

The background of the entire page is a photograph of the Texas State Capitol building in Austin, Texas. The building is a large, classical-style structure with a prominent central dome topped by a statue. The image is overlaid with a semi-transparent teal color that serves as a background for the text.

2019

# THE KIDS ARE NOT THE PROBLEM:

PROMOTING CIVIC EMPOWERMENT IN TEXAS'  
YOUTH WHEN PARTICIPATION IS REVOLUTIONARY

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**CHILDREN'S DEFENSE FUND – TEXAS**

MAGGIE STERN, JO DEPRANG, & IRENE GÓMEZ

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## CDF MISSION STATEMENT

The Children's Defense Fund Leave No Child Behind® mission is to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities.

CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. CDF educates the nation about the needs of children and encourages preventative investments before they get sick, drop out of school, get into trouble or suffer family breakdown.

CDF began in 1973 and is a private, nonprofit organization supported by individual donations, foundation, corporate and government grants.

## ACKNOWLEDGEMENTS

Children's Defense Fund of Texas wishes to thank our partners who made this project possible and whose work we document here. Thanks especially to the Texas Civil Rights Project for reviewing a draft report and providing their expert feedback.

We extend our thanks and praise to the many young people of Texas and their allies across the state who continue to vote, organize, and engage in their communities, despite the barriers we report here that stand in their way. Together, we are working to ensure that our state finally represents all of its people in our strength and diversity. After reading this report, we hope you will join us.

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## FOREWORD

Since our founding, the Children’s Defense Fund has worked to give every child a healthy start, a head start, a fair start, a safe start, and a moral start in life to ensure that they reach their full potential as adults. Civic education and engagement is a vital part of that mission. We know that communities where more people vote, volunteer, and advocate for change tend to have higher employment rates, improved health outcomes, and governments that respond more consistently to their needs.

The engagement of youth in the civic life of our country is also deeply rooted in our origins, with direct links to the American Civil Rights Movement. Throughout its 45-year history, the Children’s Defense Fund has had youth organizing and youth development at the core of its mission, driven in part by the early experiences of our founder Marian Wright Edelman and her central role in the Freedom Schools of the civil rights era. After she finished law school and became the first Black woman admitted into the Mississippi Bar, she joined the legal defense team for Freedom Summer. That legacy provides the foundation for the CDF Freedom Schools that serve low-income children all across the country today.

“In 1964, under the tall green branches of a pecan tree behind her two-bedroom house, activist and civil rights leader Fannie Lou Hamer met with students and activists from around the country to strategize their efforts for Black enfranchisement and liberation. This group, made up of the Freedom Summer volunteers, influenced a turning point in American activism and politics, transforming both the way we think about the right to vote and our understanding of the power of youth organizing...The Freedom Summer lasted only 10 weeks, but in that time, those involved helped alter the state’s political, educational, and social landscape. In order to register voters, volunteers canvassed neighborhoods where eligible yet unregistered Black citizens lived, going door to door talking about the power of the vote. By the end of the summer, 17,000 Black residents had attempted to register (though local registrars ultimately accepted only 1,600 completed applications). And volunteers established 41 Freedom Schools that served 3,000 Black students throughout the state.”

Excerpted from: *The Freedom Summer of 1964 Launched a Voting Rights Revolution*,  
teenVOGUE, June 3, 2019.

Texas badly needs a renewal of the transformative change of Freedom Summer and the electoral reforms necessary to ensure all people can participate in our democracy. But systemic efforts to suppress broader civic participation in Texas present significant challenges. In his 2012 opinion against the state’s efforts to further restrict its already burdensome voter registration process, Judge Gregg Costa said this about Texas’ voter registration rules: “[they] would have rendered Freedom Summer illegal.”<sup>1</sup>

With this report we hope to highlight the barriers that currently exist in Texas for the full participation of our youth, particularly those from communities of color. As this report asserts, “the kids are not the problem”; policies of systemic disenfranchisement and voter suppression are too often responsible for low youth voter participation in our state. But policies can be changed, and young people can be given the tools they need to be actively engaged in the civic life of our state. To that end this report also offers promising policies and proven practices that can energize youth participation in our democracy.

The good news is that young advocates across the state are already leading the charge, and recent increases in youth voter turnout indicate an exciting growth in engagement. Our collective work is to support and sustain these trends while we remove the barriers to civic participation that remain.

To learn more about our Youth Civic Education and Engagement work, visit our **website** and follow us on **Facebook**.



**PATRICK BRETTE**  
**EXECUTIVE DIRECTOR**  
**CHILDREN’S DEFENSE FUND – TEXAS**



## EXECUTIVE SUMMARY

In November of 2018, Texas hosted one of the tightest and most closely watched senatorial races in the country. During the same election, a higher proportion of Americans voted than had in any midterm in a century. Together, these two facts should have led to blockbuster voter turnout in Texas – but they didn't. Instead, Texas ranked in the bottom ten states for turnout, contributing to the longstanding narrative that Texans just don't care about voting.

In fact, the opposite is true. Turnout among young Texans in 2018 was more than triple that of the last midterm. But for every vote cast by a young person, an unknowable number went un-cast – not because of “voter apathy” but because for more than a decade, Texas' elected leaders have made changes to the electoral process that have discouraged, diluted, or outright deterred the voting power of its young citizens, especially young Texans of color.

The best-known of these is the voter ID requirement, which was repeatedly shown to discriminate against black and Latino voters. But more insidious is the raft of changes we term, “cumulative disenfranchisement,” referring to the outcome of policies that make voting harder by increments small enough to escape judicial scrutiny but significant enough, when working in concert, to exclude certain groups from the ballot box.

The components of cumulative disenfranchisement include passive obstruction and active suppression. Passive obstruction refers to election policies that apply to all Texans but which pose a higher burden to new voters and groups with lower socioeconomic status, such as voter ID requirements and a cumbersome registration process. Active suppression denotes government actions that obstruct voting and are unevenly applied to underrepresented groups, including voter roll purges, voter intimidation, and restricted access to the polls.

In this report, we document the practices that make it more difficult for young Texans to be civically engaged. But low youth voter turnout isn't inevitable. Advocates in Texas are working to offer voter registration in high schools, expand quality civic education, create a culture of voting in schools, and prioritize culturally sustaining strategies to motivate student civic engagement. Educators and activists can use the second part of this report as a resource guide to join this movement. Together, we can create a state that welcomes the participation of all its residents so that on future Election Days, the electorate fully represents our young, diverse, and powerful state.

## INTRODUCTION: THE PROOF IS IN THE POLICY

Ask any parent: If a child sees a conflict between what an adult does and what they say, they're going to believe the deed every time.

This is as true of a new generation regarding their government as it is of a child observing their parents. American youth grow up pledging daily allegiance to a flag that represents, among other things, liberty and justice for all. Whether youth continue to believe that the United States prizes these values will depend not on what they recite– but on what they witness as they come of age.<sup>2</sup>

In this context, it's no surprise that voter turnout among young Texans is consistently low.<sup>3</sup> They already face many of the same obstacles to voting as other low-propensity voters, such as being less likely to have independent transportation, less likely to have a state-issued photo ID, and more likely to move frequently.<sup>4</sup> But beyond this, they've witnessed their elected leaders praising democracy and exhorting young people to vote while these same officials implement, tolerate, or defend policies that discourage higher voter turnout.<sup>5</sup>

The effect of these practical and psychological deterrents – low voter turnout among young people – is not an accident. It's the intended consequence of a systemic, trans-generational effort to preserve the concentration of political power in the hands of a small group that does not resemble the population it claims to represent.

In the last two decades, incremental changes to state voting policy have made it harder for young people – and especially young people of color – to vote. In this paper, we will call this effect “cumulative disenfranchisement.” Cumulative disenfranchisement refers to individual actions or policies that are sufficiently diffuse as to avoid legal challenge but which work in concert to keep specific groups from the ballot box, ensuring already underrepresented populations can't vote out the people discriminating against them.

State leaders argue that these policies are necessary to protect against voter fraud, although multiple academic studies and government inquiries have failed to find widespread evidence to support this claim.<sup>6 7</sup> Voting rights activists say the outcome of cumulative disenfranchisement is more deliberate.<sup>8 9</sup> If suppressing the vote among Texans of color is the goal, targeting young voters is a shrewd strategy. Voting habits are established early, and

an 18-year-old Latina student's vote has the same power as a white CEO's – if she manages to cast it.<sup>10</sup> If she attempts to participate but can be dissuaded from voting for any reason – by long lines, ID requirements, distant polling places, abbreviated early voting, voter intimidation, or any of a host of other impediments – then not only will she “fail” to vote in an election, but she might also conclude that her vote is unwanted.<sup>11</sup>

Were she to take a close look at Texas' electoral policies, she would conclude she's right.<sup>12</sup>

One nonprofit group conducted such an examination after the historic 2018 midterm elections. NonprofitVOTE compared state voting procedures with voter turnout during 2018 and found that, for better or worse, electoral policies essentially determined turnout. In 2018, Texas, with its constant innovation in the field of voter suppression, managed to stay in the bottom ten states for voter turnout despite hosting one of the highest profile senatorial races in the country.<sup>13</sup>

Of course, voters are made, not born. High-quality civic education has the potential to undo much of the damage done by policies that suppress the vote, producing politically active citizens across demographic groups. Unfortunately, the students who most need the ameliorative effects of high-quality civic education are the least likely to get it. Texas schools are funded primarily by property taxes, meaning that children in low-income areas – most often students of color – attend schools with fewer resources. In 2017, the average student of color in Texas attended school in a district that received 1.5 percent less in per-student funding than a district attended by the average white student.<sup>14</sup> Meanwhile higher-income students, who are more often white, gain exposure to better-paid teachers and more academic resources – often including greater access to the kind of high-quality, action-oriented civic education that can empower future voters.<sup>15</sup> While there are effective programs that can help mitigate this inequity, they currently serve only a limited number of schools.<sup>i</sup>

Some would write off Texas' low youth voter-participation rate as the way of the world – or, worse, as evidence that young people don't care about the democratic process. But because we see higher youth engagement in other states with fewer deterrents to voting and among Texas youth who have received quality civic education, we know that low rates of youth participation are not inevitable. If the state were facilitating – rather than obstructing – youth voting and providing action civics universally, there's a solid case to be made that we'd see more young Texans thriving in civic life.

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<sup>i</sup> Part II of this report provides resources for effective civic education programs, lesson plans, and scholarships that are available across Texas.



It cannot be a partisan act to earnestly defend all citizens' right to vote unless democracy itself is the exclusive purview of one political party or another. We reject this idea as undemocratic. Pursuing a Texas that more closely realizes the ideal of "one person, one vote" requires a frank, data-driven assessment of the effect Texas' own policies have on its people – and their participation in the civic life of the state.

### **THIS REPORT WILL:**

- Validate the cognitive dissonance young Texans may be experiencing with a democratic process at odds with the one they were taught to expect;
- Document the status and trajectory of the youth vote in Texas;
- Demonstrate the relationship between low youth civic engagement and governmental policies that actively or passively obstruct it, and;
- Provide resources that can empower educators, activists, and young Texans to circumvent these obstructions through education and collaboration.

# YOUTH VOTING IN TEXAS

## THE PRESENT

On Election Night 2018, the following three things were true:

**ONE:** Texas hosted a nail-biter of a race. In what turned out to be one of the tightest, most expensive, most closely watched senatorial contests in the nation, Democratic Representative Beto O'Rourke came within three percentage points of claiming the seat held by Republican Senator Ted Cruz.<sup>16</sup> It was the closest a Texas Democrat had come to beating an incumbent GOP senator in 40 years, in a state that hadn't elected a Democrat to any statewide executive office in a quarter-century.<sup>17</sup>

**TWO:** Almost nine percent of the U.S. population called Texas home.<sup>18</sup>

**THREE:** More than half of all eligible Americans cast a ballot, yielding the highest midterm turnout rate in over 100 years.<sup>19</sup>

And yet in this case, one plus two did not equal three. Texan voters didn't drive the country's historic turnout.

Texas got a boost, of course. Its turnout rate was up almost 20 points over that of the previous midterm. But this was still a much smaller showing than the dramatic O'Rourke vs. Cruz contest suggested. Amid a national surge in participation, Texas' 20-point gain remained insufficient to lift the state out of the bottom 10 for voter turnout. Despite more Texans voting early in the 2018 midterm than voted altogether in 2014, Texas turnout was still 46 percent, versus more than 50 percent nationally (Graphic 1).<sup>20 21</sup>

Texas would have fared far worse without its young people aged 18 to 29, who made up nearly 12 percent of voters statewide.<sup>22</sup> While still underrepresented compared to their share of the state population, young Texans have gained more electoral influence since the 2014 election, when they made up less than 7 percent of voters.<sup>23</sup> Youth turnout in Texas was more than triple that of the

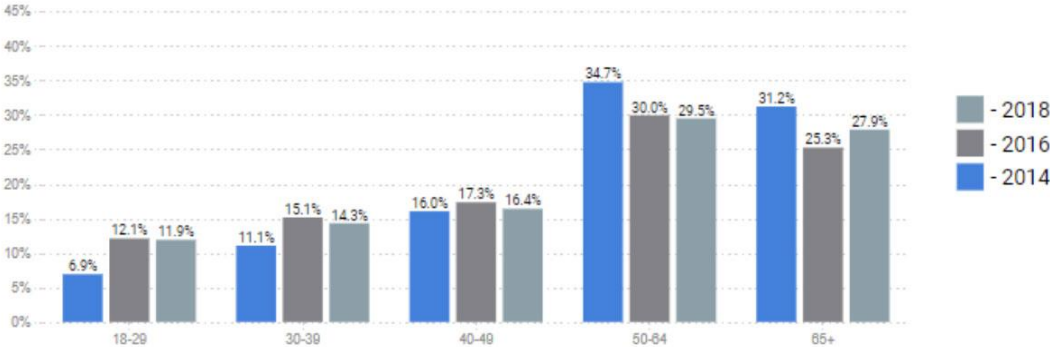
VOTER TURNOUT RATES RANKED BY STATE, 2018	
State	Turnout Rate
Minnesota	64.2%
Colorado	63.0%
Montana	62.0%
Wisconsin	61.7%
Oregon	61.5%
Maine	60.2%
Washington	58.9%
North Dakota	58.6%
Michigan	57.8%
Iowa	57.7%
Vermont	55.9%
Georgia	55.0%
Florida	54.9%
Virginia	54.8%
New Hampshire	54.6%
Alaska	54.6%
Massachusetts	54.6%
Connecticut	54.4%
Maryland	54.2%
Missouri	53.4%
South Dakota	53.3%
New Jersey	53.1%
Utah	52.0%
Nebraska	51.8%
Pennsylvania	51.7%
Delaware	51.4%
Illinois	51.4%
Kansas	51.2%
Ohio	50.9%
<b>United States</b>	<b>50.3%</b>
Idaho	50.0%
California	49.6%
North Carolina	49.6%
Arizona	49.1%
Wyoming	48.7%
Kentucky	48.6%
Rhode Island	48.1%
Nevada	47.5%
New Mexico	47.3%
Alabama	47.3%
Indiana	46.9%
<b>Texas</b>	<b>46.3%</b>
New York	45.2%
South Carolina	45.2%
Tennessee	45.1%
Louisiana	44.8%
District of Columbia	43.7%
Mississippi	43.7%
Oklahoma	42.5%
West Virginia	42.5%
Arkansas	41.4%
Hawaii	39.3%

Graphic 1. Data from United States Election Project

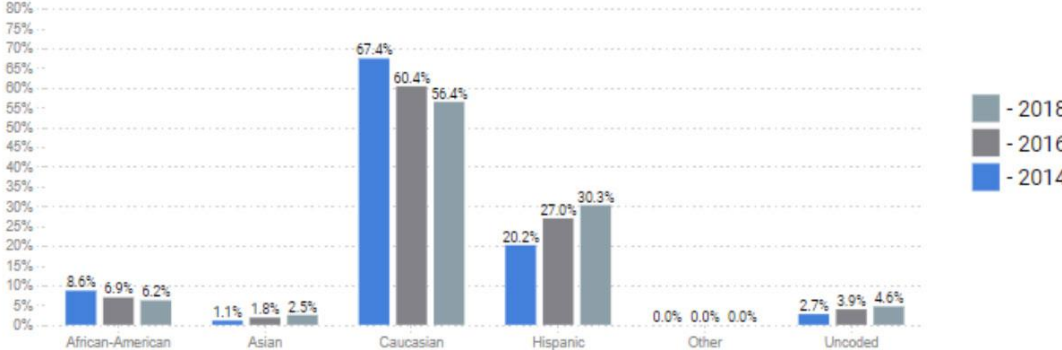
last midterm, and more than half of first-time voters in Texas' 2018 election were under 30 (Graphic 2).<sup>24 25</sup> Meanwhile, almost a third of all young voters (first-time and repeat) were Latinos. From 2014 to 2018, young whites went from making up more than two-thirds of the youth vote in Texas to holding just over 56 percent, an 11-point drop. In the same period, Latinos grew their share of the youth vote by 10 points, to 30.3 percent.<sup>26</sup>

## WHO VOTES IN TEXAS?

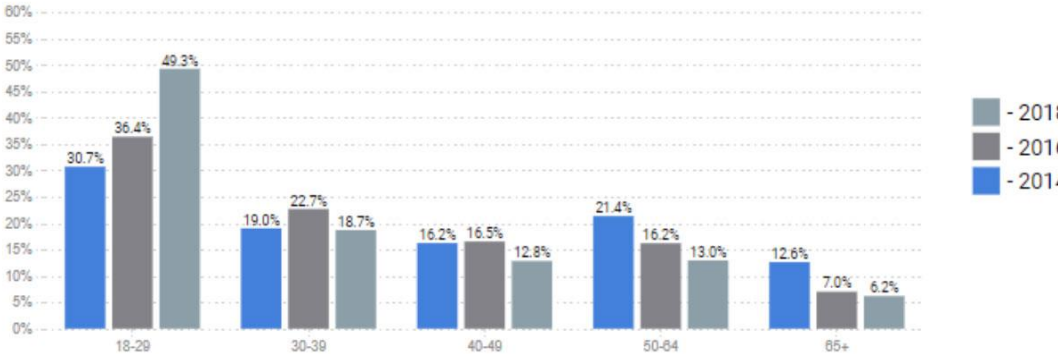
**Texas Vote Share by Age**



**Texas Vote Share: Voters under 30 by race**



**Texas First Time Vote Share by Age**

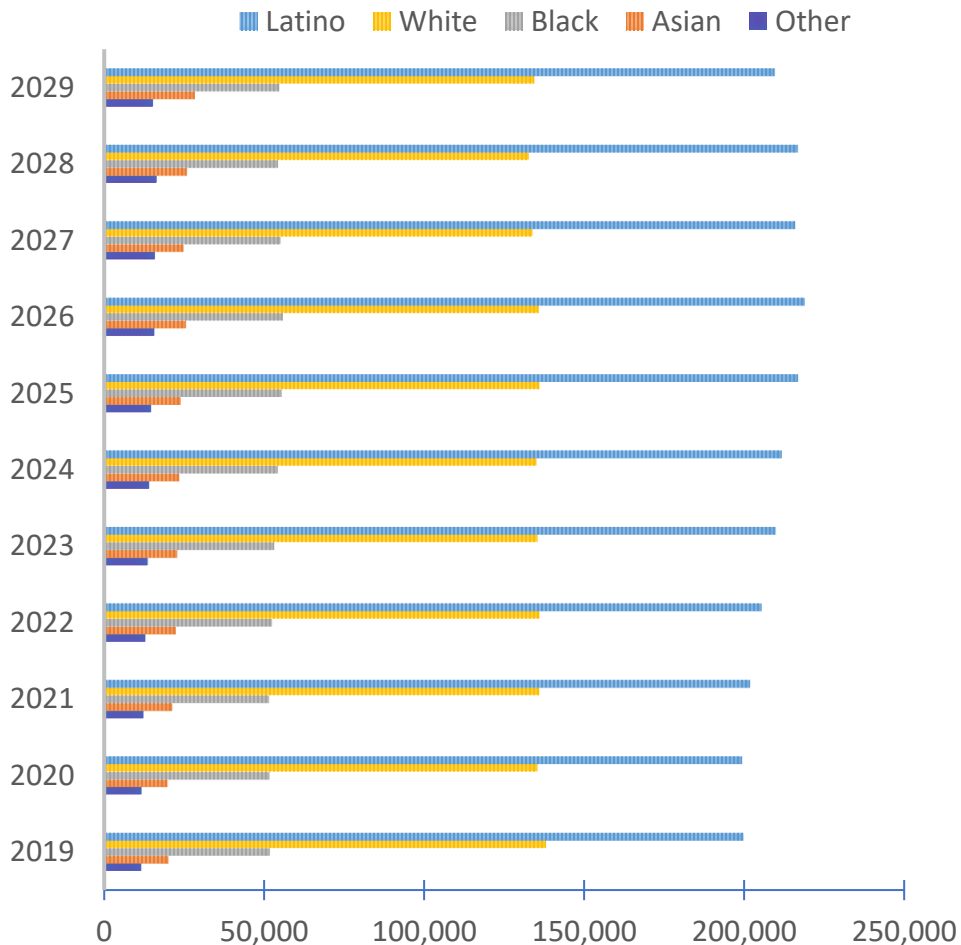


Graphic 2. Courtesy of TargetSmart

The sizable influence young Latino voters exercised during the 2018 midterms was a mere preview of the political force they could become over the next decade. In 2016, a little less than half of Latinos in Texas were eligible to vote. The rest, 54 percent, were disqualified primarily because of age or citizenship status. But each year from 2019 to 2029, an average of more than 200,000 Latinos currently living in Texas are expected to turn 18 (Graphic 3), and the vast majority of them are U.S. citizens.<sup>27 28</sup> The only question is: Will they vote?

Despite Latino population growth frequently being characterized as an existential threat to GOP rule, Texas Latinos are not overwhelmingly Democrats. Just shy of a third claim the title of Democrat, while 13 percent say they are Republicans and 16 percent, Independents. Five percent say they are none of these (“other”), while more than a third told pollsters they weren’t sure how they politically identify.<sup>29</sup> These preferences may change as new voters are added to the rolls – but it will only matter if they can cast their ballots.

**2019-2029 PROJECTIONS FOR 18-YEAR-OLDS IN TEXAS**



Graphic 3. Data pulled from Texas Demographic Center

## THE CHALLENGE

“Voter participation” is often used interchangeably with “voter turnout” to describe the rate at which different groups cast ballots in an election. It’s a misleading term. The word “participation” makes elections sound like they’re a gym class that everyone attends, but that some groups – like young citizens, low-income citizens, and citizens of color – choose to sit and watch, rather than participate. This suggests an equality of access to the vote that simply doesn’t reflect reality. It also implicitly blames less privileged groups for being poorly represented in the halls of power, both demographically and in terms of having their issues addressed, because they “chose not to participate.”

In fact, casting a ballot in Texas is more like completing an obstacle course with the difficulty level set by the state and inversely related to wealth. Voter turnout rates are correlated with race, age, and education level. Race is the dominant factor of those three. But where the advantages of whiteness and wealth diverge, wealth is the better predictor of whether a citizen will clear every hurdle needed to succeed at voting.<sup>30</sup> Voter participation, then, should more accurately be called “voter success,” with a high “voter success rate” the objective – and responsibility – of every state.

Many states have been working to achieve higher voter success rates through reforms such as automatic voter registration (AVR). As of June 2019, 18 states and the District of Columbia automatically register eligible citizens when they interact with state motor vehicle departments or other agencies, using information already collected during these interactions. Enrollees can also opt out, whether for personal preference or because they are disallowed by citizenship status or felony conviction.<sup>31</sup> In one case, Oregon found that its AVR program overwhelmingly boosted turnout among the least likely voters, including citizens under age 30. Voters reached by AVR in Oregon were also more often low-income, less educated, and citizens of color – particularly Latinos.<sup>32</sup>

Why have other states not adopted this reform? For some, widespread voter participation may pose political peril. Today’s young voters are decisively left-leaning – even more so than in the recent past. According to a *New York Times* analysis of Pew Research Center data, the nation’s youngest voters skew the farthest left, with 59 percent of 18- to 24-year-olds self-describing as Democrats. Just a third say they are Republicans, and even these hold more liberal views on climate change and race relations than do older Republicans.<sup>33</sup>

From the 2014 to 2018 midterm elections, turnout for 18- to 29-year-old voters rose by 16 percent, delivering the largest growth in raw percentage points by any age group.<sup>34</sup> National

exit polls showed young voters choosing Democratic candidates for the House of Representatives over Republican ones by a 2-to-1 margin. Among young voters of color, support for Democrats was even higher: 92 percent of young black voters chose Democrats, as did 81 percent of Latino youth. Young whites supported Democrats over Republicans by a 13-point margin.<sup>35</sup>

This orientation is likely to persist. Conventional wisdom holds that young people start out liberal and become more conservative as they age, but research on Millennial voters doesn't support this.<sup>36</sup> Millennials, who were born in the Eighties through mid-Nineties, say their views have become more liberal over time, particularly on social issues.<sup>37</sup> Moreover, this group is passionate about voting. Seventy-seven percent consider it their civic duty, and 66 percent believe it will lead to change they want to see in their government.<sup>38</sup> The majority of Millennials participated in the political process in multiple ways in the last year, including donating money to campaigns or causes, attending rallies, signing petitions, and discussing politics on social media.<sup>39</sup>

This may be why many conservative Republicans are the least supportive of making voting easy for every citizen. A 2018 Pew Research Center survey found that two-thirds of Americans say everything possible should be done to make it easy for eligible citizens to vote. Not quite half of Republicans and GOP-leaning independents hold this view. Fifty-one percent say citizens should have to “prove they want to vote” by registering in advance, and just 55 percent of conservative Republicans think Election Day should be a national holiday. They also show the least support for voting reforms that are already standard practice in many states, including same-day registration (35 percent support) and automatic voter registration (45 percent), while they lead the charge for policies that can disenfranchise eligible voters, such as purging voter rolls of registrants who have not voted recently or confirmed their registration (60 percent support).<sup>40</sup>

In 2019, the first official legislation from the U.S. House of Representatives, the For The People Act, would have implemented dozens of changes to modernize U.S. elections, including creating a national automatic registration system, requiring states to allow online voter registration, standardizing early voting hours, and making Election Day a federal holiday. But leadership of the GOP-majority U.S. Senate immediately vowed not to so much as consider the bill.<sup>41</sup>

Meanwhile, Texas, with a very conservative Republican leadership, hasn't just rejected changes that would make voting easier and more efficient. It has steadily found new obstacles

to erect. Through cumulative disenfranchisement, public officials at various levels of government have enacted electoral policies that might pass judicial muster individually (although many don't at first) but when combined produce a discriminatory outcome that is hard to imagine would itself be found constitutional.

Proponents of these electoral policies say they're necessary to preserve accurate, efficient, and cost-effective elections. This would be more persuasive if the policy tweaks in question sometimes disproportionately inconvenienced older, richer, whiter Texans. But they never do.

Young voters in the state, and especially young voters of color, often face two kinds of obstacles: **passive obstruction** and **active suppression**.

**PASSIVE OBSTRUCTION** is used here to mean election policies that apply to all Texans but which pose a substantially higher burden to new voters and groups with lower socioeconomic status. These include voter ID requirements, paper registration forms, and cutting off voter registration weeks in advance of Election Day. Passive obstruction also includes laws that discourage get-out-the-vote efforts, such as Texas' labyrinthine restrictions on voter registration, and the criminal penalties attached to them.

**ACTIVE SUPPRESSION** denotes government actions that obstruct voting but are unevenly applied. These include: voter roll purges, which tend to target new citizens; voter intimidation, used disproportionately against people of color; and restricted access (closed polling locations and shortened early voting periods, for example) in precincts that serve predominantly low-income voters.

# PASSIVE OBSTRUCTION

## VOTER ID

Texas made its first attempt at requiring photo voter identification in 2011, passing one of the strictest ID laws in the nation. While otherwise highly stringent, it made exceptions for older voters, like allowing those aged 70 and up to use expired ID to vote, no matter how long ago it expired. Elderly citizens already have the highest turnout rate of all age groups, and they vote far more conservatively than young citizens, who are the least likely group to have an acceptable type of ID. These include: a Texas driver's license, U.S. passport, U.S. military ID card, U.S. Citizenship Certificate with photo, Texas Election ID certificate, Texas Personal ID card, and Texas Handgun License – but not a student ID.<sup>42</sup>

At the time Texas first passed its Voter ID law, states with a history of disenfranchising people of color had to get changes to their voting plans approved by the Department of Justice in a process called “pre-clearance,” established by the 1965 Voting Rights Act. Texas' first voter ID law failed pre-clearance, meaning it was found to be discriminatory against black and Latino voters.<sup>43</sup> Despite two court findings that stricter voter ID requirements would hinder eligible Texans from voting, state officials continued to tweak the law and push it forward, claiming it necessary to prevent a rash of voter fraud that could not be shown at the time and has never been shown to exist.<sup>44</sup>

In 2013, the U.S. Supreme Court ruled that pre-clearance was no longer necessary. Within 24 hours of that decision, Texas announced its intention to implement the photo ID requirement. The law took effect in time for the 2014 election but was ruled discriminatory again by another federal court in 2016. Nonetheless, it remained in effect under a relaxed form after a U.S. District Judge ordered Texas to allow citizens to vote if they signed an affidavit swearing that a “reasonable impediment” prevented them from having a photo ID.<sup>45</sup> In 2018, Texas finally found a friendly Fifth-Circuit appeals court and the law was upheld for the first time.<sup>46</sup>

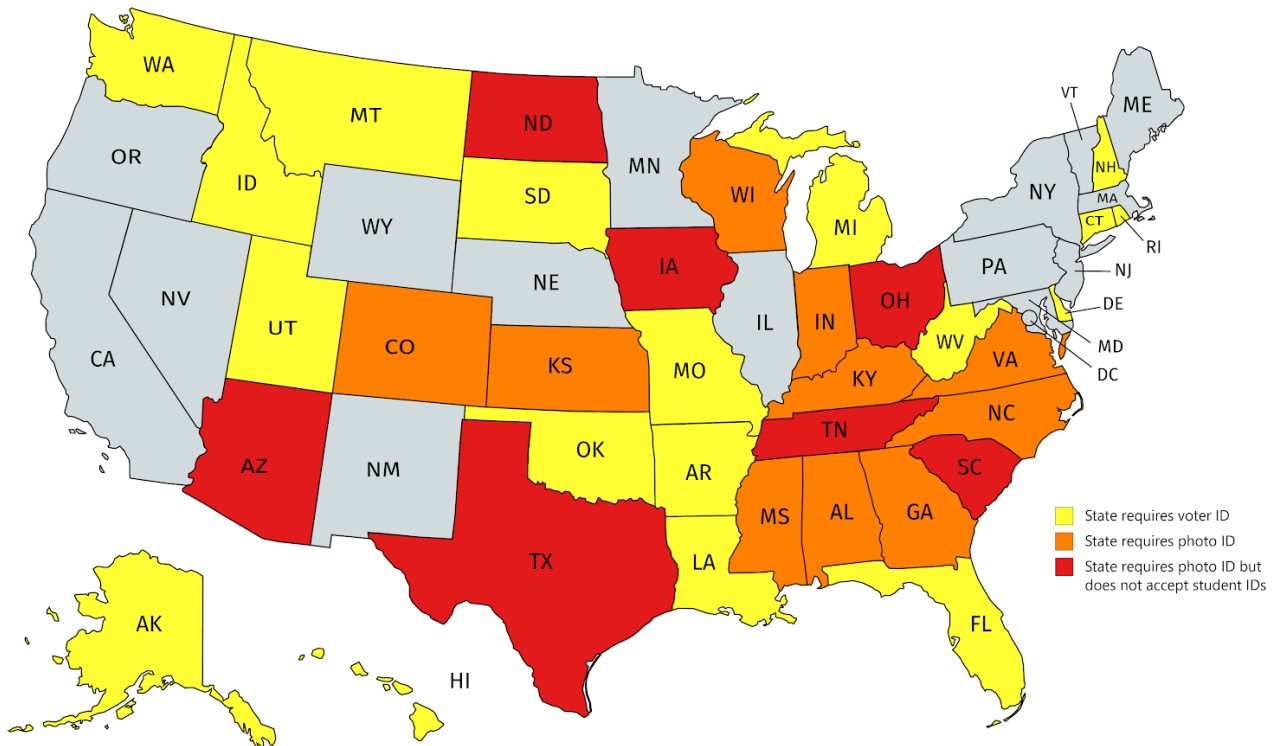
In any form, voter ID laws can have a negative impact on turnout, and even a small difference in turnout can be consequential, particularly if votes are whittled away from one group far more than another. For example, one study of 2016 voters in Dallas County found that the voter ID requirement had impeded 1.5 percent of voter trips to the polls.<sup>47</sup> This included citizens who weren't able to vote at all, those who voted but had to cast a provisional ballot, and those who had to make a second trip to the polls because they didn't bring their ID with them the first time. This percentage didn't include eligible voters who had stayed home in confusion over the law, unaware that documents such as a utility bill, paycheck, or signed



affidavit could have qualified them to vote. In the study, black voters in Dallas County were 4.5 times more likely than non-black voters to encounter problems directly related to Texas' voter ID law. Hypothetically, if 1.5 percent of the 15.8 million registered voters statewide were unable to cast a ballot because of the voter ID law, this would represent 237,000 lost votes. That's 14,000 more than incumbent Sen. Ted Cruz's margin of victory over Democratic Rep. Beto O'Rourke.<sup>48</sup> While many factors influence electoral outcomes, a policy change like the voter ID law causes small changes in turnout that can have outsized consequences.

Among those most likely to be hurt by the voter ID law are students. Thirty-five states require some form of voter identification, including 17 that demand a photo ID. Of these 17 states, only seven refuse to accept student ID cards at the polls. Texas is one (Graphic 4).<sup>49</sup>

## VOTER ID LAWS BY STATE



Graphic 4. Data pulled from Campus Vote Project, last updated 2018. Map created with mapchart.net.

Voter ID requirements pose a special challenge to students. Among young people who have a state-issued ID, some will be out-of-state students with out-of-state ID, which is not accepted. Because students move more often than older voters, their registration and home addresses may not match, which can cause problems at the polls. During the 2018 midterm election, registered citizens who had lived at their current address for a year or less were five times more likely to be prevented from voting because of registration problems than registered citizens who had lived at the same address for three years or more.<sup>50</sup>

If Texas remains committed to demanding voter ID, there's a simple fix for the student registration problem: require public institutions of higher learning to design their student IDs to conform to the standards of a state ID.

In 2016, powerful student advocacy in Louisiana succeeded in getting a bill passed that requires public universities and colleges to include the components of a driver's license on their IDs, including a signature and head shot-style photograph, so student IDs could be used to vote starting in 2019. Louisiana State University elected to update their design right away, and eligible students enrolled in the fall were able to register and vote for the 2016 presidential election with their LSU ID cards.<sup>51</sup>

During the 2019 Texas legislative session, state representative Erin Zwiener filed a bill to make student IDs permissible for voting, provided the student was registered to vote, enrolled in a public college in Texas, and held a Texas-university issued ID featuring the student's photograph. Like many election reform bills meant to encourage engagement, Zwiener's HB 1950 was referred to the Elections Committee and never heard from again.<sup>52</sup>

## ONLINE VOTER REGISTRATION

One of the best-tested, most widespread updates to the electoral process is online voter registration. After Arizona pioneered the practice in 2002, it proved such an indisputable improvement over paper registration that online registration is now available in at least 37 states and the District of Columbia (Graphic 5). Oklahoma is currently implementing an online system that will be up and running by 2020.<sup>53</sup>

Texas, on the other hand, continues to resist the change. During the 2019 legislative session, Texas lawmakers filed seven bills that would have created online voter registration. This was the third time such bills had been submitted, but the first with bipartisan support. Nevertheless, all seven bills died in committee without receiving a hearing.<sup>54</sup>

It's hard to understand the justification for this. Unlike automatic voter registration, online voter registration (OVR) isn't new; Arizona – another state with a conservative legislature – has been using it since 2002.<sup>55</sup> Neither is it expensive to implement or maintain. On the contrary: a 2010 study reported that in Arizona, the average cost of processing a single registration went from 83 cents for paper forms to 3 cents per person using OVR.<sup>56</sup> It's also clearly a better method; the Pew Research Center found that handling voter registration online reduces manual error and improves accuracy.<sup>57</sup>

So why would any state refuse to implement it? One more data point might suggest an answer: Using OVR dramatically improves voter turnout – but only among young voters.

A 2019 study published in the journal *Social Science Quarterly* looked at 20 U.S. states that implemented online voter registration between 2000 and 2014. It found that adding access to OVR improved the voter turnout rates by a modest three percentage points during presidential years. However, young citizens who registered using OVR were dramatically more likely to turn out to the polls. On average, turnout rates increased by about 20 percentage points when voters used OVR to register, with the youngest voters seeing the greatest effect. Eighteen-year-olds who used OVR saw around a 30 percentage point increase in turnout rate.<sup>58</sup>

Whatever the motivation, Texas isn't just slow to adopt new technology to register voters; it appears to be actively hostile toward modernization.

In 2018, less than a month before the historic midterms, then-Texas Secretary of State (SOS) Rolando Pablos became aware that more than 2,000 Texans had submitted their voter registrations via a service offered on the website [Vote.org](https://www.vote.org). While Texas statute doesn't provide for online registration, it does allow applications to be faxed to the county registrar if a mailed copy of the application follows within four business days. [Vote.org](https://www.vote.org), run by a nonprofit organization in California, let Texans enter their information and upload a photograph of their signature. It then faxed in the forms to the appropriate office and mailed a printed copy of the application to county registrars on the voters' behalf.<sup>59</sup>

State SOS Pablos claimed these registrations were illegal because the mailed form needed to include an original signature, but this assertion was not supported by the relevant statute. Bruce Elfant, the Travis County voter registrar, said he had reviewed the law with his legal team and that it specified that "a copy" of the faxed form be subsequently mailed. Thus, Elfant said, the approximately 800 applications Travis County received through [Vote.org](https://www.vote.org) were appropriate and those voters were now registered. He also pointed out that Pablos did not have the legal authority to uniformly declare the forms invalid. "Our position is that we're

going to accept them until somebody with some authority tells us not to,” Elfant told the *Austin American-Statesman*.<sup>60</sup>

Bexar County officials, however, said they would defer to Pablos and ask voters trying to register through Vote.org to resubmit signatures by mail. The general counsel of Vote.org called Pablos’s objections “troubling,” but agreed to stop providing the registration service to Texans. She also noted that of the four states and Washington, D.C., where Vote.org offered fax-and-mail registration, Texas was the only one that objected.<sup>61</sup>

Texas was also the only one that didn’t already offer online voter registration.

## YOUTH VOTER REGISTRATION

For the Bexar County voters who were asked by mail to re-submit their registration, even a quick response would likely have been too late. That’s because Texas is one of a minority of states that sets a deadline for registering to vote four weeks before the election.<sup>62</sup>

This is a vestigial policy linked to the paper-registration format to which Texas is so committed. It’s also a common feature of states with low turnout, most effectively deterring young would-be voters who are more likely to report that they did not know where or how to register or that they missed the registration deadline.<sup>63</sup> Fortunately, there are simple solutions to the problems presented to youth by the four-week registration lead-time: same-day registration and pre-registration of 16- and 17-year-olds (Graphic 5). Both reforms have been shown to improve turnout rates among young voters across political affiliation, race and ethnicity, and gender.<sup>64</sup> Unfortunately, Texas employs neither.<sup>65</sup> <sup>66</sup>

Texas does permit limited pre-registration of 17-year-old citizens up to two months before they turn 18.<sup>67</sup> But registration troubles could be mitigated for many young Texans if the state just enforced its own laws.

Since 1985, Texas law has required high schools to register eligible student voters at least twice each school year. School principals, or their designated appointees, are responsible for requesting voter registration forms from the Secretary of State, providing opportunities to register, and informing students how to submit applications to the county register. As deputized registrars, principals and their appointees can also collect and deliver forms themselves.<sup>68</sup>



This surprisingly pro-voter legislation rose to public attention in 2017 when the Texas Civil Rights Project (TCRP) reported that as few as 14% of public high schools had requested voter registration forms in compliance with the law. The report also found that many principals were unaware of their responsibility to register students and did not know how to request voter registration forms.<sup>69</sup>

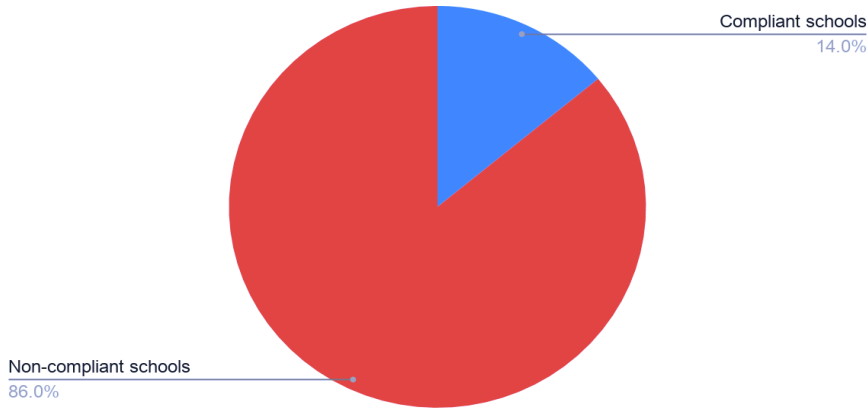
Then-Secretary of State Rolando Pablos did not officially respond to TCRP's report, but shortly after its publication he wrote an op-ed that encouraged principals to provide more registration opportunities for students. As part of this initiative, Secretary Pablos instituted a pledge for superintendents to comply with the high school voting registration law. The pledge seemed to have some effect in increasing requests from superintendents on behalf of the schools within their districts. But the Secretary did not follow recommendations from TCRP to: modernize the bureaucratic procedure of requesting voter registration forms; formally track compliance rates among Texas high schools; or add any enforcement mechanism beyond penalizing registrars who mishandle applications. When the pledge initiative ended in 2018, superintendent requests reverted to nearly zero, leaving the responsibility with individual schools to learn about the law and request forms on their own.<sup>70</sup>

Texas legislators attempted to force the Secretary to implement changes during the 2019 legislative session. Three bills would have put the onus on the Secretary of State to proactively distribute voter registration forms, rather than waiting for a school to request them. Two of these bills also required the Secretary to consult with the Texas Education Agency to determine the number of eligible students who required forms at each school. But only one bill received a hearing in House Elections, and none passed out of committee.<sup>71</sup>

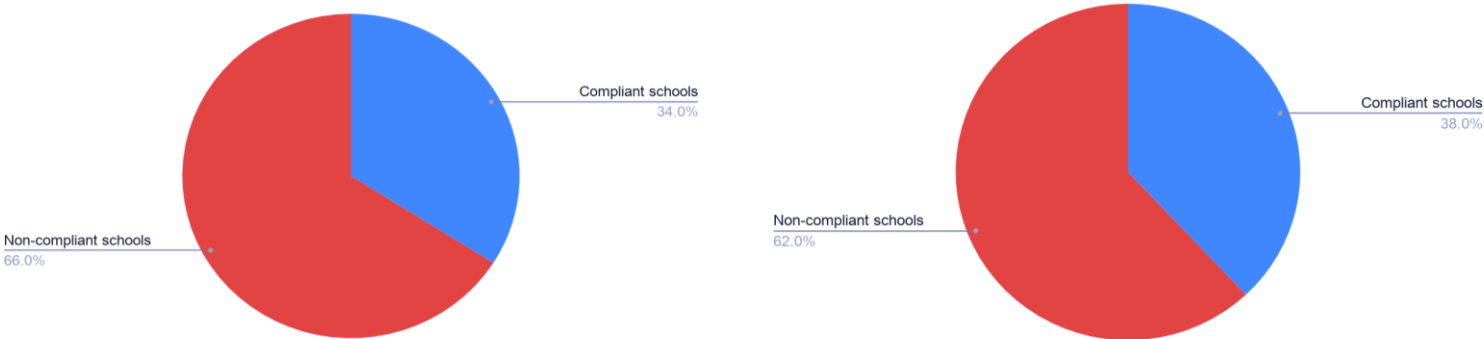
Despite inaction by the legislature and an anemic response from the Secretary of State, the latest report from Texas Civil Rights Project suggests that increased awareness and hard work by advocates have improved compliance rates nonetheless. In the 2019 report, 38% of public high schools had requested applications independently from the state, or partnered with an outside organization to offer voter registration, even while district-level requests remained near zero (Graphic 6).<sup>72</sup>

Students and school administrators, with the support of grassroots organizers and civic engagement groups, are doing their part to comply with the high school voter registration law. These efforts could be amplified significantly if the state would work proactively to improve the high school voter registration process.<sup>73</sup>

# HIGH SCHOOL VOTER REGISTRATION COMPLIANCE RATES



Texas Civil Rights Project’s first report in 2017 found that only 14% of Texas high schools had requested voter registration forms from the Secretary of State.



Heightened public awareness and work by advocates increased compliance rates to 34% in 2018 (left) and 38% in 2019 (right), but the legislature and the Secretary of State have failed to implement recommendations that would facilitate registration.

Graphic 6. Courtesy of the Texas Civil Rights Project

Unfortunately, state officials have been not merely passive in failing to promote the high school registration law but have actively used their power to deter registration in general, and – in one small, significant incident – to directly suppress student civic engagement itself.

In 2015, a bipartisan project called Texas Educators Vote was founded to help teachers model civic engagement. Among its initiatives, Texas Educators Vote circulated a pledge to create a culture of voting, which more than 100 school boards signed. Suggestions on the pledge ranged from implementing “no-cost incentives” to vote – like rewarding teachers with a “blue jean day” if they also sported an “I Voted” sticker – to providing teachers and students with transportation to the polls. The pledge also urged school districts to consult their lawyers before using school vehicles.<sup>74</sup>

After operating for three years, Texas Educators Vote was met with resistance from State Senator Paul Bettencourt from Houston. Sen. Bettencourt filed a complaint to Texas Attorney General Ken Paxton, suggesting such incentives constituted illegal coercion and misuse of state funds. AG Paxton issued an official, non-binding opinion that schools couldn’t take students to the polls without an “educational purpose.” Voting, to his mind, did not qualify.<sup>75</sup>

While the opinion was non-binding, Paxton’s intervention “will scare some Texas school districts out of doing anything at all with elections, unless the law requires it,” observed *Texas Tribune* editor Ross Ramsey in an op-ed.<sup>76</sup> Without a very generous read of the entire situation, “You might conclude that that was the point all along.”



## ACTIVE SUPPRESSION

### KEPT IN THEIR PLACE

When passive tactics don't work, there are more aggressive ways to impede voting by students, young people, and citizens of color. One is to close their polling places.

Prior to 2013, Texas was one of the states covered by the pre-clearance provision of the Voter Registration Act because of its history of disenfranchising voters of color. After the Supreme Court struck down pre-clearance in 2013, Texas counties closed at least 403 polling locations – more than any other state. Some closures occurred as counties shifted away from neighborhood polling places and opened vote centers so voters could cast their ballots anywhere in the county.<sup>77</sup> But the rate of closures in counties with a history of discrimination against voters of color suggests ulterior motivations. For example, in 2014 – mere months after *Shelby v. Holder* was decided – Galveston County reinstated a plan to reduce the number of districts for constables and justices of the peace. The plan had previously been rejected by the Department of Justice because it gives black and Latino voters fewer opportunities to elect these officials.<sup>78</sup>

Other counties suppress the vote through administrative means, such as opening polling stations late on Election Day in low-income areas or placing polls in locations that are hard to reach using public transportation. According to the Texas Civil Rights Project, over 277,000 voters were hurt by such administrative changes in 2018.<sup>79</sup> Eighteen polling places in Harris County opened late on Election Day. Only a third of universities with a student population of over 10,000 had on-campus polling places. And at Texas State University, early voting hours were only extended after four days of backed-up lines and the threat of a lawsuit by TCRP. Few students and low-income voters can afford to miss class and work to travel to an inaccessible polling location or wait in line for hours to vote. These delays are not just an inconvenience, they are another barrier to voting.

Some of the most persistently egregious examples of active voter suppression have occurred at Prairie View A&M University – a historically black university in Waller County, where students have fought the county's voter suppression tactics for decades. In 1979, the Supreme Court decided Waller County had violated the 26<sup>th</sup> Amendment by forcing students to pay property taxes in order to vote. Prairie View students won the right for all college students to vote where they attend school. But in 2004, the county's district attorney claimed that students didn't meet state residency requirements, prompting student protests until he backed down. Just last year, a local elections administrator claimed that thousands of

students had registered using an address in the wrong precinct and would therefore need to submit a change-of-address form before they could vote.<sup>80</sup>

Then-Texas Secretary of State Rolando Pablos eventually overruled the local official, allowing students to vote as registered. As soon as students appeared to overcome the registration barrier, the county presented another hurdle. In 2018, students sued the county after it failed to provide polling locations on campus or in the majority-black city of Prairie View during the first week of early voting. During the second week, the planned polling locations were closed on the weekend and offered limited weekday hours, and one off-campus location was difficult to access without transportation. In contrast, the smaller, majority-white city of Waller had two polling locations in the first week of early voting, and both offered weekend hours. Facing public pressure, Waller County did eventually agree to expand early voting hours on campus and in Prairie View.<sup>81</sup> Prairie View A&M University students have been tenacious in protecting their right to vote, but students shouldn't be forced to sue their county or stand before the Supreme Court in order to cast a ballot.

A pro-democracy state shouldn't close polling places that make voting easier for young Texans either, yet in the most recent legislative session, state lawmakers passed a bill to do exactly that, via a ban on mobile polling places. These temporary sites offer early voting for a few days in communities like rural areas and college campuses where it might be too expensive to open a site for the entire early voting period. Supporters of the bill argued that mobile polling places have been used improperly on school grounds to target voters during school bond elections. However, the final version of the law goes far beyond this specious justification and broadly banned mobile voting, despite efforts by lawmakers to narrow the scope of the bill and protect early voting access for rural communities and on college campuses.<sup>82</sup>

The Texas Association of Election Administrators testified against the bill, warning that it would make it harder for many Texans in these targeted communities to vote. In 2018, over half of the students at Southwestern University voted at their campus' mobile polling place, as did many of the 11,000 voters who voted on college campuses in Tarrant County.<sup>83 84</sup> Now, these campuses and others may not have early voting sites in the 2020 election.

## VOTER INTIMIDATION

A second method to suppress the vote is by intimidating eligible voters through high profile prosecutions, often spearheaded by the most powerful law enforcement officer in the state:

the Attorney General. The AG's office began focusing on alleged cases of voter fraud under the previous officeholder, Greg Abbott, who is the current Governor of Texas and served as AG from 2002 to 2015. During his tenure as Attorney General, Abbott formed a Special Investigations Unit to prosecute alleged cases of voter fraud. Although there is no evidence of widespread voter fraud in Texas or nationally, the state doubled down on prosecuting and publicizing these alleged cases. Abbott's Special Investigations Unit prosecuted predominantly black and Latino volunteers who mailed in ballots for their senior neighbors without signing the back of the ballot.<sup>85</sup> Investigators also sent armed deputies to raid the office of Houston Votes, a nonprofit group that registered low-income voters. The AG's office alleged that the nonprofit had committed voter registration fraud, but they never prosecuted the case.<sup>86</sup> In the same period, Abbott's office declined to prosecute two Republican election judges who accepted ballots without checking voter I.D. or registration – fueling criticism that the AG was targeting Democratic voters, especially from marginalized communities.<sup>87</sup>

*The Texas Observer* has called voter fraud “one of the most high-risk, low-reward gambles imaginable.”<sup>88</sup> Yet Texas has never been able to explain why people would be willing to risk a criminal record and prison time to cast a single vote. Instead, state officials have aggressively pursued cases of alleged fraud in a manner that seems designed to intimidate eligible voters. These cases often involve miscommunication with people who are unaware that they are ineligible to vote. The punishments for their mistakes are severe.

In 2012, a legal permanent resident named Rosa Ortega registered to vote, not realizing that her green card did not make her eligible. She voted in the next two elections and even found time to serve as a poll worker while working three jobs to support her four children. In 2015, she was arrested and charged with voter fraud. She was fined \$5,000 and is currently serving an eight-year prison sentence after losing her appeal.<sup>89</sup>

On Election Day 2016, Crystal Mason went to vote at her polling place in Tarrant County. She was told by a poll worker that her name was not on the list of registered voters. Following the poll worker's advice, she then cast a provisional ballot – a common tool used when would-be voters are not listed on the voter rolls but believe they are registered and eligible. In Mason's case, Tarrant County administrators determined that, because she was on supervised release from federal prison, she was ineligible and her ballot was thrown out.<sup>90 91</sup>

Six months later, Mason was arrested and charged with a second-degree felony for “illegal voting,” although, again, her vote had not been counted. She maintains that she was unaware she was ineligible to vote. Thousands of provisional ballots were rejected in Tarrant County

that same year, but Mason – a black woman who had previously been incarcerated – is the only one who faced prosecution. She was sentenced to five years in prison. As of November 2019, she is appealing her case with the support of the ACLU and the Texas Civil Rights Project.<sup>92</sup>

Even if Crystal Mason wins her appeal, the consequences for her personal life have been extreme. She spent months in federal prison, lost her job, and faced foreclosure on her home. Rosa Ortega will likely be deported when she is released. The ripple effects are unknown for potential voters who have heard about these widely publicized cases and the draconian penalties Ortega and Mason face. At least one voter registrar has reported that previously-incarcerated persons have mentioned Mason’s case as a reason they’re reluctant to register to vote, even once they are eligible.<sup>93</sup>

In the 2019 Texas legislative session, state officials could have made statutory fixes to prevent other Texans from facing prison for registration errors. Instead, legislators proposed an “election integrity” law seemingly designed to respond to Crystal Mason’s legal defense. SB 9 would have made it easier to prosecute people for casting provisional ballots while increasing penalties for mistakes. One clause specified that ballots didn’t have to be counted for voters to be penalized. The law also would have added barriers for volunteers helping voters who require extra assistance due to their age or disability status.<sup>94</sup> While SB 9 passed the Senate, it failed in the House amidst heavy opposition from voting rights advocates.<sup>95</sup>

Texas also drew national criticism in 2019 when then-Secretary of State David Whitley announced that his office had a list of 95,000 registered voters who were allegedly non-citizens. Abbott, Paxton, and President Donald Trump all seized on the announcement to repeat longstanding, unsubstantiated claims of rampant voter fraud. Several counties sent notices to inform voters on the list that they needed to prove their citizenship within 30 days to avoid being purged from voter rolls. But within days, officials acknowledged that the list included tens of thousands of naturalized citizens, who were in fact eligible to vote. Moreover, Whitley could not confirm that anyone on the list had voted illegally.<sup>96</sup> Congress opened an investigation into the Secretary of State’s office, and a federal judge called it an attempt “to ferret the infinitesimal needles out of the haystack of 15 million Texas voters.”<sup>97</sup>

Both SB 9 and the attempted voter roll purge failed in the short term. But, as with the Ortega and Mason cases, in the long term, these voter suppression tactics threaten to depress turnout among black, Latino, and low-income voters.

## DEMOCRACY V. TEXAS

Texas and its officials have the ignoble distinction of having stood before the Supreme Court at least 15 times in cases involving voter suppression (Graphic 7). Texas' inability to plausibly defend its voting policies as anything but an effort to deter, dilute, or outright prevent participation by certain citizens in their own democracy has led to expanded protections for young people and people of color, but the future of these protections is uncertain.

In the early 20<sup>th</sup> century, the Supreme Court repeatedly struck down Texas's "white primary" system explicitly prohibiting non-white Texans from voting in Democratic primary elections. From 1923 to 1944, Texas attempted to legitimize this practice three times, slightly changing the law each time the Supreme Court ruled it unconstitutional.<sup>98</sup> This 20-year effort to circumvent the Supreme Court and disenfranchise non-white voters set the standard for suppressing the vote with relentless creativity. Since the passage of the Voting Rights Act, Texas and its public officials have gone before the Supreme Court at least 11 times to defend tactics such as restricting who qualifies for residency, avoiding federal oversight, and gerrymandering districts to dilute the voting power of non-white citizens.

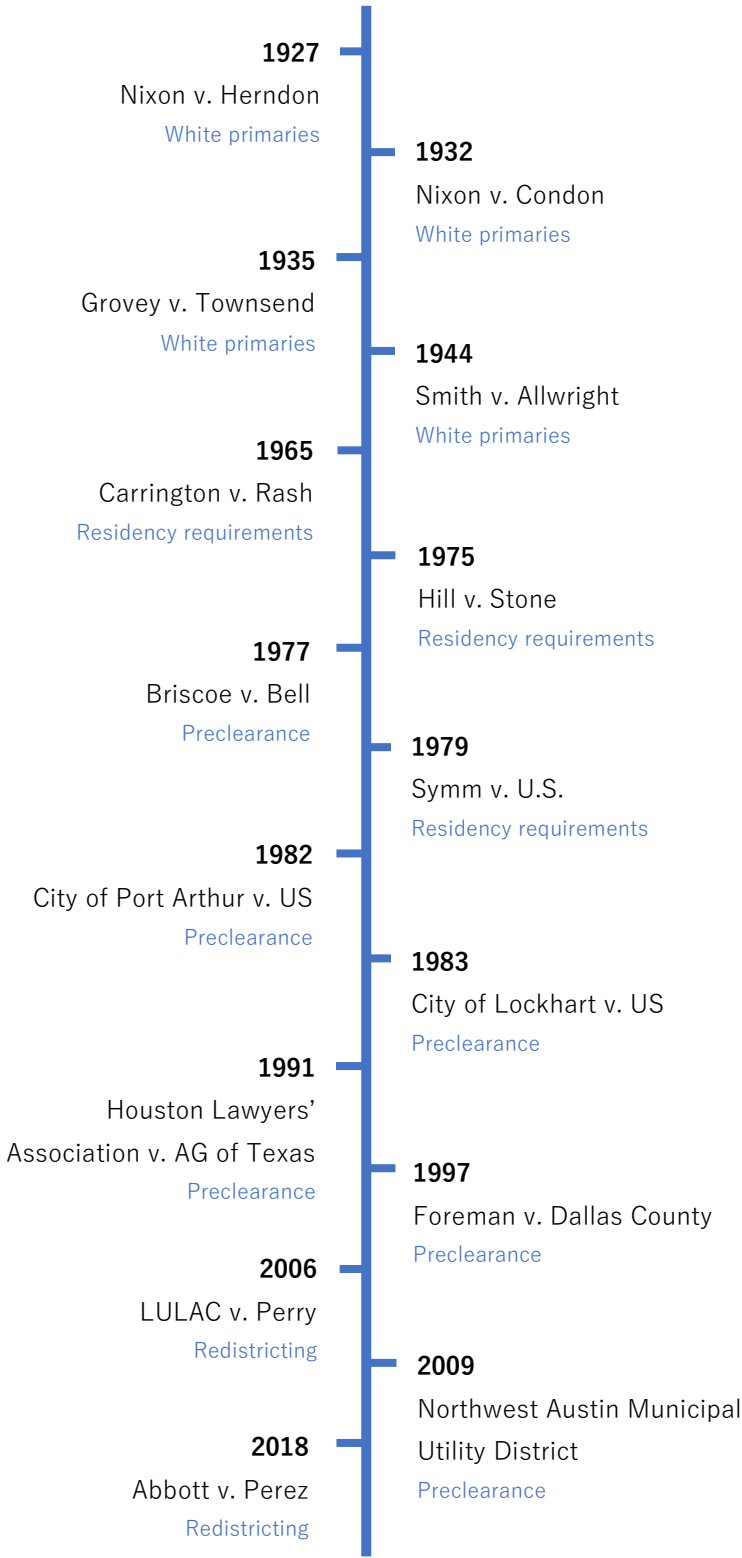
In the 1960s and 70s, the Court found that Texas had violated the Equal Protection Clause of the Fourteenth Amendment at least three times, by imposing unreasonable residency requirements for military personnel, voters who don't own property, and college students.<sup>99</sup> <sup>100</sup> <sup>101</sup> State officials also made every effort to avoid federal oversight before *Shelby County v. Holder* (2013) overturned the pre-clearance provision of the Voting Rights Act. In at least five cases from 1977 to 1997, cities and counties in Texas argued that local election plans should not be subject to the pre-clearance test and that the Department of Justice should not require changes to voting plans that discriminated against Latino citizens.<sup>102</sup> <sup>103</sup> <sup>104</sup> <sup>105</sup> <sup>106</sup>

In fact, Texas played a central role in dismantling the federal pre-clearance provision. The Supreme Court first signaled its willingness to overturn pre-clearance in *Northwest Austin Municipal Utility District Number One v. Holder* (2009). In this case the district requested to be exempt from federal oversight and argued that pre-clearance was unconstitutional. The Court did not directly rule on the constitutionality of the pre-clearance provision, but Justice Clarence Thomas wrote that he believed the Court should address the question – which occurred four years later, to devastating effect.<sup>107</sup> In Texas alone, the state implemented its restrictive voter ID law within hours of the ruling and at least 121 counties increased the numbers of voters they purged from the voting rolls.<sup>108</sup>

Finally, the federal government has repeatedly directed the state to change its redistricting maps due to gerrymandering against black, Latino, and Democratic voters. Since 1965, Texas has been found in violation of the Voting Rights Act at least once a decade. In recent years, at least two redistricting cases have gone before the Supreme Court. In *League of United Latin American Citizens v. Perry* (2006) the Court broadly rejected claims of partisan gerrymandering in the state's redistricting plan but found that one district had been racially gerrymandered. When the next set of maps were drawn in 2011, they were denied pre-clearance, again due to racial gerrymandering. Nonetheless, the Texas Legislature adopted new maps that were notably similar to the overturned maps. After pre-clearance was overturned, the Court ruled in *Abbot v. Perez* (2018) that the maps could stand because the Legislature had not drawn them with "discriminatory intent."<sup>109</sup> These rulings indicated that the Court was unwilling to weigh in on the constitutionality of partisan gerrymandering. They also set a high bar for determining racial gerrymandering that rests on determining the "intent" of legislators rather than the outcome of the maps.

Texas has only reluctantly expanded voting rights when forced by the court, and has repeatedly tested new voter suppression tactics to see which ones stick. Recent court decisions suggest that this strategy is working. For the first time since 1965, Texas will not face federal oversight when it draws new redistricting maps in 2021.

# TEXAS VOTING RIGHTS SUPREME COURT CASES



Graphic 7. Data pulled from Oyez

## CONCLUSION

As recently as August of 2019, the Texas Civil Rights Project sued the State of Texas – arguing thousands of mail-in ballots were unconstitutionally rejected in the last two elections. One of the affected groups was college students enrolled in school outside their home counties.<sup>110</sup>

Low youth political participation rates are neither inevitable nor accidental. They are a direct result of policy choices that make it harder to vote. From an antiquated registration process to restrictive ID requirements to alarming cases of voter intimidation, young Texans are passively discouraged and actively barred from participating in our democracy.

But Texas doesn't have to be the perpetual symbol of voter suppression. Prairie View students fighting for access to the ballot box, high school principals partnering with nonprofits to teach students about their right to vote, Crystal Mason setting up a voter registration table at a party welcoming her home from prison – these Texans set the example for a state that's young, diverse, powerful, and deserving of the full participation of all its residents.<sup>111</sup>

In the first part of this report, we have documented the policies and practices that have made it more difficult for young Texans to vote and that dissuade them from making their voices heard. In the second section, we provide resources for advocates and educators to counteract this discouraging reality through dynamic civic engagement and education.





# DIY DEMOCRACY: AN EDUCATOR'S GUIDE TO EMPOWERING CIVIC EDUCATION AND ENGAGEMENT



## INTRODUCTION

While current policies in Texas can disenfranchise and disillusion its young people, voting is only one of the critical ways for them to effect change. This holds true especially for youth, including undocumented students, who are active and engaged members of their communities and country, but may be ineligible to vote. Youth civic engagement can be supported by families, social groups, schools, and local media, all of which can act as trusted community voices and create the foundations for civic engagement by uplifting shared values and concerns and providing opportunities for all young people to participate in civic life.

Unfortunately, one of these community voices – local media – has lost ground at a time when a degree of political animus unseen since the Sixties has divided our country. The decline of local news coverage undermines civic engagement. As recently as 2016, a Pew Research study found that high levels of civic engagement – voting, volunteering, and participating in community life – were strongly linked to high levels of local news consumption.<sup>112</sup> But at least 1,000 urban and rural communities in the nation now lack a single outlet reporting local news.<sup>113</sup> Texas alone lost 14 daily papers and 146 weekly papers in the past 15 years, half of which served rural areas. Many that remain are, as the *Texas Observer* puts it, “shells of their former selves.”<sup>114</sup> As more American youth come of age without local, community-focused media sources, the need for high-quality civic education becomes ever more urgent.

For educators eager to meet this challenge, we have provided carefully vetted resources to model and facilitate the kind of civic education that creates passionate, lifelong leaders in civic life. We begin by summarizing the tenets identified by researchers as the most important aspects of quality civic education, known as the “Proven Practices”. We have also analyzed Texas’ alignment with these ten practices in state law. Lastly, we offer easily accessible resources, lesson plans, teaching guides, and more. . .

The “Proven Practices” have been supplemented with some examples from the authors, denoted by endnotes. Otherwise, practices are drawn from the following reports:

- The Campaign for the Civic Mission of Schools, which produced *Guardian of Democracy: The Civic Mission of Schools* and *The Republic is (Still) at Risk - and Civics is Part of the Solution* in partnership with:
  - the Leonore Annenberg Institute for Civics of the Annenberg Public Policy Center at the University of Pennsylvania;
  - the National Conference on Citizenship;

- the Center for Information and Research on Civic Learning and Engagement at Tufts University; and
- the American Bar Association Division for Public Education, along with
- the Carnegie Corporation of New York and the Center for Information and Research on Civic Learning and Engagement, which produced *Civic Mission of Schools*, on which *Guardian of Democracy* and *The Republic is (Still) at Risk* build and expand.

# PROVEN PRACTICES TO PRODUCE ACTIVE CITIZENS

- Courses on civics, government, law and related topics
- Civil deliberations of current, controversial issues
- Service-learning
- Student-led voluntary associations
- Student voice in schools
- Simulations of adult civic roles
- News media literacy education
- Action civics
- Social and emotional learning
- School climate reform

## 1: Courses on civics, government, law and related topics

Many schools in Texas, and the United States, offer one American government course in 11<sup>th</sup> or 12<sup>th</sup> grade. However, the first proven practice recommends exposing students to civic education beyond a single course. In addition to offering multiple civic education courses, the first proven practice also suggests fewer and clearer state standards that ask for more meaningful civics assessments, rather than a “laundry list of historical facts.”

## 2: Civil deliberations of current, controversial issues

Several strategies can help educators facilitate more engaging political discussions in the classroom. First, the topics should be selected based on their potential to be interesting or relevant to students’ lives. Second, educators should employ discussion models, ground rules and ample background materials that teach students to engage in difficult conversations with people of differing perspectives. Third, educators should be reflective of how their views may help or hinder students from forming their own opinions.

## 3: Service-learning

Service-learning happens when schools connect students’ academic curricula with community engagement opportunities. Research has shown that students who participate in service-learning exhibit more prosocial behavior and score higher on state assessments in reading, writing, math, social studies, and science. Service-learning has also been shown to

improve attendance and grades for low-income students specifically. Perhaps counterintuitively, service-learning is most successful when it focuses less on academic outcomes and more on addressing the needs of the community. Educators should give students agency in deciding their projects and offer them meaningful reflection activities to digest and incorporate what they are learning.

#### **4: Student-led voluntary associations**

Research on extracurricular activities has shown them to boost student voting rates. These opportunities should be voluntarily selected by students based on their interests. The activities should also be structured, organized, meet at regular times, and include an adult sponsor.

#### **5: Student voice in schools**

Much like Proven Practice #4, students benefit from participating in student governance programs, especially when they are empowered to make decisions that have real effects in their schools. To be successful, these programs should require a significant time commitment from students and be tailored to meet their interests. Students who join groups like student government have higher academic outcomes and political participation later in life.

#### **6: Simulations of adult civic roles**

Students can simulate democratic processes through activities like mock trials, Model UN, and blended learning games that combine face-to-face instruction with digital education. When students engage in this way, they strengthen their “public speaking, teamwork, close reading, [and] analytical thinking” skills, which prepare students for their roles as engaged Americans, as well as for future careers.

#### **7: News media literacy education**

Every generation struggles to evaluate media sources, especially with the proliferation of online channels. The youngest generation, despite growing up in a digital world, is no exception. In a study conducted by the Stanford History Education Group, researchers tested students on their ability to evaluate content online, and found that students frequently failed to consider sources or evaluate potential bias when they read social media posts or news articles. For example, one assessment sent high school and college students to a website run by a D.C. lobbyist firm that had been exposed for posing as a nonpartisan think tank. Only 9% of high school students and 7% of college students identified the site’s bias, while the rest incorrectly believed it was a neutral and reliable source.<sup>115</sup> As part of a modern civic education,

schools need to prepare students to critically evaluate media and other sources of information.

## 8: Action Civics

Action civics is an experiential approach to civic education where students identify local issues they care about and take action to make change in their communities. Students begin by examining their community and identifying issues they want to address. With guidance from teachers and/or mentors, they research the issue and strategize a plan of action, which they then implement as a group. Finally, they reflect on the process and the long-term impact. Action civics combines traditional civic education with interactive and experiential practices that have been shown to increase student engagement and success in school. Students who receive both traditional and experiential education in civics demonstrate higher levels of news comprehension and critical thinking, and score higher on civics assessments.<sup>116</sup>

Action civics also recognizes that students from low-income communities and communities of color often have less access to high quality civics courses and to some of the best practices outlined in this report. To support schools with high concentrations of underserved students, practitioners suggest that states provide funding for curriculum development and professional education. Funding can be allocated by the state directly or the legislature could create a private-public partnership that allows local organizations and foundations to donate to a Civic Project Fund.<sup>117</sup>

## 9: Social and emotional learning

Educators can also emphasize skills that prepare our future decision-makers to be ethical and successful community members through a social and emotional learning (SEL) framework. SEL teaches students how to process their own emotions, set and achieve their goals, form relationships, demonstrate empathy with others, and make responsible decisions.

## 10: School climate reform

The final proven practice is a focus on creating safe and supportive schools. This includes a focus on restorative justice practices, rather than punitive discipline, to improve academic outcomes and long-term civic engagement. Researchers have found several problems with punitive disciplinary measures – such as suspension, expulsion, and arrests – that have proliferated since the early 1990s. These issues include disproportionate effects on poor students and Black and Latino students, an increase in students who interact with the juvenile and criminal justice systems (known as the “school-to-prison pipeline”), and a

related increase in students who are denied future opportunities due to their disciplinary history.<sup>118</sup> Recent research has found that students with histories of school suspension are less likely to vote and volunteer as they grow older.<sup>119</sup> As an alternative approach, restorative practices seek to repair relationships by having the offender listen to their victim and reflect on their behavior before discussing ways to prevent negative behavior in the future.<sup>120</sup> School climate reforms can create a more collaborative environment within which student voices are honored, creating foundations for civil discourse and community engagement.

## PROVEN PRACTICES IN TEXAS

The 10 Proven Practices provide a framework for educators who are looking to prepare students for active civic life through comprehensive civic education. Currently, Texas law does very little to standardize or support these practices. High school students must take a single semester of U.S. Government, and the Texas Essential Knowledge and Skills (TEKS) state standards for Social Studies do include “Citizenship” as a required skill at all grade levels. Unfortunately, students are overwhelmingly charged with “describing” the voting process or “explaining” elements of civic duty, rather than practicing or applying these skills inside and outside the classroom.<sup>121</sup>

When it comes to specific civic education content, Texas lawmakers continued to emphasize passive memorization of civic knowledge in 2019 by adding ten questions from the U.S. Citizenship and Immigration Services naturalization exam to the U.S. history assessment for high school students.<sup>122</sup> They failed to pass more comprehensive legislation that would have better aligned Texas standards with the Proven Practices. Two bills would have implemented action civics in middle and high schools, funded through a private-public partnership program that directed money towards Title I schools. This positive curriculum change passed the House but never received a hearing in the Senate, while the funding mechanism missed the deadline to be heard on the House floor.<sup>123 124</sup>

Other bills related to the proven practices that died in the legislative process included attempts to: add media literacy requirements,<sup>125</sup> expand standards for social and emotional learning to older grades,<sup>126</sup> and create restorative practice programs as an alternative to suspension.<sup>127</sup> However, the efforts of dedicated advocates and supportive lawmakers pushed some key reforms over the finish line. Governor Greg Abbott signed a bill that requires districts to report out-of-school suspensions by race, gender, and age, giving Texans more data about

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how punitive disciplinary measures are used in their schools.<sup>128</sup> Another signed bill ensures that students who were formerly in alternative education programs receive a personalized plan with counseling, behavior management, and academic support to ease their transition back into the traditional classroom.<sup>129</sup>



## EDUCATOR RESOURCES

In 2018, 81% of young people said that they as a group had the power to make a difference in the country.<sup>130</sup> High quality and culturally sustaining civic education can build on this groundswell of energy and encourage young people to turn their enthusiasm into action.

In response to this growing need, a number of organizations have created free or low-cost resources for educators. We have collected below a selection of these lesson plans, voter engagement programs, and civics events. Educators will also find professional development programs and scholarship and leadership opportunities for their students. Finally, we include a list of recommended readings to learn more about current conversations surrounding civic education.

This guide has been carefully vetted for resources that are updated, engaging, and reflective of our students' diversity. While not comprehensive, it provides a wide variety of sources that can be used to develop or supplement civics lessons. The list will continue to be updated with new resources as they become available. We encourage educators, students, and activists to find resources that best fit their needs and to continue working together to promote youth engagement in Texas.

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## LESSON PLANS, TEACHING GUIDES, AND MORE

Please enjoy these free activities, carefully curated with young Texans in mind.

### Civics Renewal Network

#### [Lesson Plans](#)

With over 1,300 resources, educators can filter for specific topics through categories such as grade level, branch of government, issue area, and type of activity.

### Harvard University

#### [Democratic Knowledge Project: Scope and Sequence](#)

Explore a Massachusetts state-aligned model of an 8th grade civic course co-designed by Harvard and Cambridge Public Schools.

#### [Making Caring Common: Race, Culture and Ethnicity](#)

From group activities to writing reflections, Harvard's Graduate School of Education offers resources for promoting inclusivity in the classroom.

### Khan Academy

#### [Political Participation Series](#)

Supplement your instruction with 18 civic education videos, quizzes, and a unit test.

### MacArthur Research Network on Youth and Participatory Politics

#### [Digital Civics Toolkit](#)

Awarded "Top Pick for Learning" and "Best of Tech" by [Common Sense Education](#) in 2018, the site's [five modules](#) help educators facilitate student research and action civics curricula.



### Rock the Vote

#### [Democracy Class](#)

Educators who enter their email will gain access to an hour-long webinar and multiple activities designed to encourage student voting.

## Street Law

### [Curricula & Teaching Materials](#)

In addition to providing downloadable Supreme Court case studies and mock trials, this international non-profit focused on the equal application of justice offers unique resources such as an in-depth guide to aid educators in choosing the teaching **methods** and **messages** that **best address** their students' needs.

## Teaching Tolerance

### [Difficult Conversations: A Self-Assessment](#)

Educators preparing to engage students in discussions about race may find self-reflection exercises useful to creating an inclusive space.

### [Responding to Strong Emotions](#)

Try a graphic organizer to anticipate and navigate student reactions to contentious topics.



## The Teaching Channel

### [How Do I Assess My Students' Civic Learning?](#)

With 8+ examples of rubrics, the Teaching Channel outlines ideas for standardizing and evaluating student work.

### [Talking Across Political Differences](#)

Through this resource, learn evidence-based strategies to facilitate bipartisan discussion from a former National Board Certified teacher and a civic education researcher.

## Tufts University

### [Facilitating Political Discussions: A Facilitator Training Workshop Guide](#)

Co-designed by a Chief Diversity Officer, this higher education resource can easily be applied to the high school classroom.

## STUDENT VOTER ENGAGEMENT

Foster a culture of voting at your school with support from these local groups.

### League of Women Voters

#### [Find a League Near You](#)

The League of Women Voters is a non-partisan, non-profit organization that promotes civic engagement through several initiatives, including high school voter registration.

#### [Voting Reminders](#)

LWV offers calls and text alerts reminding citizens about important election dates.

### Own Our Vote

#### [Principal and Teacher Toolkit](#)

A strong coalition of pro-voter organizations shares an engaging deep dive on high school voter registration.



### Texas Educators Vote

#### [Election Do's and Don'ts](#)

Ensure you and your colleagues' voter engagement at school is adhering to state law.

#### [Voting Resolution](#)

This resolution to promote voting is designed for adoption by local school boards.

### Texas Secretary of State

#### [Student Election Clerk FAQs](#)

Students who are 16 years or older can serve as election clerks at polling locations. The paid position is offered by the state.

## PROFESSIONAL DEVELOPMENT

Below are just a few grants and programs for civic education professionals.

### **Mikva Challenge**

#### [Action Civics Summer Institute](#)

Each summer, the Mikva Challenge offers training in action civics curricula to educators and administrators. Locations and more details to be released December 2019.

### **National Education Association**

#### [Center for Social Justice Trainings](#)

Focused on student diversity and inclusivity, in-person NEA trainings are available for members to request nationwide.

#### [Community Advocacy and Partnership Engagement Grants](#)

CAPE grants are accessible to NEA members who would like to implement projects related to activism and racial justice in education.

### **Street Law**

#### [Professional Development Programs](#)

While most Street Law programs are based in Washington, D.C., the Supreme Court Summer Institute offers discounted lodging, and the site provides two contacts for inquiries about out-of-state trainings.

## OPPORTUNITIES FOR STUDENTS

CDF-Texas encourages students to stay involved in their communities through events, scholarships and leadership opportunities promoting civic engagement, such as the following.

### CIVIC EDUCATION IN THE CLASSROOM

#### American Bar Association

##### [Law Day](#)

An annual celebration of U.S. law and the legal process, Law Day provides resources for teachers and students to plan educational and engaging community events around the year's theme. For May 1, 2020, the ABA recognizes the 100 year anniversary of the 19th Amendment.

#### The Annette Strauss Institute for Civic Life

##### [Speak Up! Speak Out!](#)

Speak Up! Speak Out! is a civic education program designed for third graders through high schoolers to develop solutions for local issues. Participants in Speak Up! Speak Out! have the opportunity to compete at the Texas State Capitol and present their projects to local leaders. Winning teams receive funding to implement their proposed solutions.

#### Generation Citizen

##### [Bring Action Civics to Your School](#)

Recognized by the National Council of Social Studies, Generation Citizen brings a curriculum focused on action civics along with a democracy coach to educators across the U.S., including Central Texas.



##### [Civics Day](#)

Schools that participate in Generation Citizen's Action Civics programming can present their community-based projects to local officials and leaders.

#### TED-Ed

##### [TED Student Talks](#)

Students 8 years and older can apply for access to a curriculum that guides young leaders in their big ideas and connects them to other changemakers around the world.

## LEADERSHIP DEVELOPMENT

### Arizona State University

#### [Civic Leadership Institute](#)

This one-week opportunity allows rising high school sophomore, juniors, and seniors to study American principles. Housing, meals, materials, and interactive workshops included at no cost to the student. Students are responsible for travel to the institute.

### Bank of America

#### [Student Leaders Program](#)

High school juniors and seniors in Austin, Dallas/Fort Worth, El Paso, Houston and San Antonio are welcome to apply for an 8-week paid internship at a non-profit. The program includes a week-long, all-expenses-paid summit in Washington, D.C.

### Children's Defense Fund

#### [Child Defender Fellowship](#)

Every September, people of all ages are welcome to apply for a free seven-month series of webinars that offers real-time organizing strategies for advocates and ample discussion time.



### Congressional Hispanic Caucus Institute

#### [R2L NextGen](#)

Once a year, Latino students in Dallas/Fort Worth and San Antonio are eligible to enjoy a free 3-day leadership institute in Washington, D.C. The program covers all travel, meals, lodging, and activities.

### George Washington University

#### [INSPIRE Native Teens Initiative](#)

Junior and senior high schoolers who are Native American, Alaska Native and Native Hawaiian can earn college credit in Washington, D.C. through a 3-week leadership development program focused on tribal and federal governments. The university covers the cost of tuition, room and board, classroom materials, round-trip airfare, and local transportation.

## Girls in Politics Initiative

### [Camp Congress](#)

Girls older than 8 in Austin, Dallas and Houston can participate in the day-long Camp Congress, where they'll learn about political campaigns through elaborate mock elections. Financial aid is available.

## iCivics

### [iEngage Summer Civics Institute](#)

Baylor University hosts a free five-day summer civics camp where students meet local leaders, serve in the community, and simulate civic processes, culminating in the creation of a community advocacy project students present at the end of the program.

## Lions Club International

### [Youth Camps and Exchange](#)

Students 15 years or older who are interested in international affairs can serve as youth ambassadors for several weeks in a variety of countries. While not all Lions Clubs offer full scholarships, the program is a safe and generally inexpensive way for students to learn abroad, with most programs covering lodging and meals. Students are responsible for airfare to the country.

## Mi Familia Vota and OCA-Greater Houston

### [Youth Advocacy Summit](#)

Houston-area high school students can attend this week-long summer summit to meet elected officials, learn about issues in their communities, and develop leadership and organizing skills.



## National Association of the Deaf

### [Youth Leadership Camp](#)

This selective four-week summer intensive is a leadership development opportunity for deaf and hard of hearing high schoolers. Students, with the endorsement of NAD, are often



successful in gaining financial support from vocational rehabilitation offices and local organizations to cover the cost of the program.

### **University of Notre Dame**

#### [Pre-College Leadership Seminars](#)

This low-cost \$200 summer intensive program covers tuition, housing, and meals for student leaders interested in racial equity, international affairs, and environmental issues. (Student is responsible for travel to the university.)

### **YMCA**

#### [Texas Youth and Government](#)

Middle and high schoolers can practice governance and policy-making at state conferences that mimic the process of the Texas Legislature. Depending on their area of interest, students set a legislative agenda, write and pass legislation, participate in mock trials, and publish a newspaper and news broadcast during the conference.

## **SCHOLARSHIPS**

### **Congressional Black Caucus Foundation**

#### [Spouses Essay Contest](#)

Opening in February and closing in April, the Spouses Scholarship is an opportunity for black high school juniors and seniors to research civic issues and win \$750-\$1,500. Students must live in the districts of Congressional Black Caucus members. As of 2019, those Texan members are: Al Green (District 9), Sheila Jackson Lee (District 18), Eddie Bernice Johnson (District 30), Colin Allred (District 32) and Marc Veasy (District 33).

### **NAACP Legal Defense and Educational Fund**

#### [Herbert Lehman Scholarship](#)

High school seniors who are black, low-income, and planning to attend a university in the South may apply for this renewable \$2,000 scholarship designed to create more diverse pathways into the legal field.



### **National Press Club Scholarship**

#### [Scholarship For Diversity](#)

This renewable \$2,000 journalism scholarship is for seniors of color who aspire to be purveyors of knowledge.

**OCA – Asian Pacific American Advocates**[OCA-UPS Gold Mountain Scholarship](#)

Asian American seniors who will be first generation college students are eligible to apply for this \$2,000 scholarship.

**The Prudential Spirit of Community Awards**[Program Overview](#)

In recognition of their community engagement, high school volunteers of any age can receive up to \$5,000 scholarships.

**Raise Your Hand Texas**[Charles Butt Scholarship for Aspiring Teachers](#)

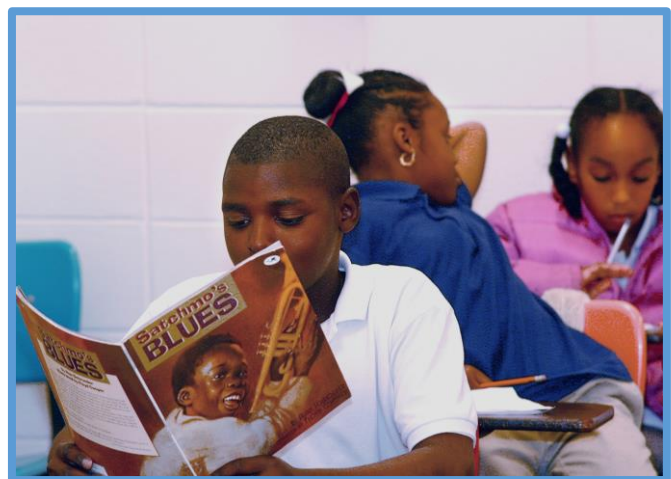
Senior student leaders with an interest in educational equity should look to this scholarship for support with their teaching careers. Eleven Texan colleges and universities have partnered with the program to make \$8,000-\$10,000 of annual funding available to each scholar, as well as professional development opportunities.

**United States Hispanic Leadership Institute**[Dr. Juan Andrade Jr. Scholarship For Young Hispanic Leaders](#)

This \$1,000 scholarship opportunity is open to Latinos, including undocumented students, who have been accepted at 2- and 4-year institutions.

**Vinson & Elkins**[V&E Diversity Scholarships](#)

High-performing, low-income Texas seniors who have been historically underrepresented in the legal field or who identify as LGBTQ+ are encouraged to apply to a \$10,000 pre-law scholarship. In addition, the firm offers students mentoring, internships and reimbursement for the LSAT.



## EXTRA CREDIT: RECOMMENDED READINGS

Through the following selections, we aim to bring these civic education perspectives into conversation, highlighting a few schools of thought in the field.

### **Annette Strauss Institute for Civic Life**

**REPORT:** 2018 Texas Civic Health Index.

### **Angela Valenzuela**

**BOOK:** Growing Critically Conscious Teachers: A Social Justice Curriculum for Educators of Latino/a Youth.

### **Paul J. Kuttner**

**ARTICLE:** Hip-Hop Citizens: Arts-Based, Culturally Sustaining Civic Engagement Pedagogy.

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