a photo ID law from being placed on the ballot in 2012.

- We are assembling a legal team to challenge the law if it passes.
- We serve as a liaison to election administrators and are implementing a plan to recruit election judges.
- We will coordinate a major Election Protection effort – educating voters through traditional and social media, staffing the Election Protection hotline, recruiting mobile election protection teams to address

potential problems in precincts with a high number of non-traditional voters (low income, students, minority communities).

In **New Mexico**, we lead a coalition of a broad range of national and community-based organizations (including the Lawyer's Committee for Civil Rights, National Assoc. of Latino Elected and Appointed Officials, League of Women Voters, the SouthWest Organizing Project and Native American Voters Alliance).

- We will be conducting voter outreach via earned and paid media regarding voter registration deadlines, early voting, absentee voting; improving translation services in certain Native American precincts; reviewing county election plans and administrative rules at the state level; recruiting, training and deploying volunteers to serve as election observers and voter advocates on Election Day.
- We also lead and coordinate efforts to prevent efforts to push back the early voting period and possibly to institute a photo ID law.
- We have led a public campaign to denounce the Secretary of State who has claimed to have evidence of 37 undocumented immigrants voting in the state, but refuses to share this evidence with the public and has since forwarded 64,000 voter files to the Department of State Police in an attempt to search for "irregularities." Legal partners include the Fair Elections Legal Network, Lawyers Committee, and the National Congress of American Indians.

In **North Carolina (CCNC)**, we are part of a coalition that has thus far successfully defeated photo ID requirements and is working against efforts to eliminate same day voting, cut in half the early voting time period, including ending voting on Sundays.

- We will be doing voter education/engagement/registration and protection activities in high volume precincts located in Voting Rights Act counties, working with volunteers we hire and train — many of them from Historically Black Colleges and Universities (HBCUs).
- Recently, CCNC led the state's largest nonpartisan voter education initiative, focusing on a highly contested school board election in one district in which the incumbent school board chair was backed by outside funders, including conservative multi-millionaire Art Pope. CCNC recruited and trained one hundred students from HBCUs and NC State University, who then knocked on 3,000 doors, providing information about the school board race along with a nonpartisan voters guide including candidate information. Black and white students canvassed together in pairs and were enthusiastically received by voters — the messengers were the message — and came away from the experience charged up about the importance of participating in democracy. The incumbent lost by 600 votes.

In **New York**, we have a long history of working on election issues at the state and city, helping to coordinate NYC election protection programs and statewide advocacy to defend voters' rights.

- Having been successful in our efforts to modernize the voting equipment New York uses by insuring that New York adopted optical scan voting machines when required to phase out its ancient lever machines, we will focus on modernizing New York's election law requirements by leading the campaign to address ballot readability problems created by New York's full face ballot requirements;
- We worked closely with the coalition that successfully passed New York's ban on prison-based gerrymandering and will be actively engaged in the fight to win enfranchisement for former felons.

- We are seeking funding to develop an academic curriculum and program to engage college students as poll workers.
- Instituting internet voter registration in New York State presents unique challenges because of the relatively large number of New Yorkers who do not have drivers' licenses. We are seeking funding to design and implement a study of social service agencies and the role they may play in increasing voter registration, with an eye to identifying agencies with databases that could be used to facilitate use of the Internet for voter registration.

In **Pennsylvania**, we have worked with partners to successfully impede passage of onerous Voter ID requirements.

- The focus of our voter protection efforts will be to build on previous work by recruiting, training, and placing poll monitors in key locations around the state to protect voter access of particularly vulnerable populations.
- We have been able to alert state officials to problems that triggered their action, for example sheriffs blocking polling place doorways by improperly requiring photo ID of all voters.
- We collaborate with partners in the PA Voters Coalition, which we launched, to conduct public education campaigns ensuring that citizens understand the voter registration process and deadlines and can locate their polling places.