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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Democratic Party, Mitch Bohn,

Plaintiffs,

Western Native Voice, Montana Native
Vote, Blackfeet Nation, Confederated
Salish and Kootenai Tribes, Fort Belknap
Indian Community, and Northern
Cheyenne Tribe,

Plaintiffs,

Montana Youth Action; Forward
Montana Foundation; and Montana
Public Interest Research Group,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official
capacity as Montana Secretary of State,

Defendant.

Cause No. DV 21-0451

Hon. Michael Moses

**YOUTH PLAINTIFFS'
BRIEF IN SUPPORT
OF APPLICATION FOR
PRELIMINARY INJUNCTION**

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INTRODUCTION

Plaintiffs Montana Youth Action, Forward Montana Foundation, and Montana Public Interest Research Group (“Youth Plaintiffs”), submit this Brief in Support of their Application for Preliminary Injunction, filed concurrently with the Montana Democratic Party (“MDP”) and Western Native Voice (“WNV”) plaintiffs’ Applications for Preliminary Injunctions and Briefs in Support.

Montana’s 2021 legislative session was a wellspring of restrictive laws that unconstitutionally burden young Montanans’ right to vote. Three of these laws—House Bill 506 (“HB506”), Senate Bill 169 (“SB169”), and House Bill 176 (“HB176”)—are the subject of this lawsuit. Separately and together, these laws make it more difficult for everyone in Montana to exercise their constitutional right to vote, but they especially burden young people. The State has no compelling reason for imposing such burdens. To prevent irreparable harm and preserve the status quo for the pendency of this litigation, the Court should issue a preliminary injunction.

Youth Plaintiffs have established a *prima facie* case and are likely to succeed on the merits of their claims that HB506, SB169, and HB176 are unconstitutional. First, the Montana Constitution guarantees “free and open” elections. All three laws violate that guarantee, because they “interfere to prevent the free exercise of the right of suffrage.” Mont. Const., art. II, § 13. Second, the Montana Constitution promises “[n]o person shall be denied the equal protection of the laws.” Mont. Const., art. II, § 4. But the restrictions imposed by the challenged laws unquestionably land more heavily on certain classes of people, particularly restricting youth from accessing

their ballots and exercising their right to vote. Third, under the Montana Constitution, all fundamental rights operate with equal force to “persons under 18 years of age . . . unless specifically precluded by laws which enhance the protections of such persons.” Mont. Const., art. II, § 15. Instead of enhancing soon-to-be-eligible voters’ rights, HB506 openly discriminates against individuals turning 18 in the month before Election Day by preventing them from accessing their ballots at the same time as similarly situated older adults.

It is well established that constitutional violations give rise to irreparable injury. *Driscoll v. Stapleton*, 2020 MT 247, ¶ 15. Youth Plaintiffs have thus also established that if these laws are allowed to take effect, each will cause irreparable injury to Youth Plaintiffs during the impending 2022 primary and general elections, where Montanans will select two United States Representatives. Stated concretely: if implemented, these laws will prevent thousands of Montanans from voting entirely, and a disproportionate number of those Montanans will be youth aged 18 to 29. Their injury will be irreparable.

Youth Plaintiffs are therefore entitled to a preliminary injunction to prevent SB169, HB506, and HB176 from taking effect while this case is litigated. After a hearing, the Court should enter a preliminary injunction.

BACKGROUND

Because the Court has consolidated this case with MDP and WNV, plaintiffs across all three cases coordinated their preliminary injunction briefing to promote efficiency. Youth Plaintiffs seek to enjoin HB176 and SB169 for reasons that closely

align with MDP, and so focus this brief on reasons for enjoining HB506 and for enjoining all three laws due to their cumulatively burdensome effects.

I. Over the last decade, youth voter turnout in Montana has boomed.

Since 2014, Montana voters aged 18 to 29 have cast ballots at record-breaking levels, growing the share of young people voting in each major election year. Though consistent with a national trend, *see* Ex. A-1, Michael Wines, *The Student Vote Is Surging. So Are Efforts to Suppress It.*, N.Y. Times (Oct. 14, 2019), Montana led all states with a 25% increase in the share of youth voting between 2014 and 2018, Ex. A-2, Kianna Gardner, *Flathead, Montana see big increase in young voters*, Daily Inter Lake (March 13, 2019). Between 2016 and 2020, the portion of young people voting increased from 41% to 56%—a 15-point jump. Ex. A-3, *State-by-State 2020 Youth Voter Turnout: West & Southwest*, CIRCLE (March 24, 2021).¹

In 2020, a fifth of all votes cast in Montana were cast by people aged 18 to 29. Ex. A-4, *Montana Exit Polls: How Different Groups Voted*, N.Y. Times (Nov. 3, 2020).²

II. Facilitative voting laws increase youth turnout; burdensome laws curtail it.

Restrictive voting laws burden young voters more than older populations. Young voters tend to move more often, and to have less well-developed voting habits and less experience voting. As a result, certain burdens that affect all voters to some

¹ The Center for Information and Research on Civil Learning & Engagement (“CIRCLE”) is a non-partisan, independent research organization focused on youth civic engagement in the United States.

² While certainly these increases reflect a modern phenomenon, Montana has a history of prioritizing and uplifting the youth vote. Expert Report of Yael Bromberg, __ (Jan. 14, 2022). Montana was among the first states to adopt the 26th Amendment. *Id.* at __. Indeed, Senator Mike Mansfield’s support was so integral to its passage that he is considered by many to be the unsung hero of the 26th Amendment. *Id.* at __.

extent—including variation in registration requirements, deadlines, and acceptable forms of identification—reduce turnout among young voters more acutely. Ex. A-5, *Half of Youth Voted in 2020, An 11-Point Increase from 2016*, CIRCLE (April 29, 2021) (“interconnected factors,” including whether state voting laws facilitate or burden voting, “shape whether youth electoral participation is high or low”); *see also* MDP Br. at 4, 8–10.

States with four or more facilitative voting policies in place—policies like election day registration, early voting, no-excuse absentee voting, pre-registration, and others—had, in 2021, a combined youth voter turnout rate about 10% higher than states with fewer than four facilitative voting policies. Ex. A-5, at 4; *see also* Expert Report of Michael Herron, ¶ 20 (“[I]n states with higher costs of voting, voter turnout is lower, all things being equal.”). Young people rely particularly on election day registration. Ex. A-6, Grumbach & Hill, *Rock the Registration: Same Day Registration Increases Turnout of Young Voters*, The Univ. of Chicago Press J. (Aug. 9, 2020). Among registered voters aged 18 to 29 who did not vote in the 2016 election, 21% cited voter ID issues and 20% cited voter registration issues as the reason why they did not cast a ballot. Ex. A-7, Alberto Medina, *Broadening Youth Voting: Barriers to Voting Chart*, CIRCLE (2021).

The COVID-19 pandemic also made vote-by-mail laws uniquely critical in 2020, when the share of voters nationwide who cast ballots on election day dropped to 28%—down from 60% in 2016. Ex. A-5, at 4. Vote-by-mail policies are strongly linked to youth voting rates: states that automatically mail ballots to voters had the

highest youth turnout, while states with more restrictive vote-by-mail laws had the lowest. *Id.* This finding is especially relevant given that HB506 will prevent many newly 18-year-old voters from accessing Montana’s no-excuse absentee ballot system.

To make matters worse, first voting experiences predict future voting behavior. Ex. A-8, Perri Klass, *What Really Makes Us Vote? It May Be Our Parents*, N.Y. Times (Nov. 7, 2016) (summarizing research showing that “voting habits are formed early in life; people who vote three times in a row, in the first three elections for which they are eligible, are more likely to be lifelong voters”). So, laws that impose barriers to the ballot and thereby deter first-time voters have lifelong consequences.

What this research reveals is simple: mixing a cocktail of burdensome voting laws reduces youth turnout.³ Bromberg Report at __.

III. HB506 makes absentee voting an impossibility for some new voters.

Until 2021, election officials could issue ballots at the same time to all registered voters who would be eligible to vote by election day. HB506 prohibits this practice, making it unlawful to issue ballots to registered voters who will be eligible to vote on or before election day, but who are not yet 18 or have not yet lived in their voting precinct for 30 days. Ex. A-9, HB506, §2(2). As a result, HB506 creates significant problems for voters whose vote-eligible date lands in the late registration period, which begins 30 days before election day. Section 13-2-301(a), MCA.

³ In addition to the laws challenged here, the 2021 legislative session featured House Bill 530, which MDP and WNV challenge, and Senate Bill 319—banning voter registration in residential, athletic, and dining facilities on Montana University System campuses. Senate Bill 319 has already been preliminarily enjoined. Preliminary Inj. Or., *Forward Mont. et al. v. Montana et al.*, Cause No. ADV-2021-611, at 5–6 (Mont. First Jud. Dist. Ct. July 1, 2021).

Timelines for distributing ballots are set by statute. *See* §§ 13-19-207; 13-13-205, MCA. For primary or general elections, absentee ballots must be made available “30 days prior to election day for absentee voting in person,” and “25 days prior to election day for mailing ballots to absentee voters.” *Id.* §§ 13-13-205(1)(a)(i)–(ii). Federal election ballots “requested by an absent uniformed services or overseas elector . . . must be sent . . . not later than 45 days in advance of the election.” *Id.* § 13-13-205(2). All ballots must be mailed “on the same day” to active and provisionally registered voters. *Id.* § 13-19-207. This translates to elections offices sending tens of thousands of ballots on a single day. *See* Ex. A-10, Sec’y of State Official Montana Registered Voters by County (accessed May 17, 2021) (showing more than 70,000 registered voters in Flathead County and more than 85,000 registered voters in Gallatin County). Even in years unaffected by COVID-19, most Montanans vote by absentee ballot: in the 2018 general election, more than 73% voted absentee. Herron Report, ¶ 28; *see also* MDP Br. at 10. And Montanans value and rely on being able to vote absentee. *See, e.g.*, Ex. K, Decl. of Alzada Roche ¶¶ 6, 13 (“I rely on the absentee ballot system.”); Ex. G, Decl. of Scott Lockwood ¶¶ 13–16 (“Mail-in ballots have also been hugely important to me since the start of the COVID-19 pandemic.”); Ex. D, Decl. of Audrey Dozier ¶¶ 4 (“Since [turning 18], I have only voted by mail.”), 9–10; Ex. F, Aff. of Meghan Lockner ¶¶ 11–12 (“I value being able to vote by mail.”); Ex. E, Decl. of Anne Hosefros ¶¶ 11 (“[M]y husband and I genuinely rely on being able to vote by mail.”), 12–15.

Election administrators have well-developed systems for managing absentee

ballots. Ballots are certified 75 days before a general election. *Id.* § 13-12-201. Election administrators then engage in a series of intricate steps to procure ballots, organize bulk mailings, print and prep ballots and envelopes, before they seal, sort by precinct, and mail ballots. *See generally* Ex. A-11, Sec’y of State, *Absentee Ballot Best Practices: Election Administrator Certification Training* (updated Jan. 2018).

HB506 alters this complex process for the worse. Before HB506, officials sent ballots to all registered absentee voters at the same time. *See* §§ 13-13-205(1)(a)(i)–(ii), MCA. Under HB506, officials must identify registered voters who do not yet meet eligibility criteria—before the date when eligibility matters—and must defer mailing the relevant ballots until the pertinent vote-eligible date.

So, HB506 will weigh on hundreds of registered voters with a vote-eligible date in the late registration period who want or need to vote by absentee ballot. Herron Report ¶¶ 50, 57, 60. HB506 needlessly and unduly burdens every voter turning 18 in the two weeks before election day because they will be forced to vote in person even if they register well in advance of the June 2021 primary. Ex. I, Decl. of Isaac Nehring ¶¶ 6–7, 21. For example, with his 18th birthday on June 3, 2022—just four days before the June 7 primary election—Isaac Nehring’s ballot cannot be mailed in time for him to be certain to receive it before election day. *Id.* ¶¶ 7–8; Herron Report ¶¶ 39–41. Nehring has only three days on which he can receive and vote his ballot, one of which is his birthday and final day of high school, and all of which surround his high school graduation and transition to summer obligations. Nehring Decl. ¶¶ 15–19. Nehring would prefer to vote early by absentee ballot. *Id.* ¶¶ 20, 24.

Young people like Ali Caudle also show how difficult registering and voting in person can be for high school students. Caudle was not aware that she could register to vote before turning 18. Ex. B, Decl. of Ali Caudle ¶ 4. Confusion about how and when to register is not uncommon among new voters. *Id.*; Ex. L, Aff. of Alexa Runnion ¶¶ 5, 8; Ex. M, Decl. of Hailey Sinoff ¶ 3; Ex. N, Decl. of Nathalie Wagler ¶ 13; Lockwood Decl. ¶¶ 4–6. Only when she attempted to register to vote on her 18th birthday—October 3, 2021—did Caudle realize she would need to register in person. Caudle Decl. ¶¶ 3, 5. But Caudle is in school from 8 am to 3:55 pm, followed by extracurricular commitments, including soccer practice, which last until well after 5 pm on weekdays. *Id.* ¶ 10. Thus, the Missoula County Elections Office’s hours—weekdays between 9 am and 5 pm—presented a real challenge. *Id.* ¶¶ 9–12. Caudle only managed to register to vote on October 29, the Friday before election day. *Id.* ¶ 12. Because HB176 eliminated election day registration, that Friday was the last possible day Caudle could register to vote without missing school. *Id.* ¶ 15.

Bill sponsor Representative Paul Fielder claimed that HB506 clarified prior law without offering evidence that issuing ballots to eligible voters was in fact confusing, administratively burdensome, or at all related to unlawful or fraudulent activities. Mont. Leg., House State Admin. Hrg. Video at 10:27:13 & 10:29:42 (Feb. 24, 2021), *available at* <http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170221/-1/42591?agendaId=201039>. Quite simply, no reason justifies the passage of HB506, let alone a compelling one.

LEGAL STANDARD

A preliminary injunction is appropriate under § 27-19-201, MCA, on any one of “several enumerated grounds.” *Weems v. State*, 2019 MT 98, ¶ 17. As relevant here, § 27-19-201, MCA, provides that either of the following sets of circumstances will justify issuance of a preliminary injunction:

- (1) when it appears that the applicant is entitled to the relief demanded and the relief or any part of the relief consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;
- (2) when it appears that the commission or continuance of some act during the litigation would produce a great or irreparable injury to the applicant.

In considering a preliminary injunction motion, “the trial court ‘should restrict itself to determining whether the applicant has made a sufficient case to warrant preserving a right in status quo until a trial on the merits can be had.’” *Weems*, ¶ 18 (quoting *Knudson v. McCunn*, 271 Mont. 61, 65, 894 P.2d 295, 298 (1995)). The purpose is “to prevent ‘further injury or irreparable harm . . . pending an adjudication on the merits.’” *Billings v. Cty. Water Dist. of Billings Heights*, 935 P.2d 246, 250, 281 Mont. 219, 227 (1997) (quoting *Knudson*, 894 P.2d at 298). The “status quo” is “the last actual, peaceable, noncontested condition which preceded the pending controversy.” *Porter v. K & S P’ship*, 627 P.2d 836, 839, 192 Mont. 175 (1981).

A sufficient showing requires only “a prima facie case, not entitlement to final judgment.” *Weems*, ¶ 18. “‘Prima facie’ means literally ‘at first sight’ or ‘on first appearance but subject to further evidence or information.’” *Id.* (quoting *Prima facie*,

Black’s Law Dictionary (10th ed. 2014)). Thus, resolving a request for a preliminary injunction does not involve determining “the underlying merits of the case.” *Id.*

The “loss of a constitutional right constitutes irreparable harm for the purpose of determining whether a preliminary injunction should be issued.” *Mont. Cannabis Indus. Ass’n v. State*, 2012 MT 201, ¶ 15 (citing *Elrod v. Burns*, 427 U.S. 347, 373 (1976)); see *City of Billings*, 935 P.2d at 251 (“[R]equiring [plaintiff] to prove the statutes unconstitutional beyond a reasonable doubt would be directly at odds with this Court’s holdings that a successful applicant for a preliminary injunction need only establish a prima facie case.”).

ARGUMENT

I. Youth Plaintiffs have established a prima facie case that HB506, SB169, and HB176 are unconstitutional.

A. Constitutional Framework

The Montana Constitution is a modern document drafted to “stand on its own footing and . . . to provide individuals with fundamental rights and protections far broader than those available through the federal system” and meant “to meet the changing circumstances of contemporary life.” *Dorwart v. Caraway*, 2002 MT 240, ¶ 94 (Nelson, J., concurring) (quoting Dahood, Amicus Br.; Mont. Const. Conv., II Verbatim Trans., *Bill of Rights Comm. Proposal*, at 619 (Feb. 22, 1972)). The firmly democratic principles of popular sovereignty and self-government appear first among Montana’s enumerated fundamental rights and underpin the rights that follow. Mont. Const., art. II, §§ 1, 2.

Naturally, the right of suffrage—the tangible embodiment of popular

sovereignty and self-government—is among the declared rights: “All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” Mont. Const., art. II, § 13. The Declaration of Rights likewise guarantees “equal protection of the laws,” Mont. Const., art. II, § 4, and expressly provides that minors’ rights include “all fundamental rights of this Article unless specifically precluded by laws which enhance the protection of such persons,” Mont. Const., art. II, § 15.

The rights of suffrage and to equal protection are fundamental rights under the Montana Constitution. *Kloss v. Edward D. Jones & Co.*, 2002 MT 129, ¶ 52 (“[R]ights included within this ‘Declaration of Rights’ are ‘fundamental rights.’”). The state may not abridge any fundamental right without a compelling interest. *Driscoll v. Stapleton*, 2020 MT 247, ¶¶ 18; 40 (strict scrutiny applies to any law that “impermissibly interferes with the exercise of a fundamental right” and, to survive, a statute must be “narrowly tailored to further a compelling government interest”).

B. HB506 plainly violates three fundamental constitutional rights.

HB506 will burden hundreds of newly 18-year-old voters and will prevent some from voting at all. The bill violates their right to suffrage by limiting their use of the no-fault absentee system, and their right to equal protection by creating an age-based class that is otherwise indistinguishable from older voters, and their rights as minors to the same protections under the Montana Constitution as adults.

Every year, hundreds of people turn 18 in the thirty days before either the primary election or the general election. Take the two most recent election cycles.

In 2018, 655 registered voters turned 18 in the month before either the primary or general elections. Herron Report ¶ 60. Of these new voters, 281 registered voters turned 18 in the two weeks before an election, and 24 turned 18 on the actual primary or general election day itself. *Id.* Under HB506, these 24 individuals would have had to pre-register to vote before turning 18 *and* would have had no choice but to vote in person on election day. *Id.* HB506 would have made it nearly impossible for the other new voters to vote absentee with any assurance that their ballot would arrive in time—just as HB506 will prevent Isaac Nehring from voting absentee in the 2022 primary. Similarly, in 2020, 759 registered voters turned 18 in the month before one of the elections. *Id.* Of them, 341 of them turned 18 in the two weeks before the two elections and 19 had their 18th birthdays on an election day. *Id.*

HB506 violates hundreds of newly 18-year-old voters’ right to suffrage. Anyone turning 18 in the two weeks before an election who must rely on an absentee ballot for any reason—travel, school out-of-state, illness, injury, disability, a global pandemic, etc.—will be prevented from voting entirely. *See* Herron Report ¶¶ 3–4; Nehring Decl. ¶¶ 23–24; Caudle Decl. ¶¶ 4, 15. This result, on its own, shows that HB506 violates Youth Plaintiffs’ right to vote because it burdens some people right out of voting. *See, e.g., Driscoll*, ¶ 23 (concluding the district court did not err in finding evidence to support a preliminary injunction where the law disproportionately burdened Native American voters’ right to vote).

But HB506 also unconstitutionally restricts the right to suffrage of anyone who turns 18 in the late registration period because it effectively requires them to vote in

person and so denies them the right to vote absentee that all other Montanans enjoy. *See Big Spring v. Jore*, 2005 MT 64, ¶ 18 (“The right to vote is protected in more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise.”) (quoting *Bush v. Gore*, 531 U.S. 98, 104–05 (2000)).

HB506 also unnecessarily complicates voting for anyone who turns 18 during the late registration period. Typically, election officials issue ballots directly to individuals who register to vote in person during the late registration period. *See Caudle Decl.* ¶ 13. But HB506 would require some young voters to make two trips to access their ballots. If, a person like Declarant Nehring—with a birthday within two weeks of or on election day—goes to register in person before turning 18, he may register, but he cannot receive his ballot.

These unnecessary complications are even worse for a voter who turns 18 on election day, as HB506 and HB176 interact to require this new voter—unlike any other eligible voter—to register to vote before election day and also to vote in person on election day. Bromberg Report at __; *See also* Herron Report ¶¶ 11–12 (explaining the “calculus of voting”). Even if she registers to vote 30 days before the election and requests an absentee ballot, she simply will not receive her ballot in the mail because officials cannot send it to her until she has actually turned 18, on election day. And if she registers during the late registration period, she will be required—again, unlike any other eligible voter—to appear in person twice.

Next, HB506 violates Youth Plaintiffs’ right to equal protection under the Montana Constitution, which states that “[n]o person shall be denied the equal

protection of the laws.” Mont. Const. art. II, § 4. HB506’s differential treatment of similarly situated voters serves no compelling state interest.

That is, for no reason other than her age, a Montanan who turns 18 during the late registration period will face significant burdens and restrictions on the fundamental right to suffrage that Montana voters who turn 18 earlier will not face. Ultimately, the closer a voter’s birthday lands to election day, the greater the burden voting will impose on them. *See Herron Report* ¶¶ 11–21 (describing the calculus of voting and the interaction between associated benefits and costs).

HB506 treats similarly situated individuals—those who will be eligible to vote on election day—in a different manner based solely on the point at which they turn 18 during the election cycle. This violates Youth Plaintiffs’ right to equal protection under the Montana Constitution. *See Snetsinger v. Mont. Univ. Sys.*, 2004 MT 390, ¶ 15 (“[T]he law must treat similarly situated individuals in a similar manner.”).

Finally, as Youth Plaintiffs are denied the advantages of the same voting procedures enjoyed by their adult counterparts, including absentee voting, HB506 violates their rights as minors by unconstitutionally burdening a minor’s right to exercise the same rights as adults. Mont. Const., art. II, § 15; Bromberg Report at __. *See Matter of S.L.M.*, 287 Mont. 23, 35, 951 P.2d 1365 (Mont. 1997) (“[I]f the legislature seeks to carve exceptions to this guarantee, it must not only show a compelling state interest but must show that the exception is designed to enhance the rights of minors.”). Denying these advantages is not an enhancement of the rights of minors, and it does not protect them. *See id.*

Accordingly, Youth Plaintiffs have established a prima facie case that HB506 is unconstitutional and are therefore entitled to a preliminary injunction to prevent HB506 from taking effect while this matter is pending.

C. Together, all three laws unconstitutionally burden the youth vote.

While HB506, HB176, and SB169 each separately violate Youth Plaintiffs' rights under the Montana Constitution, *see supra* at 11–14; MDP Br. at 17, 18, together these laws especially target and disproportionately curtail young Montanans' right to vote.

When applying the Montana Constitution's equal protection provision, “[s]trict scrutiny applies if a suspect class or fundamental right is affected.” *Snetsinger*, ¶ 17; *cf. Finke v. State ex rel. McGrath*, 2003 MT 48, ¶ 15 (“[B]ecause voting rights cases involve a fundamental political right, the [U.S.] Supreme Court generally evaluates state legislation . . . regulating voter qualifications under the strict scrutiny standard.”). Here, all three laws burden the youth’s right to vote. *See Snetsinger*, ¶ 16 (“A law or policy that contains an apparently neutral classification may violate equal protection if ‘in reality it constitutes a device designed to impose different burdens on different classes of persons.’”) (quoting *State v. Spina*, 1999 MT 133, ¶ 85) (cleaned up). While each law standing alone has negative consequences for youth voter turnout, *supra* 11–14; MDP Br. at 4, 17, the interactive effect of the three laws is exponentially worse, Bromberg Report at __. Young voters who are trying to navigate voting for the first time won’t receive an absentee ballot if their 18th birthday falls in the week before election day (HB506), can’t register to vote on

election day (HB176), can't update their registration on election day unless they've remained in the same precinct (HB176), even though young people are the likeliest demographic to move frequently, *see, e.g.*, Roche Decl. ¶ 8 (“In the last six years, I have had about eight different residential addresses.”); Decl. of Amara Reese-Hansell ¶¶ 7–8, 16; MDP Br. at 4, and can no longer rely on the most readily accessible form of ID (SB169). Any one of these burdens could trip up young voters, but all three together create a web. Bromberg Report at __; *see also* Ex. A-5, at 4.

Youth Plaintiffs have thus established a prima facie case that HB176, SB169, and HB506 together violate the Montana Constitution's right to vote and right to equal protection under law, Mont. Const., art. II, §§ 4, 13. Accordingly, the Court should issue a preliminary injunction.

II. Plaintiffs have shown that these laws will cause irreparable harm if applied in the 2022 primary election.

A preliminary injunction is intended “to prevent ‘further injury or irreparable harm by preserving the status quo of the subject in controversy pending an adjudication on the merits.’” *City of Billings*, 281 Mont. at 226, 935 P.2d at 250 (*quoting Knudsen*, 894 P.2d at 297–98). The status quo is “the last actual, peaceable noncontested condition which preceded the pending controversy.” *Weems*, ¶ 26. Here, preserving the status quo means reinstating Montana's voting rules and procedures as they stood prior to the passage of the restrictive laws at issue in this case. *See Driscoll*, 2020 MT 247, ¶¶ 23–28 (affirming preliminary injunction of changes created by new voting laws in controversy, but reversing injunction of ballot deadline that had been in effect for at least 20 years).

While statutes enjoy a presumption of constitutionality, where plaintiffs are able to make “a prima facie showing [they] will suffer a harm or injury—‘whether under the ‘great or irreparable injury’ standard of subsection (2), or the lesser degree of harm implied within the other subsections of § 27-19-201, MCA,” they are entitled to a preliminary injunction. *Driscoll*, ¶ 15–16.

HB506 gives rise to a constitutional harm under Article II, Sections 4, 13, and 15 of the Montana Constitution. When the injury alleged at the time of a motion for preliminary injunction is a constitutional violation, it “unquestionably constitutes irreparable injury.” *Elrod*, 427 U.S. at 373. Ongoing constitutional violations produce injuries that “cannot effectively be remedied by a legal judgment.” *City of Billings*, 281 Mont. at 231, 935 P.2d at 253. The evidence suggests that upwards of 763 new voters, *see* Herron Report ¶ 60, may be irreparably injured by the increased confusion and difficulty in voting that HB506 creates, Nehring Decl. ¶¶ 20–22; *see also* Reese-Hansell Decl. ¶¶ 19, 24. That injury is concrete and irreparable—Nehring and others like him should not be treated differently because of their age and the timing of their birthdays. *See* Mont. Const. art. II, §§ 4, 13, 15.

What is more, some will be deterred from voting. Nehring Decl. ¶ 23; Ex. A-7, at 10. Even if the number of young people actually deterred from voting were just 10% of registered voters with a vote-eligible date in the 30 days before the June 2022 primary election, it would mean that HB506 will stop as many as three dozen 18-year-olds from voting. *See* Herron Report ¶¶ 58, 60. This presents a grievous harm. Denial of the right to cast a timely ballot cannot be undone. And such denial has

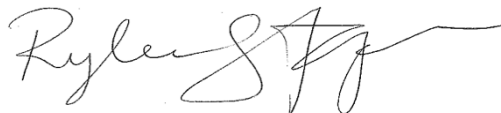
potential long-term consequences for the young people it restricts from voting. *See* Bromberg Report at __; Ex. A-8, at 2.

Youth Plaintiffs have established a prima facie case that absent a preliminary injunction enjoining HB506, they will suffer irreparable harm. They have likewise established a prima facie case that HB176, SB169, and HB506 together violate Youth Plaintiff's rights to suffrage and equal protection and so must all be preliminarily enjoined because their cumulative effect will cause irreparable injury.

CONCLUSION

For the reasons set forth above, Youth Plaintiffs respectfully request that, following the hearing set for March 10, 2022, this Court grant Youth Plaintiffs' application and enter a preliminary injunction.

Respectfully submitted this 12th day of January, 2022.



Rylee Sommers-Flanagan
Upper Seven Law

Ryan Aikin
Aikin Law Office, PLLC

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above was duly served upon the following on the 12th day of January, 2022, by email.

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/s/ Rylee Sommers-Flanagan
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Exhibit A

Declaration of Rylee Sommers-Flanagan

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Attorneys for Plaintiffs

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-0451 Hon. Michael Moses</p> <p style="text-align: center;">DECLARATION OF RYLEE SOMMERS-FLANAGAN</p>
---	--

I, Rylee Sommers-Flanagan, state and declare as follows:

1. On or about May 19, 2021, I accessed an article titled “The Student Vote Is Surging. So Are Efforts to Suppress It” on www.nytimes.com (the New York Times website). A true and correct copy of the webpage as I saw it at that time is attached to this Declaration as Exhibit A-1.

2. On or about December 22, 2021, I accessed an article on apnews.com (the Associated Press website) titled “Flathead, Montana see big increase in young voters.” The article’s caption notes that it originated from Kianna Gardner at the Daily Inter Lake. A true and correct copy of the webpage as I saw it at that time is attached to this Declaration as Exhibit A-2.
3. On or about December 22, 2021, I accessed circle.tufts.edu (the Center for Information & Research on Civic Learning and Engagement website). I saw an article titled “State-by-State 2020 Youth Voter Turnout: West and Southwest.” A true and correct copy of the webpage as I saw it at that time is attached to this Declaration as Exhibit A-3.
4. On or about December 22, 2021, I accessed an article titled “Montana Exit Polls: How Different Groups Voted” on the New York Times website. A true and correct copy of the webpage as I saw it at that time is attached to this Declaration as Exhibit A-4.
5. On or about December 22, 2021, I accessed the Center for Information & Research on Civic Learning and Engagement website. I saw an article titled “Half of Youth Voted in 2020, An 11-Point Increase from 2016,” and a true and correct copy of the webpage as I saw it at that time is attached to this Declaration as Exhibit A-5.
6. On or about January 11, 2022, I accessed www.journals.uchicago.edu (the University of Chicago Press Journals website). I found an article titled “Rock the Registration: Same Day Registration Increases Turnout of Young Voters.”

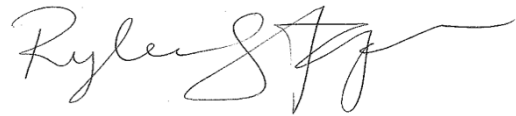
A true and correct copy of the article as I saw it at that time is attached to this Declaration as Exhibit A-6.

7. On or about January 11, 2022, I accessed a page on the Center for Information & Research on Civic Learning and Engagement website titled “Broadening Youth Voting.” On that page, I saw a tab titled “Barriers to Voting.” A true and correct copy of the webpage as I saw it at that time is attached to this Declaration as Exhibit A-7.
8. On or about December 22, 2021, I accessed the New York Times website where I saw an article titled “What Really Makes Us Vote? It May Be Our Parents.” A true and correct copy of the webpage as I saw it at that time is attached to this Declaration as Exhibit A-8.
9. On or about January 10, 2022, I access leg.mt.gov (the Montana Legislature page) and I opened the “Look Up Bill Information” tab. I searched for House Bill 506, and I saw a PDF titled “HB 506.” A true and correct copy of that file as I saw it at that time is attached to this Declaration as Exhibit A-9.
10. On or about January 10, 2022, I accessed sosmt.gov (the Montana Secretary of State website). I opened a tab labeled “Official Election Results,” and under a header for “2020 General Election Results” I saw a file for Voter Registration by County. A true and correct copy of that file as I saw it at that time is attached to this Declaration as Exhibit A-10.
11. On or about January 10, 2022, I accessed the Montana Secretary of State website. On that site, I found a file labeled “Absentee Ballot Best Practices:

Election Administrator Certification Training (updated Jan. 2018).” A true and correct copy of that file as I saw it at that time is attached to this Declaration as Exhibit A-11.

I declare under penalty of perjury that the statements above are true and correct.

Executed on January 12, 2021, in Helena, Montana.

A handwritten signature in black ink, appearing to read "Rylee Sommers-Flanagan", with a long horizontal flourish extending to the right.

Rylee Sommers-Flanagan
Upper Seven Law

Exhibit A-1

The Student Voter Is Surging. So Are
Efforts to Suppress It.

The Student Vote Is Surging. So Are Efforts to Suppress It.

The share of college students casting ballots doubled from 2014 to 2018, a potential boon to Democrats. But in Texas and elsewhere, Republicans are erecting roadblocks to the polls.

By Michael Wines

Oct. 24, 2019

AUSTIN, Texas — At Austin Community College, civics is an unwritten part of the curriculum — so much so that for years the school has tapped its own funds to set up temporary early-voting sites on nine of its 11 campuses.

No more, however. This spring, the Texas Legislature outlawed polling places that did not stay open for the entire 12-day early-voting period. When the state's elections take place in three weeks, those nine sites — which logged many of the nearly 14,000 ballots that full-time students cast last year — will be shuttered. So will six campus polling places at colleges in Fort Worth, two in Brownsville, on the Mexico border, and other polling places at schools statewide.

“It was a beautiful thing, a lot of people out there in those long lines,” said Grant Loveless, a 20-year-old majoring in psychology and political science who voted last November at a campus in central Austin. “It would hurt a lot of students if you take those polling places away.”

The story at Austin Community College is but one example of a political drama playing out nationwide: After decades of treating elections as an afterthought, college students have begun voting in force.

Their turnout in the 2018 midterms — 40.3 percent of 10 million students tracked by Tufts University's Institute for Democracy & Higher Education — was more than double the rate in the 2014 midterms, easily exceeding an already robust increase in national turnout. Energized by issues like climate change and the Trump presidency, students have suddenly emerged as a potentially crucial voting bloc in the 2020 general election.

And almost as suddenly, Republican politicians around the country are throwing up roadblocks between students and voting booths.

Not coincidentally, the barriers are rising fastest in political battlegrounds and places like Texas where one-party control is eroding. Students lean strongly Democratic: In a March poll by the Institute of Politics at Harvard University's Kennedy School of Government, 45 percent of college students ages 18-24 identified as Democrats, compared to 29 percent who called themselves independents and 24 percent Republicans.

Some states have wrestled with voting eligibility for out-of-state students in the past. And the politicians enacting the roadblocks often say they are raising barriers to election fraud, not ballots. “The threat to election integrity in Texas is real, and the need to provide additional safeguards is increasing,” the state’s attorney general, Ken Paxton, said last year in announcing one of his office’s periodic crackdowns on illegal voting. But evidence of widespread fraud is nonexistent, and the restrictions fit an increasingly unabashed pattern of Republican politicians’ efforts to discourage voters likely to oppose them.

“Efforts to deprive any American of a convenient way to vote will have a chilling effect on voting,” Nancy Thomas, the director of the Tufts institute, said. “And efforts to chill college students’ voting are despicable — and very frustrating.”

The headline example is in New Hampshire. There, a Republican-backed law took effect this fall requiring newly registered voters who drive to establish “domicile” in the state by securing New Hampshire driver’s licenses and auto registrations, which can cost hundreds of dollars annually.

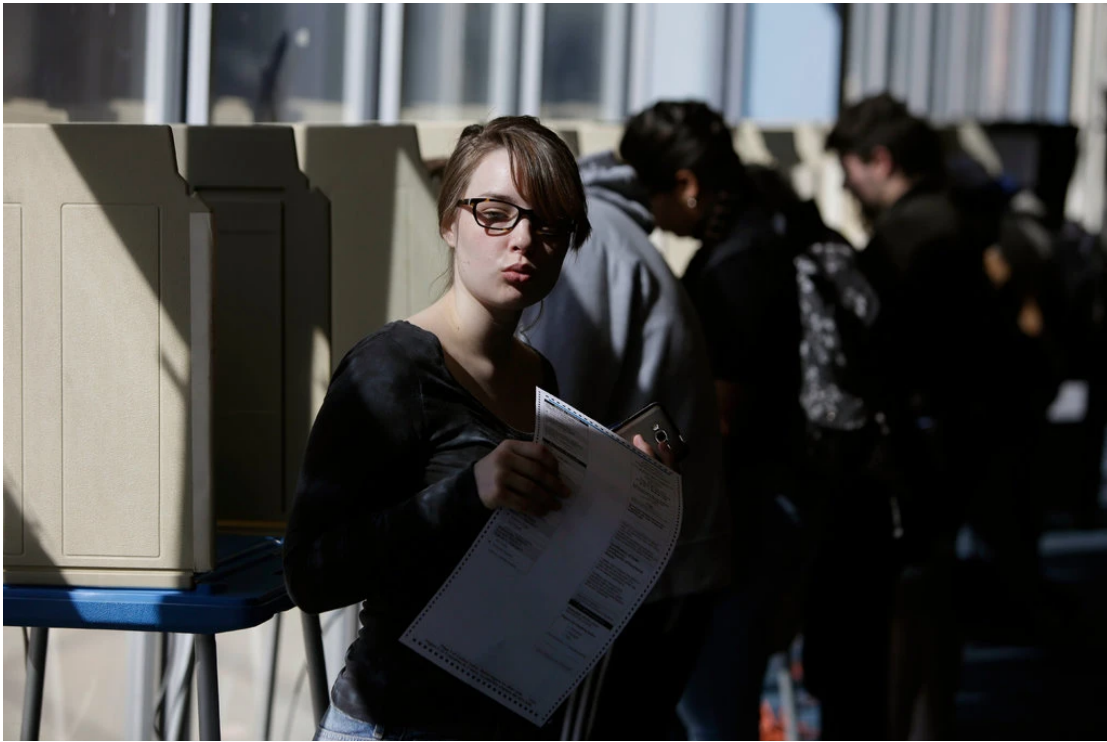
The dots are not hard to connect: According to the Tufts study, six in 10 New Hampshire college students come from outside the state, a rate among the nation’s highest. As early as 2011, the state’s Republican House speaker at the time, William O’Brien, promised to clamp down on unrestricted voting by students, calling them “kids voting liberal, voting their feelings, with no life experience.”

Florida’s Republican secretary of state outlawed early-voting sites at state universities in 2014, only to see 60,000 voters cast on-campus ballots in 2018 after a federal court overturned the ban. This year, the State Legislature effectively reinstated it, slipping a clause into a new elections law that requires all early-voting sites to offer “sufficient non-permitted parking” — an amenity in short supply on densely packed campuses.

North Carolina Republicans enacted a voter ID law last year that recognized student identification cards as valid — but its requirements proved so cumbersome that major state universities were unable to comply. A later revision relaxed the rules, but much confusion remains, and fewer than half the state’s 180-plus accredited schools have sought to certify their IDs for voting.

Wisconsin Republicans also have imposed tough restrictions on using student IDs for voting purposes. The state requires poll workers to check signatures only on student IDs, although some schools issuing modern IDs that serve as debit cards and dorm room keys have removed signatures, which they consider a security risk.

The law also requires that IDs used for voting expire within two years, while most college ID cards have four-year expiration dates. And even students with acceptable IDs must show proof of enrollment before being allowed to vote.



A polling place at the University of Wisconsin-Milwaukee. The state has imposed tough restrictions on using student IDs for voting purposes. Joshua Lott for The New York Times

“Universities have had to decide one by one whether they want to modify their IDs to make them acceptable, issue a second ID for voting purposes or do nothing,” said Barry Burden, the director of the Elections Research Center at the University of Wisconsin-Madison. “And they’ve all gone in different directions.”

While legislators call the rules anti-fraud measures, Wisconsin has not recorded a case of intentional student voter fraud in memory, Mr. Burden said. But a healthy turnout of legitimate student voters could easily tip the political balance in many closely divided states.

Senator Maggie Hassan of New Hampshire, a Democrat, won election in 2016 by 1,017 votes over her Republican rival, Kelly Ayotte. Gov. Roy Cooper of North Carolina, a Democrat, won that year by about 10,000 votes in a state with nearly 500,000 undergraduates. And Donald J. Trump carried Wisconsin by fewer than 23,000 votes; the University of Wisconsin system alone enrolls more than 170,000 students.

Some critics suggest that opposition to campus-voting restrictions is overblown — that students can find other IDs to establish their identities, that campus polling sites are a luxury not afforded other voters.

But local election officials generally put polls where they are needed most, in packed places like universities and apartment complexes or locations like nursing homes where access is difficult.

Repeated studies have shown that making voting convenient improves turnout. And while it is difficult to say with certainty what causes turnout to decline, anecdotal evidence suggests that barriers to student voting have done just that. Nationwide, student turnout in the 2016 presidential

election exceeded that of the 2012 presidential vote — but according to the Tufts institute, it fell sharply in Wisconsin, where the state's voter ID law first applied to students that year.

Hurdles to student voting are hardly limited to politically competitive states. Most notably, the voter ID law in deeply Republican Tennessee does not recognize student ID cards as valid for voting, and legislators have removed out-of-state driver's licenses from the list of valid identifications.

A Tennessee law requiring election officials to help register high school students is commonly skirted via a loophole, said Lisa Quigley, the top aide to Representative Jim Cooper, a Tennessee Democrat and voting rights advocate. And cities like Nashville and Knoxville, with large concentrations of college students, have no campus early voting polling places, she said.

Tennessee ranks 50th in voter turnout among the states and the District of Columbia. "We're terrible at voting," Ms. Quigley said. "And it's intentional."

Only Texas' turnout is worse. And as in Tennessee, voting is particularly difficult for the young.

Texas law requires educators to distribute voter registration forms to high school students, but the requirement appears to be ignored by most of the state's 3,700 secondary schools. And while many states allow students to preregister at 16 or 17, and even vote in primaries if they turn 18 by Election Day in November, Texas bars students from registering until two months before their 18th birthday, the nation's most restrictive rule.

The state's voter ID law — among the most onerous, though softened by court rulings — still excludes college and university ID cards and only allows the use of out-of-state driver's licenses that many students carry if voters sign a form swearing that they couldn't reasonably acquire an accepted ID and explaining why.

Some Texas schools have sought for years to lower those barriers. At the University of Texas at Austin, a group called TX Votes has greatly increased turnout by rallying students against voting restrictions and enlisting scores of campus groups in voting and registration campaigns.

Austin Community College, whose 39,000 full-time and 33,000 part-time students sprawl over campuses in four Texas counties, pursues a similar strategy. The system's student body is drawn largely from working-class and minority families.



Students at Austin Community College. Texas' voter ID law excludes college and university ID cards and out-of-state driver's licenses that many students commonly carry. Ilana Panich-Linsman for The New York Times

In addition to sponsoring the campus voting, it gives its employees two hours off during every election to cast ballots.

It is not the only Texas college to set up campus voting. North of Austin, Southwestern University collected ballots from more than half of its 1,500 students last November in a one-day visit by a mobile polling place. Tarrant County, whose largest city is Fort Worth, racked up 11,000 votes at mobile campus sites; Cameron County, in southern Texas, opened three campus sites and reaped nearly 2,800 votes.

Dollar for dollar, mobile voting sites were “the most effective program we had,” Dana DeBeauvoir, the Travis County clerk and chief elections official, said.

State legislators took a dimmer view. Last spring, State Representative Greg Bonnen, a Republican from suburban Houston, filed legislation to require that all polling places remain open during the whole early-voting period, eliminating pop-up polls. He argued that local politicians were using the sites to attract supportive voters for pet projects like school bond issues.

The Texas Association of Election Administrators opposed the change, and Democratic legislators proposed to exclude college campuses, nursing homes and other sites from the requirement. But Republicans rejected the changes and passed the bill on largely party-line votes.

There are efforts to push back at the restrictions on student voting. The elections administrator in Dallas County, Toni Pippins-Poole, decided after the Legislature outlawed temporary polls to spend the money needed to make pop-up voting sites on eight college campuses permanent.

In New Hampshire, the state chapter of the American Civil Liberties Union is suing to undo the State Legislature's domicile law. The League of Women Voters and the Andrew Goodman Foundation, a Mahwah, N.J., nonprofit group focused on protecting voting rights for young people, are contesting Florida's parking requirements for polls in federal court.

Purdue University said last month that it would temporarily not charge out-of-state students a fee for ID cards, which are valid for voting in Indiana. Mitchell E. Daniels Jr., Purdue's president and the state's Republican governor from 2005 to 2013, said he wanted to encourage civic literacy among students.

Advocates for student voters argue that those are the exceptions.

"Everyone 18 years and older has a right, if not a duty, to participate in our electoral system," said Maxim Thorne, the managing director of the Goodman Foundation. "We should be having conversations about how to make it easier, how to make it more welcoming, how to make it worthy of our time and effort. And what we're seeing is the reverse."

Exhibit A-2

Flathead, Montana see big increase in
young voters

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Flathead, Montana see big increase in young voters

KIANNA GARDNER Daily Inter Lake March 13, 2019

Voter turnout rates among Montana’s youth have swelled in recent years, from nearly 18 percent in 2014 to just over 42 percent last year in 2018, according to a report from the Center for Information and Research on Civic Learning and Engagement, or CIRCLE.

The organization, which specializes in research on young people in the United States, looked at a combination of exit-poll data and then calculated state-by-state and national youth voter turnout using voter files to gather their data. All together, the report looked at 17 states for which voter file

years old.

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Montana saw the largest increase of almost 25 percentage points. Tailing close to Montana were Minnesota, Georgia and Nevada, all of which saw right around 20 percentage-point increases.

Gov. Brian Kemp I Georgia state holi

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said Kiah Abbey, deputy director of Forward Montana. “If you vote when you’re young, you’re more likely to continue voting every year.”

Forward Montana is an organization that encourages young adults to be active in their local communities by advocating for their beliefs through voting and other means. Abbey said the organization works with colleges such as Montana State University and Flathead Valley Community College and other facilities statewide to give youths the resources to vote in every election.

During the 2018 election cycle, Forward Montana registered 7,791 voters. Abbey said the recent report demonstrates the fruits of Forward Montana and other organizations’ labors.

“We [Forward Montana] pour our hearts into this work,” Abbey said. “It’s meaningful when you can see the impacts of it all.”

From 2014 to 2018, Forward Montana expanded its office locations from Missoula to include Bozeman and Billings, and it also worked to integrate the organization into various counties by working with passionate local leaders. Abbey said among other methods for encouraging voting, Forward Montana sent out more than 48,000 voter guides in 2018. Those who received the guides were 38 percent more likely to vote than those who didn’t receive them.

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In Flathead County, Jane Karas, president of Flathead Valley Community College, said every year the college works to provide students with the basics, such as helping new voters understand the registration and completion processes.

“We provide students an opportunity to register to vote and exercise their rights as Americans,” Karas said. “Once they turn 18 it’s important for them to know they need to become active voting

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The Center’s report estimated 31 percent of eligible people within the young voter age range voted in the 2018 midterms - an increase of about 10 percentage points from 2014.

“We estimate this is by far the highest level of participation among youth in the past quarter century - the last seven midterm elections during which we’ve been using the same calculation method,” the report notes.

Abbey said young voters tend to rally behind issues that are specifically related to them. For example, the continuation of the 6-mill levy that helps financially support higher education and defrays the cost of tuition for Montana students, was a hot topic of concern with young voters in last year’s general election.

“When this generation sees issues that affect us actually show up on the ballot we are more likely to show up to vote,” Abbey said.

[Science](#) [Technology](#)

She also said she hopes people continue providing funding to Forward Montana and other organizations like theirs in the coming years in order to make sure young voters keep building

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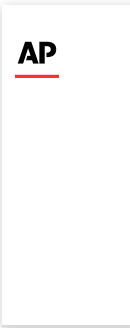
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The Most Bizarre Small Towns In The United States

America holds some of the silliest, saddest, and most unhinged places on earth. To find them, it is important to pinpoint which city, or better yet, town it is. This is a travel guide to the weirdest small towns in America, but defining “weird”...



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Exhibit A-3

State-by State 2020 Youth Voter Turnout:
West and Southwest

State-by-State 2020 Youth Voter Turnout: West and Southwest

March 24, 2021

Electoral participation ranged from 39% to 63% in this region, where many states tried to facilitate voting by mail in 2020.

Shortly after the 2020 presidential election, CIRCLE used the immediately available exit polls and AP VoteCast survey data to estimate that turnout of young voters (ages 18-29) was between 53-56%

(<https://circle.tufts.edu/latest-research/election-week-2020#youth-voter-turnout-increased-in-2020>)

, a major increase from 2016 and a likely historic level of youth or voter participation. Now that the states are updating their voter rolls, we are able to get a more granular, state-by-state view of youth turnout based on official election data. This is important: each state has its own election laws and policies, community conditions, and potential barriers that shape whether youth vote; seeing where turnout is high or low can point to what is or isn't working to expand the youth electorate.

We're starting our analysis with a look at the West and Southwest, including key 2020 battleground states like Arizona and Nevada, and we'll release data on additional regions in the coming days and weeks.

Our key takeaways on youth voter turnout in nine Western and Southwestern states:

Turnout of young people in the western and southwestern states ranged from 39% in New Mexico to 63% in Colorado.

Turnout of people aged 18-29 in all states in this region for which we have data rose compared to 2016. Increases ranged from 8 percentage points in New Mexico to 18 points in Arizona.

In California and Nevada, the voter turnout of youth aged 18-19 exceeded that of all voters under 30. In Nevada's case, it was the second straight election (2018) in which the turnout of newly eligible voters was higher than that of youth ages 18-29, which is usually not the case.

Many Western states have laws that facilitate access to voting, such as universal vote-by-mail, online voter registration, and automatic voter registration. That may explain the relatively high voter turnout in much of the region and highlight how these policies can increase youth voting.

As we think about state-by-state youth turnout, it's important to keep in mind the national context. According to the United States Elections Project, nationally, among all voters, turnout increased 7 percentage points between 2016 and 2020

(<http://www.electproject.org/home>)

and was at its highest level since 1900. By that metric, in all nine states in this region, the turnout increases among youth outpaced that national turnout increase among the entire electorate. This follows a trend of larger turnout increases among youngest voters: in 2016, voters under the age of 30 were the only age group to improve their voter turnout

(https://www.census.gov/newsroom/blogs/random-samplings/2017/05/voting_in_america.html)

over 2012; and in 2018, when turnout also surged, it increased the most among youth

(<https://www.washingtonpost.com/politics/2019/04/23/young-people-actually-rocked-vote-new-census-data-find/>)

Youth Voter Turnout Was High in Most Western States, Especially Those With Strong Mail-In Voting and Automatic Voter Registration



State	2020 Voter Turnout (ages 18-29) ▼	2016 Voter Turnout (ages 18-29)	Change in Youth Voter Turnout 2016-2020	Vote by Mail Policy	Automatic Voter Registration?
Colorado	63%	52%	+11	Automatically sent ballots	Yes
Oregon	59%	46%	+13	Automatically sent ballots	Yes
Washington	58%	41%	+17	Automatically sent ballots	Yes
Montana	56%	41%	+15	Sent ballot applications	No
California	54%	37%	+17	Automatically sent ballots	Yes
Nevada	53%	39%	+14	Automatically sent ballots	Yes
Arizona	51%	33%	+18	Voters had to request ballots	No
Idaho	48%	38%	+10	Voters had to request ballots	No
New Mexico	39%	31%	+8	Sent ballot applications	No

Notes: "Automatically sent ballots" means that the state mailed a ballot to every registered voter whether or not they requested it. "Sent ballot applications" means the state automatically sent an application to request a mail-in ballot to every registered voter. "Voters had to request ballots" means that registered voters had to request a mail-in ballot.

CIRCLE Tufts University Tisch College · CIRCLE

As mentioned above, another important layer of context involves election laws and administration. In several Western states, even before the COVID-19 pandemic forced many jurisdictions to adopt or expand vote-by-mail (VBM), elections have been conducted using primarily VBM, with all registered voters automatically sent a ballot. In the states where that's the case (CA, CO, NV, WA, OR), turnout among 18- to 29-year-olds was 53% or higher. Additionally, many of these states also automatically register voters through government agencies like the Department of Motor Vehicles, including California and Nevada, where turnout of 18- and 19-year-olds (many of whom will have recently gotten their driver's licenses) exceeded that of 18- to 29-year-olds.

Policies and Turnout: A Closer Look

CHANGES AND TRENDS: A CLOSER LOOK

A more detailed look at youth voter turnout in several states:

Colorado, which had the highest youth voter turnout in the region (63%), has ranked near the top in youth voter participation in recent elections

(<https://circle.tufts.edu/index.php/latest-research/youth-turnout-among-teens-shows-need-growing-voters>).

. Even from an already high level, its youth turnout increased 11 percentage points from 2016 to 2020. The state has implemented many of the policies we highlight and recommend as part of our Growing Voters framework

(<https://circle.tufts.edu/latest-research/growing-voters-engaging-youth-they-reach-voting-age-strengthen-democracy>).

, including automatic voter registration, pre-registration, online registration, allowing teens to serve as poll workers, and a state code that supports voter registration in schools

(<https://circle.tufts.edu/latest-research/state-statutes-support-growing-voters>).

Arizona saw a tremendous amount of electoral activity in 2020, thanks to a hotly contested presidential election and the U.S. Senate race in which Democratic challenger Mark Kelly defeated the incumbent, Martha McSally. That's likely one reason why, among all states in this region, youth turnout increased the most (18 percentage points): 33% in 2016 and 51% in 2020. Remarkably, youth turnout in this diverse state—where people of color make up 51% of the population under age 30—was relatively high despite voters having to request absentee ballots by joining the Permanent Early Vote List (PEVL), unlike most of the other states in the region which sent ballots or ballot applications automatically to all registered voters.

New Mexico's youth voter turnout was the lowest in the region: 39%. New Mexico did not automatically send ballots to all registered individuals, though counties did have the option to mail absentee ballot applications to voters. Beyond election administration, CIRCLE's research has also highlighted the importance of youth having adequate access and opportunities for civic engagement. New Mexico has received low marks for indicators of childhood well-being

(<https://www.lcsun-news.com/story/news/local/2019/06/17/new-mexico-ranks-last-childhood-well-being-kids-count-data-book/1482579001/>).

that include educational and community outcomes, which may place young people at a disadvantage as they begin their civic life.

Lastly, it is noteworthy that **California's** youth voter turnout was nearly 54%, and even higher for the youngest voters aged 18-19 (57%). That compares to 37% among youth (ages 18-29) in 2016. California also has the smallest gap between turnout of youth and people aged 30+ of the states in the region. Unlike an electorally competitive state like Arizona, California does not see a lot of campaign outreach during presidential elections, and voter turnout there has been relatively low compared to other states. However, in 2020 the state

dramatically expanded mail-in voting

(<https://calmatters.org/explainers/california-all-mail-election-explained-november-2020/>).

, which again points to the impact of facilitative electoral laws in expanding the electorate.

Methods and Data Sources

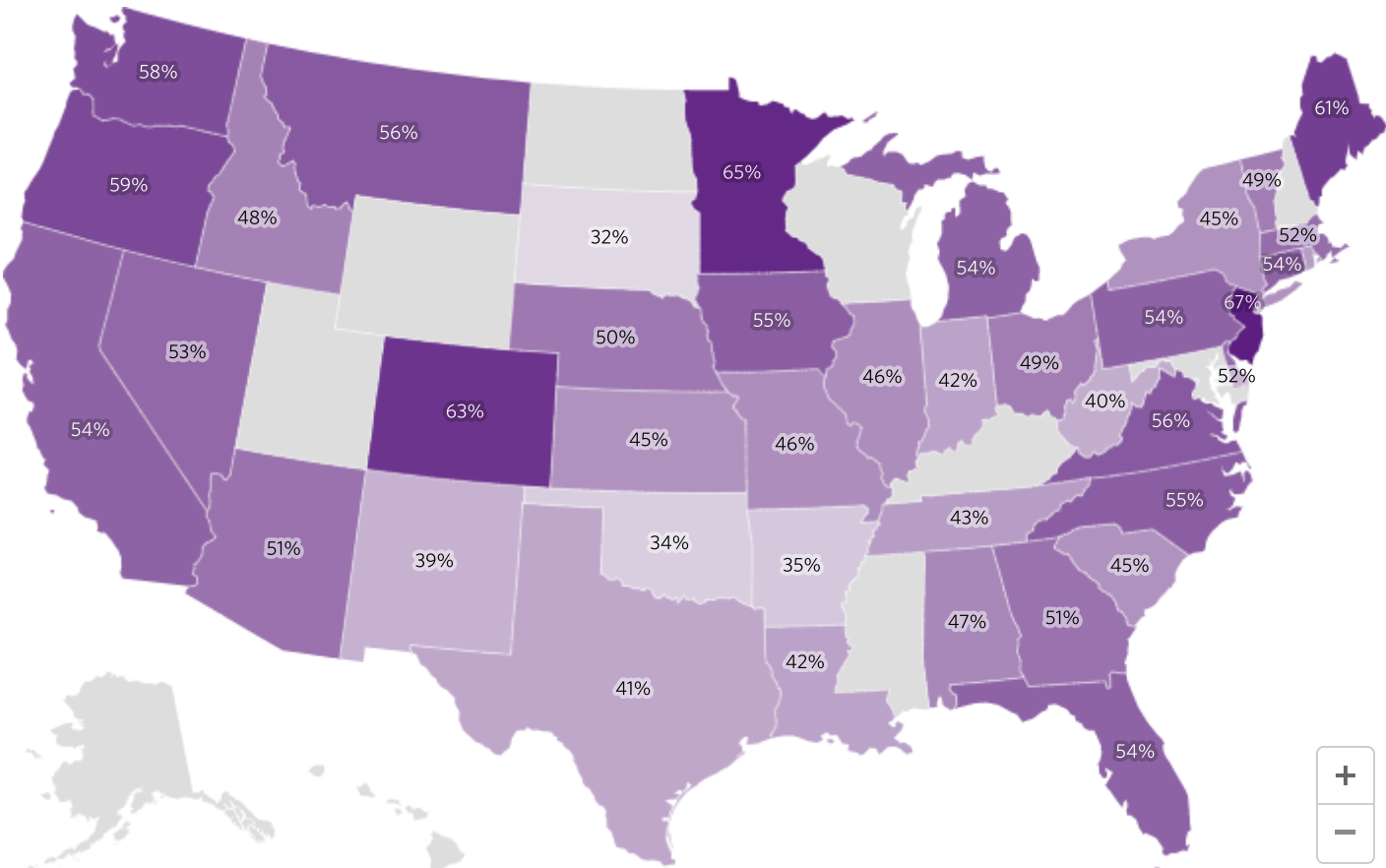
CIRCLE uses a number of sources to estimate voter turnout. For youth turnout, CIRCLE uses national aggregated voter file from Catalist, LLC. to get data on the number of votes cast by people who are ages 18-29 on Election Day. We derive citizen population estimates from the American Community Survey 1-year state estimate. As with any turnout calculation method, a number of factors can result in slight variations in the turnout estimate.

Alaska, Hawaii, Utah, and Wyoming were not included in this regional analysis due to a lack of reliable age data on the voter file.

2020 Youth Voter Turnout: State by State

Turnout rates for youth ages 18-29 are displayed on the map. Hover over each state to also see turnout for ages 18-19. No data available for states shaded gray.

Voter turnout, ages 18-29



[Youth Turnout in the South](https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-south)
(<https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-south>)

[Youth Turnout in the Midwest](#)
([latest-research/state-state-2020-youth-voter-turnout-midwest](#))

Youth Turnout in the Northeast

(/latest-research/state-state-2020-youth-voter-turnout-northeast)

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Exhibit A-4

Montana Exit Polls: How Different
Groups Voted

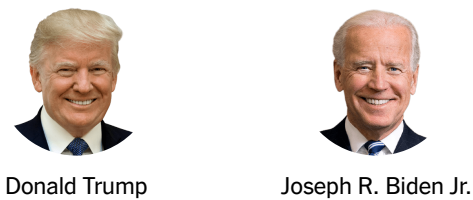
Montana Exit Polls: How Different Groups Voted

The numbers on this page are **estimates** from exit polls conducted by Edison Research for the National Election Pool. These surveys interviewed voters outside of polling places or early voting sites, or by phone (to account for mail-in voters).

Results from interviews with 1,121 voters are shown below. These numbers have been adjusted to match the actual vote count.

While exit polls offer an initial indication of how groups voted on election night, they are not perfect. The polls are not precise enough to distinguish between, say, 53 percent support or 50 percent support from a certain group. Like any survey, they are subject to sampling error, and they rely on estimates of how many people voted in each group.

Demographic



Are you male or female?

Male	63%	33%
50% of voters		
Female	52	47
50%		

What is your racial or ethnic heritage?

White	58	39
88% of voters		
Black	—	—
<1%		
Hispanic/Latino	—	—
4%		
Asian	—	—
<1%		

Other

7%

—

—



Donald Trump



Joseph R. Biden Jr.

How old are you?

18-29

20% of voters

61

31

30-44

22%

52

45

45-64

33%

60

39

65 or over

25%

55

44

What is your level of education?

College graduate

31% of voters

48

51

No college degree

69%

62

35



Donald Trump



Joseph R. Biden Jr.

Are you gay, lesbian, bisexual or transgender?

Yes

8% of voters

—

—

No

92%

60

38

Do you have any children under 18 living in your home?

Yes 26% of voters	63	33
No 74%	55	42



Donald Trump



Joseph R. Biden Jr.

Compared to four years ago, is your family's financial situation:

Better today 44% of voters	89	9
Worse today 16%	—	—
About the same 39%	37	61

Is this the first year you have ever voted?

Yes 10% of voters	—	—
No 90%	58	39



Donald Trump



Joseph R. Biden Jr.

On most political matters, do you consider yourself:

Liberal 17% of voters	8	88
Moderate 36%	34	64

Conservative 47%	91	7
---------------------	----	---

No matter how you voted today, do you usually think of yourself as a:

Democrat 22% of voters	3	96
Republican 37%	92	6
Independent or something else 41%	55	40



Donald Trump



Joseph R. Biden Jr.

What kind of place do you live in?

City of 50K or more 24% of voters	50	47
Suburb 5%	—	—
Small city or rural area 70%	59	38

In which part of the state do you live?

Northern Rockies 17% of voters	61	37
Central Rockies 21%	41	54
Southern Rockies 24%	54	44
Northern Plains 18%	60	37
Southern Plains 20%	73	25



Donald Trump



Joseph R. Biden Jr.

Are you white or nonwhite?

White 88% of voters	58	39
Nonwhite 12%	50	45

What is your gender and racial or ethnic heritage?

White men 40% of voters	64	32
White women 47%	52	46
Black men <1%	—	—
Black women <1%	—	—
Latino men 3%	—	—
Latino women 1%	—	—
All other races 8%	—	—



Donald Trump



Joseph R. Biden Jr.

What is your race and education level?

White college graduate 27% of voters	47	52
White noncollege graduate 61%	63	34

Nonwhite college graduate 3%	—	—
Nonwhite noncollege graduate 8%	—	—

Issues and attitudes



Donald Trump



Joseph R. Biden Jr.

Which one of these five issues mattered most in deciding how you voted for president?

Racial inequality 8% of voters	—	—
The coronavirus pandemic 13%	—	—
The economy 33%	85	11
Crime and safety 17%	—	—
Health care policy 13%	—	—

Which one of these four candidate qualities mattered most in deciding how you voted for president?

Can unite the country 17% of voters	22	72
Is a strong leader 28%	90	10
Cares about people like me 17%	—	—
Has good judgment 29%	48	47



Donald Trump



Joseph R. Biden Jr.

Who would better handle the coronavirus pandemic?

Joe Biden 37% of voters	1	96
Donald Trump 51%	98	1

Which is more important?

Containing the coronavirus now, even if it hurts the economy 45% of voters	17	78
Rebuilding the economy now, even if it hurts efforts to contain the coronavirus 47%	93	5



Donald Trump



Joseph R. Biden Jr.

Do you think Donald Trump has the temperament to serve effectively as president?

Yes 52% of voters	96	3
No 46%	15	81

Do you think Joe Biden has the temperament to serve effectively as president?

Yes 42% of voters	8	92
No 56%	96	1



Donald Trump



Joseph R. Biden Jr.

Was your vote for president mainly:

For your candidate 63% of voters	70	28
Against his opponent 23%	26	69

How do you feel about the way Donald Trump is handling his job as president?

Approve 57% of voters	96	3
Disapprove 42%	5	90



Donald Trump



Joseph R. Biden Jr.

Is your opinion of Donald Trump:

Favorable 54% of voters	97	2
Unfavorable 44%	10	87

Is your opinion of Joe Biden:

Favorable 40% of voters	2	97
Unfavorable 58%	94	3



Donald Trump



Joseph R. Biden Jr.

Do you think U.S. efforts to contain the coronavirus pandemic are going:

Very well 10% of voters	—	—
Somewhat well 34%	93	6
Somewhat badly 19%	44	52
Very badly 32%	10	86

Do you think the condition of the nation's economy is:

Excellent or good 49% of voters	86	13
Not so good or poor 48%	26	70



Donald Trump



Joseph R. Biden Jr.

Is racism in the U.S.:

Most important problem or one of many important problems 65% of voters	38	59
A minor problem or not a problem at all 34%	93	5

Which comes closest to your position? Abortion should be:

Legal 45% of voters	27	70
------------------------	----	----

Illegal 48%	85	12
----------------	----	----



Donald Trump



Joseph R. Biden Jr.

How confident are you that votes in your state will be counted accurately?

Very confident 47% of voters	45	52
Somewhat confident 40%	70	27
Not very confident 7%	—	—
Not at all confident 3%	—	—

When did you finally decide for whom to vote in the presidential election?

In the last month 12% of voters	—	—
Before that 84%	57	40



Donald Trump



Joseph R. Biden Jr.

When did you finally decide for whom to vote in the presidential election?

In the last week 2% of voters	—	—
----------------------------------	---	---

Before that 93%	58	39
--------------------	----	----

Is your opinion of Steve Bullock:

Favorable 49% of voters	19	78
Unfavorable 45%	97	1



Donald Trump



Joseph R. Biden Jr.

Is your opinion of Steve Daines:

Favorable 47% of voters	94	4
Unfavorable 43%	16	79

For which of the presidential candidates do you have a favorable opinion?

Both 2% of voters	—	—
Only Biden 38%	1	99
Only Trump 52%	99	<1
Neither 7%	—	—



Donald Trump



Joseph R. Biden Jr.

For which of the Senate candidates do you have a favorable opinion?

Both 8% of voters	—	—
Only Bullock 41%	10	87
Only Daines 39%	99	<1
Neither 5%	—	—

Would you rather see the U.S. Senate controlled by:

The Democratic Party 36% of voters	4	93
The Republican Party 54%	96	3

More breakdowns



Donald Trump



Joseph R. Biden Jr.

Which presidential candidate has the temperament to serve effectively as president?

Both 4% of voters	—	—
Only Biden 38%	2	97
Only Trump 48%	99	<1
Neither 8%	—	—

How do you feel about the way Donald Trump is handling his job as president?

Strongly approve 41% of voters	>99	<1
Somewhat approve 16%	—	—
Somewhat disapprove 4%	—	—
Strongly disapprove 38%	2	94



Donald Trump



Joseph R. Biden Jr.

Do you think U.S. efforts to contain the coronavirus pandemic are going:

Very well or somewhat well 44% of voters	93	6
Very badly or somewhat badly 50%	22	73

Do you think the condition of the nation's economy is:

Excellent 8% of voters	—	—
Good 41%	83	16
Not so good 25%	41	57
Poor 23%	10	84



Donald Trump



Joseph R. Biden Jr.

Is racism in the U.S.:

The most important problem 8% of voters	—	—
One of many important problems 56%	40	56
A minor problem 24%	92	6
Not a problem at all 10%	—	—

Which comes closest to your position? Abortion should be:

Legal in all cases 14% of voters	17	79
Legal in most cases 31%	31	65
Illegal in most cases 32%	83	12
Illegal in all cases 16%	—	—



Donald Trump



Joseph R. Biden Jr.

How confident are you that votes in your state will be counted accurately?

Very or somewhat confident 88% of voters	57	40
Not very or not at all confident 10%	—	—

When did you finally decide for whom to vote in the presidential election?

In the last few days 1% of voters	—	—
In the last week 1%	—	—
In October 9%	—	—
In September 9%	—	—
Before that 76%	56	42



Donald Trump



Joseph R. Biden Jr.

Do you have any children under 18 living in your home? What is your gender?

Men with children 14% of voters	—	—
Women with children 12%	—	—
Men without children 37%	63	33
Women without children 37%	47	51

What best describes your level of education?

Never attended college 26% of voters	65	32
Attended college but received no degree 34%	58	38
Associate's degree 10%	66	31

Bachelor's degree 18%	54	45
Graduate degree 12%	39	60



Donald Trump



Joseph R. Biden Jr.

How old are you?

18-24 10% of voters	57	36
25-29 9%	64	25
30-39 15%	50	48
40-49 15%	69	28
50-64 25%	54	46
65 or over 25%	55	44

How old are you?

18-44 42% of voters	56	38
45+ 58%	58	41



Donald Trump



Joseph R. Biden Jr.

Are you:

White female college graduate 14% of voters	37	63
White female not a college graduate 34%	59	39
White male college graduate 13%	58	41
White male not a college graduate 27%	68	28
Not any of these 12%	50	47

These estimates are subject to sampling error. The potential error is greater for smaller subgroups, or for characteristics that are concentrated in a few polling places. They are also subject to other types of errors, such as those that would arise if certain types of people were unwilling to talk to exit poll workers.

Source: Exit polls conducted by Edison Research for the National Election Pool

By Michael Andre, Aliza Aufrichtig, Gray Beltran, Matthew Bloch, Larry Buchanan, Andrew Chavez, Nate Cohn, Matthew Conlen, Annie Daniel, Asmaa Elkeurti, Andrew Fischer, Josh Holder, Will Houp, Jonathan Huang, Josh Katz, Aaron Krolak, Jasmine C. Lee, Rebecca Lieberman, Ilana Marcus, Jaymin Patel, Charlie Smart, Ben Smithgall, Umi Syam, Rumsey Taylor, Miles Watkins and Isaac White

Additional data collection by Alice Park, Rachel Shorey, Thu Trinh and Quoc Trung Bui

Candidate photo research and production by Earl Wilson, Alana Celii, Lalena Fisher, Yuriria Avila, Amanda Cordero, Laura Kaltman, Andrew Rodriguez, Alex Garces, Chris Kahley, Andy Chen, Chris O'Brien, Jim DeMaria, Dave Braun and Jessica White

Reporting contributed by Alicia Parlapiano

2020 Election Results

Alabama ›

Arkansas ›

Alaska ›

California ›

Arizona ›

Colorado ›

[Connecticut ›](#)[Delaware ›](#)[D.C. ›](#)[Florida ›](#)[Georgia ›](#)[Hawaii ›](#)[Idaho ›](#)[Illinois ›](#)[Indiana ›](#)[Iowa ›](#)[Kansas ›](#)[Kentucky ›](#)[Louisiana ›](#)[Maine ›](#)[Maryland ›](#)[Massachusetts ›](#)[Michigan ›](#)[Minnesota ›](#)[Mississippi ›](#)[Missouri ›](#)[Montana ›](#)[Nebraska ›](#)[Nevada ›](#)[New Hampshire ›](#)[New Jersey ›](#)[New Mexico ›](#)[New York ›](#)[North Carolina ›](#)[North Dakota ›](#)[Ohio ›](#)[Oklahoma ›](#)[Oregon ›](#)[Pennsylvania ›](#)[Rhode Island ›](#)[South Carolina ›](#)[South Dakota ›](#)[Tennessee ›](#)[Texas ›](#)[Utah ›](#)[Vermont ›](#)[Virginia ›](#)[Washington ›](#)[West Virginia ›](#)[Wisconsin ›](#)[Wyoming ›](#)

Past Election Results

[2020 Primaries](#) | [2018](#) | [2016](#) | [2014](#) | [2012](#) | [2010](#) | [2008](#)

Exhibit A-5

Half of Youth Voted in 2020, an 11-Point
Increase from 2016

Half of Youth Voted in 2020, An 11-Point Increase from 2016

April 29, 2021

Our analysis of youth voter turnout nationwide finds wide variation between states and underscores the importance of electoral laws and policies that help grow voters.

We estimate that 50% of young people, ages 18-29, voted in the 2020 presidential election, a remarkable 11-point increase from 2016 (39%) and likely one of the highest rates of youth electoral participation since the voting age was lowered to 18. Our new estimate is based on newly available voter file data in 41 states—AK, DC, HI, MD, MS, NH, ND, UT, WI, WY do not have reliable vote history data by age. This analysis replaces our earlier estimate, released immediately after Election Day, which estimated a 5 to 11 point increase in youth voter turnout compared to 2016 based on data available in that moment.

In recent weeks, we released youth voter turnout in all available states by region: West/Southwest

(<https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-west-and-southwest>)

, South

(<https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-south>)

, Midwest

(<https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-midwest>)

, and East/Northeast

(<https://circle.tufts.edu/latest-research/state-state-2020-youth-voter-turnout-northeast>)

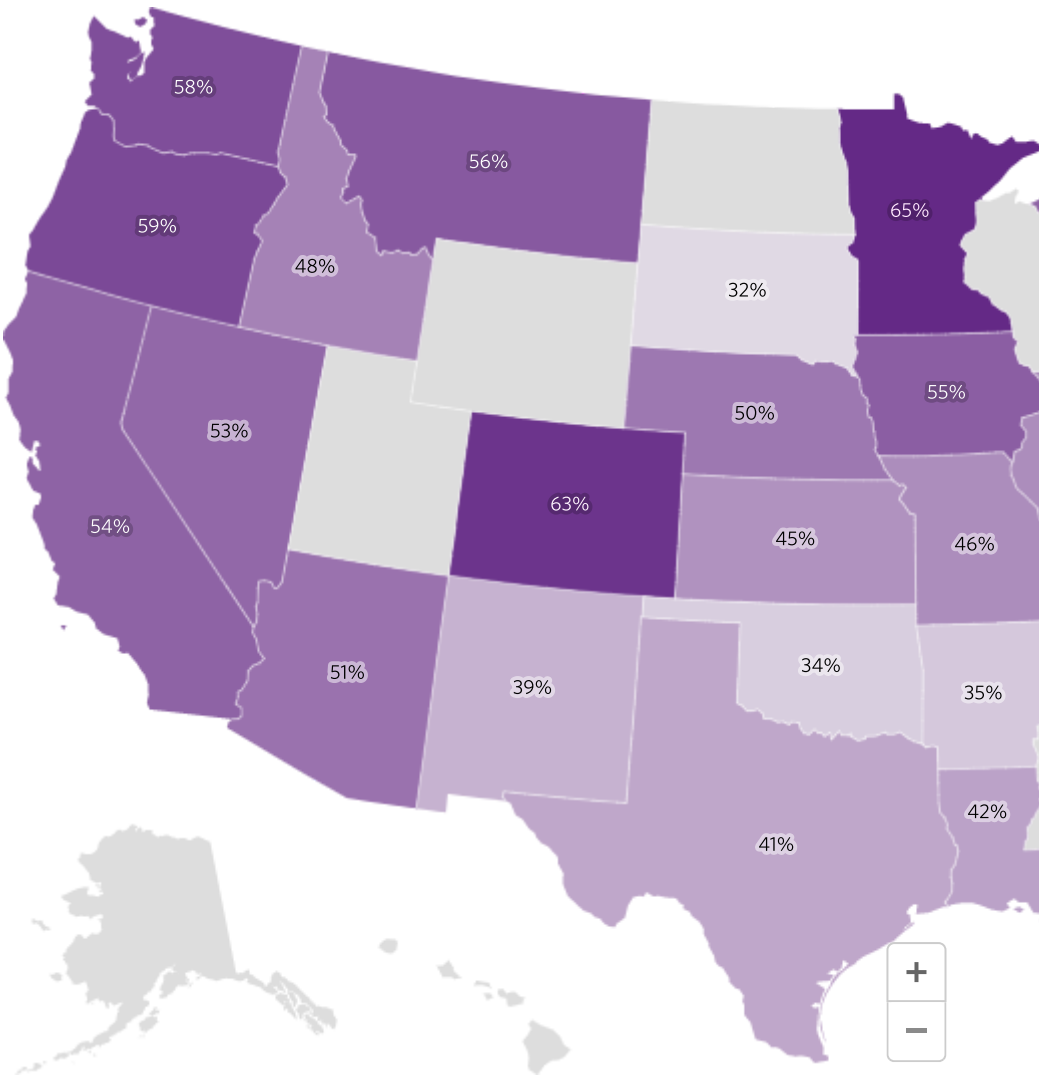
. Those analyses offer more details on several notable states and have now been updated with the latest data.

Our estimates of youth voter turnout rates in more than 80% of states are in some ways a tribute to young people's commitment to political engagement and action in 2020, and their impressive ability to navigate a changing electoral landscape during a global pandemic. The data also allows us to zoom out, look at trends in youth voter participation, and draw some conclusions about what is and isn't working to broaden and diversify the youth electorate. We pay special attention to laws and election administration policies that affect the ease of casting a ballot in each state—from voter registration to vote-by-mail, which can always impact youth voter turnout but may have had especially large effects in 2020, as the COVID-19 pandemic shifted election processes across the country.

2020 Youth Voter Turnout: State by State

Turnout rates for youth ages 18-29 are displayed on the map. Hover over each state to also see turnout for ages 18-19. No data available for states shaded gray.

Voter turnout, ages 18-29



CIRCLE Tufts University Tisch College · CIRCLE

Source: CIRCLE analysis of 2020 Catalyst voter files and population estimates from the Census 2019 American Community Survey

Youth Voting Increased Across the Country

Half of eligible young voters cast a ballot in 2020. However, as is the case in every election cycle, **youth voter turnout rates varied widely across the country:** New Jersey (67%), Minnesota (65%), Colorado (64%) and Maine (61%) had the highest statewide youth turnout rates, while South Dakota (32%), Oklahoma (34%), Arkansas (35%), and New Mexico (39%) had the lowest.

Numerous interconnected factors shape whether youth electoral participation is high or low. These include the competitiveness of elections, how much (or how little) campaigns and organizations reach out to young people (<https://circle.tufts.edu/latest-research/political-outreach-youth-was-effective-2018-midterms>)

, the state's civic culture

(<https://circle.tufts.edu/explore-our-data/rayse-index>)

and civic education policies, the demographic composition of the youth population, and state voting laws—which are discussed in greater detail below—that can either facilitate voting

(<https://circle.tufts.edu/latest-research/facilitative-election-laws>)

or pose barriers for youth. Because there's no single reason why youth voter turnout may be high or low in a state, and no silver bullet if it's the latter, it is crucial to examine these and other factors that may be at play in order to expand the electorate.

Turnout in 2020 was much higher than in 2016, when we estimate (using the same methodology) that 39% of young people cast a ballot. This sizable, 11-point increase builds on young people's momentum from 2018, when youth turnout was record-setting for a midterm year. State-by-state turnout increases between 2016 and 2020 were 9 percentage points on average, but also varied widely. The largest increases in youth voter turnout were in New Jersey (+22), Arizona (+18), and California and Washington (both +17). Notably, with the exception of Arizona, all of those states automatically mailed absentee ballots to all registered voters without voters having to request them. **No states saw a decrease in turnout**, and in only one state (Louisiana) did the youth voter turnout rate remain flat, at 42%, between 2016 and 2020.

Turnout of Newly Eligible Voters Stronger, but Still Lagging

We also estimate that voter turnout among young people ages 18-19 was 46%. This age group deserves special attention because they are the newest eligible voters, so their electoral participation, or lack thereof can provide a window into how well—and how equitably—we are preparing and priming youth to participate in democracy. Additionally, voting is a habit that, when formed and practiced early, is likeliest to persist later in life. But, by the same token, when preparation for voting is inequitable early in life, those inequities can also persist.

Historically, youth ages 18-19 have voted at lower rates than their slightly older peers, and that was once again the case in 2020. However, some states managed to close the gap; in California and Washington, remarkably, voter turnout was actually higher among youth ages 18-19. But in still other states the difference was stark: in South Dakota, where 32% of young people under 30 voted, just 12% of 18- and 19-year-olds cast a ballot. As we mark the 50-year anniversary of the 26th amendment that lowered the voting age to 18, these voter turnout differences by age are a reminder that challenges to achieving equitable participation remain. They also point to **the importance of a Growing Voters framework**

(<https://circle.tufts.edu/latest-research/growing-voters-engaging-youth-they-reach-voting-age-strengthen-democracy>)

that focuses on how the education system, election administrators, and other stakeholders can ensure that we start preparing young people to vote long before they turn 18.

Electoral Laws and Policies Shaped Youth Voter Turnout

Each state has its own election laws and methods of administering elections that can affect voter participation, and the ease of registering and casting a ballot may have taken on even greater importance in 2020 due to the COVID-19 pandemic. These policies may especially affect youth turnout; many young voters are new voters who need to register for the first time and who may be unfamiliar with the process. Young people also tend to move more frequently, which may mean they have to reregister and potentially learn an entirely new set of deadlines and procedures.

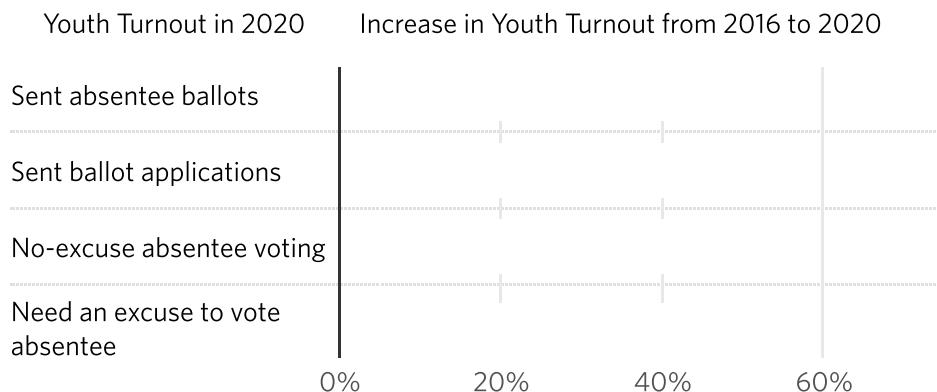
Understanding the effect of electoral policies on youth turnout is especially relevant at a time when the U.S. Congress is considering HR1: For the People Act of 2021. This bill would standardize some election laws across the country and nationally establish: automatic voter registration (AVR), online voter registration (OVR), same-day or Election-Day registration (SDR), early voting, no-excuse absentee voting, pre-registration, and requirements for voter registration programming in high schools. No state currently has all of these provisions in place. But by looking at youth voter turnout in states that already had a majority of these policies in place in 2020, we can examine whether they are associated with higher participation and the potential for HR1 to expand the youth electorate.

We divided states into those with a majority of the electoral policies in HR1 and those with few of the policies, and we found that, on average, states with more of these policies had higher youth turnout. **States with four or more of the HR1 policies had a combined youth turnout rate of 53%, compared to 43% turnout from states with less than four policies.** It appears likely that a number of policies complement each other to create a system and culture of voting that is more conducive to youth participation, and the lack of them may have the opposite effect. That said, it remains to be seen whether the way these policies are implemented at the state level, and the way they might be implemented thanks to HR1 at the federal level, would lead to similar effects.

One area of election policy not included in HR1, but uniquely critical in 2020, was each state's rules regarding vote-by-mail. Many states changed or expanded mail-in voting in response to the pandemic, and the electorate's preferred voting method changed drastically. According to the Survey on the Performance of American Elections, the percentage of voters (of all ages) who cast ballots by mail grew to 46%, more than doubling from 2016. The share of voters who cast ballots on Election Day fell from 60% in 2016 to 28% in 2020.

States took different approaches to mail-in voting in 2020. Some states automatically mailed a ballot to all registered voters—a practice that was already the norm in some states like Colorado and Washington. Others automatically mailed ballot applications. In other states, voters had to request a mail-in ballot, and at the more restrictive end of the spectrum, some states did not allow using the pandemic as a valid “excuse” for voting by mail.

Youth Turnout Was Highest, and Increased Most, In States that Automatically Sent Absentee Ballots to Registered Voters



Note: Increase in youth turnout is expressed in percentage points.

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Source: Voter turnout data from CIRCLE analysis of 2020 Catalyst voter files and population

On average, **youth voter turnout was highest (57%), and had the largest increases over 2016, in states that automatically mailed ballots to voters.** States with the most restrictive vote-by-mail laws, conversely, had the lowest youth turnout: an average of 42%. As some states consider whether to keep some of the changes to ease mail-in voting that they made in 2020, or to eliminate them altogether (<https://www.npr.org/2021/03/08/974985725/georgia-senate-republicans-pass-bill-to-end-no-excuse-absentee-voting>), lawmakers would do well to keep in mind the positive correlation between these policies and young people's voter participation.

Implications for 2022 and Beyond

Whether through national legislation like HR1 or through decisions by state legislatures, the permanence or changes to voting laws and processes will be a key factor in 2022 and in future election cycles. Young people have now voted in record numbers in both 2018 and 2020; that means there's a record number of young people on the voter rolls, but many will need to update their registration, which can especially be a challenge in states without online or automatic registration. It's not a given that the rise in youth voting will continue without concerted efforts from lawmakers, educators, organizers, and other stakeholders to ensure that young people are prepared and encouraged to vote.

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Exhibit A-6

Rock the Registration:
Same Day Registration Increases
Turnout of Young Voters

Rock the Registration: Same Day Registration Increases Turnout of Young Voters

Jacob M. Grumbach, University of Washington
Charlotte Hill, University of California, Berkeley

Studies find that same day registration (SDR) laws increase turnout, but less is known about which kinds of voters are most affected. Young people are disproportionately burdened by traditional registration laws because they frequently change addresses and infrequently interact with government agencies providing registration services. SDR laws, which lower the cost of registration, should increase turnout most among young people. Laws that lower the cost of voting but not the cost of registration should be less effective at increasing youth turnout. Difference-in-differences estimates suggest that SDR disproportionately increases turnout among individuals aged 18–24 (an effect between 3.1 and 7.3 percentage points). The effect of SDR on young voters is especially pronounced in presidential elections. By contrast, the effects of early voting and other reforms are smaller and do not consistently vary by age. The results suggest that expanded SDR may produce a younger electorate.

It was easier to get my medical-marijuana card—not a right, or even federally legal—than it was to register to vote.
—Jocelyn, 27, Massachusetts (*New York Magazine* 2012)

Less than half of eligible Americans under the age of 30 voted in the 2016 presidential election (File 2017), and only 36% voted in the 2018 midterms—far short of senior citizens' turnout (Misra 2019). Activists and scholars alike express concern about low voter turnout among young Americans (e.g., Bogard, Sheinheit, and Clarke 2008; Cohen 2010; McLeod 2000). Moreover, a large body of research suggests that older individuals exert greater influence over American politics than younger people (e.g., Anzia 2018; Campbell 2002; Verba, Schlozman, and Brady 1995). Low participation rates may bear partial blame, leading policy makers to be less responsive to young people.

Can election reform improve turnout among young people? Prior studies have thoroughly investigated the effect of specific voting reforms, such as vote by mail (Berinsky, Burns, and Traugott 2001; Karp and Banducci 2000; Kousser and Mullin 2007; Southwell 2004, 2009; Southwell and Burchett 2000), absentee voting (Karp and Banducci 2001; Patterson and Caldeira 1985), early voting (Gronke, Galanes-Rosenbaum, and Miller 2007; Richardson and Neeley 1996; Stein and García-

Monet 1997), and “motor voter” laws (Franklin and Grier 1997; Knack 1995, 1999; Martinez and Hill 1999; Wolfinger and Hoffman 2001). Other research has investigated differences in voter participation across age groups (e.g., Bhatti, Hansen, and Wass 2012; Wattenberg 2015). However, there has been less focus on how voting reforms may affect age groups differently.

We argue that same day registration (SDR) laws are especially likely to improve voter turnout among young people. SDR laws lower the cost of the major barrier to young potential voters: the registration process. Young people's life circumstances make traditional registration uniquely costly. They are more likely to change residential addresses. They less frequently use government offices that provide registration materials. They have not yet developed habits of voting (Gerber, Green, and Shachar 2003) and may not know where or how to register. SDR laws should make voting less costly for these young voters by combining registering and voting into a single act (Wolfinger, Highton, and Mullin 2005).

By contrast, we expect that early voting (EV) and other laws less focused on registration are unlikely to increase turnout

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Data and supporting materials necessary to reproduce the numerical results in the article are available in the JOP Dataverse (<https://dataverse.harvard.edu/dataverse/jop>). An online appendix with supplementary material is available at <https://doi.org/10.1086/714776>.

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rates for young people. Under EV laws, registered individuals can cast a ballot in advance of Election Day (Burden et al. 2014). Laws such as EV and no-fault absentee voting make voting easier for those already registered, but they do not reduce the cost of registration itself. Because registering is especially costly for young people, we hypothesize that these postregistration laws will be less effective than SDR in increasing turnout among young people.

For this new research question, we improve upon the estimation strategies of prior studies of election reform in two ways. First, we use data with greater temporal coverage of voter turnout and state election laws. Second, we apply recent advances in difference-in-differences techniques to estimate the relationship between election laws and turnout.

The results consistently show a substantial positive effect of SDR on young people's turnout. Difference-in-difference results show an increase of between 3.1 and 7.3 percentage points in 18–24-year-olds' likelihood of voting, a greater increase than for older voters. Consistent with greater use of SDR among young voters, we find that young people are disproportionately likely to report registering at their polling place in SDR states. We also find that SDR is especially effective at increasing young people's turnout in presidential election years, while the effect of SDR on older voters is greater in non-presidential election years.

Further analysis suggests that SDR may have electoral and policy consequences. We predict that the US electorate under expanded SDR would have significantly greater concentrations of voters under 35 and a relatively smaller proportion of older voters—which, due to partisan differences across age groups, has the potential to change outcomes in close elections. We also show that policy attitudes across many issue areas vary significantly by age. Given the potential policy consequences of these differences in opinion, as well as the importance of equal participation in democratic equality (Dahl 2006; Griffin and Newman 2005; Schlozman, Verba, and Brady 2012), the implications of our findings are potentially profound.

Youth have often been at the vanguard of democratic and social movements (e.g., Noguera, Ginwright, and Cammarota 2006; Youniss et al. 2002). Yet with few exceptions (e.g., Holbein and Hillygus 2016), political science has had little to say about how laws may affect young people's participation. This article suggests that reducing barriers in the registration process may be especially effective at increasing the turnout of young people. Further research should investigate how other registration and voting reforms, such as newly implemented automatic voter registration laws and vote by mail, may affect young people differently from older people—and how such reforms may foster greater democratic inclusion (Wolbrecht and Hero 2005).

STATE SDR LAWS

SDR allows individuals to register and cast their vote on the same day. Since its implementation in Maine in 1973, SDR has been adopted by 20 additional states, plus the District of Columbia. In nearly all of these states, voters can register and vote on Election Day; the one exception is North Carolina, which only allows individuals to register and vote on the same day in the lead-up to an election (NCSL 2019a; see table A9 for further details; tables A1–A16 are available online). Descriptively, SDR states tend to have higher turnout than non-SDR states. In the 2012 presidential election, for instance, average turnout was more than 10 percentage points higher in states that allow SDR.

A substantial body of research has estimated the effect of SDR on overall turnout; for instance, Burden et al. (2014, 26) find that SDR “marginally increas[es] turnout if the window for registration is sufficiently long.” Much of this research has focused on EDR states—that is, the subset of states that only allow same-day registration on Election Day itself. These studies generally indicate that EDR laws have a positive effect on turnout. In 1978, Rosenstone and Wolfinger predicted that eliminating registration “closing dates,” after which prospective voters could not register for an upcoming election, would boost turnout by 6.1%. Highton and Wolfinger (1998) later found that EDR laws in fact boosted turnout by a full 8.7%; other scholars have identified a turnout-boosting effect ranging from 3% to 9% (Fenster 1994; Knack 2001). The current consensus is that EDR laws boost registration by “about five percentage points” (Highton 2004, 509; see discussion in Burden et al. [2014, 4]). However, this research has not been updated to reflect the increasing number of states with SDR laws. Eleven of the 21 states with SDR (plus Washington, DC) enacted their laws in 2012 or later (NCSL 2019a), and, to the best of our knowledge, no published study includes data covering this time period.

Other research has addressed how variation in election law and administrative behavior may have heterogeneous effects on individuals of different demographic and identity groups (e.g., Wolfinger et al. 2005). Some studies investigate the effect of election law and administration with respect to race and ethnicity (Bowler, Donovan, and Brockington 2003; Elul, Freeder, and Grumbach 2017; White, Nathan, and Faller 2015). Others look at the relationship between election law and the class distribution of the electorate (Avery and Peffley 2005; Kropf 2012; Rigby and Springer 2011).

Yet variation in the effect of SDR across demographic groups is less understood. To the extent that existing research has explored the heterogeneous effects of SDR laws, it has largely focused on party turnout. Some studies find that SDR laws primarily increase turnout among Democratic voters

(Berinsky 2005; Franklin and Grier 1997; Hanmer 2009; Hansford and Gomez 2010; Knack and White 1998).¹

While little election law research has focused on young voters, a small number of existing studies suggest that removing registration barriers boosts youth turnout. One study found that youth turnout in EDR states is 14 percentage points higher than in non-EDR states in presidential elections and 4 percentage points higher in midterm congressional elections (Fitzgerald 2003).² Similar effects have been seen with other voting reforms that lower barriers to registration; preregistering 16- and 17-year-olds to vote, for instance, increases the probability that youth will vote by between 2 and 8 percentage points (Holbein and Hillygus 2016, 2017). Most importantly for our study, Leighley and Nagler (2014, chap. 4) compare the aggregate turnout of age groups before and after the implementation of EDR, finding that turnout of young voters increases significantly more than that of older voters.

In addition to covering a longer and more recent time period than earlier studies, we make a number of additional contributions to provide a comprehensive analysis of SDR and age. First, we theorize mechanisms behind an age-conditional effect of SDR. Second, we offer an array of statistical models, using a variety of both individual-level and aggregate data. Third, we investigate additional heterogeneity in the age-conditional effect by election type. Finally, we investigate the potential downstream effects of SDR on election and policy outcomes.

THEORY OF REGISTRATION COSTS, VOTING COSTS, AND TURNOUT AMONG YOUNG VOTERS

Young voters and registration barriers

To understand why young voters may disproportionately benefit from SDR, we consider the potential outcomes of four types of individuals (following concepts from experimental and instrumental variable designs): never-voters, defiers, compliers, and always-voters. In a given election, never-voters do not wish to vote, and they will not vote even if SDR is present. Similarly, always-voters will definitely vote in the election, regardless of whether an SDR law is in place. Defiers will vote only when

SDR laws are not present; theory presumes that this type of voter is either rare or nonexistent. Compliers, on the other hand, are potential voters: eligible voters who wish to vote but only will do so in the presence of SDR. Even if they are inclined to vote in the election, compliers need the help of SDR to lower the cost of registration sufficiently to make voting worth their while. By lowering the cost of registration, SDR makes it possible for these potential voters to become actual voters.

One possibility for why SDR may disproportionately increase youth turnout is that there is a greater proportion of compliers among young voters than among older voters. That is, because they face especially high registration costs (discussed below), young voters disproportionately rely on SDR. Conversely, because their costs of registration are lower, older voters are more likely to be always-voters (or never-voters) who will definitely vote (or not vote) in a given election, regardless of the presence of SDR.

There are reasons to believe that voter registration is a larger obstacle to turnout among young people than among other age groups. Young people cite lack of registration as the number one issue preventing them from voting (Rogowski and Cohen 2015, 38), and they express greater interest in registering to vote than other age groups (Pew Charitable Trusts 2017). Registration may be especially problematic for young people due to their particular stage of life: in comparison to older adults, who are typically settled in one place and job and may no longer be caring for children, “young adults are struggling to succeed in their professional lives, are occupied with starting a family and securing their family’s income” (Goerres 2007).

Young people are also far more likely to move than their older counterparts, a life-cycle effect with clear ramifications for their voting behavior (Ansolabehere, Hersh, and Shepsle 2012). Previous research finds that requiring people to reregister after moving “constitutes the key stumbling block in the trip to the polls,” reducing voter registration rates (Squire, Wolfinger, and Glass 1987, 45). People between the ages of 18 and 29 change addresses more than twice as frequently as those over the age of 30 (US Census Bureau 2016). Many relocate for college just as they become eligible to vote; in one study, more than half of people between the ages of 18 and 21 who reported having moved in the previous year cited education or schooling as a major reason for relocating (Taylor et al. 2008). Unless they are moving within a state with automatic voter registration, these young people must reregister to vote every time they move. We show in figure A6 (figs. A1–A10 are available online) that young people move residences more frequently and that recently moving is negatively associated with voting.

Another potential reason for SDR’s disproportionate impact on youth voters is that political campaigns and organizations may prioritize mobilizing young people (as opposed to other

1. However, Neiheisel and Burden (2012) find that EDR laws in particular “actually decreased the Democratic share of the two-party vote for president,” because the voters who take advantage of EDR “tend to have higher levels of education and income, factors that also make them likely to vote Republican.” Yet increasingly, education and income do not predict support for Republican candidates (Pew Research Center 2016, 2018). Moreover, recent research by Burden et al. (2017) finds that EDR now benefits Democrats, while EV helps Republicans.

2. Our study differs from Fitzgerald’s. We increase the sample size (from $n = 1,718$ to $n = 1.6$ million individual observations) and use estimation strategies beyond cross-sectional regression.

age groups) in states with SDR laws. Under traditional registration laws, campaigns, interest groups, and activists have little incentive to contact unregistered people after the registration deadline has passed. Under SDR, however, they have an opportunity to mobilize unregistered people during the lead-up to Election Day and even on Election Day itself. Young people make for especially attractive mobilization targets under SDR: not only are they disproportionately unregistered, thus composing a large pool of potential voters, but their voting behavior is less crystallized than that of older Americans, creating an outsize opportunity for parties and interest groups to influence their turnout decisions.³ It may be especially valuable for parties and political organizations to engage with young people before their identities and attitudes are crystallized for the long term (Beck and Jennings 1991; Plutzer 2002).

Mobilization efforts may be particularly effective at boosting turnout among young people, as compared with other age groups (Bennion 2005). As one study put it, “when ‘get out the vote’ efforts are directed at young, first-time voters (e.g. college students), the payoffs are considerable” (Iyengar and Jackman 2003, 3). Moreover, once young people are registered, they are highly likely to vote. In the 2008 presidential election, for instance, 84% of registered voters between the ages of 18 and 29 cast a ballot (CIRCLE 2018), very close to the 88% of registered seniors over 65 who turned out to vote (File and Crissey 2012).

Even if young people are not directly mobilized by political groups, however, they may still be motivated to vote after contact with other actors, such as the media and their peers (e.g., Bhatti and Hansen 2012; Gerber, Karlan, and Bergan 2009). Media coverage, as well as peer contact in person and on social media, ramps up as Election Day approaches. In states with registration deadlines in place, however, much of this mobilizing stimulus may come too late; in the 2008 election, for instance, when unregistered young people were asked why they had not signed up to vote, a full one in five reported that they had missed the registration deadline (Godsay 2010). By making it legal for young people to register up until Election Day itself, then, SDR ensures that young people inspired to vote by late-stage media coverage or social pressure can still cast a ballot.

Both of our arguments, about the greater proportion of potential voters among young people and about mobilization, suggest that SDR may have a larger effect in presidential elec-

tions than midterm elections. Young voters are disproportionately activated by high-salience election environments (Jackson 2000). In highly salient presidential elections, many young people are likely to move from never-voters to compliers, hoping to vote but only when the costs of registration are sufficiently low. Older individuals, by contrast, are less affected by election salience and more likely to have established habits and identities around voting. Accordingly, they are more likely to already be always-voters who benefit little from SDR laws in presidential years. (Descriptively, turnout among voters ages 18–29 in presidential elections is already often double that of midterm elections, a much greater difference than for older voters.)

In addition, the importance of campaign, media, and social mobilization for young people also leads us to expect a greater SDR effect in presidential elections. Political campaigns invest more in voter mobilization in presidential election years (Bergan et al. 2005; Jackson 1996), and several recent presidential campaigns have been especially effective at connecting with and turning out young voters (Pomante 2017). Similarly, news media cover presidential campaigns more than their congressional counterparts (Flanigan and Zingale 2006), and social pressure is also presumably greater. By incentivizing groups to mobilize an even broader range of young people, and by providing an opportunity for these youth to vote up until Election Day itself, SDR should amplify this turnout increase even further. Mobilization is unlikely to be as important for older voters, who are much more likely to already be registered and have calcified habits.

Young voters and other electoral reforms

In contrast to SDR, we expect policies focused on lowering the cost of voting—but not registration—to be less effective at increasing youth turnout. Early voting (EV) laws, which allow registered voters to vote ahead of Election Day, are a prominent example of such a policy. While EV laws make voting more convenient for those already prepared to cast a ballot, such as older voters with a long history of civic engagement, they do nothing to alleviate the voter registration burdens facing younger voters. Because EV laws fail to address registration barriers while making it easier for seasoned voters to participate in elections, we hypothesize that EV will not have a greater effect on turnout of younger individuals than older individuals.

No-fault (unrestricted) absentee voting laws similarly reduce the cost of voting by providing an alternative to in-person voting. Absentee voting allows voters to avoid potentially long lines at polling places and may be especially beneficial for individuals who work or are otherwise busy during daytime voting hours, as well as rural voters (e.g., Oliver 1996). But like EV, no-fault absentee voting does not

3. Campaigns and organizations attempt to mobilize young people during election years (e.g., Miller, Reynolds, and Singer 2017; Nickerson, Friedrichs, and King 2006), and parties and grassroots organizations alike actively try to “rock the vote” for young individuals who are newly eligible to cast a ballot (Burgess et al. 2000; Green and Gerber 2001; Rogowski and Cohen 2015, 39).

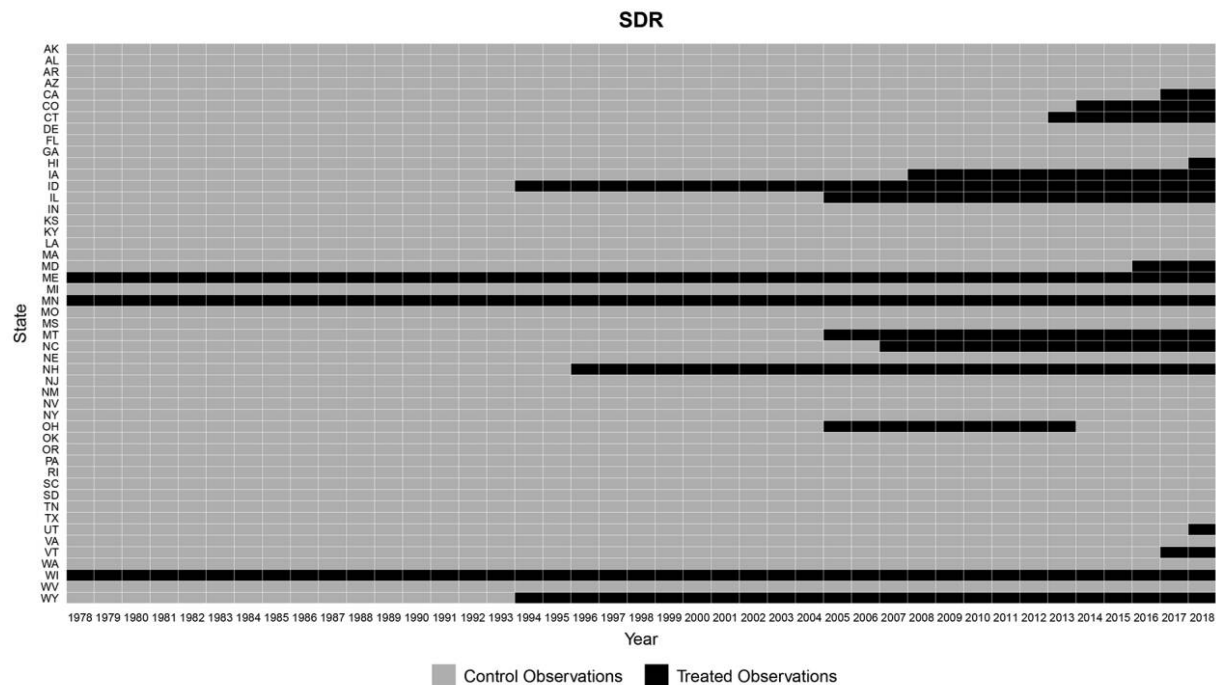


Figure 1. Implementation of SDR in the US states

affect young people's disproportionately costly registration and also does not interact with (and may even diminish) the role of organized mobilization efforts, media coverage, and social pressure. Like for EV, we hypothesize that no-fault absentee will not increase turnout as effectively as SDR among young voters.⁴

METHODS

Some studies define SDR relatively narrowly, conceptualizing it separately from Election Day registration (EDR). In their view, SDR encompasses laws permitting people to register and vote up to, but not including, Election Day. By contrast, we view SDR as an umbrella concept that captures any law allowing people to register and vote on the same day. Since EDR allows same-day registration and voting, albeit only on Election Day, EDR falls under the broader SDR umbrella. Our definition follows the US Election Assistance Commission's approach of definitionally grouping together laws that permit "registering to vote on the same day in which a vote may be cast" (Election Assistance Commission 2008, 8).

4. We similarly do not expect voter ID laws to disproportionately affect turnout among young people. Although the effects of voter ID laws remain somewhat unclear (Fraga and Miller 2018; Grimmer et al. 2018; Hajnal, Lajevardi, and Nielson 2017), both young and elderly individuals are less likely to possess identification than middle-aged people. We estimate the effect of voter ID and additional election laws on turnout by age in fig. A7.

Data on SDR state laws come primarily from the National Conference of State Legislatures (NCSL 2019a, 2019b); however, because NCSL lists the year of SDR enactment, rather than implementation, we update these data using information from state government reports and news coverage identifying the first election in which a given SDR law was used. Data on state early voting laws (fig. A4) and no-fault absentee voting laws are from Boehmke and Skinner (2012), Biggers and Hammer (2015), Grumbach (2018), and the US Election Assistance Commission (2015); voter ID data come from Biggers and Hammer (2017) and Jordan and Grossmann (2020). Our data cover the years 1978 through 2018 (see fig. 1).⁵

We collect data for the dependent variable, voter turnout, from the Census Current Population Survey (CPS) Voter Supplement. The CPS Voter Supplement is a biennial survey of approximately 60,000 households,⁶ which affords us a large sample for quite precise estimates. Our individual-level models use over 1.6 million observations. Like all prominent self-reported measures of voter turnout, the CPS turnout question is known to suffer from overreporting. However, studies suggest that this overreporting is unlikely to introduce bias to estimates

5. We exclude North Dakota, which does not require any form of voter registration, from our analysis.

6. The CPS is administered every month in order to track unemployment and other labor market dynamics. Biennially, the CPS produces the Voter Supplement in November with survey questions related to voting.

of the relationship between election laws and turnout (e.g., Burden et al. 2014, 101; Highton 2005).⁷

The CPS data also contain the age variables necessary to estimate the effect of election laws on the turnout of different age groups. The CPS measures specific yearly age. In our main analyses, we group individuals into conventional age categories: 18–24, 25–34, 35–44, 45–54, 55–64, and 65 and above.⁸ The groups are of roughly comparable population size, except for the 18–24 category, which is a smaller group in the population (9.5% of the US population in the 2010 census, compared to 13.5% on average for the other groups).⁹

While the CPS is the canonical data set for studies of election law and turnout (Alvarez, Bailey, and Katz 2011; Nagler 1991), as a robustness check, we replicate our analyses with data from Fowler (2017) in figure A3. Despite these data being limited to 2010–16, the results are consistent (though somewhat imprecise).

Electoral reform does not happen in a vacuum; confounding variables may lead states to both implement SDR and have higher voter turnout. In this section, we describe our multifaceted strategy to avoid such confounders. Most studies of the effect of SDR on turnout have used traditional ordinary least squares (OLS) and maximum likelihood estimation with controls for demographic characteristics that might affect turnout (e.g., Brians and Grofman 2001; Highton 1997; Knack and White 2000). Burden et al. (2014) augment their regression analysis with matching and difference-in-differences analysis to mitigate the threat of confounders (see Hanmer [2009] for discussion of threats to causal identification in studies of turnout).

Our main estimates come from a difference-in-differences design, which exploits variation within states across time, protecting against time-invariant characteristics of states that may affect both SDR and turnout.¹⁰ We fit difference-in-differences models on both individual-level and aggregate state-level data, using state and year fixed effects. With the individual-level data, we are able to include individual-level covariates for census-categorized race (white, black, Native American, Asian, Pacific

Islander/Native Hawaiian, multiracial, and other race), gender, family income, and education (Wolfinger and Rosenstone 1980). With the state-level data, we are able to include covariates for the percentage of the state that is white, the percentage that is Asian, and the percentage that is black; the percentage of the state living under the federal poverty line; and the percentage that is a college graduate or above. Additional information on covariate measurement can be found in the appendix, available online (“Covariate Measurement”).

The aggregate state-level data allow us to supplement our two-way fixed effects model with a weighted fixed effects (WFE) estimator (Kim and Imai 2017).¹¹ Because the weighting procedures of WFE reduce statistical precision considerably and our effective sample size is small, we primarily use it as a substantive robustness check.

All of our difference-in-differences specifications assume parallel trends across SDR and non-SDR states. Although this assumption cannot be directly tested, we support it with an event study design in the appendix (“Event Study Analysis”) that sheds light on pretrends and long-run treatment effects. The event study is based on a model with state and year fixed effects that interacts treatment assignment with an indicator of the years until (or after) SDR treatment. The results, shown in figures A1 and A2, corroborate our main findings about the SDR effect for young people (in absolute terms and relative to older age groups).

We also supplement our difference-in-differences analysis with a matching design (table A6), comparing differences in turnout between demographically similar individuals in SDR and non-SDR states in the same election, and with a placebo analysis that tests for postmatching differences in turnout between states that will later adopt SDR and those states that never adopt SDR (table A7).¹² Through these multiple design strategies (including nonparametric tests), we improve on previous estimation strategies.

RESULTS

We first present descriptive averages of turnout by age and SDR laws in figure 2. The probability of voting for 18–24-year-olds increases by 6.9 (raw) percentage points under SDR, but only 2.5 percentage points for 55–64-year-olds and 4.9 percentage points for people 65 and over. These correlations are

7. Following convention (e.g., Burden et al. 2014, 101), we code individuals who respond with “Refused,” “Don’t know,” or “No Response” as nonvoters. As a robustness check, we replicate the main analysis excluding these individuals in fig. A9. The results are consistent.

8. We use age categories because the conditional effect of election laws may not vary linearly by age. An alternative strategy is to use a continuous age variable with quadratic and/or cubic terms. The results are substantively consistent. We opt for the age categories for purposes of substantive clarity.

9. We provide statistics on the age composition of the US population in table A12.

10. Specifically, within-state changes in turnout in SDR vs. non-SDR years are compared to within-state changes in states that do not implement SDR.

11. Goodman-Bacon (2018) shows that under varying treatment timing across units, unbiased two-way fixed effects requires the assumption of a time-invariant within-unit treatment effect. WFE relaxes this assumption but at the cost of precision.

12. Although the placebo test is successful for young voters, these matching estimates rely on the selection on observables assumption and thus should be interpreted as more descriptive than causal.

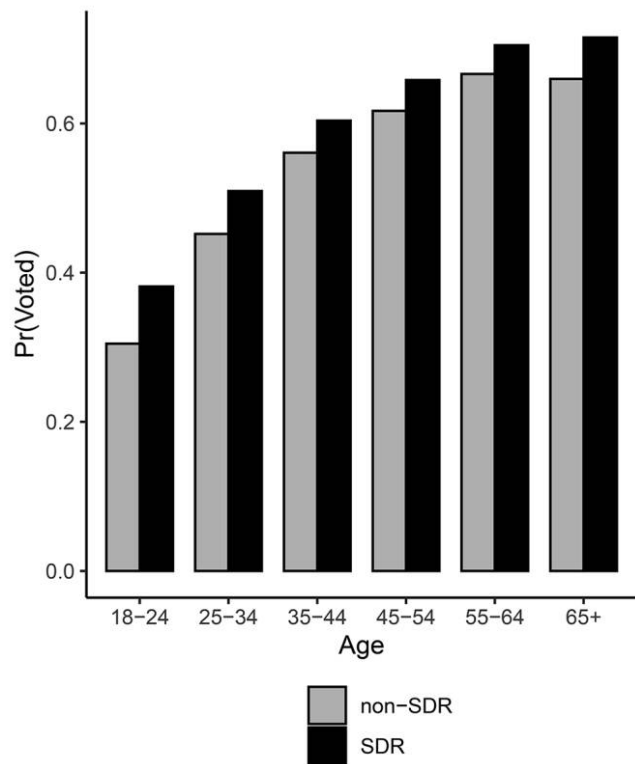


Figure 2. Average turnout by SDR and age

consistent with our theory of heterogeneous effects by age. The next section turns to our difference-in-differences design.

Difference-in-differences results

Figure 3 plots the effect of SDR from separate difference-in-differences model specifications along with 95% confidence intervals. For 18–24-year-olds, the individual level models show a 3.23 and 5.41 percentage point increase in turnout for the bivariate and covariate-adjusted specifications, respectively. When including state-decade fixed effects or state-specific linear time trends, the marginal effects range from 4.84 to 7.27. The aggregate state-level models show effects of 3.10 (bivariate) and 3.51 percentage points (controls). By contrast, SDR effects for individuals aged 25 and over, and especially for those 35 and over, are smaller within specifications. Estimates for groups 35 and over range from -0.99 to 4.49 . With the exception of the WFE specification, the 18–24 coefficient is significantly greater than each of the coefficients for groups 35 and over ($p < .05$).

The WFE specification shows a 6.14 percentage point effect of SDR on the turnout of 18–24-year-olds, with a very similar estimate for 25–34-year-olds. As expected, the traditional fixed effects specifications produce estimates with considerably smaller variance than WFE.¹³ In turn, although the SDR effect is

again greatest for young voters, the estimates are not significantly greater than those of 45–54-year-olds ($p < .05$ level). As an additional robustness check, we provide a lagged dependent variable model in table A13.

Finally, we run additional difference-in-differences analyses interacting other election laws—early voting, no-excuse absentee voting, and voter ID—with age (fig. A7). Unlike SDR, these reforms show similar turnout effects across age groups and smaller turnout increases for young voters relative to SDR.

Effect of SDR is concentrated in presidential elections

We also suspected that the effect of SDR on youth turnout would be concentrated in presidential elections. Figure 4 compares the marginal effect of SDR laws on the probability of voting by age group in presidential and nonpresidential elections.¹⁴ The estimates in black represent presidential elections, and the estimates in gray represent nonpresidential elections. The full models used for these estimates, which we subset to presidential or midterm election years, adjust for individual race, gender, and income and include state and year fixed effects; detailed results are shown in table A11.

The results show that the effect of SDR is conditional not only on age, but on age and the occurrence of a presidential election. For individuals aged 18–24 and 25–34, the effect of SDR is substantially greater in presidential elections than nonpresidential elections. SDR affects individuals aged 35–44 and 45–54 similarly across election types. The effect of SDR is noticeably smaller in presidential election years for individuals over 45, and especially over 55. It may be that, during high-salience (presidential) elections, older Americans register to vote well in advance of registration deadlines, making SDR laws less necessary, whereas in low-salience elections, they learn about the election closer to Election Day, at which point they need SDR to both register and vote.

SDR makes young voters more likely to register at a polling place

Figure 5 shows the effect of SDR on the probability of registering at a polling place. Marginal effects are based on individual-level difference-in-differences models that interact SDR with each age category. SDR increases the likelihood that younger people register at the polling place relative to alternative methods, such as registering at the Department of Motor Vehicles, a public assistance agency, a school, a hospital, a town hall or county/government registration office, or a registration drive, or by internet or mail. The relationship between SDR and the

13. This is due to the weighting and aggregation procedures of the WFE procedure (Kim and Imai 2017), especially the arbitrary autocorrelation correction used in WFE standard errors.

14. A descriptive plot of turnout by age group in SDR vs. non-SDR states can be found in fig. A5.

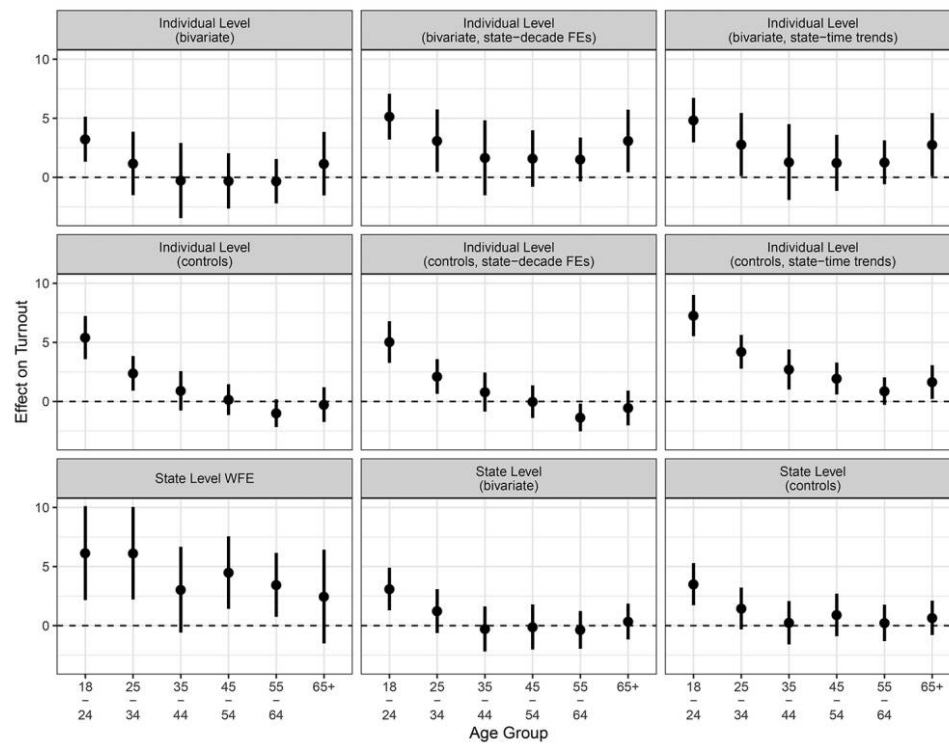


Figure 3. Difference-in-differences effect on turnout by age. All models include state and year fixed effects (FEs). State-decade fixed effects specifications include three fixed effects for each state (1978–90, 1992–2004, and 2006–18). State-time trends specifications also include state fixed effects interacted with a linear time trend. State-level models use aggregated state-level data ($N = 980$ for each age group model). Individual-level covariates include race, gender, income, and education. State-level covariates include percentage white, percentage black, percentage Asian, poverty rate, and percentage college graduates or above. Full regression results are presented in tables A1–A4. Robust standard errors are clustered by state. In addition to heteroskedasticity, WFE standard errors allow for arbitrary autocorrelation.

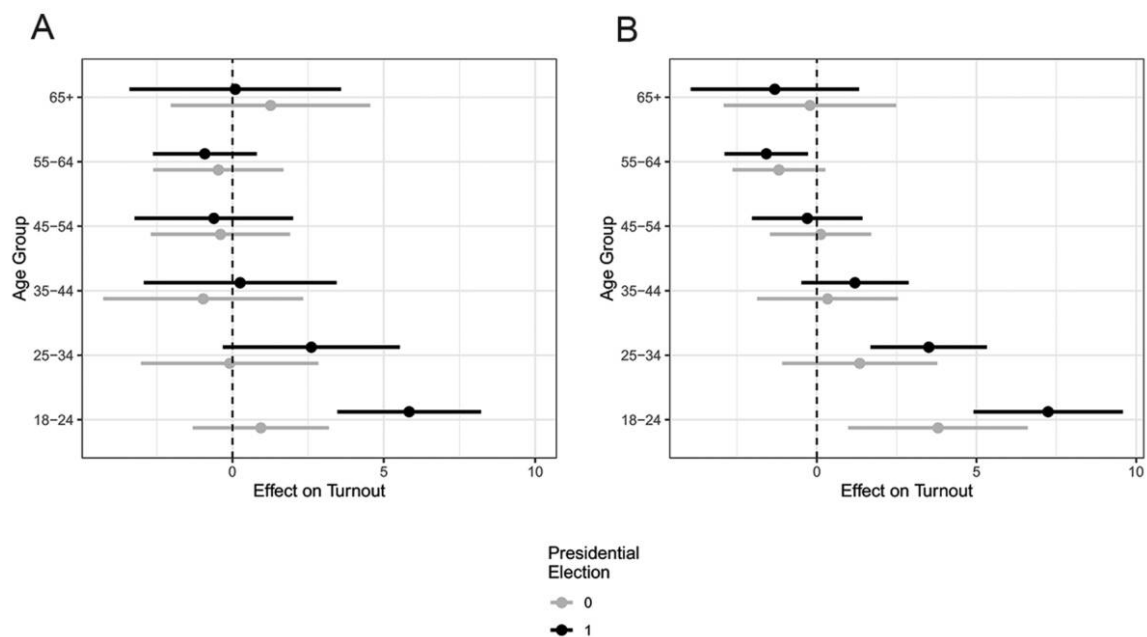


Figure 4. Effect of SDR in presidential and nonpresidential elections. A, Bivariate difference-in-differences. B, Difference-in-differences with controls. Predicted probabilities and 95% confidence intervals are derived from separate models for midterm and presidential elections. Models use individual-level data and include state and year fixed effects. Robust standard errors are clustered by state.

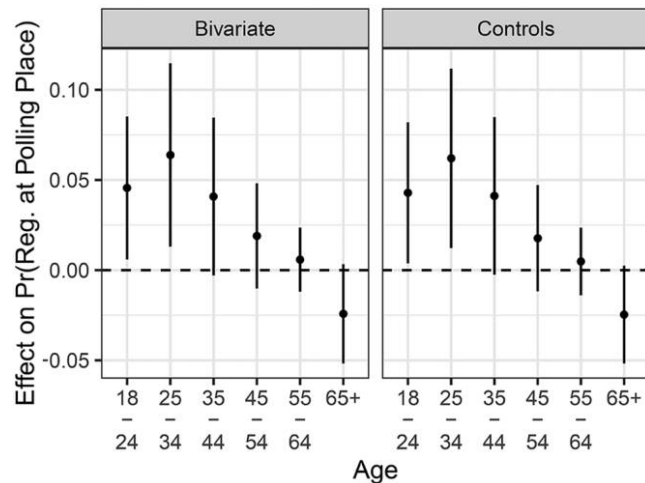


Figure 5. SDR and probability of registering at a polling place. Models include state and year fixed effects. Robust standard errors are clustered by state. CPS data cover years 1996–2018; $N = 527,881$.

likelihood of registering at one's polling place varies by age. SDR makes people under 45 between 4 and 7 percentage points more likely to register at their polling place, whereas voters over 55 receive no such boost.

SDR makes the electorate younger

As noted earlier, age groups make up different proportions of the US population. We estimate population effects to see how the composition of the electorate would change under expanded SDR. In figure 6, we predict the change in the age composition of the US electorate if all states were to allow for SDR. We first estimate the predicted probability of voting by age group under counterfactual scenarios of all states with SDR and no states with SDR (using the individual-level bivariate and control specifications in fig. 3). For each counterfactual, we then weight these probabilities by the number of individuals of each age group in the population from the 2010 census. We divide this estimate (the number of voters from each age group) by the total number of voters to estimate each group's percentage of the electorate.

Figure 6 plots the difference in percentage of the electorate from each age group under full SDR and no SDR, along with 95% confidence intervals around the predictions. The shares of 18–24-year-olds and 25–34-year-olds in the electorate increase under SDR. Mechanically, this also means that older voters make up a smaller part of the electorate under SDR. It appears that universal statewide adoption of SDR would make the electorate younger.

A younger electorate could have major consequences for both election results and policy outcomes.¹⁵ Previous research

15. See fig. A10 for an original analysis of policy preferences by age group. We find that policy attitudes vary greatly by age, with young Americans holding more liberal stances on most issues.

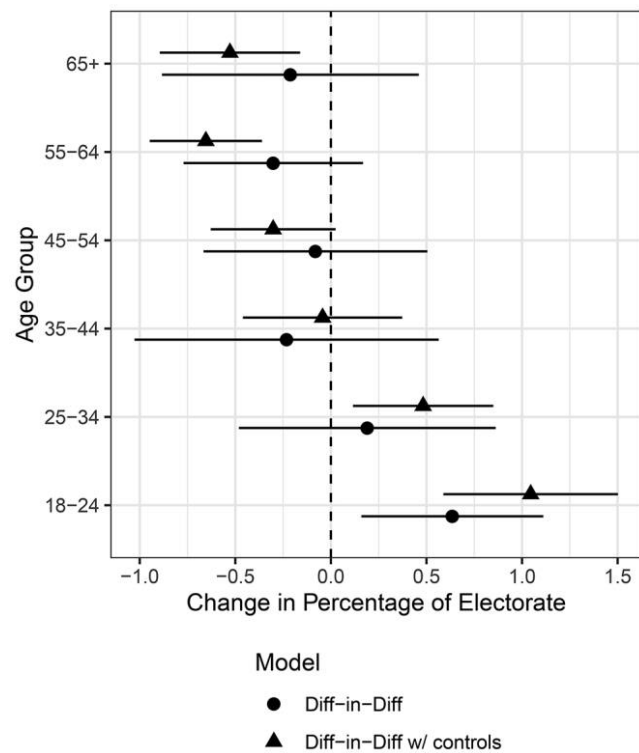


Figure 6. Change in age composition of electorate under SDR

has estimated the impact of universal turnout on election outcomes; since nonvoters lean slightly more Democratic than voters, universal turnout would likely increase Democratic vote shares by 1.5 percentage points in Senate races (Citrin, Schickler, and Sides 2003; Sides, Schickler, and Citrin 2008). However, because young nonvoters are even more likely to lean Democratic, expanded SDR would likely change nearly as many election outcomes as universal turnout—including, quite possibly, the result of the 2016 presidential election. The non-SDR state of Michigan, for example, is home to nearly 1 million 18–24-year-olds. If additional voters from SDR were to have voted in the same patterns as real 2016 Michigan voters of their age groups (and if SDR did not meaningfully change other critical election factors such as the geography of turnout), our difference-in-differences estimate implies a counterfactual vote swing for Hillary Clinton of between 19,000 and 28,000 votes, larger than Donald Trump's victory margin in Michigan of 10,704 votes.¹⁶

CONCLUSION

Do election reforms affect younger and older individuals differently? Our analysis of over 1.6 million individuals across

16. We take the partisanship of presidential vote by age group from the Cooperative Congressional Election Study (CCES) data. The substantive point stands when using exit poll estimates instead. Overall, our prediction is relatively conservative given the greater effect of SDR on young people in presidential elections shown earlier.

three decades and 20 elections suggests that they do. In addition to their less-developed voting habits, our theory points to young people's greater propensity to change residences, a barrier to obtaining and maintaining consistent registration. We argue that lowering the costs of voter registration can significantly increase the size of the youth voting population and that doing so may be more effective at increasing the turnout of young people than other election laws. We find that same-day registration laws disproportionately increase turnout among 18–24-year-olds. By contrast, the effect of early voting and absentee laws is smaller for young people and less conditional on age. We conclude from this that electoral reforms can shape the composition of the electorate in important ways; specifically, we predict that universal expansion of SDR would make the overall US electorate slightly younger by increasing the relative proportion of voters 35 and under.

As partisanship varies greatly by age, SDR's effect on the age distribution of the electorate could change electoral outcomes in close races. Selecting new representatives by swinging elections is one way that SDR could improve young people's representation in American politics—but greater turnout could also improve young people's representation if it opens up channels of communication between constituents and politicians (Griffin and Newman 2005, 1207–8), or if reelection-minded politicians self-sanction according to the attitudes of the electorate (Fenno 1978). At present, young adults are dramatically underrepresented in elected office, and public budgets tend to support programs that disproportionately benefit older people.

We also find that SDR has a greater impact on youth turnout in presidential elections. Our theory centers around the potential interaction of mobilization and SDR laws. The 2018 midterm election featured historically high mobilization efforts, especially toward young people. Research should further explore whether SDR's effect on youth turnout varies based on the intensity of organized mobilization efforts, as well as media and social media activity (e.g., Moeller et al. 2013). Researchers should also explore whether and how voter mobilization efforts shift in response to the passage of SDR laws. In theory, SDR should give political groups greater incentive to reach out to young people on Election Day, regardless of whether those young people are currently registered.

Other emerging reforms could also substantially shape the age distribution of the electorate. Further research should pay special attention to automatic voter registration (AVR) laws, in which eligible residents of a state are automatically registered to vote upon interacting with a designated government office or agency, unless they opt out. These laws have diffused across states since 2016. As AVR dramatically reduces the cost of registration, its effect on turnout across age groups will be an important test of our theory. We expect AVR to have

a positive effect on youth turnout. However, states that combine AVR with SDR may increase turnout even more, as SDR further lowers the cost of registration for individuals who do not interact with their state's motor vehicle agency or other AVR administrators.

The implications of our work should be of interest to scholars of both American government and elections, as well as policy makers and elected officials. While SDR laws are currently distributed across Democratic, Republican, and divided-control states (table A10), in this politically polarized era, the two major parties have distinct relationships with democracy and the voting franchise. Although there is evidence that elements of the Democratic Party prefer to keep local elections off-cycle in order to control who votes (Anzia 2014; Hersh 2015), the Republican Party has stronger incentives to oppose reforms that expand the electorate (e.g., Ziblatt 2017), especially reforms that would increase the concentration of voters who lean Democratic, such as young people, people of color, and low-income people.

In those states where SDR laws are passed, other political reforms are likely to follow, as new participants in the political system—young voters in particular—express their policy preferences at the ballot. Past studies find that young people have distinct political attitudes (Cutler and Kaufman 1975; Foner 1974; Neugarten 1974; Rhodebeck 1993), and their electoral participation has been integral to political change over the past century; increasing their participation could significantly influence political outcomes. In political systems that increasingly resemble gerontocracies (Atella and Carbonari 2017; Harper and Hamblin 2014; Pollack 2017), this article points to SDR laws, and lowered registration costs more generally, as mechanisms to bring these changes to fruition.

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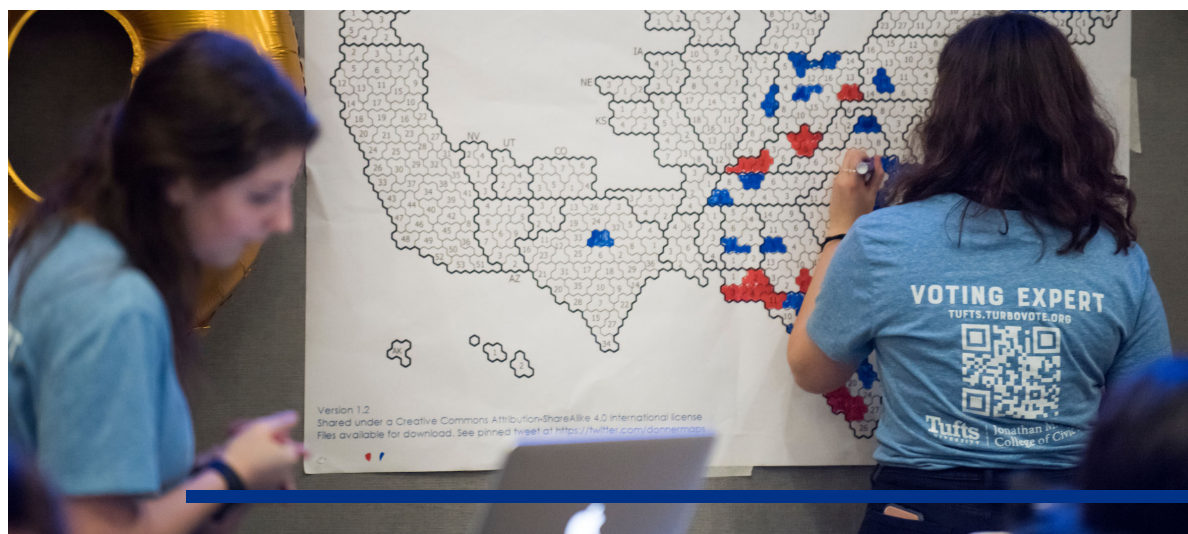
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Exhibit A-7

Broadening Youth Voting

Broadening Youth Voting



YOUTH VOTING IN 2020

Our comprehensive research on the impact of young voters in 2020 is tracking their participation in primaries, their support of presidential candidates, and their views of the race.

[2020 Election Center](#)
(/2020-election-center)

YOUTH VOTING IN 2020

GROWING VOTERS

ENGAGING A BROADER
ELECTORATE

Overview

Voting is a fundamental act of civic participation through which young people contribute to democracy. While it's one of many ways forms that youth engagement can take, it is a powerful way for youth to make their voices heard and to have an impact on issues that affect them and their communities. Their votes can be influential and even decisive. And, because elections happen everywhere, they are universal and frequent opportunities for civic learning and engagement that can also serve as entry points to other forms of participation.

Historically, young people have voted at lower rates than older adults. That may be starting to change: as you can read below, **2018 and 2020 saw major increases in youth voter turnout**. However, there's still much work to do. Our research consistently indicates that election systems and the preparation many young people receive (or fail to receive) to become informed voters are inadequate, leading to significant variations in voting rates by race/ethnicity, educational attainment, and other socioeconomic and demographic factors. When certain groups have more say in what happens in their communities and the nation, we fall short of the premise of our democracy, which relies on participation. At the same time, we miss an opportunity to improve our communities and the systems that develop informed and passionate civic actors by not actively addressing structural barriers to civic learning and opportunities. Thus, broadening youth voting is one of the vital tasks in strengthening democracy.

Latest Research

Early Estimate: 25% of Youth Voted in the 2021 Virginia

Election

(/latest-research/early-estimate-25-youth-voted-2021-virginia-election)

Youth voter turnout was lower than in 2017 and highlights the need for continued efforts to reach and engage all young people.

Preview: Young Voters in the New Jersey and Virginia Statewide Elections

(/latest-research/preview-young-voters-new-jersey-and-virginia-statewide-elections)

Both states had above average youth turnout in 2018 and 2020, but outreach to young people—especially youth of color—remains key for November.

Rural Voices Critical to Equitable Youth Voting and Engagement

(/latest-research/rural-voices-critical-equitable-youth-voting-and-engagement)

These excerpts are part of CIRCLE's 2021 Youth Expertise Series, in which young people share ideas for how to fulfill the promise of the 26th Amendment.

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[\(/latest-research/early-estimate-25-youth-voted-2021-virginia-election\)](/latest-research/early-estimate-25-youth-voted-2021-virginia-election)

Youth voter turnout was lower than in 2017 and highlights the need for continued efforts to reach and engage all young people.

[More Research on Youth Voting](#)

[\(/latest-research/broadening-youth-voting\)](/latest-research/broadening-youth-voting)

Data Tools and Major Reports

Youth Voting and Civic Engagement in America

Our comprehensive data tool features more than 30 individual indicators of young people's participation and the conditions that shape their engagement, including youth voting data from the 2016 and 2018 elections—2020 data will be added in the coming months.

Learn More and Explore the Data

(<https://circle.tufts.edu/explore-our-data/youth-voting-and-civic-engagement-america>)

Report from our Commission on Youth Voting and Civic Knowledge

This 2013 report is the product of major CIRCLE research on young people's civic education and political engagement, and highlights our foundational recommendations for broadening youth voting.

Learn More and Read the Report

(</our-research/broadening-youth-voting/commission-youth-voting-and-civic-knowledge>)

RAYSE: Reaching All Youth Strengthens Engagement

Our exclusive tool provides county-level data on electoral history, population, quality of life, and other factors that influence engagement in order to guide local conversations and investments to increase youth voting and participation.

Learn More and Explore RAYSE

(</explore-our-data/rayse-index>)

Themes and Areas of Research

Youth Voting in Recent Elections

While youth continue to vote at lower rates than older Americans, recent election cycles have provided reasons for optimism—and shown that candidates and campaigns ignore young people at their peril. Youth were an integral part of President Obama's electorate in both his presidential wins, and 2008 youth voter turnout was one of the highest ever recorded. In 2018, a record-high 28% of young people voted in the midterms, more than doubling the record-low 13% youth turnout in 2014. **In 2020, we estimate that 50% of young people cast a ballot**, one of the highest youth turnout rates in decades.

Even more striking is a consequential shift in youth vote choice. In decades past, young people split their votes somewhat evenly between Democrats and Republicans: as recently as 1988, Republican George H.W. Bush won the youth vote on his way to winning the presidency, and as recently as 2002 the national youth vote choice for House candidates was roughly 50-50. **In 2018, youth supported House Democrats by an extraordinary 35-point margin**, and in 2020 by 26 points. The last two Democratic presidential candidates (Clinton and Biden) won the youth vote by 18 and 25 percentage points, respectively.

While it's true that young people generally vote at lower levels than older adults, those from older generations voted at similar rates than today's Millennial and Gen Z youth when they were at the same age. Our analysis has found that, for the first presidential election in which a generation's entire 18-24 age cohort was eligible to vote (1972 for Boomers,

1992 for Gen X, 2008 for Millennials), each participated at about a 50% rate. This highlights that **lower youth voting rates are not a sign of generational apathy**, but of systemic barriers and issues with the culture of political engagement that have plagued young people of various generations for decades.

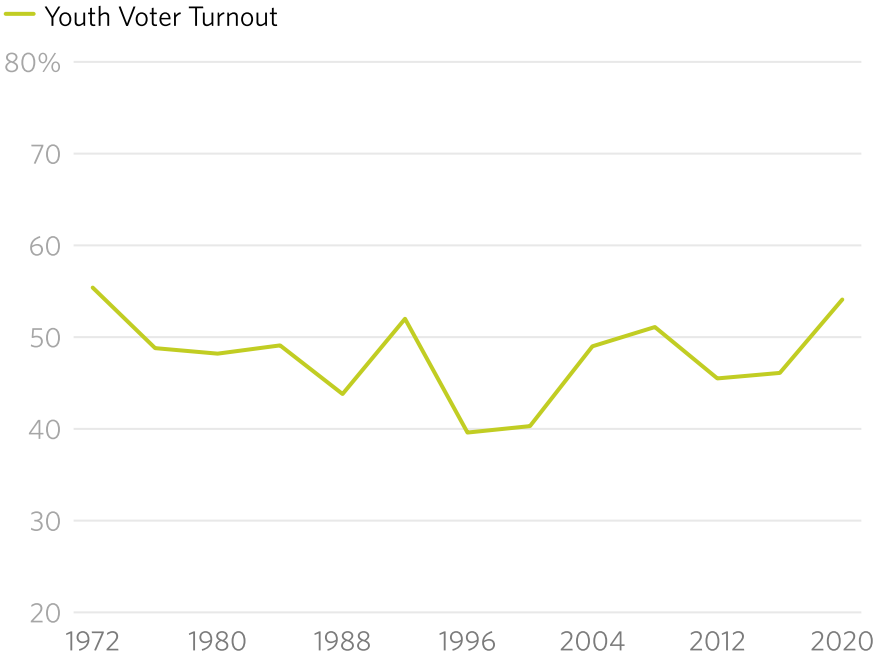
Note: The historical youth voter turnout charts below include our final estimates up to 2018. Our national and state-by-state youth turnout estimates for 2020, which are based on voter files, [can be found here](https://circle.tufts.edu/latest-research/half-youth-voted-2020-11-point-increase-2016)

<https://circle.tufts.edu/latest-research/half-youth-voted-2020-11-point-increase-2016>

. Historical estimates below are based on Census data not yet available for 2020; we will update these charts as data becomes available.

Youth Voter Turnout in Presidential Elections

CIRCLE estimates of the percentage of eligible young voters, ages 18-29, who cast ballots in each presidential election.



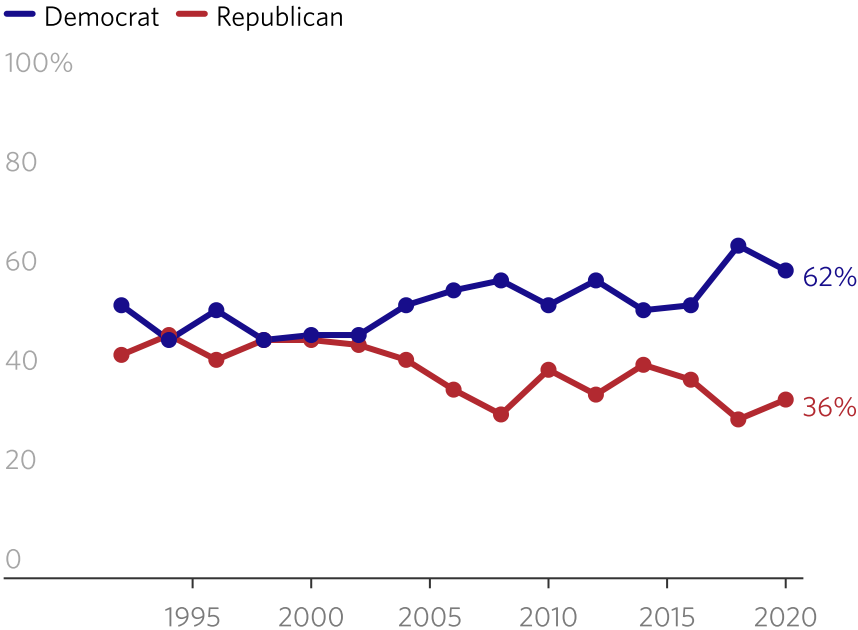
Note that other data sources may produce different estimates.

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Source: CIRCLE analysis of Census Current Population Survey Voting Supplements, 1972-2020

Historical Youth Vote Choice in National Elections

Young people's (ages 18-29) national vote choice for candidates to the House of Representatives. Hover over each point for exact data.



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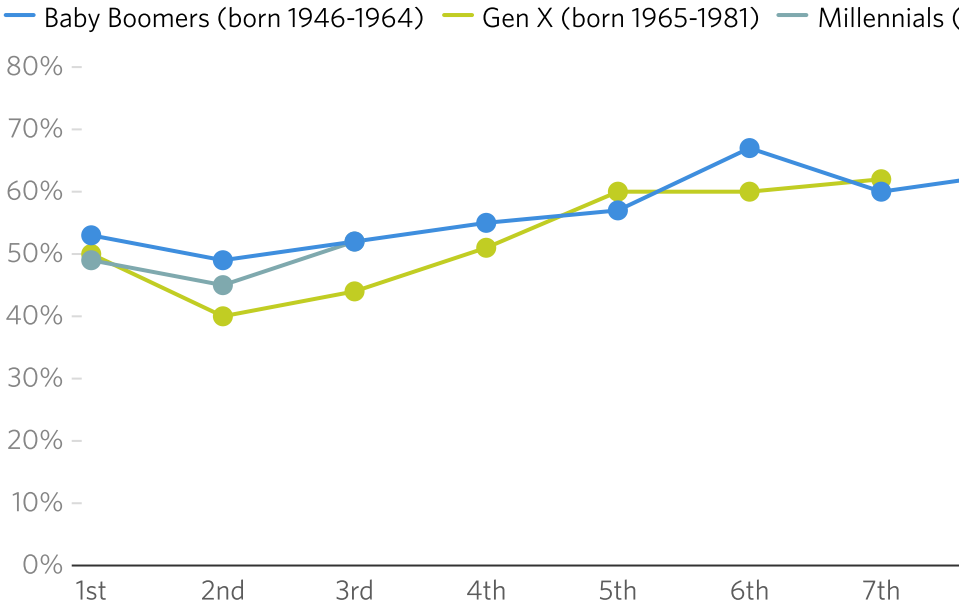
Source: 1992-2018 data from National Exit Polls; 2020 data from AP VoteCast by The
<https://circle.tufts.edu/our-research/broadening-youth-voting#barriers-to-voting>

Millennials, Gen Xers, and Boomers Have Voted at Similar Rates When They Were The Same Age

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in

The voter turnout in presidential elections of each generation (defined by birth years below) in the 1st, 2nd, 3rd, etc. elections in which the entire age cohort (ages 18-24) was eligible to vote.



Note: For Boomers, the first presidential election was 1972, for Gen X it was 1992, and for Millennials it was 2008. We cannot yet produce the same analysis for Gen Z because some members of that generation are still ineligible to vote.

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Read more about:

- [\(2020-election-center\)0](#)
- [\(https://circle.tufts.edu/latest-research/poll/young-people-believe-they-can-lead-change-unprecedented-election-cycle\)](#)
- [\(2018-election-center\)8](#)
- [\(latest-research/equality-county-youth-color-key-democrats-2018\)](#)
- [\(latest-research/youth-engagement-2018-election\)](#)
- [\(2016-election-center\)6](#)
- [\(latest-research/young-voters-2016-general-election\)](#)

Disparities in Youth Voting

It's well-understood that the demographic background (such as race/ethnicity, gender, and educational attainment) of young people often correlates with their vote choice, a pattern that is common across all age groups. What often receives less attention is that lived experiences associated with these and other aspects of young people's identity influence whether they register and vote at all. In particular, some communities of color and youth from other historically oppressed groups are more likely to face barriers to voting and other forms of civic participation.

The 2020 election, which featured heavy mail-in voting and constant changes to election processes due to the COVID-19 pandemic, introduced another element: young people of color—especially Black youth—had less experience with voting by mail and reported having less access to information about how to do it.

Youth without college experience also tend to vote at lower rates than young people in college: for example, in 2018, we estimate that 28% of youth (ages 18-29) voted, while our colleagues at the Institute for Democracy & Higher Education estimate that 40% of college students

(<https://idhe.tufts.edu/sites/default/files/DemocracyCounts2018.pdf>)

(albeit of all ages) cast a ballot. There are also disparities by age: even among youth, the youngest group (ages 18-19) vote at lower rates—and by urbanicity, with young people in rural areas and other places that we've termed "civic deserts" also having lower voter turnout.

Understanding these disparities and the systemic reasons at their core—and using that knowledge to help diverse stakeholders address them—is key to broadening youth voting.

Youth of Color More Likely to Face Barriers to Voting Related to Transportation and Voter ID



Among young people (ages 18-29) who registered but did not vote in 2016, the percentage who cited each option as a reason why they did not cast a ballot.



White Youth Youth of Color

Too busy/Had a conflict on Election Day

58%

34%

Had trouble locating polling place

25%

18%

Had no transportation to polling place

27%

35%

Lines at polling place were too long

23%

28%

Problems with voter ID

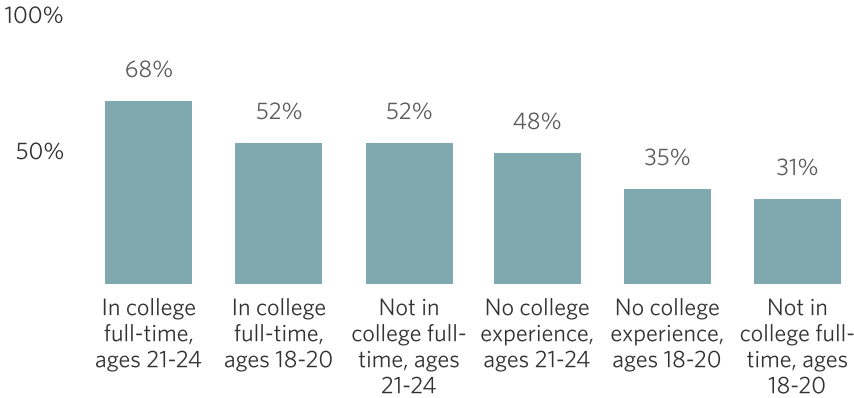
15%

30%

Older Youth, and Youth with College Experience, Were More Likely to be Contacted in 2018



The percentage of each group of young people who reported being contacted at least once by a political campaign during the 2018 election cycle.

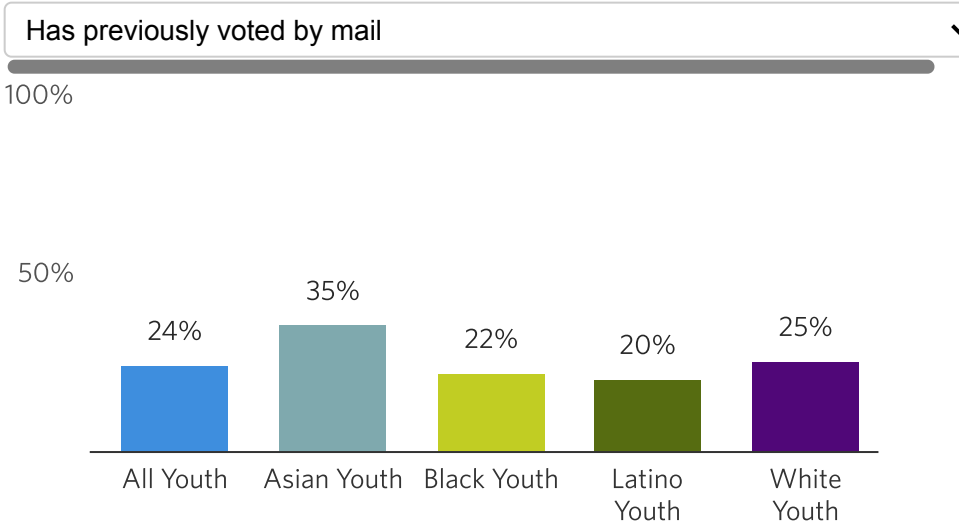


CIRCLE Tufts University Tisch College · CIRCLE
Source: CIRCLE 2018 Post-Election Poll
[Get the data](#)

Awareness of Online Registration and Mail-In Voting, by Race/Ethnicity



The percentage of young people, ages 18-29, for whom each statement is true.



CIRCLE Tufts University Tisch College · CIRCLE
Source: CIRCLE/Tisch College 2020 Pre-Election Youth Poll
[Get the data](#)

Read more about:

<https://circle.tufts.edu/latest-research/black-youth-have-less-experience-and-information-about-voting-mail>
<https://circle.tufts.edu/our-research/broadening-youth-voting#barriers-to-voting>

~~(/latest-research/political-outreach-youth-was-effective-418-midterm)~~18

~~(/latest-research/engaging-broader-youth-electorate-10-recommendations-increasing-voter-engagement)~~ youth

~~(/latest-research/why-youth-dont-vote-differences-race-and-education)~~

~~(/latest-research/youth-unknown-among-teens-shows-need-growing-voters)~~ Growing Voters

~~(/latest-research/political-engagement-trends-among-youth-different-races-ethnicities)~~ es

Barriers to Voting

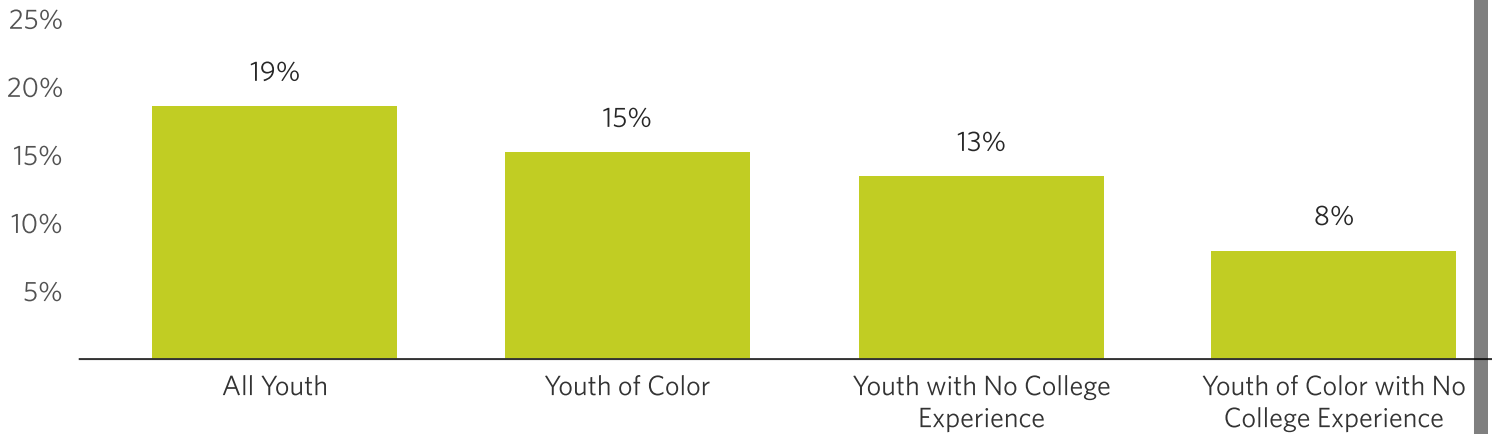
Many believe that most young people are apathetic about politics; research, including ours, shows this is not the case. Young people are passionate about issues and often want to engage in the political process, but they frequently face barriers to participation. Voting in America is not a straightforward process. For instance, there are registration deadlines and requirements that are different in every state, voting may conflict with their work and/or class schedule, absentee voting rules are confusing, they may lack transportation to the polls, etc. Some of these barriers are especially acute for the youngest voters, who may for example struggle to update their voter registration when they move dorms each year in college, or who are less likely to have a driver's license to use as a voter ID. And, as we explore throughout our research, many of these barriers are even more consequential for youth of color and other marginalized young people, which impacts their ability to vote individually, but also their communities' ability to be well-represented and served by our policies and institutions.

Other barriers run deeper: many young people have not been taught about elections and voting, both the practicalities of registering and casting a ballot and the reasons why their voices and votes matter in democracy. As election processes rapidly shifted in 2020 due to the COVID-19 pandemic, we saw how a lack of familiarity with options like voting by mail became a potential hindrance to youth participation.

Moreover, young people are often ignored by political campaigns—which tend to rely on records of previous voting—creating a vicious circle in which candidates do not value youth as voters and, therefore, youth don't value themselves as such either. Identifying and eliminating these barriers to voting requires thoughtful, concerted efforts from multiple sectors.

Youth of Color without College Experience Were Least Likely to Vote by Mail in 2016

The percentage of young voters, by subcategory, who utilized vote by mail in the 2016 election.



Note: Data on "All Youth" and "Youth of Color" is based on young people, ages 18-29, who voted by mail. Data on "Youth with No College Experience" and "Youth of Color with No College Experience" is based on young people, ages 21-29, who voted by mail.

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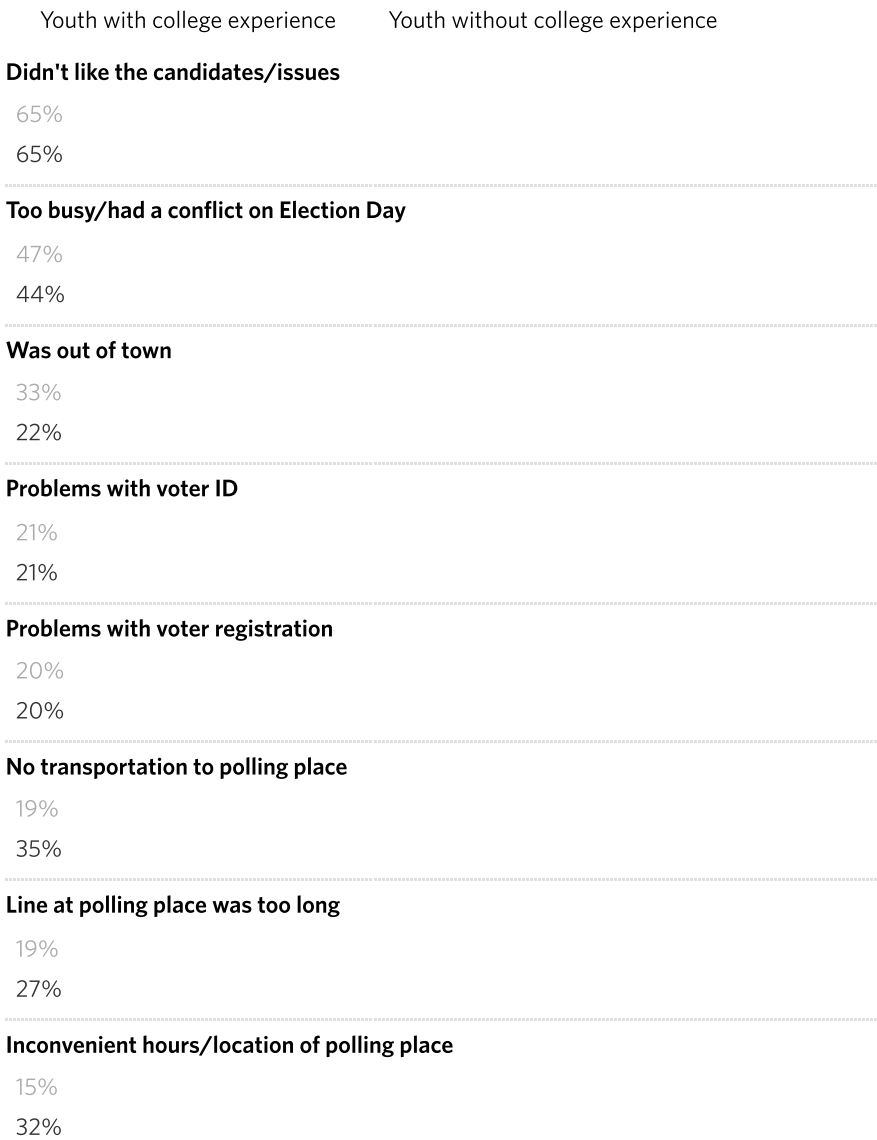
Source: 2016 Survey of the Performance of American Elections

[Get the data](#)

Youth with no college experience more likely to

Lack Transportation, Time to Vote

Among young people (ages 18-29) who registered but did not vote in 2016, the percentage who cited each option as a reason why they did not cast a ballot.



in



Young people were more likely to miss the

Registration Deadline, Not Know How to Register

The percentage of young people and older adults who cited each as a reason why they did not register to vote in the 2010 midterms.

Ages 18-29 Ages 30+

Missed registration deadline

in

Twitter

Election Laws, Outreach, and Other Solutions

The barriers and disparities that prevent all young people from participating equitably in democracy are not immutable. Much of CIRCLE's work has been dedicated to identifying the specific interventions, initiatives, and reforms that will increase and broaden youth voting and civic engagement:

<http://www.teachingfordemocracy.org/> has shown that we must start preparing young people to participate in democracy

Facilitative election laws: Laws that make it easier for young people to register to vote, such as automatic registration, same-day registration, and pre-registration for 16- and 17-year-olds can improve youth voting rates. Our research also supports the idea of lowering the voting age in local elections

Campaign outreach and direct engagement: Young people are much more likely to vote when they're directly asked and encouraged to do so, both by campaigns and by relatives and peers.

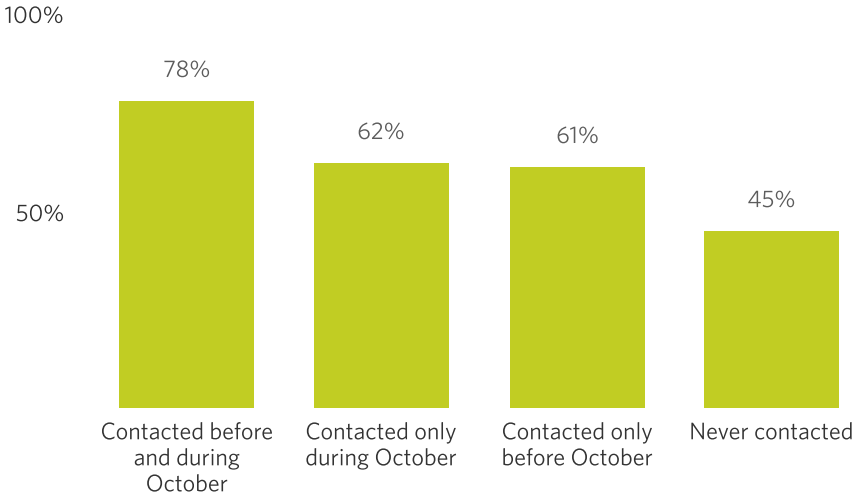
Youth-centered election administration: Local election officials can better understand, accommodate, and include young people as they disseminate information about registration and voting.

A role for everyone: Many stakeholders and sectors of society have a role to play in improving youth voter participation. For example, our research has found that community organizations and nonprofits have extraordinary potential to engage new voters.

Young People Contacted at Multiple Times in the 2018 Election Cycle Voted at Higher Rates



The self-reported voting rate of youth, ages 18-24, who were or were not contacted at various times in the fall of 2018



CIRCLE Tufts University Tisch College · CIRCLE
Source: CIRCLE 2018 Post-Election Poll
[Get the data](#)

Read more about:

- [\(/latest-research/growing-voters-engaging-youth-they-reach-voting-age-strengthen-democracy\)](#) when they turn 18
- [\(/latest-research/youth-turnout-among-teens-shows-need-growing-voters\)](#) teen turnout in 2018
- [\(/latest-research/political-outreach-youth-was-effective-2018-midterms\)](#) in the 2018 midterms
- [\(/latest-research/circle-research-supports-effects-lower-voting-age-local-elections\)](#)
- [\(/latest-research/effective-nonprofit-outreach-improves-voting-rates\)](#) improve voting rates

You can explore other ideas and recommendations for how to support youth civic engagement

[\(/understanding-youth-civic-engagement/how-do-we-support-it\)](#)

In the News

CNN

Young progressives warn that Democrats could have a youth voter problem in 2022

[\(/https://www.cnn.com/2021/11/20/politics/young-progressives-2022-midterms/index.html\)](https://www.cnn.com/2021/11/20/politics/young-progressives-2022-midterms/index.html)

Half of young people ages 18 to 29 voted in 2020, according to research from Center for Information &

Research on Civic Learning and Engagement at Tufts (CIRCLE).

Newsweek

Virginia Losses Are a Warning Shot From Young Voters | Opinion

(<https://www.newsweek.com/virginia-losses-are-warning-shot-young-voters-opinion-1646146>)

Preliminary estimates from CIRCLE suggest that just one in four voters under 30 cast a ballot in this year's Virginia's statewide elections.

<https://www.teenvogue.com/story/republican-voter-suppression-young-people>

Republican Voter Suppression Efforts Could Alienate Young Republican Voters

(<https://www.teenvogue.com/story/republican-voter-suppression-young-people>)

"As some of these state laws may get more nuanced or may get more confusing language added to them, that makes it harder on ... young people to understand what they can do and how they can access having a

voice on issues they care about and that affect them,” CIRCLE Deputy Director Abby Kiesa explains.

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More CIRCLE Research on Youth Voting in the News

([/in-the-news/broadening-youth-voting](https://circle.tufts.edu/our-research/broadening-youth-voting))

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(<https://www.tufts.edu>)

Exhibit A-8

What Really Makes Us Vote? It May Be
Out Parents

THE CHECKUP

What Really Makes Us Vote? It May Be Our Parents

By Perri Klass, M.d.

Nov. 7, 2016

When it comes to casting our votes, we tend to assume that showing up at the polling booth is driven by the issues at stake. But there's some evidence to indicate that voting habits are just that, habits, shaped in part by the practices and routines of our parents when we're still too young to vote.

Now, routine is kind of a magic word to pediatricians; we believe in bedtime routines and family dinner routines, not just as a practical strategy for family life, but as a route to physical and mental health and well-being. In fact, if you look at the American Academy of Pediatrics website for parental advice, you will be told, "Children do best when routines are regular, predictable and consistent."

But voting as a family routine? It turns out that there is evidence in the world of political science and public policy research that lifelong voting habits are formed in childhood and adolescence, and that those issues of routine and habit may be important in determining voter behavior and therefore election results.

When I was growing up, my parents took me with them to vote. I wish I could tell you exactly which presidential election it was that first time (I think I was 6, but maybe I was 10), but I was certainly taken to the polling place and into the booth. My parents would not have considered letting an election go by without voting — local, national, primary, presidential, school board, city council. I'm not sure I'm quite as good a citizen as they were, but I would certainly feel delinquent if I skipped any major election.

Research on voting patterns in the world's advanced industrialized democracies has shown that voting habits are formed early in life; people who vote three times in a row, in the first three elections for which they are eligible, are more likely to be lifelong voters. Joshua Tucker, a professor of politics at New York University, cited work by the political scientist Mark Franklin in 22 countries around the world. "You get this situation whereby if you vote when you're young

in the first three elections, that's likely to predict you continue voting," he said. "If you don't vote in the first three elections for which you're eligible, you're less likely to vote for the rest of your life."

Sign up for the Well newsletter, for Times subscribers only. Essential news on health, fitness and nutrition, from Tara Parker-Pope. [Get it in your inbox.](#)

"Even one failure lowers the chance of voting later," said Dr. Franklin, an emeritus professor at Trinity College. On the other hand, he said, "somebody who's voted three times, they may miss a few but they come back to it. Somebody who's only voted once may never vote again."

This can be problematic for political scientists because it works against rationalist cost-benefit models of voter turnout, which predict that participation is driven by how much the issues matter to potential voters, or by their perception of whether they can influence the outcome of the election.

We vote because we care about the issues, but we also vote because we're in the habit. And voting in those early elections has a strong correlation with developing a longstanding habit. Which brings me back to my early — if slightly indistinct — memory of being taken to the polling place and introduced to the idea that Election Day was a big deal, and that voting was an important ritual and a badge of adulthood.

"Parents have a tremendous influence on the interest people have in politics, the values they bring to politics, and the habits they have with regard to citizenship," said Bruce E. Cain, a professor of political science at Stanford.

It's about seeing your parents vote, as you're growing up, and it's also about political discussions in the home, so those family dinner routines that pediatricians like to recommend may contribute as well. And it's even about participating in political activities — rallies, protests, student government elections — as part of growing up.

"Voting behavior is very much a habit," said Henry Brady, dean of the Goldman School of Public Policy at the University of California, Berkeley. "If you've had the behavior modeled in your home by your parents consistently voting, by political discussion, sometimes by participation, you start a habit formation and then when you become a little older you'll feel it's your duty and responsibility to register and vote." Civics courses are much less effective in transmitting that sense of duty and responsibility, he said.

Those first elections for which they're eligible often fall just as children leave home, and for many young people, registration can loom as something of an obstacle, as their addresses shift and change; registering to vote when you change your address may be another habit which is

best acquired young. And life cycle factors come into play as well, whether it's the influence of peers on a college campus or the evolving impacts of maturity, marriage, parenthood and community involvement.

"Voting is very much about a sense of duty and responsibility," Dr. Brady said. "If your parents have implanted in your mind that there's a duty and responsibility, you're much more likely to vote."

Parents who talk politics and political participation are also more likely to transmit their own partisan feelings and political party identification to their children.

"The most important thing you can say to parents is take your kids to the polling place the same way you would take them to church and talk about it on the way, about how you decide how to vote," Dr. Franklin said.

"The big and compelling need we have in this country is for people to look at both sides of an issue and distinguish between facts and rumors and pseudo-facts," Dr. Cain said.

And having looked at the issues, you need to vote. And the decision to vote may be less about how you feel about any given issue, or even about any given election, and more about those "regular, predictable and consistent" habits that help you grow up in so many ways.

There is no other sense, perhaps, in which those adjectives could be applied to this election season, but I feel sure my parents would be proud to know that on Election Day, my children, their grandchildren, will three for three be wearing "I voted" stickers.

Exhibit A-9

House Bill 506



AN ACT GENERALLY REVISING ELECTION LAWS; ESTABLISHING PRIORITIES FOR DEVELOPMENT OF CONGRESSIONAL DISTRICTS; REVISING PROCEDURES FOR PROSPECTIVE ELECTORS TO REGISTER AND VOTE; CLARIFYING REQUIREMENTS FOR A BOARD OF COUNTY CANVASSERS; ELIMINATING THE EXPERIMENTAL USE OF VOTE SYSTEMS; AMENDING SECTIONS 5-1-115, 13-2-205, AND 13-15-401, MCA; REPEALING SECTION 13-17-105, MCA; AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-1-115, MCA, is amended to read:

"5-1-115. Redistricting criteria. (1) Subject to federal law, legislative and congressional districts must be established on the basis of population.

(2) In the development of legislative districts, a plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable, meaning to the greatest extent possible, within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census. The relative deviation may be exceeded only when necessary to keep political subdivisions intact or to comply with the Voting Rights Act.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that the district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that

prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act.

(3) A district may not be drawn for the purposes of favoring a political party or an incumbent legislator or member of congress. The following data or information may not be considered in the development of a plan:

- (a) addresses of incumbent legislators or members of congress;
- (b) political affiliations of registered voters;
- (c) partisan political voter lists; or
- (d) previous election results, unless required as a remedy by a court.

(4) In the development of congressional districts and under the authority granted to the legislature by Article I, section 4, of the United States constitution, a congressional districting plan is subject to the Voting Rights Act and must comply with the following criteria, in order of importance:

(a) The districts must be as equal as practicable.

(b) District boundaries must coincide with the boundaries of political subdivisions of the state to the greatest extent possible. The number of counties and cities divided among more than one district must be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions must be divided before the less populous, unless the boundary is drawn along a county line that passes through a city.

(c) The districts must be contiguous, meaning that a district must be in one piece. Areas that meet only at points of adjoining corners or areas separated by geographical boundaries or artificial barriers that prevent transportation within a district may not be considered contiguous.

(d) The districts must be compact, meaning that the compactness of a district is greatest when the length of the district and the width of a district are equal. A district may not have an average length greater than three times the average width unless necessary to comply with the Voting Rights Act."

Section 2. Section 13-2-205, MCA, is amended to read:

"13-2-205. Procedure when prospective elector not qualified at time of registration. (1) A

Subject to subsection (2), an individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may apply for voter registration pursuant to 13-2-110 and be registered subject to verification procedures established pursuant to 13-2-109.

(2) Until the individual meets residence and age requirements, a ballot may not be issued to the individual and the individual may not cast a ballot."

Section 3. Section 13-15-401, MCA, is amended to read:

"13-15-401. Governing body as board of county canvassers. (1) The governing body of a county or consolidated local government is ex officio a board of county canvassers and shall meet as the board of county canvassers at the usual meeting place of the governing body ~~within 14 days after each election,~~ at a time determined by the board, to and within 14 days after each election to complete the canvass the of returns.

(2) If one or more of the members of the governing body cannot attend the meeting, the member's place must be filled by one or more county officers chosen by the remaining members of the governing body so that the board of county canvassers' membership equals the membership of the governing body.

(3) The governing body of any political subdivision in the county that participated in the election may join with the governing body of the county or consolidated local government in canvassing the votes cast at the election.

(4) The election administrator is secretary of the board of county canvassers and shall keep minutes of the meeting of the board and file them in the official records of the administrator's office."

Section 4. Repealer. The following section of the Montana Code Annotated is repealed:
13-17-105. Experimental use of voting systems.

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1,

2021.

(2) [Sections 1 and 5] and this section are effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 506, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 506

INTRODUCED BY P. FIELDER

BY REQUEST OF THE SECRETARY OF STATE

AN ACT GENERALLY REVISING ELECTION LAWS; ESTABLISHING PRIORITIES FOR DEVELOPMENT OF CONGRESSIONAL DISTRICTS; REVISING PROCEDURES FOR PROSPECTIVE ELECTORS TO REGISTER AND VOTE; CLARIFYING REQUIREMENTS FOR A BOARD OF COUNTY CANVASSERS; ELIMINATING THE EXPERIMENTAL USE OF VOTE SYSTEMS; AMENDING SECTIONS 5-1-115, 13-2-205, AND 13-15-401, MCA; REPEALING SECTION 13-17-105, MCA; AND PROVIDING EFFECTIVE DATES.

Exhibit A-10

Montana Registered Voters by County

Montana Registered Voters by County

Compiled 05/17/2021 10:45:01 PM

Updated Daily

County Name	Registered Voters
Beaverhead	6,829
Big Horn	7,038
Blaine	3,988
Broadwater	4,957
Carbon	8,373
Carter	954
Cascade	48,281
Chouteau	3,571
Custer	6,925
Daniels	1,161
Dawson	5,578
Deer Lodge	5,625
Fallon	1,768
Fergus	7,580
Flathead	74,447
Gallatin	86,104
Garfield	894
Glacier	7,992
Golden Valley	574
Granite	2,401
Hill	8,782
Jefferson	9,116
Judith Basin	1,467
Lake	20,368
Lewis & Clark	49,327
Liberty	1,195
Lincoln	14,109
Madison	6,846
McCone	1,197
Meagher	1,297
Mineral	3,402
Missoula	87,031
Musselshell	3,327
Park	13,523
Petroleum	387
Phillips	2,641
Pondera	3,656
Powder River	1,261
Powell	3,899
Prairie	852
Ravalli	32,652

Richland	7,358
Roosevelt	5,682
Rosebud	4,898
Sanders	9,187
Sheridan	2,445
Silver Bow	22,577
Stillwater	6,819
Sweet Grass	2,767
Teton	4,100
Toole	2,528
Treasure	534
Valley	4,934
Wheatland	1,203
Wibaux	708
Yellowstone	100,913
Total	728,028

Provided by the Office of Montana Secretary of State

Exhibit A-11

Absentee Ballot Best Practices

Absentee Ballot Best Practices



2018 Election Administrator Certification Training
Updated January 2018

Montana Secretary of State
sos@mt.gov • soselections@mt.gov

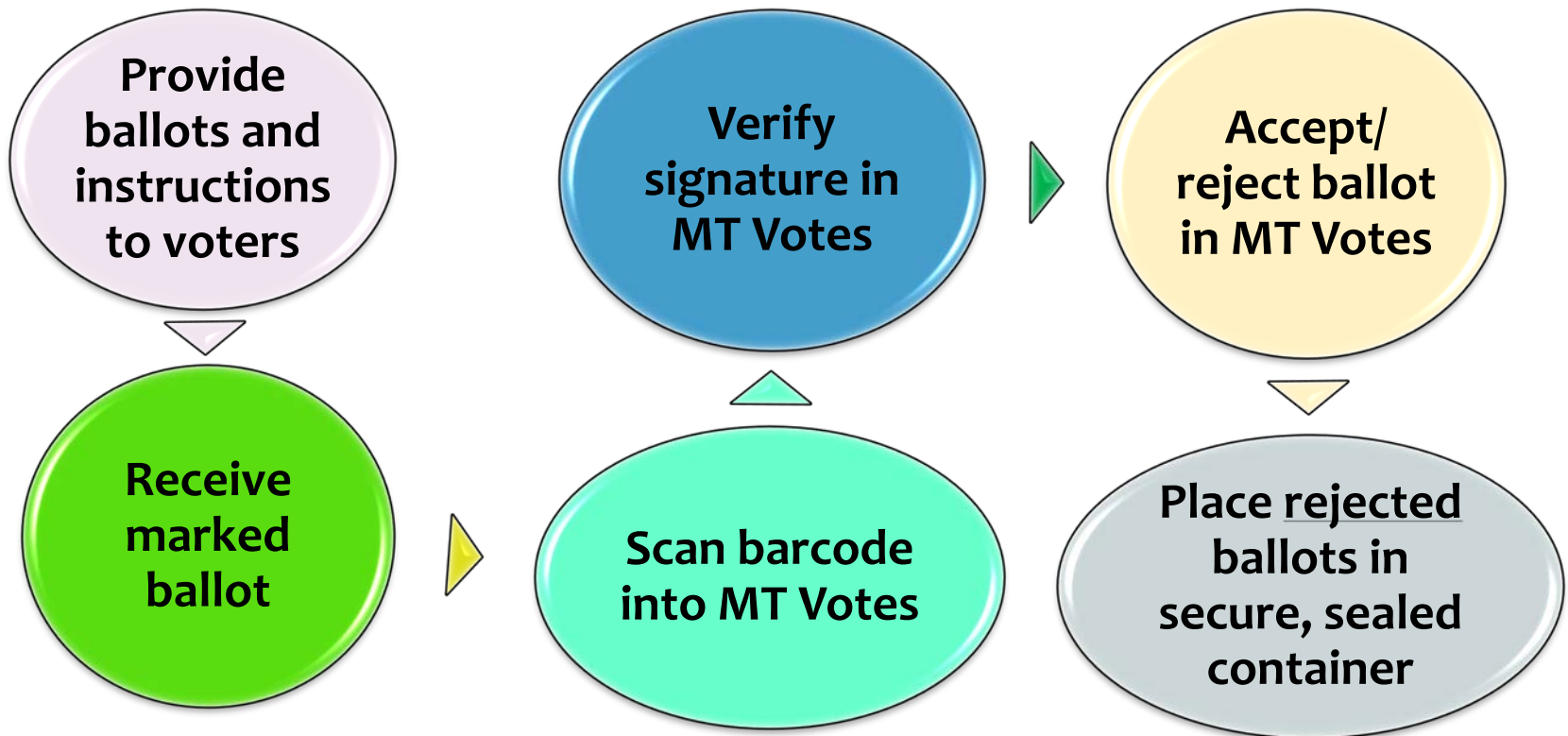
Regarding Statutory Requirements

- * This presentation is not intended to repeat statutory requirements, since all such requirements are available in Title 13.
- * The purpose of this training is to suggest and discuss specific absentee best practices.



Absentee Flow Chart 1 (sending, receiving, rejecting*)

*See next flow chart for processing accepted ballots



Providing Ballots to Electors

- * Electors who come into your office to apply for and request absentee ballots, **after ballots are printed**, should be given ballots, even if they come in before ballots are mailed.
- * Absentee ballots must be sent to absent military and overseas electors as soon as ballots are printed and no later than 46 days before the election.
 - This is verified and strictly enforced by US DOJ.

Providing Ballots to Electors

- * Other electors should be **mailed** ballots on the 25th day before election day (never earlier than the 25th day).
 - If absentee ballots are already sent when electors change/update registration, the county that sent the original ballot has to void the ballot before the registration can be processed and a new ballot issued.

Providing Ballots to Electors

* USPS

- Recommendations:
 - Meet with Post Office personnel and/or Mail Service Company **at least one month prior to mailing.**
 - Make sure envelopes meet **USPS requirements.**



Providing Ballots to Electors

* USPS

- Recommendations:
 - Inform USPS of the **number** of ballots being mailed.
 - Remind them how critical it is to receive back **undeliverable ballots as soon as possible**.
 - Discuss specific **cost-savings** measures.



Ballot Instructions

- * In order to maintain **uniformity**, counties are advised to use the **prescribed absentee instructions**:
 - Minor variations may be necessary, especially based on county-specific considerations.
 - For major variations, please consult SOS.
- * Be sure to **read the absentee instructions** to ensure that they are applicable, clear and concise.
- * Ensure that instructions specify the **accurate amount of postage** needed to return the marked ballot.

Receiving Ballots from Electors

- * Some counties label every mail tray with an **inventory slip**:
 - For example: label the first as **Tray 1 of 8**, include the **# of ballots** enclosed, sort by **groups of 25**.
 - Mail & In-person batches are kept separate.
 - When entering batches into MT Votes you need to select mail, in-person, etc.; keeping the mailed-in and in-person batches **separate** ensures that you do not have to change the source in MT Votes for each ballot.

Receiving Ballots from Electors


- * Prepare envelopes so **signatures are visible** (keeping them in groups of 25).
- * **Scan bar code** – each batch should equal 25.
- * Also, put undeliverable ballots in batches of 25. Filing the undeliverable ballots by **batch #** eliminates the need to alphabetize undeliverables for retrievables.

Daily Absentee Ballot Reconciliation

- * In order to conduct daily absentee ballot reconciliation, **compare accepted envelopes with the BP34 report** from MT Votes and fill out **Part 1** of the **Ballot Reconciliation Report**.
- * Make a **copy of the Ballot Reconciliation Report** and seal the original Ballot Reconciliation Report with the secrecy envelopes.

Daily Absentee Ballot Reconciliation



 **Ballot Reconciliation Report (for Poll Book)**

Form is included in the back of each poll book and is used to reconcile ballots on Election Day.

COUNTY _____ PRECINCT _____

PART 1

1. Last ballot number issued _____
2. Subtract Void and Spoiled Ballots _____
3. **Subtotal** _____
4. Subtract number of ballots reserved for Absentee voting – see [Ballot Certification Report](#) (use the “Total number of ballots retained for Absentee voting” number from that form) _____
5. **Total number of paper ballots issued** _____

PART 2

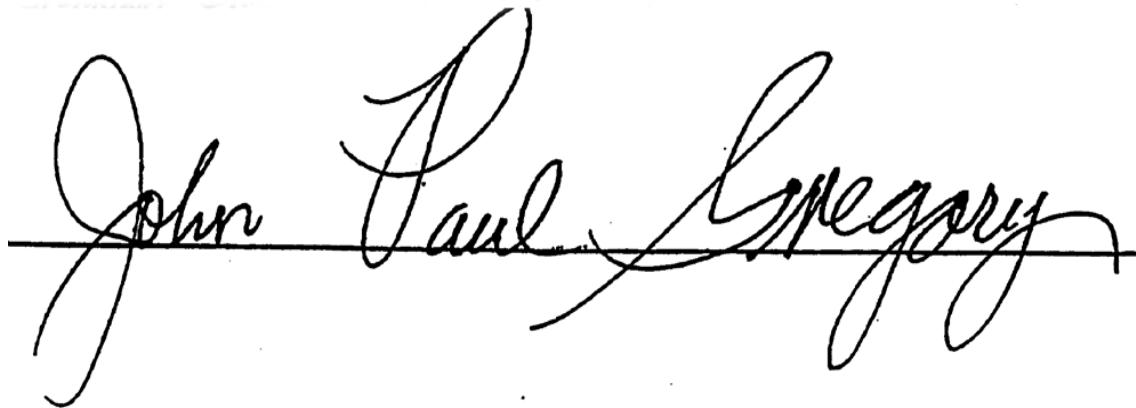
Signature Verification

- * Next step is to **verify signatures**.
- * In MT Votes, select **Verify on batch management** or use the **F12 key** on the home screen for the voter.
- * Also in **MT Votes**, set up **trained individuals** who are responsible to verify signatures.
- * Set up procedures for the ballots they reject.
 - Designate **yourself or another election official** to be responsible for reviewing all **rejected** signatures.

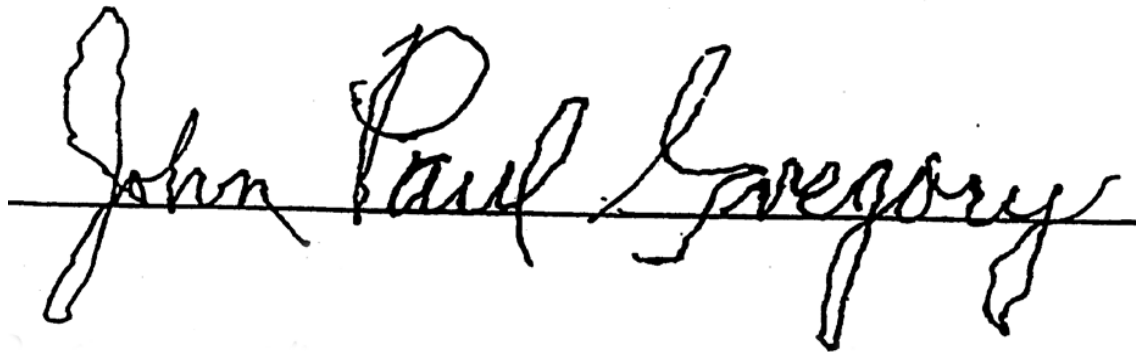
Signature Verification

- * Review all signatures using the following criteria:
 - **capital** letters match;
 - letters **tail off** alike;
 - **letter spacing** is the same;
 - space between **signature and the line** is the same;
 - **beginning** and **ending** of signature;
 - the “**t**” crossing, “**i**” and “**j**” dotting, and letter strokes that drop **below the line**;
 - **pen pressure** is the same.

Signature Verification Examples



John Paul Gregory

A clear, fluid handwritten signature of "John Paul Gregory" written on a horizontal line. The letters are well-defined and connected in a cursive style.

John Paul Gregory

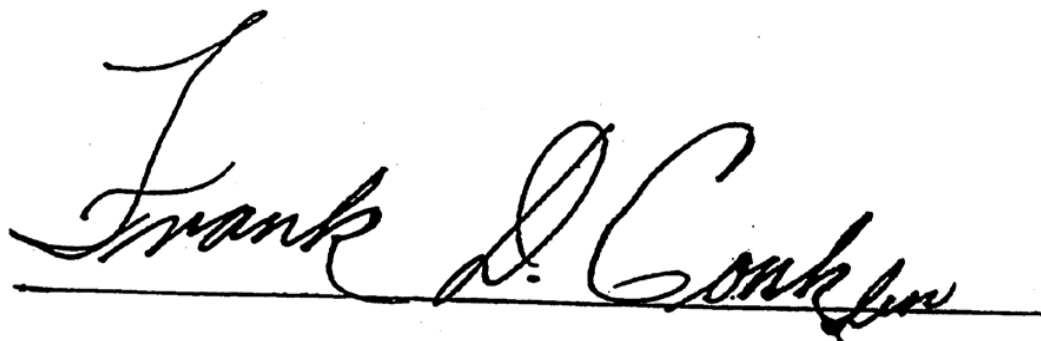
A second handwritten signature of "John Paul Gregory" written on a horizontal line. This signature is slightly more stylized and less uniform than the one above, with some variations in stroke thickness and spacing.

Signature Verification Examples

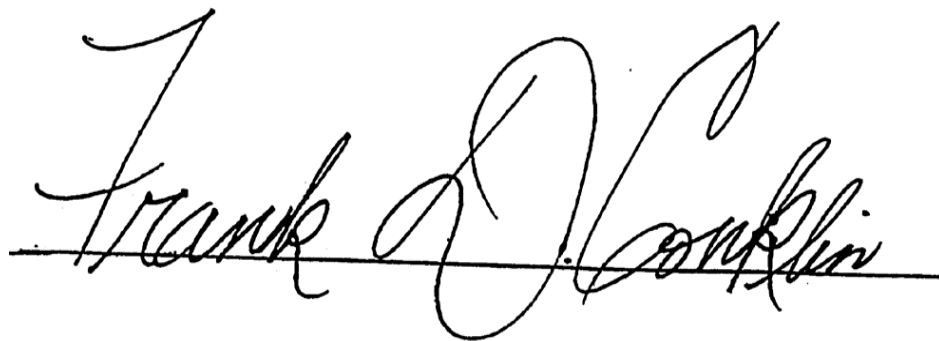
- * Example Above: Signature change may have taken place because of **age** or other factors.
- * If the change is extreme, recommend that the signer provide an updated voter registration form with the **signer's most current signature.**

Signature Verification Examples

Original Signature

A handwritten signature in black ink on a white background. The signature is written in a cursive style and is underlined. The name appears to be Frank D. Conklin.

Comparison Signature

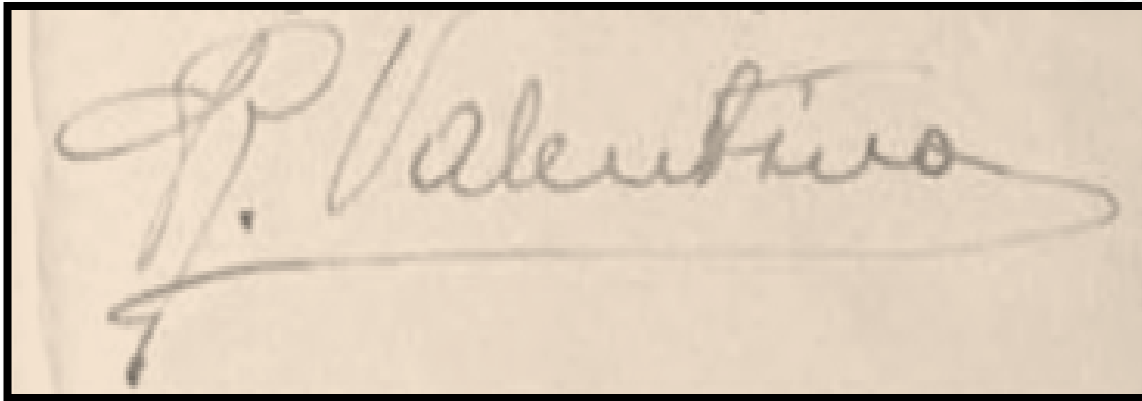
A handwritten signature in black ink on a white background, identical to the original signature. It is written in a cursive style and is underlined. The name appears to be Frank D. Conklin.

Signature Verification Examples

- * Example Above: The comparison signature may not be a match. **Pen pressure** is different and **several letters** are different.
- * You may wish to check registrations of **other voters in the household** with the second signature, to see if someone in the household signed instead.

Signature Verification Examples

Original Signature



Comparison Signature



Signature Verification Examples

- * Example Above: This is a real-life example. The comparison signature is fake.
 - In the real signature, the **"V" in Valentino** is **rounded** and never pointed.
 - The **"R" in Rudolph** is much different as well.
 - The **"pen pressure"** appears to be different in the fake as well.

Signature Verification

- * Before **rejecting** a signature, view other signatures on file in MT Votes.
 - A best practice may be for election officials to check **all of the available signatures in MT Votes**, especially if the voter has a very old voter registration application on file.


Ballot Rejection Determinations

- * Use **previous precinct registers** to verify signatures (as a backup if you aren't quite sure on a signature).
 - Be sure to use the **VR application** or **Absentee Application** as the **final authority**.
- * Once all signature verification attempts have been exhausted and you still believe the signature is a mismatch, the election administrator shall give notice to the elector by the **most expedient method** available and send “**Verification of Signature**” form to elector to resolve rejected ballot.

Ballot Rejection Determinations

- * The election administrator shall inform the elector that, prior to 8 p.m. on election day, the elector may:
 - By **mail, facsimile, electronic means, or in person**, resolve the issue that resulted in the ballot being handled as a provisional ballot, confirm the validity of the ballot, or verify the elector's or agent's signature or provide a signature, after proof of identification, **by affirming that the signature is in fact the elector's, by completing a new registration form containing the elector's current signature**, or by providing a new agent designation form; or
 - If necessary, request and receive a replacement ballot pursuant to [13-13-204](#).

Absentee or Mail Ballot Signature Verification or Submission of Missing Signature

 Absentee or Mail Ballot Signature Verification or Submission of Missing Signature 13-13-245, MCA

MUST BE COMPLETED AND RETURNED TO THE COUNTY ELECTION OFFICE

Note to Absentee or Mail Ballot Elector: The absentee ballot or mail ballot you submitted:

☐ did not have the required signature on the signature envelope, or

☐ included a signature that did not appear to match the signature on your voter registration record and/or on your absentee application.

Please complete the form below and enclose a copy of identification*, and return it by mail, fax, email, OR in person by no later than 8 p.m. on election day.

Note: if this completed form is not received by the day and time above, your ballot will be handled as a Provisional Ballot. To resolve the Provisional Ballot, you may complete and return this form no later than 5 p.m. the day after election day, by mail, fax, email, or in person; or you may resolve the issue in person at the county election office by 5 p.m. the day after election day.

(county mailing address) _____

(county fax number) _____

(county email address) _____

(county physical address) _____

I, _____ (printed name of elector) hereby declare that the signature submitted below is my signature and that it is the same as my signature on my absentee ballot signature envelope, if applicable, and that the identification enclosed is a copy of my true and accurate identification.

Signature of Elector _____ Date _____

☐ Elector ID* enclosed

* Acceptable forms of ID include: A copy of a current photo identification showing your name and including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, OR A copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows your name and current address.

FOR ELECTION OFFICIAL USE ONLY

A mail ballot or absentee ballot elector whose signature is in question may resolve the issue by completing and submitting this form and a copy of ID*. (If this form is not received with ID enclosed by 8 p.m. on election night, and if the signature is not otherwise resolved, process ballot as a provisional ballot and follow the procedure in 13-15-107, MCA to resolve the provisional ballot.)

☐ Copy of Acceptable ID Enclosed (Note: process ballot as a regular ballot)

☐ Copy of Acceptable ID Not Enclosed (Note: process ballot as a provisional ballot)

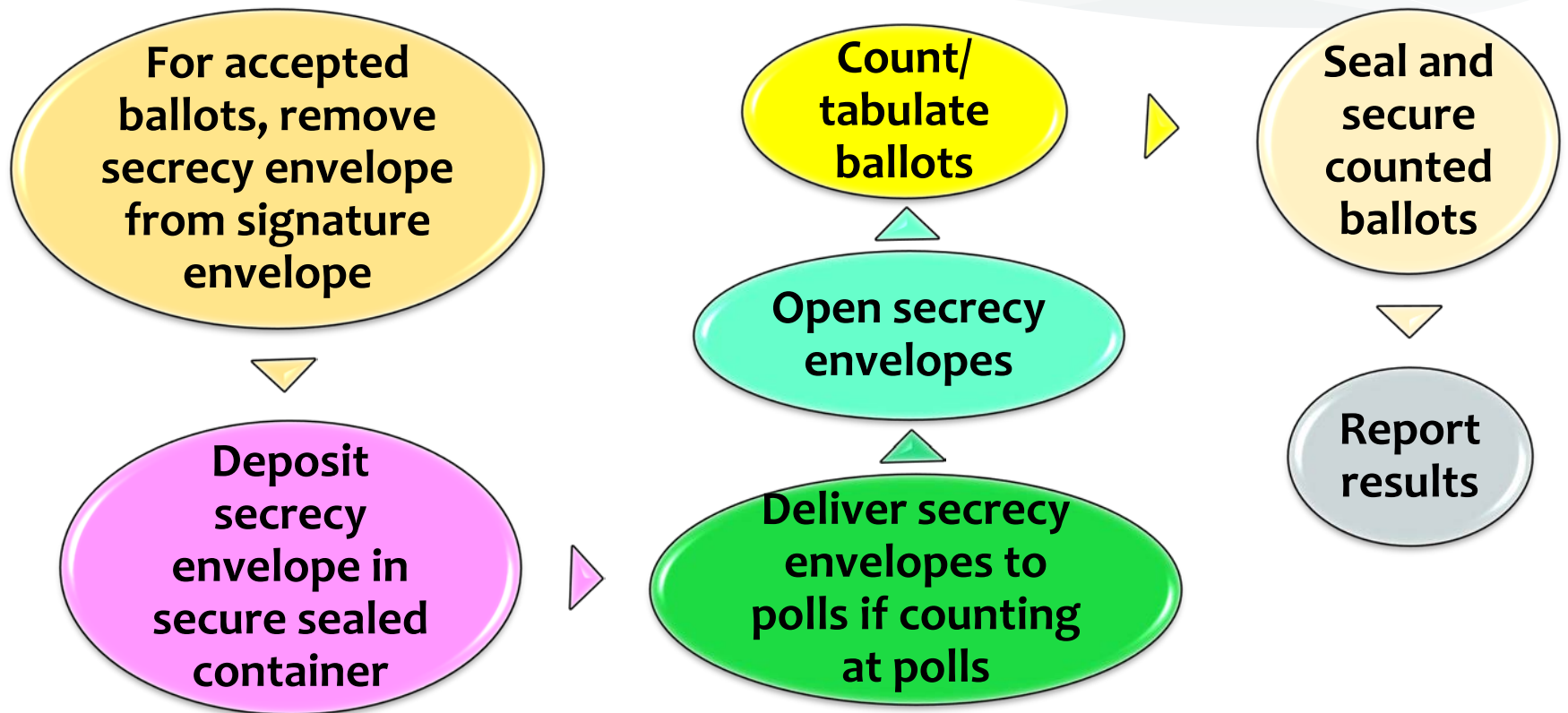
Signature of Election Official: _____ Date _____

Updated November 5, 2017

Securing Rejected Ballots

- * Keep rejected ballots in **alphabetical order** and place them in a **secure area** unless and until they are resolved by the voter.
- * Rejected absentee ballots that are not resolved by election night should be treated as **provisional**, but do **not** enter them into the **provisional module**.
- * **After** the election, rejected ballots that have not been resolved are **stored with the provisional ballots**.

Absentee Flow Chart 2 (after signature verification)



Opening Signature Envelopes to Remove Secrecy Envelopes

- * Some counties open signature envelopes to **remove secrecy envelopes (but not the ballots)** as soon as the signature is verified.
- * Other counties open them on a daily or weekly schedule, and others wait until election day.
- * For uniformity purposes, we **recommend opening signature envelopes as soon as the signature is verified**, or daily at the latest.

Securing Secrecy Envelopes Until Early Preparation or Election Day

- * The secrecy envelopes should be stored in a dry **secure location with restricted access** until early preparation or election day.



Early Preparation

- * Election officials can open secrecy envelopes to remove ballots ***no earlier than 1 business day before election day.***
- * In the presence of any person who requests to be present, an election official opens the secrecy envelope, removes and unfolds the ballot and, **without looking at the votes**, places the ballot in a secured ballot box.
 - Ballots should be **weighted down overnight** to help flatten them for better machine tabulation.

Early Preparation

- * Observers of early preparation should normally be **not less than 10 feet or more than 20 feet** from this early preparation, unless these distances are not feasible.
- * Election officials preparing ballots under this section must **sign an [oath](#), securely seal** ballot boxes, and complete the **[Early Absentee Ballot Preparation Reconciliation](#) form.**

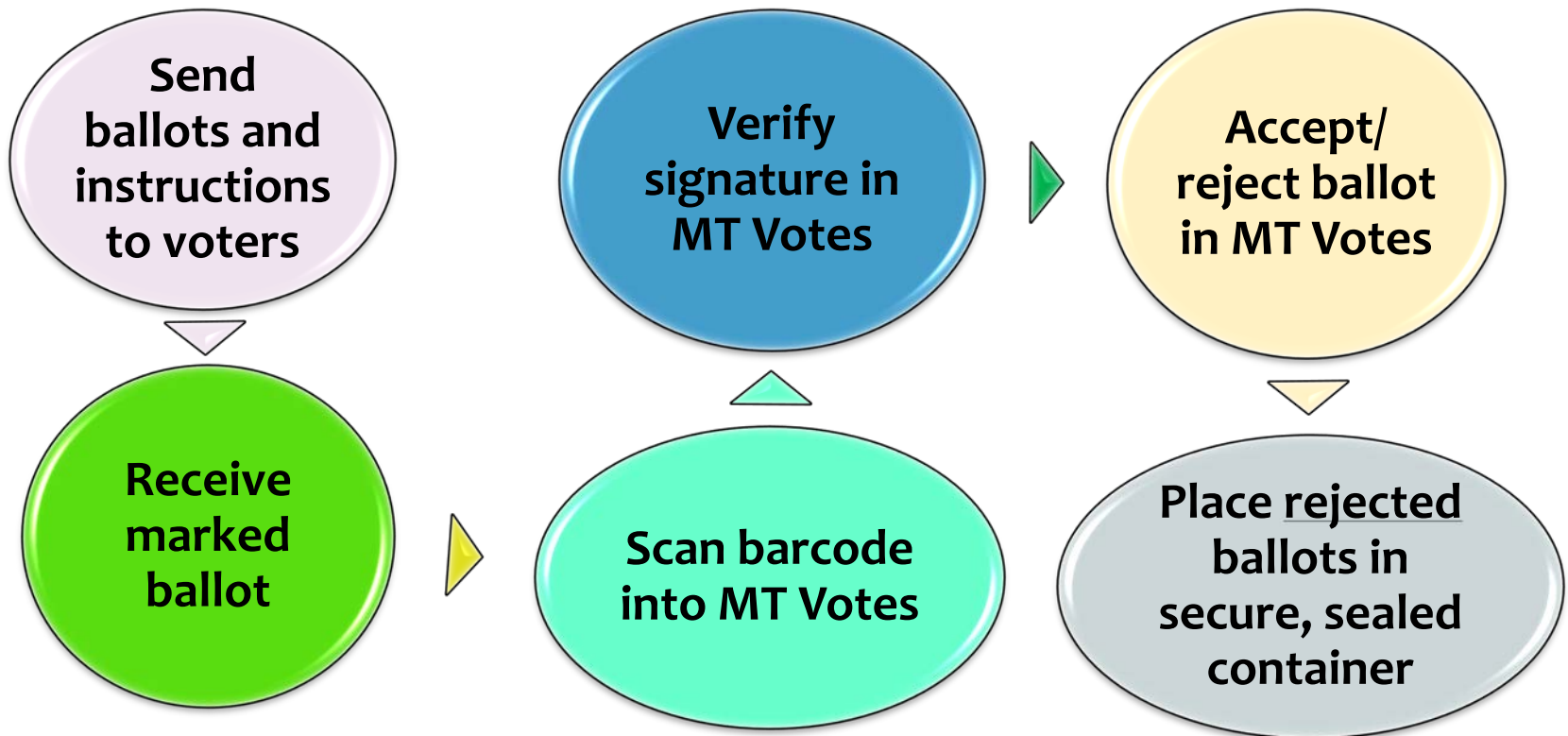
Finalizing Absentee Data

- * Please be sure to **scan in your absentee Undeliverable** envelopes as soon as they come in, so that:
 - The SOS can get accurate absentee information, **especially for UOCAVA voters**; and
 - Voters are able to check [My Voter Page](#) and find out that their ballot is Undeliverable.
- * Also **scan in** ballot envelopes that are received **too late to count**, unless you have closed your election.

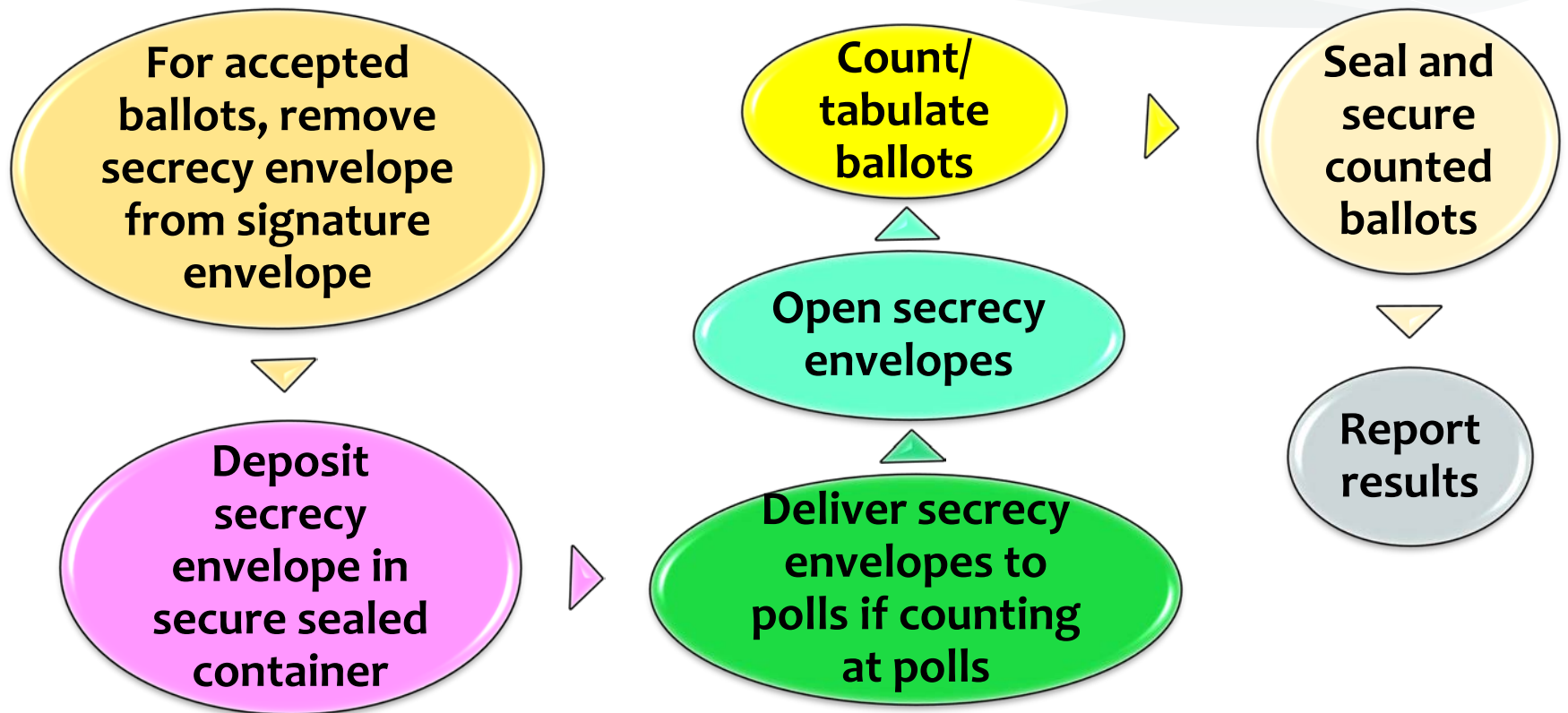
Review

- * Each of the **flow charts** in this presentation is copied on the next two slides for easy reference.

Absentee Flow Chart 1 (sending, receiving, rejecting)



Absentee Flow Chart 2 (after signature verification)



Absentee FAQs

- * 1) Can voters request an absentee ballot **without stating a reason?**
 - **Yes.** Since **October 1, 1999**, voters can request absentee ballots without specifying a reason and without having to be absent on election day.

Absentee FAQs

- * 2) Once absentee ballots are printed and available for issuance, do we have to provide them **to people who come into our office** to request them, even if they come in before the first day ballots are to be mailed?
 - **Yes.** (If they instead **request** to have the ballots mailed to them, mail them out the same day you mail your other absentee ballots.)

Absentee FAQs

- * 3) Can an interest group member mail a voter registration or absentee application **in the same envelope as campaign literature** if that envelope is marked to resemble a mailing from an election office?
 - **No.** This is specifically prohibited in law, 13-35-603.



Absentee FAQs

- * 4) Can an interest group **mail**, or advise an individual to mail, a VR application or absentee application to any address **other than the county EA's office**?
 - **No.** This is also specifically prohibited in law, 13-35-604. However, the law does not prohibit an interest group member from taking such applications **in person** and submitting them to the election office.

Absentee FAQs

- * 5) Can a member of an interest group pick up people's ballots **at the election office** in order to deliver them to voters?
 - Yes, an interest group member can pick up ballots as long as the voter signs a form stating that the person is authorized to do so, and the person has **not already picked up ballots for four other electors**.

Absentee FAQs

- * 6) Can a person from an interest group **pick up ballots from voters** and submit them?
 - Yes. Just as there is no prohibition on a family member dropping off ballots at the election office, there is **no prohibition** on interest groups doing so.
 - However, you may wish to **warn voters** about giving their ballots to people who they do not know.



Absentee FAQs

- * 7) Can an absentee voter come into the election office and get a new ballot after the voter's original absentee ballot has been submitted and **received by the election office** but not processed, for example if the voter changes his or her mind?
 - **No. Once a ballot is received by your office, it is determined under Montana law to be voted.** Since electors cannot vote a ballot more than once, they cannot receive a replacement ballot in this situation.

Absentee FAQs

- * **8) Are we allowed to do early preparation** (removing the ballots from the secrecy envelopes) **the weekend or week before** the election?
 - **No.** Early preparation can only be done **one (1) business day before election day.**

Absentee FAQs

- * 9) Can we process as **absentee ballots** the ballots that were issued to voters who **signed the precinct register**?
 - No. This would make it **difficult to provide accurate absentee totals**, since MT Votes would track them as absentee voters rather than polling place voters.
 - This could also make it appear that voters who were **not eligible for absentee ballots** (due to the application deadline) were provided with them, thereby raising concerns about the election.

Absentee FAQs

- * **10) Can we issue absentee ballots as provisional ballots and **not track them anywhere in MT Votes as absentee?****
 - No. Again, this would make it **difficult to provide accurate absentee totals**, since MT Votes would track them only as provisional voters rather than as absentee voters.
 - This could also make it appear that voters who were **eligible for absentee ballots** were not provided with them, again raising concerns about the election.

Absentee FAQs

- * 11) What is the harm in **generating regular absentees** in MT Votes at the **same time** as generating **UOCAVA absentees**?
 - This can cause a multitude of problems with **sent dates** that appear to indicate that the voters were sent ballots much earlier than is accurate.
 - It can cause major issues when **voters move within the county or to another county** after the absentees are generated in MT Votes.
 - Before each federal election, the SOS provides **email guidance** regarding when absentees can be generated.

Absentee Questions



Exhibit B

Declaration of Ali Caudle

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Youth Action; Forward
Montana Foundation; and Montana
Public Interest Research Group,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official
capacity as Montana Secretary of
State,

Defendant.

Cause No. DV 21-1097

**DECLARATION OF
ALI CAUDLE**

I, ALI CAUDLE, state as follows:

1. I am 18 years old and a resident of Missoula, Montana. The matters set forth in this Declaration are based on my personal knowledge.
2. I am a student at Hellgate High School and a member of the Montana Youth Action board.
3. I turned 18 on October 3, 2021.
4. Even though I would have preferred to register to vote before my 18th birthday, I was not aware that I could register before turning 18.
5. On my 18th birthday, I found a Montana voter registration form online, printed it out, and filled out the registration form. Only after filling it out, I realized that voter registration forms must be mailed to the elections office at least 30 days before the election. Because my

18th birthday fell on a Sunday, my form would have been postmarked on Monday, October 4, which was 29 days before the election.

6. As a result, by the time I realized how the system worked, I was too late to mail my voter registration form.
7. Even if I had been able to mail the registration form on my birthday, I would have been worried about the registration not being accepted or being lost in the mail. If that happened, I do not know whether I would have been able to vote.
8. Because I was unable to mail my voter registration form, I needed to register in person at the Missoula County Elections Office.
9. I then discovered that the Missoula County Elections Office would only be open Monday through Friday between 9 am and 5 pm.
10. I am in school from 8 am to 3:55 pm. After school in the fall, I have soccer practice and other commitments that generally last until well after 5 pm every weekday.
11. Voting is very important to me, so I made registering to vote a priority.
12. I finally managed to get to the elections office to register in person on Friday, October 29. To accomplish this, I had to miss an event for the National Honor Society.
13. I voted immediately after registering to vote.
14. I would have preferred to have more time with my ballot, but because my birthday was during the late registration period, even if I had pre-

registered to vote, I am not sure whether I would have received my absentee ballot in time to return it by mail.

15. After school on Friday, October 29, was my last chance to register to vote without missing school because of the new law that eliminated election day registration. I had to make special plans to get to the elections office in person. If I had waited until election day, I would not have been allowed to vote.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATED this 11 day of January, 2022.

LOCATION when signed: Missoula, MT



ALI CAUDLE

Exhibit C

Declaration of John Davies

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Youth Action; Forward
Montana Foundation; and Montana
Public Interest Research Group,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official
capacity as Montana Secretary of
State,

Defendant.

Cause No. DV 21-1097

**DECLARATION OF
JOHN DAVIES**

I, JOHN DAVIES, state as follows:

1. I am over 18 years old and I am a resident of Yellowstone County, Montana. I am currently attending school in South Bend, Indiana. The matters set forth in this Declaration are based on my personal knowledge.
2. Although I am pursuing my education out of state, I intend to return Montana after graduation and therefore maintain my voter registration in Montana. I retain Montana residency and I have a Montana Driver's License.
3. I file taxes in Montana, and I have continued to work for businesses in Billings when I am home.
4. In 2018, I was a resident of Yellowstone County.

5. My birthday is October 30th. I turned 18 on Tuesday, October 30th, 2018, one week before the 2018 general election.
6. I registered to vote on October 9th, 2018, at the Yellowstone County Elections Office.
7. My family believes that voting is incredibly important. Because of my family's knowledge of voter registration procedures, I was informed that I could register to vote before I turned 18.
8. If family members of mine did not have prior knowledge of voter registration rules, I likely would not have realized that I could register to vote before actually turning 18.
9. On the day that I registered to vote, I left school early and met family at the Yellowstone County Elections Office. Voting is celebrated in my family, so my first voting experience was an exciting event and a family member took a photo of me completing the registration application in the Yellowstone County Elections Office.
10. The photo is timestamped at 1:30 pm on October 9th, 2018.
11. During the fall of 2018, I was at school from 8 am to 3 pm. After school, I had extracurricular commitments, including cross country, student council, and science bowl. These commitments kept me at school until after 5:00pm every weekday.
12. The Yellowstone County Elections Office is generally only open business days from 8:00am to 5:00pm.

13. Had I not been allowed to leave school early to register to vote, I would have been unable to register to vote during normal business hours.
14. I voted in person on election day for the 2018 general election. I left school early to cast my vote, because, as usual, I had extracurricular commitments in the evening and wanted to be sure I had time to vote. I took a selfie at the polling place at 2:30 pm on election day.
15. I have continued to vote by absentee ballot in Montana.
16. In the 2019 municipal election, I cast an absentee ballot from Indiana.
17. For the 2020 primary election, I was home due to the COVID-19 pandemic, but I received my mail-in ballot at my home in Yellowstone County and I dropped my ballot off at the elections office rather than mailing it in.
18. I voted in person in the 2020 general election in Billings.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATED this 12 day of January, 2022.

LOCATION when signed: Notre Dame, IN



JOHN DAVIES

Exhibit D

Declaration of Audrey Dozier

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-1097</p> <p style="text-align: center;">DECLARATION OF AUDREY DOZIER</p>
---	--

I, AUDREY DOZIER, state as follows:

1. I am over 18 years old and a resident of Missoula County, Montana.

The matters set forth in this Declaration are based on my personal knowledge.
2. I am a current student at the University of Montana and a board member for the Montana Public Interest Research Group (MontPIRG).
3. I have never had, and do not currently have, a Montana Driver's License. I do not possess other forms of state-issued identification.
4. When I turned 18 in October 2019, I used the last four digits of my Social Security Number (SSN) to register to vote, and checked the box requesting to vote absentee. Since then, I have only voted by mail.

5. My passport cost more than \$100. In addition to the cost, I had to travel from Gardiner to Livingston (52 miles) for my passport photo and submission of paperwork through the United States Postal Service. The process was inconvenient, time-consuming, and posed a financial burden on my family.
6. Because my passport is a valuable and sensitive document, I do not typically carry it with me. It is my primary form of generally accepted identification, aside from my student ID card.
7. I regularly carry the student ID card issued to me by the University of Montana.
8. If it remained an acceptable standalone form of identification, I would use my student ID any time that I needed, or wanted, to vote in person rather than by mail.
9. I understand that sometimes people do not receive their absentee ballot in the mail. If my ballot did not arrive in the mail, I would need to go in person to the Missoula Elections Office with my passport in order to vote. This would be challenging for several reasons—travel time, transportation, carrying my passport on my person—which are some of the reasons why I prefer to vote by mail-in ballot.
10. If anything were to go wrong with my voter registration or with my ballot, it would be more difficult for me to vote in person because I

would not be allowed to use my student ID as a standalone form of identification.

11. Pairing my student ID with other proof of identification would present challenges because, as a student living in university housing, I do not have water or electric bills in my name.
12. One of my biggest concerns in not being able to use student ID as a standalone form of identification is that it forces an undue burden upon myself and other young Montanans when participating in the democratic process and exercising our constitutional right to vote.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATED this 10th day of January, 2022.

LOCATION when signed: Milltown, MT

A handwritten signature in black ink, appearing to read "Audrey Dozier", written over a horizontal line.

AUDREY DOZIER

Exhibit E

Declaration of Anne Hosefros

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-1097</p> <p>DECLARATION OF ANNE HOSEFROS</p>
---	--

I, ANNE HOSEFROS, state as follows:

1. I am over 18 years old and a resident of Sweetgrass County, Montana.
The matters set forth in this Declaration are based on my personal knowledge.
2. When I turned 18 years old in 1977, I was living in Philadelphia. I registered to vote right away.
3. I was very excited to vote in the elections of 1978. I vividly remember drawing the curtain around me and pulling the lever on a big machine.
4. Voting and the responsibility associated with it was a central theme in my household. I grew up understanding that voting is an honor.

5. I remained in Philadelphia into my twenties, ultimately moving to San Francisco for several years before moving to Montana. I voted in nearly every election during that time.
6. When I moved to Montana in 1999, I immediately registered to vote.
7. I remember when Montana began requiring ID to vote in person. I believe my first experience with it was in 2004. I was surprised and infuriated because I knew every one of the poll workers. I had been voting at my polling place in McLeod for years already. It seemed to me outrageous to be asked to produce identification to prove who I was to people who knew me.
8. Shortly after that, it became possible to register permanently as an absentee voter in Montana, which I did. Sometime around 2005 or 2006, I began voting by mail exclusively.
9. I prefer to vote by mail because I like the time it gives me with my ballot. I enjoy being in the quiet of my home, able to discuss and read about the candidates and the issues before making my decisions.
10. I also live 25 miles from my polling place, which means that my husband and I genuinely rely on being able to vote by mail. That way, our busy lives, particularly bad weather, and global pandemics don't prevent us from voting.
11. I know that friends and neighbors in Montana value absentee voting for similar reasons.

12. Until this year, I believe that Montana has had reasonably accessible voting laws. The laws passed during the last legislative session won't cause me any problems because I'm a regular, established voter unlikely to need to change or update my registration anytime soon. Though, of course, the backstop of election day registration is something that prevents errors from harming people like me. Still, I think part of the point is that these laws affect me differently than they affect other people, especially certain groups of people, and that's wrong.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATED this 16 day of January, 2022.

LOCATION when signed: 532 East Boulder Rd McLeod, MT 59052



ANNE HOSEFROS

Exhibit F

Affidavit of Meghan Lockner

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-1097</p> <p style="text-align: center;">AFFIDAVIT OF MEGHAN LOCKNER</p>
---	---

I, MEGHAN LOCKNER, state as follows:


1. I am over 18 years old and a resident of Bozeman, Montana. The matters set forth in this Affidavit are based on my personal knowledge.
2. I am the Digital Communications Manager for Forward Montana Foundation.
3. I moved to Montana in 2012 to attend Montana State University. At the time, I was 18 and had registered to vote in Minnesota.
4. After living in Bozeman for more than a year, I decided to change my registration to begin voting in Montana.
5. I was in class for 15 hours or more per week, I was working close to 30 hours a week, and I had significant extracurricular commitments. Despite being extremely busy, I was committed to casting my vote.

6. When I arrived at my polling location—the Gallatin County Court House—for the 2016 primary elections, I discovered that I was not registered to vote.
7. Fortunately, the poll workers directed me to a line where I could register to vote and then cast my ballot.
8. While I was registering to vote, I noticed that I was not alone. Not only was I with a friend who also needed to use election day registration, many others near us were filling out voter registration forms.
9. I estimate that as many as a dozen people around me were using election day registration.
10. My life outside of my civic duties kept me from registering to vote before election day that year, but election-day voter registration allowed me to cast my ballot.
11. Since 2016, I have been registered to vote absentee. Because I have lived in the same apartment, I have not needed to update my registration and have consistently received my mail-in ballot and voted by mail.
12. I generally check my registration months in advance because I want to ensure that I will receive my ballot in the mail every year. I value being able to vote by mail because it gives me time to review my choices carefully.
13. Even though I am generally someone who prioritizes voting and even though I take great care in being civically engaged, I was not registered to vote in 2016. My experience is neither uncommon nor the result of any

failure on my part. It was simply the case that I needed to be able to register to vote in person on election day. Had I been unable to do so, I could not have voted.

I declare under penalty of perjury that the foregoing statements are true.

DATED this 28 day of December, 2021.



MEGHAN LOCKNER

MONTANA NOTARIAL CERTIFICATE

SIGNATURE WITNESSING

State of Montana

County of Gallatin

The attached record, Affidavit of Meghan Lockner, consisting of 3 pages was
(Description of record)

signed before me on 12/28/2021 by Meghan E. Lockner,
(Date) (Name of signer(s))



[Affix stamp above]

[Signature]
(Notary's Signature)

This certificate is to be attached to the record described above. Any evidence that it has been detached or removed may render the notarization invalid or unacceptable.

Exhibit G

Declaration of Scott Lockwood

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: right;"><i>Defendant.</i></p>	<p>Cause No. DV 21-1097</p> <p style="text-align: center;">DECLARATION OF SCOTT LOCKWOOD</p>
---	---

I, SCOTT LOCKWOOD, state as follows:

1. I am over 18 years old and a resident of Lewis and Clark County, Montana. The matters set forth in this Declaration are based on my personal knowledge.
2. I registered to vote shortly after I turned 18 in 1967. I was living in Helena at the time.
3. In the fall of 1968, I moved to Bozeman to attend Montana State University.
4. While I clearly recall the important issues in the 1968 presidential election, I did not vote because I was unsure how to go about it.

5. That fall, I was occupied with classes, and I needed to register for the draft. I also thought that I could not vote in Bozeman because I was from Helena.
6. I simply did not try to get registered to vote while in college in Bozeman.
7. After graduating from MSU, I moved back to Helena and began working in the same building as the Lewis and Clark County clerk. My proximity made it easy to become quite familiar with the finer details of voter registration.
8. Around 1974, I moved across town. I had an infant son at the time and remember worrying that I would be late to work. When I arrived at my polling place, I found I had gone to the wrong precinct.
9. Thankfully, I knew the poll workers personally and they were able to send me to my correct polling place.
10. I felt lucky because I was not at all intimidated or worried when the poll workers told me I was in the wrong place. I felt no skepticism that they were sending me on a wild goose chase or misleading me in any way. But I think that if I had not been familiar with the voting process and with the poll workers, I could well have been deterred from voting.
11. I made it to the correct polling place and was able to vote, but I was late for work. When I think back on that time now, I reflect that I was

also lucky to have stable employment and an employer who didn't fire me—or even punish me—for arriving late that day.

12. These reflections occur to me because I believe that I have been very fortunate and have generally faced fewer barriers in my life than many others do. It is also my sense that when barriers to block my path, particularly in the voting context, I have an easier time navigating those barriers because of the resources at my disposal.
13. I continue to vote in every election, and I now vote absentee.
14. My wife and I often travel to Arizona in the winters. We are proud, consistent voters and we rely on being able to vote absentee.
15. I prefer to vote by mail. I believe it is essential to effectively and thoughtfully participating in democracy. I appreciate the extra time it gives me to spend with my ballot and the convenience it allows when I'm on the move.
16. Mail-in ballots have also been hugely important to me since the start of the COVID-19 pandemic, as they reduce opportunities for contracting and spreading the virus.
17. It frustrates me to know voting by mail isn't as readily available to others who may most need the flexibility and time it offers.

I declare under penalty of perjury and under the laws of the state of Montana that
the foregoing is true and correct.

DATED this 6 day of January, 2022.

LOCATION when signed: Mesa AZ


SCOTT LOCKWOOD

Exhibit H

Affidavit of Kendra Miller

RYLEE SOMMERS-FLANAGAN
Upper Seven Law
P.O. Box 31
Helena, MT 59624
Phone: (406) 396-3373
Email: rylee@uppersevenlaw.com

RYAN AIKIN
Aikin Law Office, PLLC
P.O. Box 7277
Missoula, MT 59807
Phone: (406) 840-4080
Email: ryan@aikinlawoffice.com

Attorneys for Plaintiffs

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-0451</p> <p>Hon. Michael Moses</p> <p style="text-align: center;">AFFIDAVIT OF KENDRA MILLER</p>
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1. My name is Kendra Miller. I am over 18 years old. I make this declaration based upon my personal knowledge and experience, and in support of the Plaintiffs' application for a preliminary injunction in the above-captioned matter.
2. I am a Data Consultant for the Montana Federation of Public Employees ("MFPE"), which is a co-Plaintiff in litigation currently pending before the

Eighth Judicial District in Great Falls that challenges the constitutionality of House Bill 176.

3. I am familiar with and experienced in the analysis of voter data in Montana, particularly data collected and maintained by the Montana Secretary of State and by local election administrators. I previously served as Data Director for the Montana Democratic Party and as Data Manager for the Western Organization of Resource Councils where I was responsible for managing databases of registered voters utilizing statewide registration information from county election offices and the Montana Secretary of State and analyzing registration and other individual-level and aggregate data.
4. MFPE conducted a statewide public information request to all county election administrators in Fall 2021 seeking records of individuals who sought to register to vote the day before Election Day and on Election Day.
5. As Data Consultant to MFPE, I oversaw the review of late registration data from county election offices for the 2021 municipal elections across Montana. These duties included communicating with MFPE staff and attorneys as they compiled correspondence and late registration information from county-level public records requests, collecting voter file and mail ballot report information to confirm pre- and post-2021 election registration information and official vote history from the 2021 municipal elections, and determining which Montanans who attempted to register after 12 pm on November 1, 2021 and on Election

Day, November 2, 2021, were prevented from casting a ballot due to House Bill 176.

6. MFPE received information from 32 of the 36 counties that held 2021 municipal elections. Twenty counties did not hold any municipal elections in 2021. Of the 32 counties that held elections and responded to the public records request, 20 reported no registration attempts during the time period requested. Twelve counties that held elections identified 266 Montanans who attempted to register or update voter registration information after 12 pm on November 1, 2021 or on Election Day, November 2, 2021. Four rural counties that held municipal elections in 2021 did not respond to the public records request.
7. MFPE received copies of state-level voter files from the Montana Secretary of State from October 14, 2021 and December 15, 2021. State-level voter files include both registration information for all registrants in Montana as of the date of the Montana Secretary of State's export from the Montana Votes database and individual-level vote history from Montana elections prior to that date.
8. MFPE received copies of absentee/mail ballot reports from 2021 municipal elections for Yellowstone, Missoula, Lewis & Clark and Flathead Counties. Absentee/mail ballot reports include information on all ballots issued to individuals for the pertinent election and the status of those ballots, including whether or not a ballot was returned and accepted.

9. After compiling information from county election offices of 266 Montanans who attempted to register between noon on November 1, 2021 and Election Day, November 2, 2021, I identified those individuals as registrants on the December 15, 2021 voter file from the Montana Secretary of State. Not all counties provided the same level of information for the individuals who attempted to register in their counties, but all included some combination of full name, date of birth, registration county, and registration address to identify matching records on the statewide voter file from the Montana Secretary of State.
10. Using vote history information from the Secretary of State and absentee/mail ballot reports from county election offices, I identified whether or not each of the 266 Montanans had cast a ballot in the 2021 municipal election.
11. Because not all Montanans were eligible to vote in a municipal election in 2021, I determined which municipalities held elections and which counties held county-wide elections.
12. I used the statewide voter file abstract to identify which of the 266 Montanans is registered within a municipality or within a county that held a county-wide election in 2021.
13. I determined that at least 58 individuals identified by 10 county election offices as attempting to register between noon on November 1, 2021 and Election Day, November 2, 2021 did not cast a ballot in the 2021 municipal election despite

living in a municipality that held a 2021 election or a county that held a county-wide 2021 election.

14. Using the Montana Secretary of State's voter file abstract from October 14, 2021 prior to the 2021 municipal elections, I determined that 37 of the 58 individuals identified were new registrants and 21 were already registered Montana voters prior to the 2021 municipal election. These individuals already registered in Montana were updating their registration to a new residence address within the state. Thirteen of those 21 Montana registrants were moving county to county and eight were moving within a county from one precinct to a new precinct. In those eight instances, registered voters were moving from a residence outside of a municipality and attempting to register at their new place of residence within a municipality holding a 2021 election.
15. All 58 of these individuals would have been eligible to vote in a 2021 municipal election if their registrations had been processed on November 1, 2021 and November 2, 2021.
16. The remaining individuals identified by county election offices as attempting to register during that time period lived outside a municipality and did not have an election, were moving within a county and were allowed to vote their old ballot style for their previous place of residence (permissible under Montana law), or submitted their registration form via mail or through another

state agency rather than in-person (and thus were not present in person on Election Day).

17. I identified that there were discrepancies between counties in whether or not registrations for precinct to precinct movers attempting to register at a new residence within a municipality were processed and those voters issued ballots.
18. Two counties, Lincoln County and Lewis & Clark County, reported eight individuals attempting to register who were moving within their counties from a residence outside of a municipality to a residence within a municipality holding a 2021 election. These eight precinct to precinct movers were not issued ballots for their municipal elections where they were attempting to register.
19. Two counties, Ravalli County and Flathead County, reported four individuals attempting to register who were moving within their counties from a residence outside of a municipality to a residence within a municipality holding a 2021 election. These four precinct to precinct movers were issued ballots for their municipal elections and voted.
20. Records from the Montana Secretary of State show that turnout was low for the 2021 election. In my experience and based on my knowledge of historical data related to Montana elections, this is common for “off-year” elections in which many local government units do not have elections and in which state district, statewide, and federal candidates are not on the ballot. Likewise, in

my experience and based on my knowledge of historical data related to Montana elections, “on-year” elections in which state district, statewide, and federal candidates are on the ballot feature much higher turnout and many more Montanans who utilize Election Day registration to vote.

21. Based on my review of publicly-available data from the 2021 election, described above, I conclude that a minimum of 58 Montanans were prevented from voting because of the new restrictions of House Bill 176.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATE: 01/12/2022

PLACE: Bozeman, MT

Kendra Janice Miller
Kendra Miller

ALL-PURPOSE ACKNOWLEDGMENT

State/Commonwealth of TEXAS)

☐ City ☒ County of Harris)

On 01/12/2022 before me, Jameca Andry,
Date Notary Name

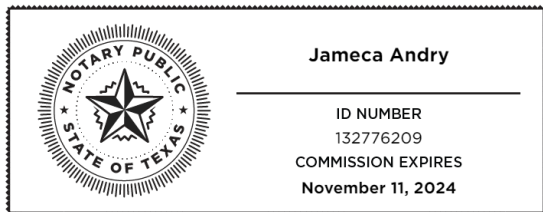
personally appeared Kendra Janice Miller
Name(s) of Signer(s)

☐ personally known to me -- OR --

☐ proved to me on the basis of the oath of _____ -- OR --
Name of Credible Witness

☒ proved to me on the basis of satisfactory evidence: driver license
Type of ID Presented

to be the individual(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and by proper authority, and that by his/her/their signature(s) on the instrument, the individual(s), or the person(s) or entity upon behalf of which the individual(s) acted, executed the instrument for the purposes and consideration therein stated.



WITNESS my hand and official seal.

Notary Public Signature: Jameca Andry Notary Public, State of Texas

Notary Name: Jameca Andry

Notary Commission Number: 132776209

Notary Commission Expires: 11/11/2024

Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Affidavit of Kendra Miller

Document Date: 01/12/2022 Number of Pages (w/ certificate): 8

Signer(s) Other Than Named Above: no other signers

Capacity(ies) Claimed by Signer(s)

Signer's Name: Kendra Janice Miller

☐ Corporate Officer Title: _____

☐ Partner – ☐ Limited ☐ General

☒ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer Is Representing: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer Title: _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer Is Representing: _____

Exhibit I

Declaration of Isaac Nehring

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-1097</p> <p style="text-align: center;">DECLARATION OF ISAAC NEHRING</p>
---	--

I, ISAAC NEHRING, state as follows:

1. I am 17 years old and a resident of Helena, Montana. The matters set forth in this Declaration are based on my personal knowledge.
2. I am a student at Helena High School, founder of Montana Youth Action, and a current Montana Youth Action board member.
3. I also participate in a variety of additional school-based extra-curricular activities, including Mock Trial, Green Group, Knitting Club, and the National Honor Society. Outside of school, I participate actively in my church's youth group and work as the digital director for the Montana Democratic Party. And I am a member of the Helena Education Foundation Board and the Youth Justice Advisory Council for the Montana Board of Crime Control.

4. My 18th birthday is Friday, June 3rd, 2022, which is four days before the 2022 primary election.
5. While I intend to register to vote before I turn 18 during the normal registration period, I know that many of my peers are unaware that they can register to vote before they turn 18.
6. If I waited until I turned 18 to register to vote, I would only be able to register to vote on my birthday or before noon on the Monday before election day due to the changes made by House Bill 176. This is an extremely tight timeframe on which to manage registering to vote and actually voting.
7. Of course, because of House Bill 506, I will have to vote in person to participate in the June 2022 primary election. That is because House Bill 506 prohibits my local Lewis & Clark County election administrator from distributing my ballot to me until I have actually turned 18.
8. Although I will be registered to vote well in advance of the election, during the regular registration period, I will not be allowed to receive, or examine my ballot until four days before the election.
9. Adults who turn 18 before the late registration period will have the flexibility to decide if they want to vote early in person during the late registration period or vote by mail at any time early enough to ensure receipt of their ballot by election day, but I will have three business

days on which I am eligible not only to vote, but even to receive my ballot.

10. If, like many of my peers, I was unaware that I could register to vote before turning 18, I would have only one and half business days to register to vote.
11. Primaries in Montana require special attention because voters must choose to vote either the Republican or Democratic ballot. This means I will want to think carefully about where my vote may matter the most, to research the candidates running in the primaries, some of whom may be less familiar to me, and to consider how to express my values and hopes for the future with my vote.
12. While House Bill 506 would be unjust in a general election as well, primary elections present less winnowed options and I want to be an informed voter.
13. So long as I am 18 before election day, I am no less eligible to vote than anyone else. Voter eligibility isn't determined by degrees.
14. Despite the fact that I will be a legal voter in the 2022 primary election, House Bill 506 will prevent me from receiving and examining my ballot until my birthday, four days before election.
15. My eighteenth birthday—Friday, June 3, 2022—is also the final day of semester finals and my last day of high school. I anticipate that I will be very busy and unable to vote on that day.

16. My high school graduation ceremony is on Saturday, June 4, 2022, three days before the primary election.
17. I plan to start a second job—in addition to my current job—as soon as possible after graduating so that I can save money for college.
18. I am also a volunteer camp counselor for a Methodist summer camp in June that I will need to spend time preparing for after graduation.
19. And I will likely be helping to organize a Montana Youth Action member summit that is planned for mid-June.
20. If I were eligible to vote early, I would.
21. I will prioritize getting to the polls in person above all other school and extracurricular obligations because, as the founder of Montana Youth Action, I have a demonstrated commitment to civic engagement. I feel strongly that voting is part of my responsibility as a citizen.
22. But it is unjust that I will be excluded with certainty from participating in the election by absentee ballot.
23. Many of my peers will not or cannot go to the trouble of prioritizing voting above all else. It is unfair to expect new adults to put voting before everything else in their lives when no such expectation exists for other eligible voters.
24. I would prefer to be able to vote without needing to rearrange my schedule, miss a shift of work, or not complete assignments important

to the organizations I am a part of, but I will make that sacrifice if forced to do so.

25. There is no question that House Bill 506 makes it more difficult for me to exercise my right to vote.
26. I know that other new adults will be unable to overcome the obstacle that House Bill 506 creates.

DATED this 10 day of January, 2022.

LOCATION when signed: Helena, MT


ISAAC NEHRING

Exhibit J

Declaration of Amara Reese-Hansell

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Youth Action; Forward Montana
Foundation; and Montana Public Interest
Research Group,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official
capacity as Montana Secretary of State,

Defendant.

Cause No. DV 21-1097

**DECLARATION OF
AMARA REESE-HANSELL**

I, AMARA REESE-HANSELL, state as follows:

1. I am over 18 years old and a resident of Bozeman, Montana. The matters set forth in this Affidavit are based on my personal knowledge.
2. I am currently the Program Director for Forward Montana. I have been in that role since July 2019. I have worked for Forward Montana for at least the last five years in different roles.
3. In my role as Program Director, I oversee all of our statewide programming, including our voter registration program.
4. Over the last five years, I have studied and closely monitored voting and voting rights related issues in the state of Montana. Related to my employment with Forward Montana, I am familiar with the laws at issue in this lawsuit.

5. I coordinated Forward Montana's response to these bills, including developing testimony, supporting people most impacted by restrictive voting laws to give testimony, and engaging in similar work.
6. During my time working for Forward Montana, I have registered hundreds of voters, mostly students.
7. I moved to Bozeman when I was 18. I was living with family and had none of the forms of ID that are now the exclusive acceptable forms of standalone ID for registering to vote and for voting in person under Senate Bill 169.
8. When I first moved to Montana, I had an out of state driver's license.
9. I did not have a U.S. Passport, a Montana driver's license or other state-issued photo ID, a Montana concealed carry license, a tribal ID, a utility statement in my name, a bank statement connected to my then-current address, or a paycheck or other government check. At the time, the only form of ID available to me was my Wisconsin driver's license.
10. Based on what I have come to learn from my position at Forward Montana, my own personal experience regarding possession of various forms of identification is not uncommon for students at Montana's colleges and universities. Many of these students similarly lack these forms of identification, especially ones linked specifically to their student address.
11. I started school at Montana State University ("MSU") the following year in 2014. I was then issued a student ID.

12. At that point, I had also established an account with a local bank that would have reflected a local address, but it never would have crossed my mind that I could use a document associated with my bank to vote.
13. When I registered to vote, I selected the no-excuse absentee option. I've never voted in person because as a student who was working full-time, I simply did not have time to go in person to the polls.
14. I also feel it's important to research the candidates and issues and the effect they'll have in my community. When I first moved, especially because I was new to the area, I valued the time I could spend doing research and understanding the options on my ballot. Because of the availability of absentee voting, I have continued that habit.
15. Voting absentee also saves time and allows me to evaluate my ballot on my own schedule without having to wait in lines or hurry when I'm making important decisions.
16. Over the course of my eight years living in Bozeman, I have moved at least four times. I am careful to update my voter registration when I move because, given my background and prioritization of voting and understanding of the rules, I know that I need to update my address in order to continue receiving my ballot in the mail. I am aware that many people do not realize that they need to regularly update their voter registration.

17. Since 2019, I have had many experiences registering people to vote, including particularly students and young people.
18. In my experience, most students and young people rely on the last four digits of their Social Security Number to register to vote.
19. When students can't remember their Social Security Number, we (referring to the people I train to register voters and myself) direct them to the next option, which is a Montana driver's license number. It is rare that a young person or student who is new to Montana has a Montana driver's license.
20. Student ID is the only form of no-cost ID available to students.
21. Many students living on campus don't immediately acquire a Montana driver's license.
22. Many students who live in the dorms have little to no use for owning a vehicle. There is no DMV office on campus. In fact, the closest DMV office is two and half miles from campus and not easily accessible by public transportation. (The round trip by bus would take about two hours.) The office is actually located across I-90, making it extremely unlikely that students could access it by walking. Moreover, it costs just over \$67 to get an eight-year license with REAL ID. Quite simply, students are unlikely to prioritize acquiring a driver's license solely for the purpose of being able to vote in person.

23. The cost of acquiring an ID is a particular burden for students and young people. It's also an unnecessary cost where students have readily accessible photo ID in the form of their student ID.
24. SB169 changes what has been the norm in registering to vote and voting in person for nearly two decades.
25. Students rely on being able to use their student ID. The ability to use student ID is common knowledge on campus at MSU.
26. Student voting is already a complicated experience at MSU. Although there is now polling place campus, to find time to vote, students may have to miss out on other obligations or make a special trip.
27. When students attempt to vote in person and are turned away, we have observed that they don't often have the opportunity to make a second attempt. This is for intuitive reasons. Generally, on election day, there are significant lines, and if a student makes it through the line and is then turned away for any reason including lack of proper ID, the time involved in procuring the correct documentation—which they may not have—and returning to wait in line once again is onerous.
28. While it is true that voters may sometimes be able to cast a provisional ballot, the only way to ensure that ballot is counted is to return the following day with an acceptable form of ID—which they may not have.
29. SB169 also puts elections officials in the position of educating voters about the changes to our voting laws despite the fact that they are often

overburdened and at capacity on election day. Frankly, in my experience, election officials don't have time in the days leading up to elections to spend explaining changes and carefully instructing voters about new ID requirements.

30. Forward Montana also incurs costs as a result of changing laws—we have to retrain our staff and volunteers and make significant efforts to correct any confusion among students and young people who were otherwise well-informed.
31. We also have to update all of our educational materials related to voting, which is costly.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATED this 12 day of January, 2022.

LOCATION when signed: Bozeman, MT

Amara Reese-Hansell
AMARA REESE-HANSELL

Exhibit K

Declaration of Alzada Roche

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

Montana Youth Action; Forward
Montana Foundation; and Montana
Public Interest Research Group,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official
capacity as Montana Secretary of State,

Defendant.

Cause No. DV 21-1097

**DECLARATION OF
ALZADA ROCHE**

I, ALZADA ROCHE, state as follows:

1. I am over 18 years old and a resident of Gallatin County, Montana. The matters set forth in this Declaration are based on my personal knowledge.
2. I am a student pursuing a Master's degree at Montana State University.
3. I moved to Montana in 2015 after graduating from college. I have lived in the Bozeman area for the past six years.
4. I first registered to vote in Montana in 2015.
5. Since the 2015 election, I have voted in almost every election, municipal, primary, and general.
6. I prefer to vote absentee so that I have more time with my ballot. Being able to research candidates and issues is important to me because I care about being a well-informed voter.

7. Like many other students, seasonal workers, and young people I know, I have moved frequently. I generally take short term leases, reducing the costs of renting.
8. In the last six years, I have had about eight different residential addresses.
9. Each time I move, I update my voter registration to reflect my new address. I typically update my voter registration by mail, rather than going to the elections office in person.
10. Even though I generally make sure to update my registration to accurately reflect my new address, on several occasions, I have not received my absentee ballot by mail.
11. Anytime that my ballot doesn't arrive by mail, I go to my polling place to update my address in person. I have usually done this during late registration period before election day.
12. In the 2021 election, I did not receive my ballot in the mail and had to update my registration in person during the late registration period.
13. I rely on the absentee ballot system. In the past, when I have not received my ballot, I have been fortunate to be able to go to my polling place to fix my registration and get my ballot. The availability of election day registration has always been reassuring to me as a fail-safe should I find myself unable to get to my polling place in advance of an election. Without election day registration as an option, I worry that I will be unable to resolve any issues should they arise close to election day.

14. Voting is a right, not a privilege. Every person who is eligible to vote should be able to exercise that right.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATED this 6 day of January, 2022.

LOCATION when signed: BOZEMAN, MT

A handwritten signature in dark ink, appearing to read 'AROCHE', is written over a horizontal line.

ALZADA ROCHE

Exhibit L

Affidavit of Alexa Runnion

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-1097</p> <p style="text-align: center;">AFFIDAVIT OF ALEXA RUNNION</p>
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I, ALEXA RUNNION, state as follows:

1. I am over 18 years old and a resident of Missoula, Montana. The matters set forth in this Affidavit are based on my personal knowledge.
2. I am a student at the University of Montana and Chair of the Montana Public Interest Research Group (MontPIRG) board.
3. I began interning with MontPIRG in January 2021 and joined the MontPIRG Board in May 2021.
4. Throughout 2021, I volunteered for many MontPIRG get-out-the-vote (GOTV) events on campus at the University of Montana. I estimate that I talked to around 500 students about voting and registering to vote at these GOTV events.
5. My impression based on conversations I had with students is that most out-of-state students and even some in-state students are not aware that they can register to vote on campus in Missoula.

6. During GOTV events, I helped students register to vote if they were not already registered. Many students did not have Montana driver's licenses and did not know the last four digits of their social security number, so they were unable to fill out their registration form with me. When that happened, I gave voter registration forms to students to fill out later.
7. Based on my experience, I know students are more likely to register to vote when they are able to complete registration forms quickly and in person with an organizer like me instead of trying to complete forms later and then submit their forms to the elections office on their own.
8. When I spoke with students who had never voted or registered to vote, they were generally less knowledgeable about the process for registering to vote than students who had previously registered.
9. In 2018, I turned 18. I initially registered to vote using my home address in Bozeman.
10. When I moved to Missoula to attend the University of Montana, I updated my voter registration to reflect my new address.
11. Because I have moved every year since turning 18, I have had to update my registration every year since moving to Missoula.
12. As a result, I have updated my voter registration approximately four times over the last three years to keep my address current.
13. I update my registration by seeking out a MontPIRG table that registers voters.

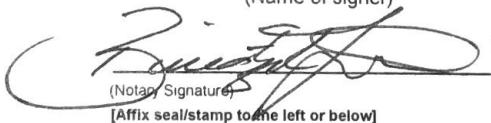
14. Prior to the 2021 general election, my suitemates and I registered for absentee ballots.
15. Because we generally want to be informed voters, we took time researching candidates after we received our ballots. We did not have time to return our ballots by mail.
16. I prefer to drop my ballot off or to vote in person because I like to participate actively in democracy and taking my ballot directly to my polling place eases any worries that the ballot may be lost in the mail.
17. By the time my suitemates and I had finished filling out our ballots and sealed them to return, everyone in my home but me had tested positive for COVID-19.
18. While some of my suitemates were able to mail their ballots in, I took my own ballot and several of their ballots to deliver to our polling place in person.
19. If the absentee ballot system had not worked properly—if any of our ballots failed to arrive in the mail, for example—it would have been exceedingly difficult for my suitemates and me to vote.

I declare under penalty of perjury that the foregoing statements are true.

DATED this 5 day of ^{JANUARY 2022} ~~December, 2021~~.

State of Montana
County of Gallatin

This instrument was signed and sworn to before me
on 1-05-2022 by Alexa Runnion
(Name of signer)


(Notary Signature)
[Affix seal/stamp to the left or below]


ALEXA RUNNION

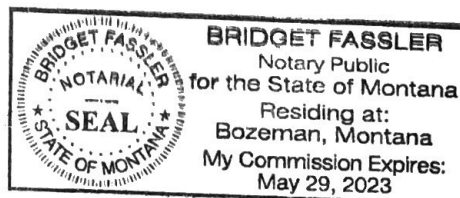


Exhibit M

Declaration of Hailey Sinoff

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: right;"><i>Defendant.</i></p>	<p>Cause No. DV 21-1097</p> <p style="text-align: center;">DECLARATION OF HAILEY SINOFF</p>
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I, HAILEY SINOFF, state as follows:

1. I am over 18 years old and a resident of Gallatin County, Montana. The matters set forth in this Declaration are based on my personal knowledge.
2. I moved to Montana in the summer of 2017 to attend Montana State University ("MSU"). I moved into on-campus housing in Bozeman in August 2017.
3. I did not vote in the 2017 municipal elections because I did not realize that I could register to vote in Montana using my campus address. I would have voted had I known I was eligible.
4. In Spring 2018, I registered to vote through Forward Montana. I used my California driver's license to register.

5. If Senate Bill 169 had been applicable in Spring 2018, I would not have had any form of acceptable identification besides my Social Security Number, which I understand is not generally used for in person voting. I had no utility bills, no bank statement reflecting my address, no paycheck, and no other government document showing my current address that would supplement my student ID or then out-of-state driver's license.
6. In 2019, I updated my voter registration to reflect a new address.
7. In fall 2022, I am planning to live abroad in Spain. I will maintain my permanent address in Montana, however, because I intend to reside here. Of course, I will need to update my address and vote absentee.
8. Since I first voted in Montana in the 2018 primary election, I have voted by mail. I prefer to drop off my ballot in a Post Office drop box on MSU's campus.
9. In most elections since the 2018 primaries, I have helped my friends vote by taking their absentee ballots to Post Office drop boxes.
10. Over the past three years, I have seen many of the Post Office drop boxes on MSU's campus be removed.
11. In fall 2020, I attended a Bozeman City Commission meeting about the upcoming general election. Because of the COVID-19 pandemic, the governor gave counties the option to conduct mail

ballot elections. I spoke at the commission meeting about how I would not be able to vote on election day, and that I knew I would need to vote early by mail. While I was registered to vote absentee, I spoke out because I knew that it would matter for other people who might not realize that conducting a mail-in ballot election was optional. I believe that everyone should be allowed and encouraged to vote.

12. For me, voting in person feels borderline impossible. Between my class schedule, unpredictable part-time work schedule, and other commitments, I cannot be sure that I will be able to go to the polls at any certain time.
13. But I also rely on the absentee system because I take voting incredibly seriously. I like to be fully informed about candidates and issues on the ballot because I am invested in the future of my country. Quite simply, elections are extremely important and from my perspective, the best way to participate is to examine my ballot closely and to make careful decisions about who and what I vote for.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

DATED this 10 day of January, 2022.

LOCATION when signed: 320 s black ave, Bozeman MT

Hailey Sinoff
HAILEY SINOFF

Exhibit N

Declaration of Nathalie Wagler

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

<p>Montana Youth Action; Forward Montana Foundation; and Montana Public Interest Research Group,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">vs.</p> <p>CHRISTI JACOBSEN, in her official capacity as Montana Secretary of State,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Cause No. DV 21-1097</p> <p style="text-align: center;">DECLARATION OF NATHALIE WAGLER</p>
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I, NATHALIE WAGLER, state as follows:

1. I am over 18 years old and a resident of Bellingham, Washington. The matters set forth in this Declaration are based on my personal knowledge.
2. I am a member of the Forward Montana 501(c)(4) board.
3. Although I am pursuing my education in Washington, I intend to return to reside in Montana and therefore maintain my voter registration in Montana.
4. In 2017, I was a resident of Yellowstone County.
5. My birthday is October 29th. I turned 18 on October 29, 2017.
6. Voting is incredibly important to me and I did not want to leave it to the last minute.

7. I knew that I could register to vote before turning 18. I wanted to register in advance of election day because I had a busy schedule and there were only six business days between my birthday and election day, which fell on November 7, 2017.
8. I presented myself at the Yellowstone County Elections Office on Friday, October 27, 2017, and requested a registration form. When the elections official I encountered saw that I was not yet 18, she turned me away.
9. I knew I was legally allowed to register to vote as a 17-year-old because I would be 18 by the time of the election.
10. I was busy at the time, and it was difficult to manage being turned away when I should have been allowed to register and to take my absentee ballot home with me to consider the candidates in each race and vote.
11. I remain a person with a full schedule and know that if I found myself in the same situation today, it would be similarly challenging.
12. While I made time to get back to the elections office, I was disheartened to have been denied the opportunity to register when I knew I should have been allowed to.
13. It was a relief to know that even if I could not register before election day, I had the option of using election day registration.

14. Even so, I realize now that if I had been living outside the state at the time, or traveling, legislation like House Bill 506 would have prevented me from voting. It's one thing for an election official to make a mistake that did not actually prevent me from being able to vote, but many others with birthdays that land close to mine simply will not be able to vote if House Bill 506 is applied. And while the mistake was isolated, a law that prevents people from voting will very likely discourage people with birthdays near mine from even bothering.
15. I feel like I am exceptionally committed to voting. I am politically engaged and interested. Not everyone is engaged at the same level that I am.
16. Because of my commitment to voting, I returned to the elections office after my 18th birthday and before election day and was permitted to register and vote in person on my second attempt.
17. During the 2018 primary election, I thought that I had registered for an absentee ballot. But when other members of my household received their absentee ballots in advance of election, I did not receive an absentee ballot.
18. As a result, I voted in-person on election day in 2018.
19. While I was registered to vote and had no difficulties on election day that year, had anything gone wrong with my registration—if, for example, I had moved to a new county and needed to update my

address—a law like House Bill 176 would have prevented me from casting a ballot.

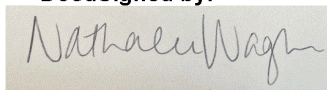
20. In the same way as many of my peers, I have moved multiple times since first registering to vote.
21. I am dedicated to maintaining my voter registration and have consistently done so, even though it is difficult to keep everything up to date in the midst of all the other stressors of moving and getting settled. Still, I have changed my registration each time I have changed addresses.
22. In the 2021 election, I moved close in time to the election.
23. Because of the timing of my move, I had to change my voting address after ballots were mailed. By the time I received my ballot, I had only one or two days to return it to ensure that it would be delivered in time to be counted.
24. Although I returned my ballot as quickly as I could, I do not know whether my ballot was accepted.

I declare under penalty of perjury and under the laws of the state of Montana that
the foregoing is true and correct.

DATED this 11 day of January, 2022.

LOCATION when signed: Bellingham, WA

DocuSigned by:

A rectangular box containing a handwritten signature in cursive script, which appears to read "Nathalie Wagler".

E259AF94DF1B4B0...

NATHALIE WAGLER

CERTIFICATE OF SERVICE

I, Rylee Sommers-Flanagan, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Brief In Support of Motion to the following on 01-13-2022:

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Service Method: eService

Austin Markus James (Attorney)
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Fort Belknap Indian Community (Plaintiff)
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Confederated Salish And Kootenai Tribes (Plaintiff)
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Electronically Signed By: Rylee Sommers-Flanagan
Dated: 01-13-2022