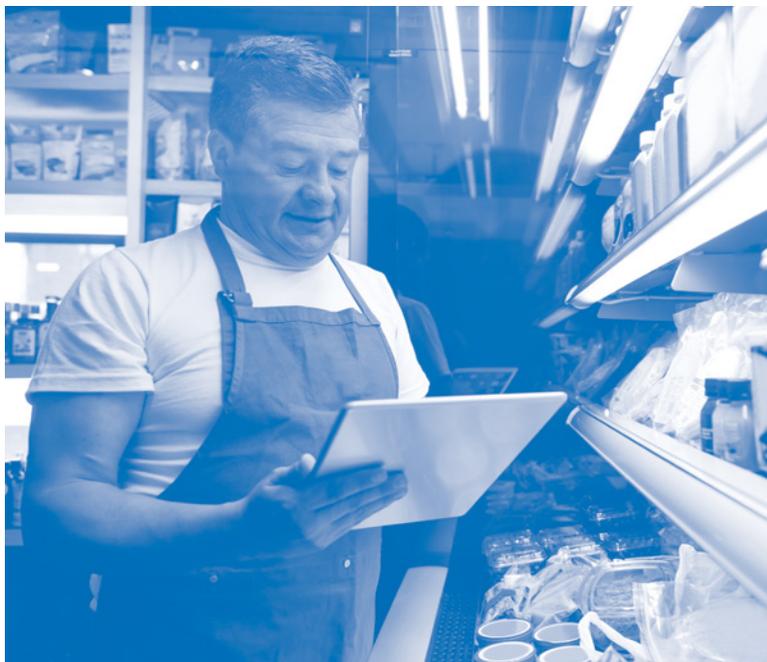


EVERYONE'S AMERICA

State Policies for an Equal Say
in Our Democracy and an Equal
Chance in Our Economy

SUMMER 2018 EDITION



Dēmos

ABOUT DĒMOS

Dēmos is a public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy. Our name means “the people.” It is the root word of democracy, and it reminds us that in America, the true source of our greatness is the diversity of our people. Our nation’s highest challenge is to create a democracy that truly empowers people of all backgrounds, so that we all have a say in setting the policies that shape opportunity and provide for our common future. To help America meet that challenge, Dēmos is working to reduce both political and economic inequality, deploying original research, advocacy, litigation, and strategic communications to create the America the people deserve.

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INTRODUCTION

The promise of America is that each of us has an equal say in our democracy and an equal chance in our economy. In *Everyone's America: State Policies for an Equal Say in Our Democracy and an Equal Chance in Our Economy*, we offer an inclusive, race-forward, working-class platform that policymakers, grassroots organizations, and community members can move in their states to help achieve this vision. The progressive economic agenda centers both race and class, and motivates working people of all races to engage in the civic life of their communities and our nation. The inclusive democracy agenda breaks down barriers to meaningful participation and representation, and creates a democracy that is of, by, and for the people—and not just the wealthy special interests. These 2 key objectives support each other: With equal representation in our democracy, we will help ensure that the benefits of our economy are shared fairly; and with a more balanced economy, we will help ensure that Americans across race and class can fully and fairly participate in our democracy.

Taken together, this suite of policies advances progressive values and activates a broad base, including the “New American Demos” of people of color, single women, young people, and working-class Americans of all races. The inclusive, multi-racial populism that these policies embody stands in stark contrast to the phony populism that today divides, distracts, and disempowers working people, and people of color in particular.

With national politics tangled in scandal and stalemate, this work at the state level is more vital

than ever. Not only can real progressive policies take shape on the state level, they can take root and blossom into national action in the future.

Everyone's America lays out 26 policies—from raising job standards to protecting consumers from high-interest debt, from modernizing voter registration and making it more inclusive to shifting power from wealthy donors to working people—that contribute to a race-forward, populist agenda and empower all Americans to participate more fully in our democracy. We have developed this briefing book through partnerships with grassroots organizations across the country.

Each policy section briefly details the problem, summarizes national polling on the issue, and outlines recommended policy solutions. Since each state faces different challenges, opportunities, and legal, economic, political, and geographic conditions, no single solution will suit every state, and each briefing offers a variety of policy options. Each section also includes messaging guidance for talking about the policy with the public, examples of how similar policies have worked in other states or cities or would work according to studies, and links to further resources.

Everyone's America is a resource for policymakers, grassroots organizations, and other leaders, aimed at meeting 3 essential needs:

- **Collecting state-level policies that substantially address the economic challenges faced by working people and the families they support.** Policymakers, grassroots organizations, and other community leaders must oppose xenophobic, false populism with concrete policies that are rooted in the realities of people's lives and that genuinely elevate the dignity and economic well-being of all working Americans and their families. Most Americans recognize that policies that overwhelmingly serve the interests of wealthy individuals and corporations have distorted the economic rules to benefit those already on top and hold the rest of us back.
- **Bringing together state-level policies to create a free, fair, and inclusive democracy.** Americans overwhelmingly agree that our democracy is out of balance and needs fundamental change. Policymakers, grassroots organizations, and community leaders can bring our democracy into balance by:
 - shifting power from wealthy donors to everyday people;
 - modernizing and increasing the inclusivity of voter registration and voting; and
 - expanding the freedom to vote and the principle of “one person, one vote” where it is still being systemically denied, particularly to people of color.
- **Directly challenging the deeply rooted racism that pervades American politics and policy.** Policymakers, grassroots organizations, and other community leaders need to confront racism primarily because it menaces the safety, security, economic opportunity, and democratic rights of people of color. Additionally, the relentless racial scapegoating aimed at white Americans makes them cynical about the role of government and fosters resentment about the policies

that strengthen democratic participation and advance economic opportunity and security for all working Americans. Our future depends on leaders across the board confronting this strategic use of racism with straightforward talk and action to advance racial equity. Failing to do so demotivates and demobilizes black, Latino/a, Asian American and Native American individuals, who seldom see their representatives address the ways that racism constrains their lives. Racist scapegoating and the failure to address it keep us from fulfilling our potential as a nation.

Americans recognize that corporations and the very wealthy—and the politicians who are beholden to them—have manipulated the rules of our economy and our democracy to consolidate their own wealth and power, at the expense of working people and communities. In a 2017 survey, 73 percent of American adults agreed that, “The economic system in the U.S. is rigged in favor of certain groups.”¹ When an earlier iteration of the same survey asked which groups the economy was rigged to benefit, 86 percent stated it was rigged for corporations and 91 percent asserted it was rigged to favor the rich.² Across partisan lines, a supermajority of Americans (94 percent) agreed that money in politics and wealthy donors are sources of political dysfunction, and that the wealthy have more power over politicians than constituents do.

Politicians backed by an elite donor class have long deployed racism to make wealthy Americans richer and working Americans more divided, and this strategy is alive and well today. In the same survey, 49 percent of white Americans who believe the economy is rigged said the system favors people who receive government assistance, and 35 percent said the economy is rigged in favor of minority groups—which could not be further from the truth.³ Remaining silent on racial injustice and the way that coded racist appeals underlie the major policy issues of our day enables those who deliberately divide us, and undercuts our power to win solutions that work for all of us.

Of course, those beholden to the very wealthy deploy more weapons than race to divide and distract Americans. They stoke fear and anxiety about Muslims, LGBTQ people, and women’s efforts to assert equality, fueling a larger culture war that goads working-class Americans to resent one another and fear the political empowerment of fellow working people rather than direct their rage at corporate greed. While this briefing book focuses on race, Dēmos does not shy away from confronting inequities of gender and gender identity, sexual orientation, and other social cleavages that are used to oppress and divide us.

Political, economic, and racial justice are interconnected, and we must pursue them together. To elevate the policy conversation and advance the interests of working people in 2018 and beyond, state-level policymakers, grassroots organizations, and other thought leaders must commit to a race-forward economic and pro-democracy agenda that will allow all of us to thrive.

This briefing book is a living document and will be updated. We welcome your feedback, thoughts, and suggestions via email at briefingbook@demos.org.

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POLICY SUMMARIES

ECONOMIC JUSTICE POLICIES

Investing in Our Future

Promote Climate Equity

Human beings are a part of the natural world: We all need clean air, water, and land in the communities where we live and raise our children. Yet corporate interests have put our health and environment at risk by continuing to extract, peddle, and burn fossil fuels. Skewed policies and dependence on yesterday's technologies have long put communities of color directly in the line of impact, even as just 100 companies are responsible for 71 percent of the global fossil fuel emissions that are destroying our communities and our climate. *State policymakers should invest in an equitable transition to clean energy, end the extraction of fossil fuels, stop greenhouse gas pollution, and direct responsible recovery and building in the wake of climate events.*

Advance Opportunity through Transit

Mobility is critical to our communities' ability to thrive. Growing numbers of Americans rely on public transit to get to work, school, health care, and recreation. However, much of our transit infrastructure is old and deteriorating; many communities lack access to reliable and affordable transportation options; and many of our transit systems were not designed to handle such heavy use. *State policymakers should invest in public transit to fix, modernize and expand systems so that more Americans have access to quality transportation options. Revenue sources for transit should favor progressive taxes, since low-income households are disproportionately hurt by increases in user fees and fares.*

Invest in Infrastructure

Americans rely on roads, bridges, airports and transit to get us where we need to go; sewer and water systems to keep our families healthy; safe and well-maintained schools, libraries, and other public buildings; and energy to power it all. Our economy depends on strong infrastructure. Yet America's infrastructure is crumbling; our roads are congested, our bridges are deteriorating, our school buildings are dilapidated, and the pipes that carry our drinking water are in a state of disrepair. *State policymakers should increase infrastructure spending to create good jobs and boost the economy, with funds targeted to engage and benefit communities of color that have been historically shut out of economic growth due to discrimination and underinvestment.*

Creating Better Jobs

Raise Job Standards

Americans work hard, and that should provide enough to sustain our families. Yet too many employers structure jobs in ways that prevent working people from being able to get by. Today, as women and people of color make up a growing share of America's working class, employers are weakening job standards for all working people. ***State policymakers should raise the standards for American jobs so that all working people get paid fairly for their efforts and have work schedules that take their basic needs into account. Vital elements include a higher minimum wage, stable scheduling, paid sick time, prevention of wage theft, protections from being improperly classified as an independent contractor, and increasing the number of working people who are guaranteed overtime pay.***

Guarantee Fair Employment

We all deserve an equal opportunity to be hired based on our abilities and to work free of discrimination and harassment. However, discriminatory hiring, firing, harassment, promotions, and pay continue to block opportunity for people of color, women, LGBTQ workers, people with disabilities, and other targeted groups. ***State policymakers should provide additional resources to strengthen enforcement of existing fair employment laws and expand civil rights laws to clarify that discrimination and harassment based on sexual orientation, gender identity or expression, personal credit history, pregnancy status or caregiving responsibilities are illegal. Policymakers should also ensure that people with arrest or conviction records have a fair chance to work.***

Restore Freedom to Negotiate at Work

Our American tradition guarantees working people the freedom to join together with co-workers to negotiate for a fair return on work. When workers have the freedom to band together in unions and negotiate with their employers, they and their families gain from improved wages and benefits, safer working conditions, and fairer treatment on the job. Yet because unions successfully enable working people to build power, the freedom to come together in unions is under attack by corporate interests aiming to maximize their own wealth and power. ***State policymakers should restore workers' freedom to join together in unions by eliminating so-called "right to work" laws, expanding freedom to negotiate to public employees and other workers left out of federal labor law, leveraging state purchasing power, and banning non-compete agreements.***

Ensure Paid Time to Care

At some point in our lives, we all need time to care for loved ones or ourselves, whether we are bonding with a new child, caring for an ailing parent, or recovering from a serious personal illness. Yet in 2017, only 13 percent of private sector workers had access to paid family leave through their employer. Without paid time away from work, Americans put their health at risk, face economic hardship, and are unable to care for those who matter most to them in a time of need. ***State policymakers should set up a system to provide paid benefits to working people who need time away from their jobs to care for a new child, a loved one with a serious health condition, or their own serious health condition.***

Rebuilding Opportunity

Provide Preschool for All

Parents want the best start for their children. In fact, our entire society benefits when children enter kindergarten with a strong educational foundation and when parents can go to work knowing their children are participating in the early learning that will enable them to thrive. Yet even as the benefits of preschool grow increasingly clear, policymakers in many states have failed to invest in providing preschool to all kids regardless of family wealth. At the same time, preschool teachers who do the crucial work of educating young children are typically paid such low wages that they struggle to sustain their own families. ***State policymakers should guarantee universal, voluntary access to high-quality public preschool programs for all 3- and 4-year-olds, and improve compensation and training for preschool teachers.***

Establish Education Equity

Equal opportunity is a cornerstone of the American ideal. To make that a reality, every child deserves a quality public education, with an opportunity to learn, flourish, and become a full citizen of our democracy. This commitment to universal education is enshrined in state constitutions across the country. Yet in practice, the majority of states provide students with dramatically unequal educational resources and fail to adequately fund schools that serve students of color and students from struggling families. Students are increasingly clustered in schools that are isolated by race and class, and racialized disciplinary policies result in students of color being disproportionately suspended or expelled. ***State policymakers should change funding formulas to ensure adequate and equitable school funding, promote school integration, create community schools that provide enhanced services and engage parents and the broader community, respect and compensate teachers as professionals, and prevent schools from moving students into the juvenile justice system for minor offenses.***

Guarantee Debt-Free College

In America, we should all have the opportunity to dream big, develop our potential, and realize our greatest aspirations, and that means making our public colleges affordable to all of us. At a time of persistent racial and economic inequality, many Americans envision higher education as a pathway to a better life, regardless of race, gender, or class. But just as more Americans pursue this aspiration, the rising cost of college and the specter of large student loan debt—particularly at public institutions, which have traditionally been the most affordable and accessible—are eroding this pathway to security. *State policymakers should increase per-student support for public 2- and 4-year colleges so that the total price of attending college—including tuition, fees, room and board and other living expenses—is no more than what working and middle-class students can reasonably pay with need-based grant aid and a part-time job.*

Achieving Justice for Communities

Secure Access to Justice

The courthouse doors should be open to everyone. When we are caught in legal proceedings that could cause us to lose our homes, families, or ability to live in the country, we should have access to an attorney who can stand up for our most basic rights. However, legal representation is only guaranteed in criminal cases, despite the devastating ramifications of many civil cases. In other circumstances, corporations force employees and customers into binding arbitration, denying individuals who are cheated or discriminated against their day in court. *State policymakers should increase access to justice in the civil legal system by expanding access to legal aid services, ensuring that people facing deportation have access to an attorney, and enabling Americans to access the courts despite forced arbitration agreements.*

Reinvest in Justice

All Americans should feel safe and protected in their communities. But our criminal justice policies promote mass incarceration and over-policing, rather than actual public safety. As a result of harsh sentences, over-criminalization, and discriminatory policing, our criminal justice system is tearing apart families—disproportionately immigrant families and families of color. *State policymakers should reject costly over-incarceration and invest in programs that address the root causes of crime, including amending sentencing laws, modifying prison and jail release practices, and improving access to community services that can help reduce recidivism. Policymakers should also act to end the use of private prisons and curtail cooperation with federal immigration enforcement.*

Decriminalize Poverty

Every one of us should be treated equally under the law. This idea is so fundamental to our justice system that it is carved above the doors of the Supreme Court. Yet every day, criminal justice policies penalize people for being poor. People who are unable to pay bail, fines, and fees are forced to remain in jail or take on debt for their involvement in the justice system, contributing to a cycle of poverty and tearing families apart. ***State policymakers should guarantee that people are not held in jail before trial because of an inability to pay, and should reduce and eliminate fines, fees, and other ways our justice system criminalizes poverty.***

Sustaining Our Families

Ensure Health Care for All

When a child is injured or a loved one is suffering from a serious illness, no one wants to think about co-pays and deductibles. We want compassionate, effective medical care, delivered quickly and accessibly. Yet ideologically driven politicians continue to threaten recent gains to health care access in the United States. Many Americans still struggle to get the health care they need and to know that they won't go bankrupt if they get sick. People of color, undocumented people and low-income Americans all suffer disproportionately under our current health coverage scheme. ***State policymakers should expand Medicaid and take advantage of other options under the Affordable Care Act to extend health care to all residents.***

Make Homes Affordable for All

A home is more than a roof over our heads. It's the opportunity to raise our families in a safe neighborhood with clean air and water, and to live in a place where we can access good jobs, efficient transportation, and high-quality schools. Yet there is no county in the nation where a full-time worker earning the minimum wage can afford to rent a modest two-bedroom home, and even a one-bedroom is out of reach in most of the country. ***State policymakers should invest in affordable housing including state housing trust funds, encourage localities to bundle federal grants to address the affordable housing crisis, and strengthen and expand homeownership programs.***

Achieve Reproductive Justice

Making their own decisions about whether and when to have children is critical to the economic security of women and their families. Having a child is one of life's most serious commitments, economically and otherwise. An unintended pregnancy can upend financial stability, making it difficult for mothers in particular to pursue education and maintain employment. Equal access to affordable, accessible reproductive health services, including abortion, is critical. ***State policymakers should guarantee insurance coverage of a full range of contraceptive methods and services as well as coverage for abortion, and should eliminate obstructive restrictions on abortion providers.***

Protect and Improve the Safety Net

To live up to America's deepest values of human dignity and equality, we must protect and expand our social safety net. Families should not go to bed hungry, be out on the streets as they search for a new job, or lay awake at night wondering how they will afford child care. Throughout our history, we have valued public programs that protect basic living standards for our fellow Americans and enable us to get back on our feet when we fall on hard times. Programs including Temporary Assistance for Needy Families (TANF), Unemployment Insurance (UI), Supplemental Nutrition Assistance Program (SNAP), and the Child Care and Development Block Grant (CCDBG) provide much-needed support for households facing economic hardship, stabilize families' access to necessities and care, and keep millions of Americans out of poverty. ***State policymakers should expand eligibility and state funding for safety net programs, remove punitive requirements and restrictions on accessing programs, and allow struggling families to save money or own assets while receiving public benefits.***

Building Wealth with Equity

Stop Predatory Lending

Fair and affordable access to credit is vital for American consumers and our economy. Yet today, predatory lenders target low-income communities and communities of color with high-interest loans that trap many of the most disadvantaged consumers in debt. Each year, 12 million Americans take out payday loans, spending more than \$9 billion on fees. Payday and car title lenders target low-income neighborhoods with high populations of people of color, promoting quick-fix loans with annual interest rates of nearly 400 percent on average. ***State policymakers should curb predatory installment loans, cap interest rates, limit loan fees, and require lenders to evaluate a borrower's ability to repay all loans.***

Make Taxes Fair

We pay taxes because all of us together can do what any of us alone cannot. But our tax policy is upside down, with low- and middle-income Americans paying a higher proportion of their incomes in taxes than high-income Americans. At a time when our infrastructure is crumbling, when aid for public colleges and universities is being cut, and when federal lawmakers are threatening the safety net, states urgently need to protect and expand their revenues. ***State policymakers should stabilize state resources in the face of federal tax changes and make income taxes more progressive by raising taxes at the top of the income ladder, collecting estate and inheritance taxes, taxing investment income at the same rate as income from work, and closing corporate tax loopholes.***

Establish State Partnership Banks

Investment enables our communities to thrive. Traditionally, banks provided up-front investments in local businesses and public projects. In recent decades, however, federal policymakers de-regulated the financial industry. Traditional banking, which focused on caretaking of deposits and lending to businesses and individuals, was transformed into a high-risk, high-reward wealth machine for a tiny elite. The “financialization” of our economy is crippling long-term innovation and job creation in the real economy, as community banks fail and small businesses cannot access the credit they need. *State policymakers should establish a publicly run state partnership bank to support community banks and make loans that address needs in the real economy, offsetting the financial imbalances created by Wall Street.*

DEMOCRACY POLICIES

Reducing the Influence of Big Money in Politics

Center Constituents and Small Donors through People-Powered Election Campaigns

We need a government that is of, by, and for the people—not just the wealthy donors. People from all walks of life should be able to run for office and win. When a political donor class that is wealthier, whiter, and more male than the rest of us has the biggest say in who gets elected, the result is a democracy that is not reflective of We the People. *State policymakers should pass and fund public financing programs that allow candidates without deep pockets to compete at every stage of the election cycle. Programs should be designed to amplify the voices of everyday people and to advance racial equity.*

Rein in Wealthy Donors and Corporations

When ultra-wealthy individuals and profit-seeking corporations can pour millions into state elections, they drown out everyone else and thwart the will of the people. Historically marginalized communities bear the brunt of this imbalance: job quality and standards diminish, while wealth accrues to the top 1 percent; public infrastructure deteriorates, while oil pipelines are built at the expense of the environmental health of Native Americans and other communities of color; and investments in education and social services shrink, while public spending to incarcerate people in private prisons soars. *State policymakers should limit campaign contributions and prohibit corporations from contributing; rein in sham vehicles for big-money spending like single-candidate Super PACs; and strengthen disclosure requirements and enforcement. Over the horizon, policymakers should push for a Supreme Court that will respect our freedom to limit the influence of big money in politics or amend the U.S. Constitution to restore power to the people.*

Advancing and Expanding the Freedom to Vote

Modernize Voter Registration

Though voter registration is the on-ramp to participating in elections, nearly 1 in 4 eligible voters is not registered. Voters of color and low-income voters are registered at even lower rates, due to a long history and persistent practice of exclusion from our democracy. Outdated voter registration systems that rely on paper forms and early, arbitrary registration deadlines make voter registration much harder than it needs to be. ***States should harness technological advances to modernize the voter registration process; offer accessible, online voter registration, and use information already on file with state agencies to automatically register eligible individuals to vote and update their voter information; allow voters to register and cast their ballot on the same day, during early voting and on Election Day; and pre-register eligible 16- and 17-year-olds to vote.***

Make Voting Accessible

In a democracy, our votes are our voice. Yet in many parts of the country, voting times, places, and forms are so restrictive that they impose often insurmountable hurdles to exercising our fundamental freedom to vote. For instance, state laws limiting voting to a single Tuesday, or restricting who can vote absentee (in person or by mail), block eligible voters from casting their ballots. Voters with disabilities and limited English proficiency often face additional hurdles, including polling sites and ballots that are not compliant with laws designed to protect these voters' freedom to cast a private, independent ballot. ***Policymakers should create robust voting options both before and on Election Day; ensure that polling hours and locations are accessible to all eligible voters, including working poor people and people who rely on public transit; and guarantee that all polling sites, ballots, and other voting materials are fully accessible for voters with disabilities and limited English proficiency.***

End Felony Disenfranchisement

The answer to the question “Who can vote?” tells you who has a voice in a democracy. Today, more than 6.1 million Americans are barred from voting by state laws that disenfranchise individuals convicted of felonies. Like Jim Crow laws, these voter disenfranchisement laws disempower people of color (particularly African Americans) by linking our right to vote to a criminal legal system that is deeply infected by racism. And, while incarcerated individuals are stripped of their voices in our democracy, they are nevertheless counted for the purposes of drawing voting maps—but as part of the districts in which they are confined, and not the districts they call home. ***States must abolish felony disenfranchisement laws and restore voting rights to people who have been stripped of their right to vote by such laws; require corrections agencies, including parole boards and probation offices, to offer voter registration and voting services; and draw voting maps using data that counts incarcerated people at their home addresses, not where they are confined.***

Enhancing Democratic Representation

Make Representation Real

Too often, election rules undermine the power of everyday people to elect officials who will represent their interests. Partisan and race-based gerrymandering, the use of at-large districts that dilute the representation of people of color, and the Electoral College all prevent people across the United States from having an equal say in our democracy, and actively devalue the participation of parts of the electorate. Some states also use laws (sometimes dubbed “emergency manager” laws) to divest locally elected officials of power and appoint an unelected decision-maker in a community to which they are not accountable. ***States must establish independent redistricting commissions to draw voting maps and stop drawing winner-take-all, at-large districts. States must also ensure that government officials are responsive to the people they represent, by overhauling “emergency manager” and similar laws, and adopting mechanisms like fusion voting that make candidates more responsive and accountable to a broader range of people.***

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ECONOMIC
JUSTICE
POLICIES



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PROMOTE CLIMATE EQUITY

“The San Juan that we knew yesterday is no longer there.”

— SAN JUAN MAYOR CARMEN YULÍN CRUZ⁴

THE PROBLEM

Human beings are a part of the natural world: We all need clean air, water, and land in the communities where we live and raise our children. Yet corporate interests have put our health and environment at risk by continuing to extract, peddle, and burn fossil fuels. Skewed policies and dependence on yesterday’s technologies have long put communities of color directly in the line of impact, from roads with heavy truck traffic that increase the rates of asthma, to hurricanes and wildfires that threaten and displace communities, to pipelines that are routed through Native lands and near other communities of color. While communities of color bear a disproportionate burden of environmental ruin, just 100 companies are responsible for 71 percent of the global fossil fuel emissions that are destroying our communities and our climate.⁵ These companies profit despite both the chronic deterioration they cause in our communities and the natural disasters that result, directly or indirectly, from fossil fuel pollution they emit. With little hope for immediate, comprehensive federal action, state leadership on climate change needs to expand and accelerate rapidly.

In 2017, climate-change disasters directly hit the United States: One of the worst Atlantic hurricane seasons on record killed an estimated 4,645 people in Puerto Rico and devastated parts of Texas and Florida; a record number of wildfires raged in California; and coastal communities from Massachusetts to the Pacific Northwest faced continuing threats to their fisheries due to ocean acidification, another effect of climate change. In Puerto Rico and the U.S. Virgin Islands, U.S. citizens remained without power months after the storm. This past year was also the second hottest year on record globally.⁶ Scientists have reached consensus: Human-caused global warming due to greenhouse gas emissions is a major driver of these destructive forces.

These environmental crises create economic emergencies. The 2017 hurricane season caused an estimated \$200 billion in damages in Southeast Texas and South Florida, to say nothing of the U.S. island territories. In the long run, higher temperatures alone (not including severe weather events) will cause U.S. economic growth to fall by more than 30 percent by the end of the 21st century, and without aggressive action on climate change, the median wealth of the children of today’s millennials is projected to shrink dramatically.⁷

Despite the profound and already immediate risks of ignoring climate change, the Trump administration and federal lawmakers appear poised to prevent federal action, to step back from existing efforts to reduce global warming, and to pivot to expanding domestic fossil fuel extraction and pollution to new heights.

As a result, the responsibility for climate action now sits squarely with states and localities. Leadership on climate change is now in the hands of governors, state legislators, mayors, and city councils. The opportunities for states and cities to act are particularly promising because they are better positioned to tailor specific policies for their regional climate challenges and diverse political landscapes. Further, by centering fairness in their strategies, states and cities can make significant advances against climate change that also increase equity in their regions, by prioritizing the communities and people most exposed to climate pollution and climate risks—communities of color, in a majority of states—in their policy design.

POLLING DATA

- 75% OF AMERICANS support regulating carbon in the atmosphere as a pollutant.⁸
- 80% OF AMERICANS prefer to see revenue from a carbon tax (were Congress to pass one) invested in clean energy, rather than spending the money on tax cuts or household rebates.⁹
- 50% OF LATINOS say they would participate in a campaign to press elected officials to act on climate change.¹⁰
- 83% OF AFRICAN AMERICANS supported President Obama's Clean Power Plan, which requires states to cut greenhouse gas emissions in the power sector. 57% believe their energy bills will go down in the transition to clean energy.¹¹

POLICY SOLUTIONS

Limit fossil fuel pollution to slow climate change and ramp up climate solutions that stabilize our nation's long-term economic and public health outlook, create millions of good jobs of the future, and stimulate investments in the front-line communities that need investment the most. States should pursue policies based on the types of energy they use and the kind of exposure to climate change they face.

Ending or Limiting the Extraction of Fossil Fuels

- **Minimize the expansion of fossil fuel extraction in U.S. coastal waters.** Early in 2018, the Trump administration proposed opening up more than 90 percent of U.S. coastal waters to oil and gas drilling. Already, governors or relevant agencies in at least 23 of the 32 states or territories affected have expressed opposition to the proposal. States should pursue legal remedies

through federal laws such as the Coastal Zone Management Act, which gives states power to challenge federal policies that conflict with their own coastal management plans.

- **Ban the extraction of natural gas.** A good model is New York State’s 2014 ban on hydraulic fracturing (fracking), which is anchored in the state’s authority to limit activities posing demonstrable risks to public health. States that do not completely ban fracking should develop strict regulations to prevent leakage from drill sites and pipelines and to ensure protection of aquifers and other water resources from fracking contamination.
- **Protect public and tribal lands from oil and gas drilling.** Short-term and short-sighted drilling profits cannot outweigh the long-term environmental and recreational value of conserving our public lands for future generations. Where possible, states and local jurisdictions should work with tribal nation governments to protect tribal lands from fossil fuel extraction and infrastructure development.
- **Stop harmful fossil fuel pipelines.** States can make full use of their environmental review and public health laws to evaluate the full impact of interstate fossil fuel pipeline development over its entire life cycle.

Equitably Accelerating the Clean Energy Transition

- **Adopt or strengthen renewable portfolio standards.** A renewable portfolio standard requires electricity providers to increase the percentage of electricity available to households and businesses that comes from renewable sources, such as solar, wind and hydroelectric energy. Currently, 29 states have enforceable renewable portfolio standards, although many could be strengthened.¹² Some states have also expanded the reach of their standards by requiring municipalities and other regulated entities to adopt their own renewable energy targets.
- **Establish state targets for investments in the clean energy economy.** States should invest in renewable energy, energy efficiency, electric vehicle infrastructure, mass transit, and land-use policies, such as reforestation, that reduce carbon in the atmosphere. States should follow the lead of NY Renews’ Climate and Community Protection Act and stipulate that at least 40 percent of public investment toward these goals is targeted for low-income, environmentally vulnerable communities.
- **Put a price on greenhouse gas emissions and use the revenue to fund the transition to clean energy.** Depending on their current energy mix, states should impose a starting pollution price of \$15-\$40 per ton of emissions (rising annually), with a focus on fossil fuel extraction, energy and fuel imports, and pollution from power plants, industry and other sources. States should follow a “price-and-reinvest” model, where the revenue

from the polluter fee funds the investments needed to meet emissions targets. To protect public health, states should also set prices for harmful pollution other than greenhouse gases and carefully monitor emissions trends, particularly in the most polluted areas.

The New York Renews [policy platform](#) is the leading example of such an approach. In Washington State, a [somewhat different](#) price-and-reinvest approach may be on the ballot in 2018. States should be cautious about a “cap-and-trade” approach to carbon pricing, which directly caps emissions levels statewide and provides tradeable allowances to polluters. Effective cap-and-trade policies may be possible, but states should be aware that California’s cap-and-trade program, among the world’s largest, appears to be failing to reduce emissions in low-income communities.¹³

- **Promote inclusive financing of clean energy access for low-income households.** States where carbon pricing or other sources of new revenue may take longer to materialize can implement a [Pay As You Save model](#) (PAYS), where utilities or third parties provide up-front funding for solar installations or energy-efficiency upgrades, which customers then pay back by way of a tariff on their energy bills. The key is that the repayment rate is set lower than the energy savings rate generated by the investment. This allows the customer to participate in the clean-energy transition on a net gain basis, eventually enjoying the full value of her energy savings once the upfront costs are paid off. PAYS-type models have been particularly successful in rural regions, working with utility co-ops. Another, more fiscally direct example is [AB 693 in California](#), which is allocating \$1 billion of cap-and-trade revenue over 10 years to subsidize rooftop solar for affordable housing residents.
- **Promote community ownership of renewable energy assets.** Approximately 900 non-profit, member-owned electric utility cooperatives, mostly in rural areas, already embody one form of community ownership in the energy sector. Another alternative ownership form is public ownership, typically at the municipal level, where a city owns a power plant and/or a utility that serve its residents. Perhaps most promising from an equity standpoint is community ownership in small-scale distributed generation of energy, for example a neighborhood solar power plant cooperatively owned by residents and/or community organizations. To promote community ownership, state policymakers should implement laws creating price mechanisms that favor community-owned energy; revisions of securities law to accommodate various kinds of cooperative energy ownership; and repurposing of existing clean energy tax breaks into grants for non-taxable entities such as non-profits.

Building resiliently and recovering responsibly from disaster.

- **Build statewide and local power to insure equitable disaster recovery and adaptation/resiliency strategies.** The most storm-exposed states should develop or strengthen bottom-up

modes of developing policy for disaster recovery and climate adaptation. For example, states could encourage community-planning commissions where local leaders and residents are empowered to determine or substantially inform statewide and municipal recovery and adaptation strategies. Part of this state and local empowerment should include developing screening tools that put the poorest residents and the most impacted communities first in line for recovery aid and adaptation investments. This bottom-up, progressive approach to recovery and adaptation should be integrated in planning and funding for flood protection, disaster preparedness, climate-sensitive new development, clean transportation, as well as urban forestry, walkability plans, and other strategies for mixing climate and health benefits.

HOW TO TALK ABOUT IT

- **Today our country can support clean, renewable energy that protects our families' health and creates new jobs while holding corporations accountable for the pollution they dump into our air.** Their pollution is making us sick and wrecking our climate. We need to put the health of our families and communities ahead of polluters' profits.
- **Moms and dads worried for their children's futures, workers and folks out of work who want good jobs, families who have lost their loved ones and homes in climate disasters, we all have a personal stake in tackling climate change.** It's past time to invest in affordable, renewable energy in our communities and create local jobs by making corporate polluters pay their fair share for the damage they're doing to our health and our climate. We cannot wait any longer to harness this huge opportunity for winning on climate change and making life better in our communities.
- **States can lead the way in getting our country on track to seize the opportunity to improve health, create jobs, and build community around the transition to clean power and clean transportation.** States can limit the extraction of fossil fuels and ensure that our shared natural resources are not put up for auction for the benefit of corporate polluters.
- **We need an equitable transition to clean energy.** Greenhouse gas pollution hits low-income communities and communities of color the hardest, so it is important that we have an inclusive approach to the transition, putting the hardest hit communities first.

HOW IT WORKS

- » Creating a low-carbon economy creates millions of good new jobs and sustainable economic growth instead of dirty and destructive growth. In New York State, for example, investing \$30 billion annually toward 100 percent renewable energy will create roughly 150,000 new jobs annually over a decade. Since 2009, the Regional Greenhouse Gas Initiative (RGGI)—a Northeast cap-and-trade program—has generated 30,000 job years.¹⁴ Each job-year is equivalent to one year’s work.
- » Action on climate improves public health. RGGI saved hundreds of lives and drove health improvements worth approximately \$5.7 billion between 2009 and 2014. Phasing out coal plants in Ohio and Pennsylvania will reduce substantial social costs, which in 2015 totaled 4,400 lives and \$38 billion annually.¹⁵
- » Keeping fossil fuels in the ground reduces public health risks and favors renewable energy, accelerating the transition.
- » Reduced energy consumption due to heightened energy efficiency will drive down emissions and costs for consumers. In HUD’s Green Retrofit Program, lifetime savings exceed costs by 20 percent.
- » Community ownership of energy in low-income communities could help close racial wealth gaps by enabling residents to sell their excess energy back into the mainline grid.
- » Preparing for future disasters and other climate impacts will reduce their monetary and human costs. Action on climate also gives us the opportunity to repair the historical wrongs of the fossil fuel economy by putting working-class communities of color at the center of climate policy. By committing to an equitable and inclusive transition, we will repair instead of reproduce the glaring inequalities of the old economy.

MORE RESOURCES

- » Climate Justice Alliance [Our Power Campaign page](#)
- » 350.org [climate science basics](#)
- » The Center for Social Inclusion [Energy Democracy page](#)

ADVANCE OPPORTUNITY THROUGH TRANSIT

“If people can’t move...then economic opportunity and quality of life deteriorate.

To move is to thrive. To be stuck is to lack opportunity.”

— ROSABETH MOSS KANTER, *MOVE: HOW TO REBUILD
AND REINVENT AMERICA’S INFRASTRUCTURE*

THE PROBLEM

Quality transportation connects Americans to opportunity, enabling people to get to work and take their children to school, while providing access to places of worship, doctors’ offices, public libraries, swimming pools, grocery stores and the other places that make our lives rich. Growing numbers of Americans rely on public transit in their daily lives, as ridership has grown faster than the population. Since traveling by public transit produces less air pollution and greenhouse gas emissions than riding in a private car, rising transit use can contribute to healthier and more sustainable communities. However, much of our public transit infrastructure is old and deteriorating; many communities lack access to reliable and affordable transportation options; and many of our transit systems were not designed to handle such heavy use. Inadequate investment in public transit blocks many Americans from economic opportunities.

The American Society of Civil Engineers states that nationally our public transit suffers from overdue maintenance and underinvestment that will cost us \$90 billion to remedy if we address it now—or significantly more if we wait for things to get worse. In too many instances, race, ethnicity, and class play a role in who gets access to what public transit infrastructure. Governments often fund transit that serves predominantly wealthier white communities, such as light rail and trolleys, more generously than the buses that primarily serve lower-income communities and communities of color.¹⁶ Yet people of color are especially reliant on public transportation because they are less likely to own a car. Asian-American and African-American workers commute by public transit at nearly 4 times the rate of white workers.¹⁷ Latino workers commute by public transit at nearly 3 times the white rate. Workers of color are also overrepresented among public transit commuters with “long commutes”—one-way commutes of 60 minutes or longer. Transit disparities are particularly important because of the close connection between commuting time and upward mobility. In counties where working people spend less time commuting to their jobs, struggling families have a better chance of attaining economic stability.¹⁸

Across the U.S., travel delays due to traffic congestion cause drivers to waste billions of gallons of fuel and keep travelers stuck in their cars for over 40 hours per rush-hour commuter per year.

The total nationwide price tag of this waste in 2014 was \$160 billion, or \$960 per commuter. In the largest metropolitan areas, the traffic-congestion cost averaged over \$1,400 per commuter.¹⁹ Smart and sufficient public transit investments can reduce travel times *for all commuters*—those using public transit and, by reducing traffic congestion, those using private vehicles. Reducing traffic congestion can also reduce carbon dioxide emissions from vehicles that contribute to air pollution and climate change.²⁰

POLLING DATA

- 69%** OF VOTERS agree that public transportation infrastructure is facing a crisis and needs action.²¹
- 76%** OF VOTERS favor increasing funding for the repair and improvement of public transportation infrastructure in communities around the country.

POLICY SOLUTIONS

Repair, upgrade, expand, and finance public transportation. First, the rehabilitation backlog identified by the U.S. Department of Transportation needs to be addressed.²² Then states should modernize and expand public transit systems.

- **Increase state funding for transit.** Currently, state funding accounts for about a quarter of the operating expense of public transportation.²³ Improvements to our transit systems require increased state funding. In an era of stagnant wages,²⁴ raising fares is a poor choice. There are many funding options. For example, Pennsylvania relies on several sources: Pennsylvania Turnpike revenues, state lottery funds, a portion of sales taxes, taxes on motor vehicle leases and rentals, and fees.²⁵ Another important revenue source is motor fuel taxes. This revenue source has 2 advantages: (1) it provides a slight disincentive to drive personal vehicles due to higher fuel costs, while (2) it simultaneously provides a positive incentive to use public transit because the system is improved through better funding. A fuel tax also helps to reduce carbon dioxide emissions. Revenue sources for transit should favor progressive taxes, since low-income households would be disproportionately hurt by increases in user fees and fares.
- **Change funding formulas so that public transportation gets a fair share of funding.** Twenty-three state constitutions restrict transportation funding to roadway projects. Colorado was able to circumvent this problem by declaring that because transit funding reduced traffic it contributed to the maintenance and supervision of public highways and therefore could constitute funding for roadways.²⁶ A better, but perhaps more difficult, option would be to change

the state constitution to allow funding to go to all forms of transportation. Funding formulas should also be revised so that they suit current needs and provide sufficient resources to public transportation.

- **Empower local communities and regions to address their public transportation needs.** State Departments of Transportation should cede more control of funds to local communities and encourage regional cooperation.²⁷ Local communities and regions also need the authority to raise their own funding for transportation needs. This will allow communities to have their own initiatives and to access matching dollars.²⁸
- **Invest in multimodal transportation.** Public transportation is most effective and efficient when passengers can easily transfer between different modes of transportation. Upgrades and expansions should not only expand coverage, they should make transfers between different public transportation systems easier and more efficient.
- **Public transportation should be accessible to disadvantaged populations.** Because of racial and economic residential segregation, it is important to design public transit with racial and economic equity in mind. Public transportation systems should be upgraded and expanded for the full inclusion of communities of color, low- and moderate-income communities, and persons with disabilities.

HOW TO TALK ABOUT IT

- **Public transit benefits all Americans, even those who never step onto a bus or train.** Improved transit leads to lower fuel costs, cleaner air, and less time lost due to traffic congestion. Transit helps communities thrive and spurs economic growth. Transit investments directly create jobs in construction, maintenance and operation.
- **Across the nation, our public transit suffers from overdue maintenance and underinvestment that becomes more costly to address the longer we wait.** Much of our public transit infrastructure is old and deteriorating; many communities lack access to reliable and affordable transportation options; and many of our transit systems were not designed to handle such heavy use. Governments often fund transit that serves predominantly wealthier white communities, such as light rail and trolleys, more generously than the buses that primarily serve lower-income communities and communities of color, where residents are especially reliant on public transportation because they are less likely to own a car.
- **Investing in transit promotes opportunity.** All of us need a reliable and affordable way to get to work, school, health care, and recreation. Public transit is especially critical to people with low incomes and people of color, who are less likely to own cars and tend to live further away from high-quality jobs. By connecting people to jobs, education and opportunities in the larger

community, transit plays an especially important role in promoting economic opportunity and mobility.

- **Public transit investments create healthier, more environmentally sustainable communities.** Americans' use of public transportation reduces the nation's carbon emissions by 37 million metric tons a year, reducing air pollution and helping to fight climate change.

HOW IT WORKS

Investments in transit have a powerful economic impact on communities.

- » Every \$1 invested in public transportation generates an estimated \$4 in economic returns.²⁹
- » The productivity gains of \$1 billion in federal transit investment support 50,000 jobs.
- » Every \$10 million in capital investment in public transportation yields \$30 million in increased business sales.
- » Residential property values are 42 percent higher on average when homes are located near public transportation.
- » Public transportation is a \$57 billion sector that puts people to work—directly employing nearly 400,000 people and creating hundreds of thousands of private-sector jobs.

MORE RESOURCES

- » PolicyLink Transportation Equity [resource page](#)
- » American Public Transportation Association [advocacy toolkit](#)
- » Transportation for America [advocacy site](#)

NOTES

INVEST IN INFRASTRUCTURE

“The water didn’t all of a sudden go bad, it kept getting worse...I noticed symptoms that weren’t ordinary. I’d take a shower, dry off, and five or six minutes later I’d itch, itch, itch. I’d come up the stairs and be tired.”

— ELNORA CARTHAN, 72-YEAR-OLD PLAINTIFF IN CLASS ACTION SUIT OVER FLINT WATER CRISIS³⁰

THE PROBLEM

Americans rely on roads, bridges, airports and transit to get us where we need to go; sewer and water systems to keep our families healthy; safe and well-maintained schools, libraries, and other public buildings; and energy to power it all. Our economy depends on strong infrastructure. Our government enables us to come together to tackle these large projects that we would not be able to do on our own. Yet America’s infrastructure is crumbling: Our roads are congested, our bridges are deteriorating, our school buildings are dilapidated, and the pipes that carry our drinking water are in a state of disrepair. According to the American Society of Civil Engineers, the nation’s infrastructure overall earns a grade of D+.³¹

State and local governments own the vast majority of our non-defense public infrastructure. They also receive the most direct and immediate productivity and wage benefits from having good quality infrastructure in their jurisdiction.³² However, state and local government spending on infrastructure is at a 30-year low.³³ Low-income communities and communities of color have long borne the consequences of infrastructure underinvestment: They are more likely than wealthier, white communities to be exposed to hazardous waste, noxious materials, and toxic emissions from congested roads.³⁴ Communities of color are less likely to benefit from infrastructure improvements, which often come at their expense. For example, many government-approved expressway expansion projects carved thriving black communities in half, contributing to their decline.³⁵ The water crisis in Flint, Michigan puts the devastating impacts of crumbling infrastructure into sharp relief. Investing in infrastructure is now more important than ever for states, as the federal government implements tax cuts for the wealthiest, pursues corporate giveaways, and seeks to privatize core duties of the government.

POLLING DATA

89% OF MICHIGAN VOTERS believe fixing the state’s infrastructure should be a top priority for legislators.³⁶

Continued next page

89% OF MARYLANDERS agree that the state should invest in transportation to create new jobs and attract new businesses.³⁷

+ 80% OF PENNSYLVANIA, OHIO AND VIRGINIA VOTERS believe investment in infrastructure would have a positive impact on the economy.³⁸

POLICY SOLUTIONS

Increase infrastructure spending at the state level to create jobs and boost the economy, with funds targeted to improving roads and bridges, public schools, our transit system, our drinking water and sewage systems, affordable housing, and our systems to address the real threat of climate change. Any such legislation should advance racial equity and specifically engage and benefit groups that have been historically shut out of economic growth due to discrimination and underinvestment, including women, people of color, low-income people, and rural residents.

- **Make infrastructure investments promptly to lower costs and improve public safety.** States frequently borrow funds to pay for infrastructure. Interest rates are currently low, but the Federal Reserve has begun to raise them. The longer states wait, the more expensive it will be to borrow. Also, it is cheaper to repair infrastructure now than to wait for it to fail, deal with the problems and expenses caused by the failure, and then completely replace it. For example, it is safer and cheaper to prevent a bridge from collapsing than to deal with the consequences of a collapsed bridge.
- **Raise revenue if necessary—but do it progressively.** Some states will need to raise revenue for infrastructure investments. Since wise infrastructure investments lead to more jobs, stronger businesses, and higher state revenues in the future, increasing taxes to pay for these investments is sensible. Progressive taxes are a better revenue source for infrastructure investments than user fees, because fees often place a significant burden on low-income households.
- **Infrastructure projects should employ a labor force representative of the demographics of the local community.** When awarding contracts, states should consider whether a company hired to repair or build infrastructure is committed to local-hire practices that provide pathways for new workers representative of the communities where the project is based. Companies should work to include local groups that have been historically excluded from employment and apprenticeships in their sector.
- **Protect public control of public assets.** In general, public-private partnerships (P3s) shift infrastructure spending away from community needs and toward what is profitable for inves-

tors. P3s financing is more expensive than bonds. P3s remove local control and transparency from projects.

- **Promote good jobs for all.** Infrastructure plans should require that the jobs created protect and strengthen wages, benefits, equitable hiring practices, and worker safety. Project labor agreements should be encouraged to meet the needs of disadvantaged communities, urban, suburban, and rural.

HOW TO TALK ABOUT IT

- **Tackling large infrastructure projects—for instance, shoring up our roads and bridges, fixing our pipes, expanding broadband to communities without it—pays off in the short and long term.** While infrastructure investment requires large amounts of up-front capital investment, the pay-offs in the short and long term far outweigh these initial costs. In the short term, infrastructure investment will create millions of much-needed jobs in a variety of sectors, from construction to manufacturing. In the long term, investment in the development and maintenance of roads, bridges, housing, public transportation and schools will boost economic opportunity and productivity. Failure to invest in infrastructure costs more in the long run, as conditions further deteriorate, human potential is stifled, and the nation squanders economic opportunities.
- **We the people—not Wall Street—should control American infrastructure.** We spent billions to build our bridges, pipes, ports, buildings, and more—we shouldn't just hand them over to hedge funds to profit off of our investments. Public-private partnerships and other schemes to privatize our nation's public infrastructure enrich Wall Street at the expense of working Americans. Rather than handing our assets over to unaccountable companies focused on boosting their stock price and maximizing profits, we must ensure that infrastructure serves the public interest in safety, accessibility, and equity.
- **Big infrastructure projects can be a powerful tool for advancing racial equity.** In planning, we can prioritize the communities—often communities of color—that our state has not historically invested enough in. While building, we can thoughtfully create jobs and career pathways for residents. When the infrastructure is in use, it will ease our residents' access to opportunity, recreation, and civic engagement.

HOW IT WORKS

» Every \$1 invested in public-sector infrastructure produces \$1.70 in gains as a result of increased efficiency and employment.³⁹

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CREATING BETTER JOBS

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RAISE JOB STANDARDS

“I have had at times to piece together two or even three part-time jobs just to get enough hours of work to pay the bills...As a part-time worker, I’ve never had health insurance, a retirement plan, or sick days.”

— PABLO NERVAEZ, FAST-FOOD EMPLOYEE FOR 16 YEARS⁴²

THE PROBLEM

Americans work hard, and that should provide enough to sustain our families. Yet too many employers structure jobs in ways that keep profits for executives and shareholders while preventing working people from being able to get by. Even as corporate profits grow, millions of Americans go to work each day facing low pay, unstable work schedules, stolen wages, and the lack of even a single paid sick day. Corporations deny workplace protections to employees by wrongly classifying them as independent contractors, even as the company controls their every move. Meanwhile, working people who are paid even a low salary can be denied additional compensation when they put in long hours on the job. Overall, our nation’s rules about work no longer reflect our values of fairness or a basic respect for people’s real contributions on the job.

For many workers of color and working women, workplace laws were never fair. When many of the nation’s core employment laws were enacted in the 1930s, lawmakers deliberately excluded occupations like farm labor and domestic work that predominantly employed people of color and women. The initial opposition to federal minimum wage laws came from legislators outraged that a black worker might be paid as much as a white one.⁴³

Today, as women and people of color make up a growing share of America’s working class, employers are weakening job standards for all working people. In an effort to turn a quick profit by keeping labor costs to a minimum, corporate interests deploy racist images of “lazy” minimum wage workers who don’t deserve to be paid a living wage. They use strategic racism to undermine support for improving job standards that would benefit all working Americans. As a result, while women and people of color continue to disproportionately work at low-paying jobs with erratic schedules, no paid sick time, and vulnerability to wage theft, these conditions are growing throughout the workforce.⁴⁴

Americans working as cooks, retail salespeople, home care and child care workers, cashiers, restaurant servers, janitors, warehouse workers, laborers, nursing assistants and many other occupations find their paychecks falling short of basic needs. Employers pay less than \$15 an hour to more than 40 percent of working people.⁴⁵ Below this rate, even families supported by a full-time,

full-year worker struggle with poverty or near-poverty. There is no state in the country where a person working full-time at the federal minimum wage can afford a modest two-bedroom apartment at the fair market rent.⁴⁶ The federal minimum wage for tipped workers is just \$2.13 per hour before tips. At the same time, employers deny 37 million working people (nearly 1 in 3 private sector workers nationwide) the ability to take a day off work when they are sick without losing the income they depend on.⁴⁷ Millions of hourly workers also face rigid and unpredictable work schedules that vary day to day with little say or notice for the workers affected. Workers with erratic schedules cannot predict their hours or pay, cannot plan time for education or a second job, and must scramble to arrange child care at the last minute.

Hourly workers are not the only ones struggling with unsustainable schedules. Millions of salaried workers put in overtime hours but do not get paid for their extra work. Although federal law guarantees overtime pay to people working more than 40 hours a week, an exemption for salaried workers with certain responsibilities who are paid more than \$23,660 per year enables businesses to deny overtime pay to workers such as fast food assistant managers and convenience store clerks. A recent effort to raise the salary threshold was pushed back by business interests assisted by the Trump administration.

If nothing else, working people should be able to expect the protection of our nation's existing employment laws. Yet lack of enforcement capacity and weak penalties for violating wage and hour laws enable unscrupulous employers to steal wages with little concern for the consequences. Employers cheat workers out of an estimated \$15 billion every year by paying less than the legal minimum wage—not including other common forms of wage theft, such as stealing tips or forcing employees to work off-the-clock.⁴⁸ Millions of workers, including many in the gig economy, are often improperly classified as independent contractors, a form of wage theft that deprives them of many workplace protections.⁴⁹

POLLING DATA

85 % OF AMERICANS favor requiring employers to offer paid sick leave to employees who are ill.⁵⁰

58 % OF AMERICANS favor an increase in the federal minimum wage to \$15 an hour.⁵¹

73 % OF AMERICANS say they support “fair workweek laws [that] require employers to give workers stable hours, input into schedules, and more opportunities for full time work.”⁵²

POLICY SOLUTIONS

Raise the standards for American jobs so that all working people get paid fairly for their efforts and have work schedules that take their basic needs into account. Additional policies ensuring workers' freedom to join together in unions are discussed in our policy, [“Restore Freedom to Negotiate at Work.”](#)

- **Raise the minimum wage.** Twenty-nine states and the District of Columbia have raised their minimum wage above the federal minimum of \$7.25.⁵³ California, New York and the District of Columbia, along with a growing number of cities, have enacted legislation that gradually increases their minimum wages to \$15 an hour. The most effective state laws automatically index the minimum wage to the cost of living and eliminate any lower minimum wages (so that, for example, workers who receive tips, working people with disabilities and younger workers will also be paid at least the full minimum wage). States should not preempt local governments from raising their minimum wages beyond what the state requires.
- **Ensure fair schedules.** Oregon recently passed a law ensuring that people employed by large chain businesses in the retail, hospitality, and food service sectors receive a week's advance notice of their schedules (increasing to 2 weeks by 2020), get compensation when schedules are changed at the last minute or when on-call workers are not called into work, and have a right to give input on their schedules. Workers also have the right to rest between consecutive shifts. When workers are hired, they will receive a good-faith estimate of their weekly work hours. California, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and the District of Columbia have more limited “reporting pay” protections, which require compensation for workers who report to work as scheduled but are sent home before completing their full shifts. A number of cities also have fair scheduling laws; states should not preempt these efforts by local governments.
- **Guarantee paid sick time.** Arizona, California, Connecticut, Massachusetts, Oregon, Rhode Island, Vermont, Washington and the District of Columbia enable workers to accrue several paid sick days a year to recover from their own illness, care for sick family members, or access preventive care.⁵⁴ These laws also enable workers who are survivors of domestic violence or sexual assault to use sick time to recover or seek help. A number of cities also guarantee paid sick time; states should not preempt these efforts by local governments.
- **Restore overtime pay.** A much-needed federal effort to update antiquated overtime pay rules was recently rolled back by business interests. These critical overtime pay protections can be enacted at the state level by guaranteeing workers who are paid less than \$48,412 per year overtime pay if they work more than 40 hours a week. Agricultural and domestic workers should be included in overtime pay protections.
- **Prevent and prosecute wage theft.** Strengthen protections against wage theft by increasing penalties and whistleblower provisions and making it easier for workers to take action to

recover stolen wages, for example by lengthening the statute of limitations and protecting workers from retaliation. Two provisions against wage theft are particularly important. First, penalties for wage theft should impose damages equal to 3 times the back wages owed, which research finds to be the most effective deterrent.⁵⁵ In addition, states should ensure that “joint employers”—companies that share control over employees with a subcontractor—are held accountable under state law for wage theft and other workplace violations and cannot use subcontractors to avoid responsibility.

- **Stop employers from misclassifying workers as independent contractors.** When workers are improperly classified as independent contractors, they can be excluded from many workplace protections. Require that all workers in the state be accurately classified as employees or non-employees and be given written notice of their classification. Give misclassified employees the right to sue and recover lost wages, and increase penalties for employers who misclassify workers.
- **Protect the rights of temporary workers and day laborers.** Illinois recently enacted a groundbreaking law protecting temp workers. To decrease workplace injuries, temp agencies must notify temp workers about the types of equipment, protective clothing and training needed to perform a job; to avoid the common occurrence of workers becoming stranded on a job site, agencies must provide transportation back if they drove workers to the site; to document and prevent discrimination, agencies must report demographic information on workers who are hired; and agencies must cover the cost of any background checks or drug tests they conduct. Companies must also enable temporary workers to take permanent positions if jobs become open.
- **Expand prevailing wage laws.** Twenty-eight states have some form of prevailing wage law, often ensuring that state construction contracts do not undercut the private sector industry standard in wages and benefits.⁵⁶ Expanding these laws to cover a broader range of state spending on contracts, grants, loans and tax incentives in all industries will ensure that public spending supports market wages rather than pushing them down.
- **Increase resources for investigating violations and enforcing workplace laws.** Most states have a state labor agency responsible for implementing and enforcing workplace standards, as well as investigating claims and educating the public about the law. These agencies must have sufficient authority and resources to fulfill their mission.

HOW TO GO FURTHER

Most American workers are at-will employees and can be fired at any time for no reason. A higher job standard would guarantee that once a worker has completed a brief probationary period, they can only be terminated for good cause, such as a failure to adequately perform their job. Workers would have a right to contest their termination.

HOW TO TALK ABOUT IT

- **Working people deserve a fair return on our work and a decent life for our families.** When companies assign people a work schedule that constantly changes or tell them to work more for less, the workplace isn't fair.⁵⁷ We can improve our jobs by guaranteeing that people who work earn good wages, have stable schedules, and get basic benefits like paid sick days. When people put in extra hours on the job, our laws should ensure they get paid for the work they do. Everyone should expect to be paid fairly for their work, not cheated out of the wages they earn by a boss who thinks he won't get caught.
- **Our workplaces have been pulled out of balance by rules that unfairly favor corporations and the rich.** Our work creates enormous wealth, but the profits don't get to the working people who produce them.⁵⁸ The rules of our economy unfairly favor corporations because they are written by politicians beholden to wealthy special interests. In our democracy, we can change the rules to reflect a basic respect for people's real contributions on the job.
- **We all have a stake in improving workplace standards for everyone.** Greedy corporate interests benefit from dividing working Americans and appealing to racial and gender stereotypes that paint some working people as less deserving of decent pay and benefits. These divisions drag down standards for all of us. To build an economy that works for everyone, we must ensure that everyone's work is respected and fairly compensated.

HOW IT WORKS

- » Currently 29 states have a minimum wage higher than the federal minimum of \$7.25. California, New York, the District of Columbia and a growing number of cities have passed laws phasing in a \$15 minimum wage.
- » In practice, minimum wage increases have succeeded in raising pay for low-wage workers and have little or no significant impact on employment.⁵⁹ Higher wage costs for businesses are offset by growth in productivity, lower costs for employee turnover, and modest price increases. Minimum wage increases often find their way back into the local economy, as working people are able to purchase more goods and services.
- » Eight states, the District of Columbia and dozens of cities and counties have passed laws guaranteeing paid sick days. Employment growth has remained strong and businesses generally report no impact on profitability.⁶⁰ Paid sick day laws are associated with reduced flu rates.⁶¹

Continued next page

GUARANTEE FAIR EMPLOYMENT

“I remember on breaks just going into work closets and crying because I was so stressed out [from the harassment.] I took the stress home with me every day. I didn’t sleep well. And I dreaded going to work.”

—JAMEKA EVANS, FORMER SECURITY GUARD AT GEORGIA REGIONAL HOSPITAL, LAMBDA LEGAL CLIENT⁶²

THE PROBLEM

We all deserve an equal opportunity to be hired based on our abilities and to carry out our work free from discrimination and harassment. Yet harassment and discriminatory hiring, firing, promotions, and pay continue to shape the U.S. labor market in ways that systematically disadvantage people of color, women, LGBTQ workers, people with disabilities, and other targeted groups. As our jobs largely determine our incomes, economic opportunities, and the livelihood of our families, unfair employment practices worsen cycles of inequality.

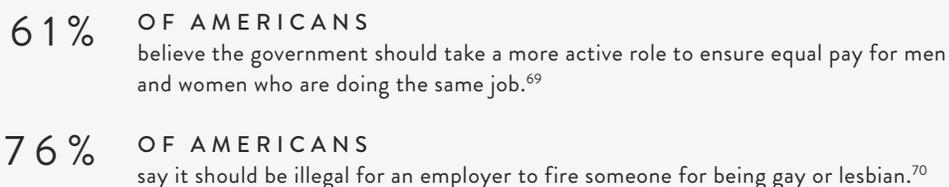
Inequality in American labor markets was maintained by law for much of U.S. history. Before the Civil Rights Act of 1964, employers in many states were legally allowed to discriminate on the basis of race, color, religion, sex, and national origin. Today federal law forbids these types of discrimination, as well as employment discrimination based on disability, pregnancy, age (age 40 or older), or genetic information. Yet evidence of persistent discrimination remains widespread. African Americans consistently face much higher unemployment rates than white workers, regardless of education.⁶³ White job applicants still receive 36 percent more callbacks for a job interview than equally qualified black applicants, and 24 percent more than Latino applicants.⁶⁴ Meanwhile, different types of discrimination overlap and deepen inequality: For example, in 2016, Latina women working full-time, year-round were still paid only 54 cents for every dollar paid to white, non-Hispanic men.⁶⁵ Race and gender contribute to dramatic pay gaps across the spectrum, and gaps persist for workers at all levels of education and in the vast majority of occupations.⁶⁶

By offering remedies targeted to specific vulnerable groups, state and federal civil rights laws have the potential to dramatically reduce discrimination—but too often fall short due to a lack of resources for effective enforcement. States can complement the federal government’s role in enforcing anti-discrimination law by providing additional resources for investigation, enforcement, and public education about the law. States can also cover smaller employers that are exempted from federal law.

Further, states can address gaps in federal laws that allow other types of discrimination to flourish. On a daily basis, employers fire, harass, and tolerate others’ harassment of working Americans

because of their sexual orientation and gender identity or expression. Employers refuse minor accommodations that would enable pregnant workers to continue working, effectively pushing them out of their jobs. Employers deny jobs to qualified applicants because of flawed personal credit history—a factor which predicts little or nothing about future job performance, but can function as undercover racial discrimination.⁶⁷ Workers with caregiving responsibilities face discrimination based on stereotypes about how caregiving will impact their work performance. The nearly 1 in 3 American adults with an arrest or conviction record face particularly high barriers to employment. Although rates of criminal recidivism are significantly lower among former offenders who are able to obtain steady employment, the stigma of a record decreases a job seeker’s chances of a job call-back or offer of employment by almost 50 percent.⁶⁸ As a result of mass incarceration and racial bias throughout the criminal justice system, communities of color are disproportionately affected when employers refuse to consider job applicants with an arrest or conviction record. States across the country have successfully acted to reduce each of these types of employment discrimination.

POLLING DATA



POLICY SOLUTIONS

Provide additional resources to strengthen the enforcement of existing fair employment laws, and clarify that discrimination and harassment based on sexual orientation, gender identity or expression, personal credit history, pregnancy status, or caregiving responsibilities are illegal. Ensure people with arrest or conviction records have a fair chance to work. States have enacted the following policies:

- **Adequately fund and empower state agencies responsible for enforcing laws against workplace discrimination.** Ensure that the state equal opportunity commission, human rights division or similar agency has sufficient authority and resources to implement and enforce state anti-discrimination laws, educate the public about the law, investigate claims that civil rights have been violated, and offer remedies to people who experience discrimination.
- **Ensure fairness for pregnant workers.** Require employers to make reasonable accommodations for pregnancy, recovery from childbirth, and related medical conditions, such as allowing workers to take additional bathroom breaks, to sit down, or to request a position with less

strenuous duties if one is available. The need for accommodations should no longer be a pretext to push pregnant employees out of their jobs. States enacting these protections include Alaska, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New York, North Dakota, Rhode Island, Texas, Utah, Vermont, Washington and West Virginia.

- **Stop credit discrimination in employment.** Prohibit employers from using personal credit history to make decisions about hiring, firing, pay, or promotions. Protect job seekers whose credit may be damaged by medical debt, student loans, a layoff, divorce, predatory lending, or simple error. Ending credit discrimination is particularly important for people of color, who are more likely to have poor credit as a result of the enduring impact of racial discrimination in employment, lending, education, and housing. States that have enacted restrictions on employment credit checks include California, Connecticut, Colorado, Delaware, Illinois, Hawaii, Maryland, Nevada, Oregon, Vermont, and Washington; however, all of these laws have exemptions that undermine their effectiveness and none should be considered a model.
- **Prohibit employment discrimination based on sexual orientation, gender identity, and gender expression.** California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, and Washington explicitly ban employment discrimination based on sexual orientation and gender identity, while New Hampshire and Wisconsin ban discrimination based on sexual orientation alone.
- **Guarantee equal pay.** Strengthen enforcement of equal pay laws by requiring employers to demonstrate that any pay disparities are based on legitimate job-related factors, allowing workers to ask about their employers' wage practices or disclose their own pay without retaliation, prohibiting employers from requiring salary history during the hiring process, and ensuring that penalties for equal pay violations are high enough to deter discrimination. States have a wide range of laws on pay equity.
- **Provide a fair chance to job applicants with a criminal record.** Require employers to remove questions about arrest and conviction from initial job applications (known as "ban the box"). Mandate that employers wait until after they make a conditional offer of employment to request a job applicant's arrest or conviction record. Follow guidelines from the U.S. Equal Employment Opportunity Commission, which direct employers to take into account the time passed since the offense, whether the offense is related to the job, and evidence of rehabilitation. Thirty states, as well as numerous local jurisdictions, have adopted some form of fair chance hiring or ban-the-box policy.⁷¹

- **Strengthen employment protections for workers with family care responsibilities.** Explicitly ban discrimination on the basis of caregiving status. Alaska, Connecticut, Minnesota, and New York provide some protection against discrimination based on family responsibilities or status as a parent.
- **Protect workers in the “on-demand” or gig economy from discrimination and harassment.** Mandate that workers otherwise designated as independent contractors be treated as statutory employees for purposes of state civil rights laws, ensuring that people working “on-demand” for companies like Uber, Taskrabbit or Care.com are covered by the same protections against discrimination and harassment as traditional employees.

HOW TO TALK ABOUT IT

- **All Americans deserve a fair opportunity to earn a living and sustain their families—employment discrimination cannot be tolerated.** Equality of opportunity is a fundamental American value. Yet every day, employers pass over qualified job seekers for employment, and workers are harassed, fired, paid less, and denied promotions because of factors that have nothing to do with their ability to perform a job well. Our society and economy suffer when working people of any background or identity are prevented from contributing to the best of their abilities.
- **Laws against discrimination work when they are vigorously enforced.** Federal law only began to protect American workers from discrimination based on race, sex, national origin, and color 52 years ago. It has taken decades of additional legislation and litigation to dismantle officially segregated workplaces and remove other obstacles to opportunity. For example, the once-prevalent employment ads calling for “male help wanted” or “no Negroes” are now largely a thing of the past. Today, fair hiring practices have proven effective at reducing the impact of the unconscious biases we all share. Strong laws allow workers who continue to face discrimination to pursue legal recourse. With sufficient resources and tools to root out discriminatory practices, all Americans can enjoy equal opportunity at work.
- **Job seekers with an arrest or conviction record deserve a chance to start fresh.** Long after a sentence has been served, the stigma of an arrest or conviction record persists on employment background checks, dramatically reducing a job seeker’s chances of employment. As a result of mass incarceration and racial bias throughout the criminal justice system, communities of color are disproportionately impacted. Each year nearly 700,000 people return to our communities from incarceration; we all have a stake in ensuring that they are able to integrate back into society and to support themselves and their families.

HOW IT WORKS

- » Although significant work remains to guarantee fair employment, the Equal Employment Opportunity Commission's current enforcement of discrimination laws shows how these laws can provide a tangible benefit to working Americans. In fiscal year 2017, the EEOC obtained nearly \$484 million for workers confronting discrimination on the job, and received more than 84,254 new charges of unfair treatment, propelling investigations, settlements, and lawsuits.⁷²
- » State and local laws clarifying that discrimination against LGBTQ workers and job applicants is illegal have been successful both at protecting people from unfair employment practices and at reducing more subtle interpersonal bias. Research suggests that one reason these and other types of anti-discrimination laws work is because they help to establish new norms and expectations about what type of treatment and behavior is acceptable on the job.⁷³
- » “Ban the Box” and other state and local laws that aim to provide a fair chance at employment to people with arrest and conviction records have effectively increased the number and proportion of people hired who have records.⁷⁴ While employers may have initially refused to consider applicants with a conviction record, personal contact and context help to put a record into perspective, removing a significant barrier to opportunity for tens of millions of Americans.

MORE RESOURCES

- » National Partnership for Women and Families [resource page on fair pay](#)
- » National Employment Law Project [toolkit on state and local ban-the-box policies](#)
- » A Better Balance [state resource page on pregnant workers fairness](#)
- » The Human Rights Campaign [resource page on LGBTQ employment discrimination laws](#)
- » Dēmos report on [how states can more effectively ban credit discrimination in employment](#)
- » Center for Worklife Law page on [family responsibility discrimination](#)

NOTES

RESTORE FREEDOM TO NEGOTIATE AT WORK

“I worked hard for this company for five years, sometimes 72 hours a week – and never had any performance-related complaints. I did, however, wear a union shirt. And I had union stickers on my water bottle. And I believed that a union would make us safer, and would make the company more organized and more efficient.”

— MIKE WILLIAMS, FORMER TESLA EMPLOYEE⁷⁵

THE PROBLEM

Our American tradition guarantees working people the freedom to join together with co-workers to negotiate for a fair return on work. When workers have the freedom to band together in unions and negotiate with their employers, they and their families gain from improved wages and benefits, safer working conditions, and fairer treatment on the job—and even workers who are not part of a union benefit.⁷⁶ Yet because unions enable working people to build power, the freedom to come together in unions is under attack by corporate interests aiming to maximize their own wealth and power. Decades of attacks on workers’ freedom have eroded the ranks of union members and undermined their strength, significantly contributing to the stagnating wages and growing income inequality of the last 45 years.⁷⁷ As workers’ power to negotiate declines, inequality increases.

When working people bridge racial divisions and stand together for their fair share of the wealth they create, their union can be a powerful force for both racial and economic equity. For this reason, greedy corporate interests have consistently manipulated racism to turn working people against each other, pushing down wages, undermining solidarity, and weakening workers’ freedom to join together. Like almost every institution in the U.S., unions themselves are struggling with a legacy of racial and gender discrimination. Yet today, nearly half of union workers are women and more than a third are workers of color.⁷⁸ Black workers are more likely than workers of any other race to be represented by a union.⁷⁹ Unions offer pay transparency, protections from discrimination, and clear processes for raises and promotions that protect all working people from bias. As Rev. Dr. Martin Luther King Jr. and other civil rights leaders recognized, the freedom to join unions is essential to advancing racial justice.

The 1935 National Labor Relations Act guarantees working Americans the freedom to join together in unions, negotiate, and take collective action for better terms and conditions at work. The passage of the law contributed to a dramatic increase in workers joining unions and building power. Through unions, workers negotiate for their own benefit but also raise workplace standards

for entire industries, improving pay and working conditions even for workers who are not union members. During the height of workers' power, between 1948 and 1973, the hourly compensation for the typical worker rose in tandem with the productivity of the overall economy, meaning that economic growth benefitted working people as well as corporate profits and the very highest earners.⁸⁰ But corporate lobbyists were already pushing to take back power: The 1947 Taft-Hartley Act restricted workers' freedom, prohibiting workers from striking or boycotting in solidarity with another union, taking away independent contractors' freedom to join unions, and enabling states to enact laws that undermine workers' freedom to join together and negotiate, among other provisions. A series of anti-worker laws and legal decisions over the decades further chipped away at Americans' freedom to join together and negotiate. The 2018 Supreme Court case *Janus v. AFSCME* is the most recent effort to rig the economy against working people, attacking public sector workers' ability to form strong unions.

Today, the legal consequences for violating workers' freedom are so weak that many employers regard penalties for breaking the law as an acceptable cost of doing business: Employers routinely make illegal threats against workers trying to organize unions, unlawfully fire union activists, and pay millions of dollars to union-busting consultants.⁸¹ When other negotiating tactics fail and working people resort to their most powerful tool, the right to walk out on strike, employers may retaliate by hiring permanent replacements, often destroying the workers' union and their power to stand together. Even when workers overcome these obstacles and succeed in forming a union, employers regularly use legal loopholes to endlessly delay contract negotiations: Two years after a successful election, 37 percent of unions in the private sector still had not signed their first contract.⁸²

These corporate attacks on unions have contributed to their decline; the proportion of U.S. workers represented by unions shrank from 35 percent in 1954 to just 10.7 percent in 2016.⁸³ As unions have declined, so has workers' ability to get a fair share of economic growth. Since the end of the Great Recession, the top 1 percent of households has taken home 52 percent of all income growth, while wages for the typical worker have remained largely flat.⁸⁴ Studies find that union decline can explain one-third of the rise in wage inequality among men and one-fifth of the rise in wage inequality among women from 1973 to 2007.⁸⁵

POLLING DATA

61% OF AMERICANS
say they approve of labor unions, and approval is increasing.⁸⁶

75% OF YOUNG PEOPLE (AGES 18 TO 29)
say they have a favorable opinion of labor unions.⁸⁷

POLICY SOLUTIONS

Restore workers' freedom to join together in unions and negotiate for a fair return on work. While the federal government preempts much state action on labor rights, states still have important opportunities to increase workers' rights.

- **Eliminate so-called “right to work” laws.** Corporate lobbyists have promoted deceptively named “right to work” laws, which are now in effect in 28 states. These laws are designed to take rights away from working people and drain resources from workers' organizations by allowing free riders to benefit from union representation without paying their fair share. States should repeal “right to work” laws where they exist. In Arizona, Arkansas, Florida, Kansas, Mississippi, Nebraska, Oklahoma and South Dakota, “right to work” is written into the state constitution and requires a constitutional amendment to repeal.
- **Guarantee public employees the freedom to join unions and negotiate.** Provide state and local workers, including people working as firefighters, teachers, sanitation workers, and in other public jobs, with freedom to join together in unions and negotiate for a fair return on their work. In response to a recent Supreme Court ruling that harmed public sector workers' freedom to form strong unions, a number of states are considering legislation to streamline the process for unions to contact workers and collect dues.
- **Expand freedom to negotiate to workers left out of federal labor laws.** States should extend the right to band together in unions to agricultural workers and home health care workers, who are excluded from federal labor law. California has extended the most comprehensive labor rights to agricultural workers, not only ensuring workers the right to unionize and negotiate but also establishing a state labor relations board that can order mediation if employers and workers cannot agree on a contract. California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Ohio, Oregon, Pennsylvania, Vermont, and Washington have granted home care workers who are paid through Medicaid and other public programs the right to organize unions and negotiate with the state as public employees.⁸⁸
- **Use state purchasing power and policy to help expand opportunities to negotiate.** All employers that receive state contracts, grants, loans, tax incentives, or other funding must affirmatively notify workers of their rights, and refrain from activity aimed at interfering with workers' ability to join a union and bargain collectively. These requirements are often called “labor peace agreements” and seek to ensure that labor unrest does not inhibit state-funded efforts. Labor peace agreements have recently been used at airport projects in Illinois and in California's legal cannabis industry.⁸⁹
- **Ban non-compete agreements.** As many as 18 percent of American workers are covered by non-compete agreements, which prohibit them from working for a competing employer within a certain period of time after leaving their job.⁹⁰ By preventing working people from taking their

skills elsewhere, non-compete agreements reduce workers' negotiating power and can suppress wages. Several states, including California, have made non-compete agreements unenforceable.

HOW TO GO FURTHER

In 2017, New York City pioneered a policy enabling people who work in the fast food industry to [contribute to a nonprofit workers' organization](#), with dues automatically deducted from their paychecks if they authorize the group. Dues are not paid until at least 500 workers agree to join the organization. Because of the restrictions imposed by federal labor law, the workers' group cannot function as a union that negotiates contracts, but it can act as a nonprofit organizing and lobbying in workers' interests. The policy is worth considering in a broader range of industries and jurisdictions.

HOW TO TALK ABOUT IT

- **In America, we value our freedom.** Just as corporate CEOs are free to negotiate their salaries, benefits, and bonuses, working people deserve the very same freedom: to negotiate a fair return on our work so we can provide for our families.⁹¹ Real freedom is about more than making a living; it's also about having time to take a loved one to the doctor, attend a parent-teacher conference, and retire in dignity. But corporate lobbyists are trying to take away the freedoms people in unions have won for all of us. Standing together, we can fight for our freedom to prosper.
- **When working people stand together to negotiate for their fair share of the wealth they create, their union is powerful.** That's why corporations that want to expand their own power and wealth try to turn working people against each other, using racial stereotypes to weaken and divide us. If working people don't band together to defend freedom for all of us, we stand to lose our pay, retirement security, and the future we're working to build for our children.
- **Our workplaces have been pulled out of balance by rules that unfairly favor corporations and the rich.** Our work creates enormous wealth, but in an increasingly rigged economy, the profits don't get to the working people who produce them.⁹² To restore balance, working people need the freedom to join together in unions and the power to negotiate for pay, benefits, and conditions that reflect their real contributions on the job.

HOW IT WORKS

» 16 million working men and women in America are represented by unions today.⁹³ Unions are diverse and represent workers of all levels of education and in a wide range of jobs and sectors, from digital media journalists, to cafeteria servers, to factory workers, to nurses, to road builders. By raising industry standards, unions increase wages for union and non-union workers, and improve workplace benefits and safety practices.

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HOW IT WORKS

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- » Through unions, working people make communities stronger and level the playing field for everyone. For example, unions provide training and apprenticeship programs for young people, negotiate staffing ratios that protect patient health at hospitals, and win smaller class sizes in schools.⁹⁴
- » In states where working people have the freedom to negotiate without being undermined by “right to work” laws, the typical full-time worker is paid \$1,558 more each year and is more than twice as likely to be protected by a union contract than workers in “right to work” states.⁹⁵

MORE RESOURCES

- » Economic Policy Institute report on [how today’s unions help working people](#)
- » Dēmos Fellow Ian Haney Lopez on [race and economic jeopardy for all](#)
- » The Century Foundation report on [labor’s bill of rights](#)
- » Dēmos explainer on [so-called “right to work” laws](#)

NOTES

ENSURE PAID TIME TO CARE

“This was my baby and I wasn’t going to leave her side, but I also needed my job.”

—STACI J. LOWRY, DETROIT, MICHIGAN⁹⁶

THE PROBLEM

At some point in our lives, we all need time to care for loved ones or ourselves, whether we are bonding with a new child, caring for an ailing parent, or recovering from our own serious illness. Yet in 2017, only 13 percent of private sector workers had access to paid family leave through their employer.⁹⁷ Low-paid workers and working people of color were least likely to have access to paid leave.⁹⁸ Without paid time away from work, Americans put their health at risk, face economic hardship, and are unable to care for those who matter most to them in a time of need.

To a great extent, the American workplace is built around the image of a male worker with a wife who is not employed outside the home and is available to provide care for children, aging relatives and loved ones who fall sick. Yet this norm never applied to most households of color or LGBTQ households, and does not apply to the majority of American households today: Currently most families with children have all adults in the workforce, and mothers are key breadwinners.⁹⁹ Meanwhile, the number of working people responsible for caring for elderly loved ones continues to grow as the population ages.

Paid time to care is the norm in virtually every other country, yet the U.S. guarantees only *unpaid* time off work under the Family and Medical Leave Act (FMLA). Even access to unpaid FMLA leave is unavailable to about 40 percent of working people, because the law only applies to businesses with 50 or more employees and to workers who have worked for their employer for at least 12 months. As a result, millions of Americans are forced to make an impossible choice between the income they rely on and caring for a loved one in their time of greatest need. While a nationwide solution is ideal, a number of states have successfully set up paid leave systems that address the needs of families.

POLLING DATA

78 % OF VOTERS support establishing a paid family and medical leave fund that would allow all workers in the U.S. to take up to 12 weeks of leave from their jobs with some pay.¹⁰⁰

64 % STRONGLY FAVOR SUCH A LAW

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58% OF THOSE VOTERS say they would be more likely to vote to re-elect a lawmaker who votes for a national paid leave law.

POLICY SOLUTIONS

Provide paid benefits to working people who need time away from their jobs to care for a new child, an ailing loved one, or their own serious health condition. California, New Jersey, New York, and Rhode Island currently have paid family leave systems in place. Washington, DC, and Washington State have enacted paid leave laws that have not yet gone into effect. Hawaii runs a temporary disability insurance system that working people can use to recover from their own serious illness, although not to care for loved ones.

State laws ensuring paid time to care include the following provisions:

- **Provide working people with up to 12 weeks per year of paid time to care for family** (New York and Washington State). California provides up to 52 weeks to care for one's own disability.
- **Benefits may cover** time taken for pregnancy; recovering from childbirth; caring for the serious health condition of a family member; birthing, fostering, or adoption of a child; and military caregiving; as well as caring for personal illness and disability.
- **Benefit levels** vary by state, with Washington State offering the lowest-paid workers as much as 90 percent of their average weekly wage.
- **Benefits are funded** by small employee and employer payroll contributions.
- **States generally cover all private sector employees**, no matter what size of company they work for. Part-time, contingent, and self-employed workers are all eligible for benefits and self-employed workers can opt-in.

HOW TO GO FURTHER

States could offer more comprehensive paid family and medical leave systems, including longer duration of time to care (for example, Canada offers 12 months of leave benefits to new parents, which can be extended to 18 months at a lower rate of pay); leave that protects the jobs of workers at small businesses; or benefits that cover a greater range of loved ones, such as siblings or “chosen family”—a person, designated in advance, who shares a close relationship.

HOW TO TALK ABOUT IT

- **At some point in our lives, we all need time to care for the people we love.** We need a universal, public system of paid time to care because ensuring that the next generation gets a healthy, loving start in life—and that families don't fall into poverty as they struggle to care for one another in times of sickness—are society-wide challenges, not problems that individual families and businesses can solve on their own.
- **Businesses want employees to have time to care.** Large, well-resourced companies such as Facebook and Amazon are offering employees increasingly generous paid leave benefits because it contributes to employee retention, improved morale, and greater productivity.¹⁰¹ Yet many smaller businesses are at a disadvantage because they can't afford to provide this benefit on their own. Recent polls show that 70 percent of small-business owners support paid family and medical leave.¹⁰²
- **Paid time to care advances racial and gender equity.** Because women still take on responsibility for most caregiving, access to paid time to care both immediately increases women's incomes and helps women who take leave retain their jobs over the longer term.¹⁰³ Providing leave on an equal basis to fathers and male caregivers (and encouraging men to take it) also reduces discrimination against women.¹⁰⁴ Women of color disproportionately risk their jobs and pay to care for loved ones: Black and Latina mothers are more likely to face job loss after giving birth.¹⁰⁵ Latina workers in particular have less access to paid leave, and take very short maternity leaves.¹⁰⁶

HOW IT WORKS

For decades, state temporary disability insurance programs in California, Hawaii, New Jersey, New York, Rhode Island and Puerto Rico have successfully provided paid time to recover from personal medical conditions.¹⁰⁷ In 2004, California became the first state to guarantee paid leave to care for family. New Jersey, Rhode Island, New York, Washington State, and the District of Columbia have since enacted laws. Research finds:

- » When paid leave is available, mothers are less likely to drop out of the labor force when they have a baby, and their family incomes increase. Families have less need to rely on public benefits.¹⁰⁸
- » Paid leave improves child health outcomes—including reducing infant mortality rates—and is associated with better mental and physical health among new mothers.¹⁰⁹
- » Fathers who take paid parental leave are more engaged in caring for their babies.¹¹⁰

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HOW IT WORKS

Continued

- » Black and Latina mothers are benefiting the most from paid family leave in California, significantly increasing the number of weeks taken to care for new babies.¹¹¹
- » California’s paid family leave program has reduced workplace absenteeism and improved retention among low-wage workers by 10 percent.¹¹²
- » Five years after California’s paid leave program was implemented, 90 percent of employers reported no negative effect on business profitability or performance, with small businesses even less likely to detect any damaging impact on their bottom line.¹¹³

MORE RESOURCES

- » National Partnership for Women and Families [resource page on state paid leave laws](#)
- » Institute for Women’s Policy Research [summary of research findings on parental leave](#)
- » Family Values @ Work [resources and toolkit](#)

NOTES



REBUILDING OPPORTUNITY

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PROVIDE PRESCHOOL FOR ALL

“For so long there’s been this inequity: If you could afford to send your children to pre-K, they got a leg up. By the time they got into kindergarten, they were reading and writing, they could do basic math.”

- MELINDA KATZ, QUEENS BOROUGH PRESIDENT, NEW YORK¹¹⁴

THE PROBLEM

Parents want the best start for their children. In fact, our entire society benefits when children enter kindergarten with a strong educational foundation and when parents have an opportunity to go to work knowing that their children are participating in the early learning that will enable them to thrive. That’s why every 3- and 4-year-old child should have access to high-quality preschool education. Yet even as the individual and society-wide benefits of preschool are increasingly recognized, policymakers in many states have failed to invest in universal preschool. As a result, the proportion of children with access to public preschool has grown slowly and unevenly. As wealthier parents increasingly take advantage of opportunities to educate and enrich their young children privately, many low- and middle-income families lack the means to give their own children a high-quality early education.¹¹⁵ At the same time, preschool teachers who do the crucial work of educating young children are typically paid very low wages and struggle to sustain their own families.

Children who attend preschool are better prepared for kindergarten than those who do not,¹¹⁶ and children from disadvantaged backgrounds experience the greatest gains. Yet students from struggling families and students of color are the least likely to attend high-quality preschool, making them more likely to begin school behind their peers and face a struggle to catch up.¹¹⁷ Barriers to attending preschool are significant: The high cost of private preschool combines with persistent housing segregation to leave many young children of color without access to high-quality preschool in their neighborhoods. Standard school hours may not match the schedules of parents who work non-standard or fluctuating hours. Although nearly 1 in 4 young children is a dual-language learner and there is strong evidence that young children benefit from education that connects them to their home language and culture, immigrant families and families of color also confront a scarcity of preschool education that reflects their language, is culturally responsive, and proactively engages them.¹¹⁸ As a result of these factors, a lack of access to a solid preschool education compounds racial and economic disparities throughout the educational system.

Public preschool programs can dramatically increase access to quality early education for struggling families. Over the last 15 years, the enrollment of 4-year-olds in state-funded preschool has grown from 14 percent to 32 percent, but many states remain substantially below the national

average.¹¹⁹ In 15 states, fewer than 5 percent of 4-year-olds are enrolled in state-funded preschool. Enrollment of 3-year-olds is also highly unequal, with many states making little or no effort to educate children that age. The quality of programs also varies widely: The National Institute for Early Education Research finds that only 5 states (Alabama, Mississippi, North Carolina, Rhode Island, West Virginia) plus one program in Louisiana met all 10 benchmarks for minimum state preschool quality standards in 2016.¹²⁰ The federal Head Start and Early Head Start programs, which offer crucial early education, health, and other services to young children from families living below the federal poverty line, are severely underfunded and serve less than half of eligible preschool-age children.¹²¹ Most children from families living above the poverty line are not served by Head Start at all, and a good preschool education is out of reach for many low- and middle-income families.

Good teachers are vital to high-quality preschool. Research increasingly shows that effective preschool teaching is as difficult, demanding, and important as teaching older children.¹²² Yet the typical preschool teacher is paid just \$28,790 per year, compared to \$55,490 for kindergarten and elementary school teachers.¹²³ Salaries and benefits for preschool teachers continue to lag even as teachers in many state-funded pre-kindergarten programs are increasingly expected to attain more education and training, including earning a bachelor's degree.¹²⁴ The low status and pay offered to preschool teachers is rooted in sexist assumptions that undervalue the traditionally female work of teaching young children. As policymakers work to increase access to preschool, it is vital to ensure that the workforce is qualified and well compensated, with cultural competency that enables them to connect with the children and families they serve.

POLLING DATA

70 % OF AMERICANS favor using public money to make sure high-quality preschool education programs are available for every child in America.¹²⁵

86 % OF VOTERS say it is important that states and local communities build better preschool services for parents and make them more accessible to children from low -and middle-income families.¹²⁶

POLICY SOLUTIONS

Guarantee universal, voluntary access to public preschool programs for all 3- and 4-year-olds and improve compensation and training for preschool teachers.

- **Provide free, voluntary, universal access to preschool for all 3- and 4-year-old children.** Vermont, Washington, DC, and Florida currently offer universal programs to all 4-year-olds, while Oklahoma and West Virginia also provide programs that cover most of the state.¹²⁷ While

a number of states provide preschool to 3-year-olds, none delivers universal access to children this age. States that aim for universal preschool may require time to expand their programs and should begin by targeting students with the greatest need. A number of cities also offer strong public preschool programs.¹²⁸

- **Offer full-day preschool aligned with the K-12 school day.** Full-day programs are associated with greater kindergarten readiness than half days, providing children with more time to develop skills through learning and play.¹²⁹ Full-day programs better harmonize with the schedules of older siblings and may facilitate parents' work schedules.
- **Guarantee stable and adequate funding.** Ensure that school districts or preschools (if they are funded directly by the state) receive sufficient and stable funding to provide high-quality programs consistently.
- **Compensate preschool teachers fairly.** Ensure that all preschool teachers are paid a living wage, and early childhood educators are paid at rates comparable to elementary school teachers with similar credentials and experience.
- **Achieve quality standards.** Ensure that preschool programs achieve or exceed the research-based standards established by the National Institute for Early Education Research.¹³⁰ These standards align preschool learning with kindergarten, establish education and training requirements for lead and assistant teachers, set maximum class sizes and minimum staff ratios, mandate that programs be culturally sensitive, require health screenings and referrals, and include standards for teachers' ongoing professional development and improvement of classroom practice, among other provisions.

HOW TO TALK ABOUT IT

- **Family comes first.** Every parent wants to know that their children are safe, happy, and getting the education they need to thrive. At the same time, all of us have a stake in ensuring that the next generation of citizens, leaders, and workers gets a good start in life. It makes no sense that we leave individual families on their own, scrambling to afford a preschool education that prepares children for school.
- **Children benefit from high-quality early education.** Good early education gives children a strong beginning when they start school. Children who participate in high-quality preschool are more likely to attend college, to work, and to earn more, and are less likely to become involved with the criminal justice system.¹³¹
- **Universal preschool advances racial and gender equity.** The majority of children under age 5 in the United States are children of color. The push for universal preschool is fundamentally

a fight for their families and their future. As wealthier parents take advantage of opportunities to educate and enrich their young children, children from struggling families and families of color deserve the same opportunity to give their children a strong start in life.

HOW IT WORKS

- » High-quality preschool prepares children for further education, dramatically improving children’s early language, literacy, and math skills as well as helping children develop important social and self-regulation skills such as listening and taking turns.¹³²
- » Researchers find that attending high-quality preschool also positively impacts children’s outcomes in the long term, increasing rates of high-school graduation, raising earnings in adulthood, improving health, reducing the need for special education placements and remedial education, decreasing crime, increasing tax revenue, and lowering spending for anti-poverty programs.¹³³
- » By providing low- and middle-income children with a preschool education they otherwise could not afford, early education reduces the gap in school-readiness between children from wealthy and low-income families; children from struggling families who participate in high-quality pre-k programs gain the most from them.
- » Every dollar invested in early education returns roughly \$8.60 in benefits to society, according to a 2015 report by the Council of Economic Advisers.¹³⁴

MORE RESOURCES

- » National Institute for Early Education Research report on the [state of preschool 2017](#)
- » White House Counsel of Economic Advisors report on [the economics of early childhood investments](#)
- » Center for American Progress [Within Reach campaign page](#)

NOTES

ESTABLISH EDUCATION EQUITY

“The Governor has sent a message to my child and all these students that their efforts and hard work mean nothing ... Can you look into my child’s eyes and tell her that she is undeserving of a quality and enriched education? Because I can’t.”

- VIRGIL DANTES, PARENT OF A HIGH SCHOOL STUDENT, YONKERS, NY¹³⁵

THE PROBLEM

Equal opportunity is a cornerstone of the American ideal. To make that a reality, every child deserves a quality public education, with an opportunity to learn, flourish, and become a full citizen of our democracy. This commitment to universal education is enshrined in state constitutions across the country. Yet in practice, the majority of states provide students with dramatically unequal educational resources, and policymakers provide inadequate funding to schools that serve students of color and students from struggling families.¹³⁶ After gains from civil rights-era policies, decisions by today’s policymakers are re-segregating American education, with students increasingly clustered in schools that are isolated by race and class. Segregation further concentrates both public and private resources among the already well-off, and limits opportunities for all students to learn from peers with different backgrounds and to prepare for life and work in an ever more diverse and interconnected world. As our nation as a whole has become more unequal and divided, education—which could be a powerful force for fostering opportunity and reducing inequality—instead frequently reflects and reinforces disparities in race and class.

Racial inequity in American education stretches back to the first policies forbidding slaves from learning to read and the century of inferior “separate but equal” educational facilities that followed. After the Supreme Court’s 1954 *Brown v. Board of Education* decision outlawed segregation in public schools, parents, students and advocates fought successfully to integrate schools and school systems across the nation. Yet today, as judges’ and policymakers’ political will for enforcing desegregation has waned, a growing number of American students are once again isolated into racially and economically homogenous schools. Because America’s communities remain intensely segregated by race and income, local tax bases are deeply unequal. This inequality is deepened when school districts secede from their larger communities and school zones are gerrymandered within districts, further splintering student populations along lines of race and class.¹³⁷

In most states, public school districts are operated at the local level and are funded largely by local property taxes. As a result of these political decisions, students of color are more likely to attend overcrowded and underfunded schools that have a lower percentage of highly qualified

teachers and less access to quality curriculum and up-to-date technology compared to white students.¹³⁸ Overall, students who need the most resources—including English language learners and students whose family, social, or economic circumstances challenge their ability to learn at school—attend schools that receive *less* funding than schools serving better-off students. Nationwide, policymakers provided the highest-poverty school districts with approximately \$1,200 less in funding per student each year than the lowest-poverty districts.¹³⁹ This shortchanges a 1,000-student high school by \$1.2 million annually. Meanwhile districts that serve the most students of color face an even larger gap, receiving approximately \$2,000 per student less than school districts serving the fewest students of color.¹⁴⁰

In addition to being dramatically unequal, school funding is also increasingly inadequate: In a number of states, policymakers substantially reduced public investment in K-12 education over the last decade. Not only did most states cut school funding after the Great Recession, but the majority never fully restored their support: In 2015, 29 states were still supplying less overall funding per student than they provided in 2008.¹⁴¹ Policymakers' decision to cut funding undermines states' ability to attract and retain quality teachers, guarantee safe buildings, offer reasonable class sizes, provide arts education, upgrade technology and equipment, and increase students' learning time. Statewide funding cuts also widen educational disparities: While wealthy communities can make up cuts to funding with additional property tax revenue, areas with fewer resources are left with less investment in education. While more funding doesn't automatically translate into higher school quality, adequate funding is a precondition for high-quality education, with higher levels of per-student funding associated with better student achievement and higher graduation rates, especially for lower-income students.¹⁴² Inadequate school funding stunts students' access to high-quality teachers and a rigorous curriculum that prepares them for college and careers.

Discrimination within schools and classrooms is another barrier to education equity. Nationwide, more than 80 percent of public school teachers and principals are white, while more than half of public school students are of color.¹⁴³ Teachers' and administrators' implicit bias about students' learning abilities can limit opportunity for students of color, contributing to lower academic performance and student disengagement from learning.¹⁴⁴ At the same time, racialized disciplinary policies result in students of color, particularly black students, being disproportionately suspended or expelled.¹⁴⁵ American Indian students, LGBTQ students, and students with disabilities also face disproportionate rates of suspension and expulsion. Zero tolerance policies, surveillance, and the increased presence of police officers in schools—particularly schools that serve low-income students and students of color—contribute to a school-to-prison pipeline that pushes students of color into the criminal justice system for minor offenses.¹⁴⁶ Treating students as criminals rather than addressing the underlying causes of misconduct—such as a learning disability or a history of child abuse or exposure to violence and instability—undermines learning, increases students' risk of falling behind academically, and does little to increase school safety.

POLLING DATA

- 70%** OF AMERICANS agree that more should be done to integrate low- and high-poverty schools.¹⁴⁷
- 73%** OF PARENTS OF SCHOOL-AGE CHILDREN say that it is important that public schools in their community have a mix of students from different racial/ethnic backgrounds.¹⁴⁸
- 87%** OF PUBLIC SCHOOL PARENTS say cutting local school budgets is a serious concern, including 62% who say it is a very serious concern.¹⁴⁹

POLICY SOLUTIONS

Establish education equity by guaranteeing adequate and fair school funding, combatting segregation, and dismantling the school-to-prison pipeline.

- **Ensure adequate and equitable school funding.** Reform state education funding formulas to account for the greater resources needed by English language learners, students from struggling families, and special needs students, and to effectively address unequal local funding capacity. In general, states that rely more heavily on local property taxes to fund schools have greater funding disparities between school districts, suggesting that a shift toward statewide funding of schools and away from local property taxes would enhance equity.
- **Provide incentives for local governments to consolidate school districts and to enroll students across district boundaries.** Consolidated school districts and schools that enroll across district boundaries promote integration that would otherwise be impeded by district lines. At the same time, policymakers should strengthen state regulations to discourage school districts from seceding from the larger community (for example, by drawing new district borders that exclude neighborhoods or municipalities with lower-income populations or more students of color).
- **Support the development of affordable housing throughout the state and fight housing discrimination.** Segregated schools and school districts often reflect segregated residential patterns. Funding and encouraging the development of affordable housing, including multi-unit housing, in communities of all income levels can increase racial and economic integration in schools. Aggressive enforcement of fair housing rules to prevent discrimination against renters and homebuyers of color in predominantly white communities will also promote more integrated communities and schools.

- **Create community schools.** Community schools are partnerships between the school, families, and community partners to support young people in school and beyond. By providing services and engaging parents and the broader community, community schools can reduce the impact of systemic racial and economic disadvantage on students. States support community schools by funding wraparound services such as after-school programs, summer enrichment programs, counseling and mental health care for troubled students, and connections to community service programs to support families. Access to early childhood education, [discussed separately in this briefing book](#), is often considered a wraparound service. States should encourage school districts to make schools welcoming to families and streamline families' access to school-related information, ensuring that communication with parents and communities is in a language parents understand and feel comfortable with.
- **Respect teachers as professionals.** Excellent teaching has a profound impact on student achievement. Teachers should be compensated as the professionals they are, have autonomy and input into how schools are run, and receive frequent opportunities for professional development. Respect for teachers improves learning for all students and can reduce bias within schools: Improved compensation and working conditions facilitate recruitment of teachers of color. In addition, states should fund professional development to support teachers in increasing their cultural competency and reducing implicit bias.
- **Prevent schools from moving students into the juvenile justice system for minor offenses.** The Council of State Governments Justice Center offers a consensus report on school discipline that recommends standards for schools to create welcoming and secure learning environments that enable teachers to control misbehavior. These include offering targeted behavioral interventions, such as counseling and mental health services, to students with persistent disciplinary problems, and coordinating with the police and court systems to de-escalate student confrontations and divert young people from the criminal justice system.¹⁵⁰ States should encourage schools to eliminate zero tolerance policies and should end any immigration enforcement in public schools.

HOW TO TALK ABOUT IT

- **A young person's opportunity to get an education should not depend on his or her zip code.** Every child needs a quality education to succeed in the economy and participate in our democracy. Education can be a path to social mobility, a chance to rise to the top even if you come from a poor or disadvantaged background. Yet the highest-poverty school districts get less funding than their wealthier neighbors, and schools with a majority of white students have more resources than schools that educate students of color. No student should have to learn

in a classroom that goes unheated in winter or leaks when it rains. We cannot set our young people up for unequal futures right from the beginning.

- **We are a stronger and more prosperous state when every child has the opportunity to learn.** Our economy needs a skilled and educated workforce to thrive. Our democracy depends on knowledgeable citizens. When we don't give all students access to the quality schools they need to succeed, we limit the state's future. Tomorrow's medical researchers may never discover cures if their high school doesn't have a science lab. Tomorrow's judges may never enter the courtroom if their education doesn't provide critical thinking skills. Tomorrow's great musicians may never pick up an instrument if their school fails to provide arts education.
- **All students benefit from more diverse schools.** All students benefit from the opportunity to learn from peers with different backgrounds and to prepare for life and work in a diverse and interconnected world. Researchers find that students attending more racially and economically diverse schools have higher achievement in mathematics, science, language and reading.¹⁵¹ Yet more than 60 years after *Brown v. Board of Education*, our public schools are again largely segregated by race, ethnicity, and family economic status, depriving young people of the benefits of a diverse school environment.
- **Treating students as criminals undermines learning.** Zero tolerance school discipline policies are ineffective and often discriminatory, pushing students of color out of school and into the criminal justice system for minor offenses. Young people facing the instability of poverty or coping with histories of abuse and neglect need support and counseling from their schools, not a system that isolates them and pushes them out of the classroom and away from opportunities to learn.

HOW IT WORKS

- » Researchers find that improving and equalizing school funding greatly improves outcomes for students, with the biggest benefits for students from low-income families. A 20 percent increase in per-student spending is associated with approximately 0.9 more years of completed education for low-income students, a 25 percent increase in adult earnings, and a 20 percentage-point reduction in the likelihood of living in poverty as an adult.¹⁵²
- » A rigorous evaluation of 113 high schools found that one model for community schools provided \$11.60 in economic benefits for each dollar invested, primarily by reducing drop-out rates and increasing graduation rates, leading to higher incomes,

Continued next page

more purchasing power, and increased tax payments from graduates.¹⁵³ Similarly, an assessment at 2 elementary schools providing wraparound services found that an investment of \$1 in those schools returned \$10.30 at one school and \$14.80 at the other.¹⁵⁴

- » Compared to students who attend racially or economically isolated schools, students who attend diverse K-12 schools are more likely to graduate from high school, enter and graduate from college, have greater incomes and experience higher occupational attainment.¹⁵⁵

MORE RESOURCES

- » The Education Trust [P-12 resource page](#)
- » The Schott Foundation National Opportunity to Learn Network [website](#)
- » Center for Popular Democracy [community schools toolkit](#)
- » The National Coalition on School Diversity [website](#)

NOTES

GUARANTEE DEBT-FREE COLLEGE

“Despite the cost, going to college is still the only way high-achieving, lower-income students can hope to get a good job with a decent wage ... But no one mentions just how expensive and soul-crushing the debt will be.”

- MICHAEL ARCENEUX¹⁵⁶

THE PROBLEM

In America, we should all have the opportunity to dream big, develop our potential, and realize our greatest aspirations, and that means making our public colleges affordable to all of us. At a time of persistent racial and economic inequality, many Americans envision higher education as a pathway to a better life, regardless of race, gender, or class. As wages and wealth have continued to decline for those with only a high-school diploma, a college degree has become an insurance policy for many families, a way to achieve some financial security. But just as more Americans pursue this aspiration, the rising cost of college and the specter of large student loan debt—particularly at public institutions, which have traditionally been the most affordable and accessible—is eroding this pathway to security. Working-class students used to be able to work their way through college without taking on mountains of debt—but that’s no longer possible.

In just 30 years, the total cost to each student attending a public 4-year college has more than doubled, even after adjusting for inflation, and now sits at nearly \$21,000 a year.¹⁵⁷ Over several decades, states have failed to meet the rising demand for higher education with greater public investment. As recently as 2001, tuition covered only 30 percent of the cost of educating students at public colleges, while states covered 70 percent. But now, tuition covers well over half the cost of college in many states. States have shifted costs that used to be a public responsibility onto students and families. This is not simply a function of the Great Recession; even as the economy has recovered over the past several years, most states are still spending less on higher education than a decade ago.

¹⁵⁸ An ideology of austerity holds sway in many states that prizes tax cuts and smaller government over shared benefits. In other states, temporary cuts introduced during economic downturns were never fully replaced, making low per-student funding the new normal across the country.

The federal government has been unwilling to pick up the slack. As states have reduced their investments and college prices continue to rise, the federal Pell Grant, which originally covered nearly three-quarters of the annual cost of attending a public college, now covers less than one-third of the cost.¹⁵⁹ And families, whose incomes have generally remained flat over a period of several

decades, cannot hope to save nearly enough to afford college, pay bills, cover emergencies, and plan for the future all at once. As it stands, most state grant-aid programs do not provide sufficient aid to keep costs reasonable for low-income students. In 22 states, working-class students face an average net price of over \$10,000 a year after they have used up all available grant aid.¹⁶⁰

The result is that in all but a few states, working your way through college and graduating debt-free is no longer feasible, particularly for students from struggling families. As recently as the mid-1990s, more than half of bachelor's degree earners did not have to take on debt for their degree. In 38 states, students must work more than 20 hours a week while going to school full-time to pay for college, which forces students to decide: borrow for college, or work excessive hours that reduce the likelihood of graduating. Today debt has become the primary way we finance higher education, even at public colleges and universities: Over 70 percent of bachelor's degree holders take on debt, and even 40 percent of community college graduates borrow.¹⁶¹ This debt burden not only increases the risk for students if they face an uncertain job market, but it has disproportionate impacts for working-class students and students of color.

Families of color have been systematically shut out of opportunities to build wealth, making them not only less likely to afford college up front, but also more likely to face difficulty repaying student loans.¹⁶² In 26 states, the average net price of a public 4-year college takes up over half of a typical black family's annual income.¹⁶³ One decade after beginning college, the average loan burden for black students *exceeds* the amount they originally borrowed for school, as they are unable to make a dent in their loan principal.¹⁶⁴ Latino students show greater aversion to taking on debt in the first place, but this can require them to work excessively while in school, increase their likelihood of dropping out, or lead them to opt against attending college altogether.¹⁶⁵ Adult students, a growing portion of the student population, are at risk for needing to take on loans for themselves as well as their kids.

POLLING DATA

78 % OF AMERICANS, including 86% of African Americans, 84% of Latinos, and 90% of young voters, support proposals that ensure all students can graduate from a public 2- or 4-year college without debt.¹⁶⁶

71 % OF ADULTS favor making public 2- and 4-year college tuition-free for all households.

83 % OF ADULTS believe that students should be able to work their way through college, but only 21% say someone like themselves would be likely to be able to graduate college without debt.

POLICY SOLUTIONS

Enhance state support for public colleges so that students can study, live, and complete their degrees without taking on debt.

- **Increase per-student support for public 2- and 4-year colleges.** Expand need-based grant aid programs, so that the total price of attending college—including tuition, fees, room and board and other living expenses—is no more than what working and middle-class students can reasonably pay with need-based grant aid and a part-time job. Several states, including Tennessee and Oregon, have addressed the college affordability crisis by offering tuition-free community college programs,¹⁶⁷ and New York offers a tuition-free guarantee for families making under \$100,000 (and \$125,000 by 2019).¹⁶⁸
- **Allow students to use new financial aid dollars for non-tuition expenses.** Tuition is rising, but it still accounts for less than half of the price students must pay to attend college. Many tuition-free college programs are “last dollar” programs, which exhaust financial aid from the federal government and other resources before any new state resources kick in. This means that students who receive Pell Grants must use those on tuition, and states do not provide additional resources to help students pay for books, living expenses, and other costs of attending college. By establishing a “first dollar” aid program that covers tuition and fees, students who receive need-based financial aid can then use those dollars to pay for other essentials without going into debt.
- **Guarantee that all students, not just recent high school graduates, are eligible for aid.** Most college students today do not fit the profile of a recent high-school graduate living on campus, financially dependent on their parents. In fact, 1 in 4 students are parents themselves. Tennessee’s tuition-free community college program included adult learners in 2017, and other states (including West Virginia) have proposed that adults be included in free college programs as well.
- **Don’t penalize students after leaving college.** Some free college programs include provisions that convert student grants into loans if students leave the state to work in the years after college. While retaining talent is important, states should avoid penalties like this. They are costly to administer, create a new bureaucracy, require a new state loan program, and may penalize students who must move to take care of family members. If states truly want to keep students in-state, they should consider implementing loan forgiveness programs for low-wage, high-demand fields, or raising the minimum wage and job quality standards to make their states more attractive to workers.

HOW TO TALK ABOUT IT

- **The more America puts into its people, the more we get back.** We came together to make K-12 education free to all, and provide soldiers with a free higher education after WWII. These

decisions helped us build the greatest middle class ever and made America the most educated country in the world. But our commitment has slipped just as a college degree has become more important than ever, and we have put education after high school out of reach for too many. We need to reinvest in our commitment to making sure that everyone can go to college without the burden of student loan debt. We need to ensure America is a land where all can dream big, develop their potential, and realize their greatest aspirations, and that means making our public colleges affordable to all of us.

- **College should be about getting ahead, but debt is holding us back.** A college degree is an important first step for many people to pursue their dreams, but today too many people have burdensome education debt, preventing them from even getting by, much less getting ahead or saving for the future. If we made sure everyone could work their way through college again, Americans would be able to save, start a business, start a family, buy a home, or simply pay their bills. Burdensome student loan debt makes life needlessly hard for many young people. We need to reduce that burden and make it easier for students to work hard toward pursuing their dreams and achieving financial security and peace of mind.
- **The most diverse generation in American history is being left out.** It used to be different: For generations, our public colleges and universities were generously funded and higher education was the primary way to increase economic mobility and equality. But today, many young people who dream of being the first in their family to go to college can't go without racking up cumbersome debt. Loans used to be an option of last resort but now are now the norm for all but the wealthiest students, and a burden shouldered most heavily by low-income students, rural students, and students of color. Learning is not a privilege for an elite few; it is a foundation for a better life for all. It's time to recommit to the notion that anyone who is qualified and wants to go to college can do so, and pay for it without debt.

HOW IT WORKS

- » Making college affordable means more students attend, complete, and follow their dreams.
- » The research is clear: ensuring that working- and middle-class students have more money for college makes them more likely to attend and complete a degree program. Providing need-based financial aid—in other words, lowering the price of college and the need to borrow—is a proven strategy in increasing access to college¹⁶⁹ as well as degree completion.¹⁷⁰
- » Over 50 states and localities, including Tennessee, Oregon, Kalamazoo, Pittsburgh, and Oakland, have instituted “Promise Programs” that provide a guarantee of free tuition,

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and have seen positive impacts in attendance and persistence, as well as student behavior and aspirations.^{171 172} The 21st Century scholars program in Indiana, which waives tuition for low-income students who meet certain requirements, contributed to large gains in college access.¹⁷³

- » Investments in higher education pay off: The original GI Bill returned \$7 to the economy for every \$1 invested, and the fiscal rate of return on a college degree is estimated at over 3 percent a year, meaning states and the federal government recoup their initial investment remarkably quickly.¹⁷⁴

MORE RESOURCES

- » Dēmos report on [the case for debt-free college](#)
- » Dēmos explainer [addressing the top misconceptions about debt-free college](#)
- » Dēmos blog post on [doing free college correctly](#)
- » The College Promise Campaign [website](#)
- » State Higher Education Executive Officers Association report [Adult Promise Program: A Pilot Design Template for States](#)

NOTES



ACHIEVING JUSTICE FOR COMMUNITIES

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SECURE ACCESS TO JUSTICE

“The courthouse doors are open to everyone, but you can’t effectively go through those doors without legal representation.”

- JAMES MALONEY, DIRECTOR OF THE CONNECTICUT
INSTITUTE FOR COMMUNITIES¹⁷⁵

THE PROBLEM

Equal justice under the law is a founding principle of the American legal system. However, our nation is still far from making this ideal a reality in people’s lives. Currently, Americans are only guaranteed the right to an attorney in criminal cases, even though civil cases can have devastating consequences when basic rights are at stake: People risk losing their children, their homes, their jobs, their freedom, or their ability to stay in the country. Corporations that force employees and customers into binding arbitration further deny Americans access to the justice system.

In the U.S., more than 60 million people who currently qualify for legal aid—those living at or below 125 percent of the federal poverty level—receive inadequate legal assistance or no legal help at all for the vast majority of the civil legal problems they face, such as an eviction or child custody battle.¹⁷⁶ In a June 2017 report, the Legal Services Corporation found that:

- 70 percent of the households that qualified for legal assistance experienced at least one civil legal problem in the past year;
- In only 20 percent of these cases did the qualified party seek legal assistance; and
- In the majority of instances when people sought legal help, Legal Services was unable to provide the necessary assistance.¹⁷⁷

This means that struggling Americans, who are disproportionately people of color, often do not have legal representation when their homes, livelihoods, and health are at risk. At the same time, millions of working people whose incomes are not low enough to qualify for civil legal assistance find it difficult or impossible to afford an attorney when their basic needs are threatened.¹⁷⁸

Legal representation also is not guaranteed for people facing deportation from the country.¹⁷⁹ The lack of legal representation in deportation proceedings is particularly troubling given the correlation between having access to an attorney and avoiding deportation. A person who is detained while facing deportation proceedings has only a 6 percent chance of being allowed to remain in the United States, compared to a 46 percent chance for people who are represented by an attorney.¹⁸⁰ The outcomes of these hearings are as life-altering as in criminal proceedings—affecting a person’s liberty, curtailing his or her ability to support a family, and possibly resulting in deportation. It is critical that people in removal proceedings be effectively represented.

While the difficulty of affording an attorney is one barrier to attaining justice, access to the courts is another: Corporations are increasingly mandating forced arbitration clauses that prevent employment, consumer, civil rights, and antitrust disputes from ever being brought before a court.¹⁸¹ Corporations favor forced arbitration because it shields them from accountability if they violate the rights of workers and consumers. Corporations often bury forced arbitration agreements in the fine print of contracts that workers must agree to when they accept jobs and consumers must sign to open a bank account, buy a cell phone plan, or initiate cable service. By agreeing to arbitration—often without realizing it—workers and consumers submit to a private system of justice where there is no judge, jury, or opportunity to appeal an unfair decision. The rules largely benefit the businesses that are repeat customers of the arbitration firm. In fact, consumers win just 9 percent of disputes with banks and other financial institutions that go to arbitration and, in many cases, they are forced to pay thousands of dollars to a bank they originally alleged defrauded them.¹⁸² Meanwhile when working people experience discrimination, wage theft, or sexual harassment, forced arbitration clauses prevent them from suing their employer and push them into a process where their cases are much less likely to succeed.¹⁸³

POLLING DATA

- 82% OF AMERICANS believe everyone should have access to legal help or representation in civil legal matters.¹⁸⁴
- 75% OF AMERICANS support providing individuals facing deportation with legal representation.¹⁸⁵
- 59% OF LIKELY VOTERS oppose forced arbitration clauses in employment and consumer contracts.¹⁸⁶

POLICY SOLUTIONS

To increase access to justice in the civil legal system, several reforms are necessary.

- **Guarantee and expand access to legal aid services.** States should increase investment in legal aid services, and should increase the cap at which people may qualify for legal aid services to 200 percent of the federal poverty level to better guarantee that people in need have access to an attorney in cases where their homes, livelihoods, and health are threatened.
- **Amend state law to ensure that people facing deportation have access to an attorney.** States should pass legislation to guarantee that people facing deportation are provided an attorney prior to their first appearance in court.

- **Prevent corporations from denying people access to the courts and forcing them into arbitration.** States cannot ban mandatory arbitration agreements because of federal preemption, but they can require businesses to disclose whether they use forced arbitration and can choose to deny state contracts to companies that impose these unjust agreements on their workers or consumers. Forced arbitration agreements do not restrict the state from suing employers or companies, so states can also empower consumers and employees to serve as private attorneys general, suing on behalf of the state when their employers or a company they do business with violates consumer or employment laws.¹⁸⁷ California’s Private Attorneys General Act is an example of how such laws can be structured.

HOW TO TALK ABOUT IT

- **Guaranteeing the right to an attorney when basic needs are threatened or individuals face deportation creates a more just and fair system for all of us.** Ensuring that there is competent legal representation on both sides of a dispute allows everyone to be heard, allows facts and legal arguments to be effectively presented to the court, and helps maintain a just civil legal system.
- **Increasing access to legal representation will advance racial equity.** As a result of discrimination and institutional racism, a disproportionate number of individuals who qualify for civil legal assistance are people of color. Ensuring access to legal assistance helps create a safety net to protect and promote liberty, livelihood, and basic social and economic rights, which can break the cycle of poverty and address racial inequity.
- **We cannot let employers and corporations build barriers to our justice system.** Corporations increasingly force workers and consumers to sign away their legal rights as a condition of working or doing business with them. This is known as “forced arbitration” and it means that working people who experience fraud, discrimination, wage theft, or sexual harassment cannot sue the company that violated their rights, but must instead take their complaints to a private system where the rules largely benefit the businesses that are repeat customers of the arbitration firm. It’s as if one of the teams playing sports was paying for the referee every time. Forced arbitration cuts against basic principles of equal justice on which our civil legal system is supposed to operate.

HOW IT WORKS

» A growing number of jurisdictions across the U.S. have recognized the importance of expanding legal representation. New York City implemented reforms to ensure people facing deportation or eviction have access to legal representation.

Continued next page

- » Since July 2014, New York’s Immigrant Family Unity Project has provided free legal representation to nearly all detained indigent immigrants facing deportation in New York City who do not have an attorney at their first court appearances.¹⁸⁸ Studies estimate that NYIFUP clients will be able to remain in the United States in 48 percent of cases—a 1,100 percent increase from the previous 4 percent success rate had these clients gone without legal representation.¹⁸⁹
- » In August 2017, a bill was signed into law that will ensure that New York City residents living at or below 200 percent of the federal poverty level are provided with legal representation if they face eviction.¹⁹⁰ Analysts find that the cost of providing legal representation would be more than offset by reducing the costs the city incurs as a result of evictions, including shelter costs and medical and law enforcement costs associated with unsheltered homeless people.¹⁹¹

MORE RESOURCES

- » National Coalition for a Civil Right to Counsel [website](#)
- » Legal Services Corporation [website](#)
- » Economic Policy Institute [resource page on forced arbitration](#)
- » Center for Popular Democracy report on [how corporations use forced arbitration to exploit working families](#)

NOTES

REINVEST IN JUSTICE

“The money that was spent to keep me in prison all this time could have been better used for drug education and rehabilitation because I needed to get clean.”

- DANA BOWERMAN, BRYAN, TEXAS¹⁹²

THE PROBLEM

Our nation’s investments in the criminal justice system should increase the safety of our communities, so we can live and raise our children in neighborhoods free of violence and crime. Yet America spends more than \$270 billion a year—including more than \$80 billion annually on incarceration alone—to pursue policies that amply fund policing, courts, and corrections while failing to address the forces driving crime.¹⁹³ As rehabilitative services, drug treatment, mental health care, job placement, and education and training go underfunded, our policies create pipelines to prison and lock up millions of people in the United States. The epidemic of mass incarceration disproportionately engulfs communities of color—and has done little to make the country safer.

Tapping into racial resentment and anxiety by using dog whistles that called for “tough on crime policies,” policymakers in jurisdictions across the U.S. aggressively expanded the criminal justice system in the 1980s, escalating the War on Drugs. The number of people incarcerated in U.S. prisons and jails has increased 500 percent over the past 40 years, not as the result of an increase in actual crime rates but as a consequence of policymakers’ decisions to raise penalties, create mandatory minimum sentences, and establish truth-in-sentencing and three-strike laws.¹⁹⁴ This dramatic rise in the number of people incarcerated opened the gates for the growth of the U.S. private prison industry, which now pushes contracts that include requirements that a certain number of beds are filled and other policies that perpetuate mass incarceration and maintain its profits.¹⁹⁵

Currently, the criminal justice system touches 1 in 40 U.S. residents and incarcerates traditionally marginalized populations at disproportionately high rates.¹⁹⁶ Because of the over-policing that occurs in communities of color, policy changes that have increased the penalties for crimes have the most severe impact on people of color. Currently, there is a 1 in 3 chance that a black man will be imprisoned, compared to a 1 in 6 chance for Latino men and a 1 in 17 chance for white men.¹⁹⁷ Similar disparities exist for black, Latina, and white women.¹⁹⁸ Meanwhile, approximately 66 percent of people incarcerated in state prisons have not graduated high school,¹⁹⁹ 50 percent of prison inmates and 64 percent of jail inmates either suffer from serious mental distress or mental health problems,²⁰⁰ and 58 percent of prison inmates and 63 percent of sentenced jail inmates have drug abuse disorders.²⁰¹

Aggressive immigration raids, mass detention of immigrants, and contracts entered into with private prisons are other costly tactics of over-enforcement. The federal government has pushed local police departments to enforce federal civil immigration law largely at the state and local

government's own cost.²⁰² By fostering a fear of law enforcement in immigrant communities, these policies decrease community safety.²⁰³ Further, state and local governments commonly enter into agreements with private prisons that establish “lockup quotas,” which require that the prisons be filled—most commonly at a 90 percent occupancy rate—or that the state or local government pay for unused beds.²⁰⁴ These policies push law enforcement to seek to fill beds so that it does not appear community dollars are going to waste.²⁰⁵

Programs that ensure access to good jobs, affordable housing, quality educational opportunities, and appropriate mental, physical and behavioral health services for at-risk youth and people re-entering communities after leaving prison have been shown to decrease criminal activity and recidivism.²⁰⁶ Yet these proven solutions are chronically underfunded. The U.S. Department of Education noted that, over the past 3 decades, state and local expenditures on prisons and jails have grown 3 times as much as funding for public education.²⁰⁷

POLLING DATA

- 69% OF VOTERS believe that too many people are imprisoned and that there are more effective, less expensive alternatives for nonviolent offenders.²⁰⁸
- 87% OVER 87% OF VOTERS believe that the system should prioritize efforts to prevent recidivism.²⁰⁹
- 66% OF VOTERS believe our criminal justice system should prioritize prevention and rehabilitation.²¹⁰
- 57% OF VOTERS agree that our criminal justice system is not providing a clear and convincing return on our investment in terms of public safety, despite increased spending.²¹¹

POLICY SOLUTIONS

Develop a robust state “justice reinvestment” program to reduce the number of people behind bars and address factors that drive incarceration. This requires that states:

- **Reform sentencing laws.** Eliminate mandatory minimum sentences and three-strike laws. Any sentencing laws that reduce or eliminate criminal penalties and categorizations should be made retroactive. For example, states that legalize marijuana should automatically review all marijuana convictions and expunge or reclassify them, as some cities in California are doing.²¹² This will guarantee that anyone who is incarcerated or under probation, parole, or community supervision for a marijuana-related offense will have their sentence automatically reduced when they qualify.
- **Amend other laws and practices that result in over-incarceration.** Improve pretrial practices to favor release and ensure people are not being incarcerated based exclusively on their

inability to pay bail. Modify prison and jail release practices by expanding access to parole and providing earned-time credits.²¹³ Along with the reform of sentencing laws, these measures have proven effective at reducing incarceration while protecting public safety. They also allow states to close jails, prisons and end the use of privatized incarceration.

- **Reinvest criminal justice funds in community services that reduce recidivism and address the root drivers of incarceration.** Reducing the levels of incarceration saves public funds, which should be reinvested in programs that address the causes of crime and the systemic problems that put people into contact with the criminal justice system. This requires that states invest greater resources in education, job training, affordable housing programs, and mental, substance abuse, and other health services.²¹⁴
- **End collaboration in federal immigration enforcement.** State and local governments often spend their own scarce resources to engage in immigration enforcement activities that are the responsibility of the federal government.²¹⁵ Rather than spending state and local dollars on activities that have been shown to dissolve trust and make communities less safe,²¹⁶ state and local governments should direct resources toward activities that reduce crime and improve the quality of life and safety of the communities they serve.
- **End the use of private prisons.** “Lockup quotas” in private prison contracts push law enforcement to over-incarcerate, further fueling the U.S.’s mass incarceration epidemic.²¹⁷
- **Abolish felony disenfranchisement laws.** Repeal any laws that disenfranchise voters as a result of criminal convictions. States should stop stripping people who have been convicted of felonies of their right to vote and should restore the right to vote to individuals who have been released from prison, including people who are on probation and parole. Eliminate lifelong bans on voting, mandatory waiting periods, and requirements for executive and legislative pardons. Policymakers should also eliminate rules tying restoration of voting rights to repayment of criminal fines and fees.

HOW TO TALK ABOUT IT

- **Our nation’s investments in the criminal justice system should increase the safety of our communities—but mass incarceration has not accomplished this.** As a result of harsh sentences, over-criminalization, and discriminatory policing, our criminal justice system is tearing apart families—disproportionately families of color. Increasing the number of living wage jobs available, investing in educational systems, and funding community health programs can help reduce crime and incarceration and contribute to genuine public safety.
- **We can reduce incarceration while maintaining public safety.** Since the 1980s, we have poured more than a trillion dollars into the criminal justice system. We can more effectively

use our shared resources by addressing the circumstances that contribute to criminal activity. Many states have already begun to reduce incarceration, closing prisons or jails and reinvesting money in efforts that help to more effectively reduce crime.

- **Reinvesting in our justice system will advance racial equity.** People of color, low-income people, and people with mental illness and substance abuse problems are more likely to have contact with the criminal justice system. Because of systemic racism and discriminatory policing practices, black and Latino people are far more likely to be imprisoned at some point in their lives than their white counterparts. Strategies that address the root causes of incarceration would help address these disparities.

HOW IT WORKS

Texas is one of many states successfully implementing justice reinvestment policies.

- » In 2007, Texas' prison population was projected to grow by more than 14,000 people within 5 years, which would require the construction of new prison facilities that would cost the public an additional \$523 million. In response, the state enacted a justice reinvestment initiative and allocated \$240 million over the following 2 years to expanding physical and mental health treatment, limiting probation periods, and increasing funding for probation and parole.²¹⁸
- » Texas' front-end investments resulted in state savings of approximately \$443 million over the 2 years—savings that allowed Texas to invest in other programs that would reduce crime and recidivism, including a community health program that provides low-income first-time mothers with assistance from early in their pregnancy through their child's second birthday²¹⁹ and has been found to improve outcomes for the whole family and reduce crime.²²⁰
- » In addition to the initial cost savings in 2008-09, Texas's justice reinvestment program proved effective at reducing parole revocations and, in 2013, the prison population had dipped to a 5-year low.²²¹
- » In 2012, for the first time in the state's history, Texas closed a prison.²²²

MORE RESOURCES

- » Communities United, Right on Justice, Make the Road, and Padres y Jóvenes Unidos [report on justice reinvestment](#)
- » The Council of State Governments [Justice Center resource page](#)

DE-CRIMINALIZE POVERTY

“I seen the judge and my bail was \$500. That’s a lot of money in my neighborhood, you know. That’s rent money...And I cried a tear. They asked for bail that I didn’t have, so now it’s like I’m a hostage.”

—BRONX FREEDOM FUND RECIPIENT, NEW YORK²²³

THE PROBLEM

Every one of us should be treated equally under the law. This idea is so fundamental to our justice system that it is carved above the doors of the Supreme Court. Yet every day, criminal justice policies penalize people for being poor. People who are unable to pay bail, fines, and fees are forced to remain in jail or take on debt for their involvement in the justice system, contributing to a cycle of poverty and tearing families apart.

The use of bail, fines, and fees maintains systemic inequalities in America by penalizing and incarcerating people based on the size of their bank account. People of color, particularly women of color, as well as queer and transgender people, who tend to earn lower wages, are disproportionately harmed.²²⁴ Because police presence is higher in communities of color, people of color are stopped and arrested at higher rates. They are disproportionately subjected to bail systems that lead to incarceration if they are unable to pay what is often an arbitrary sum of money. Further, people who are held in jail before their trial are more likely to plead guilty, be convicted of a crime, and receive harsher punishments when they are convicted. This means that people held in jail before their trials are more likely to be subjected to the fines and fees that are imposed after a criminal defendant is found to be guilty.

The number of people held in jail before trial has skyrocketed in recent years, accounting for 99 percent of the total growth in jailhouse population between 1999 and 2014.²²⁵ Of the nearly 750,000 people incarcerated in local city and county jails, 60 percent are being held before their cases have gone to trial.²²⁶ This means that approximately 450,000 people in jail across the country are people our justice system presumes to be innocent. They are deprived of their liberty for days, weeks, months, and sometimes years prior to trial merely because they are unable to pay an arbitrary sum—a practice that actually reduces public safety, since pretrial detention of criminal defendants charged with low- and moderate-level crimes has been linked with an increased likelihood of recidivism.²²⁷ Further, judges are 44 percent more likely to deny bail to black people than to similarly situated white people.²²⁸

The American justice system further criminalizes poverty by forcing defendants to pay fines and fees. As the rate of incarceration has exponentially increased since the 1980s,²²⁹ so have the

costs of the criminal justice system. Many jurisdictions offset the rising costs by imposing fines on people who violate the law and fees that often require people to support the operation of the justice system;²³⁰ these fees are sometimes even imposed on people who have not been convicted of a crime.²³¹ Criminal defendants frequently find themselves billed for fees associated with representation by a public defender, appearances in court, room and board for time spent in a jail or prison, parole and probation services, electronic monitoring, drug testing, counseling, and community service.²³² Additional fees may be imposed to set up payment plans for criminal justice debt; late fees and collection fees are also often tacked onto criminal justice debt.²³³ While these fines and fees may seem relatively low, requiring a person living paycheck to paycheck to pay \$9.25 per day—or approximately \$300 per month—for electronic monitoring will almost certainly result in their incarceration just because they cannot afford to pay for their freedom.²³⁴ Fines and fees typically accrue with no consideration for a defendant’s ability to pay,²³⁵ even though the failure to pay may itself result in incarceration or loss of a job, a driver’s license, or the right to vote.²³⁶

Beyond bail, fines, and fees levied against incarcerated persons, the criminal justice system also places burdens on families. For instance, since private phone providers began providing services to prisons and jails in the 1990s,²³⁷ the cost of calls with inmates has skyrocketed, placing many families in the untenable position of having to decide whether to remain connected with an incarcerated family member or pay for rent, utilities, or groceries.²³⁸ Some states, like Alabama, have capped their rate for in-state calls and eliminated commissions, perhaps recognizing that family contact can help prepare for reentry and reduce rates of recidivism.²³⁹

POLLING DATA

- 91% OF AMERICANS believe that the criminal justice system has problems that need to be addressed, and
- 55% OF AMERICANS believe that the problems are severe and need to be addressed immediately.²⁴⁰
- 83% OF AMERICANS agree that people with financial means can buy their way out of jail while the poor remain incarcerated.²⁴¹
- 75% NEARLY 75% OF AMERICANS believe that risk, not money, should be the primary factor determining whether someone is released prior to trial.²⁴²

POLICY SOLUTIONS

Decriminalize poverty by ensuring that no one is detained due to lack of funds or forced to take on debt they cannot afford to pay. Reforms include:

- **End money bail.** Guarantee that people are not held in jail before trial because of an inability to pay.
 - No person should be detained merely because they do not have the financial means to pay bail. People should be released on their own recognizance when they do not pose a risk to public safety or a flight risk.
 - Jurisdictions should adopt a presumption in favor of release and have robust pre-trial services agencies that can connect people with services and, when conditions of release are imposed, help assess what those conditions should be.
 - People should be provided with an attorney at the earliest possible moment after arrest and before conditions of release are determined.
 - If a jurisdiction uses risk assessment tools to establish conditions of release, it must ensure that the tools are not based on factors that reflect racial disparities, such as home-ownership. Any tools for assessing risk should be continuously analyzed and assessed to ensure they do not disproportionately result in the detention of individuals based on race, gender, sexual orientation, gender identity, or other statuses protected under non-discrimination laws.
- **Reduce and eliminate criminal justice fines, fees, and other policies that criminalize poverty.**
 - Fines and fees should never be imposed for representation by a public defender, appearances in court, room and board for time spent in a jail or prison, parole and probation services, electronic monitoring, drug testing, counseling, community service, or setting up payment for criminal justice debt.
 - Fines that serve as punishments for violating the law and fees that provide victims with compensation should always be set with consideration for a defendant's ability to pay. If, after the time a fine or fee is assessed, a defendant experiences a financial hardship, mechanisms should be in place to allow the defendant to alert the court of his or her change in circumstance and the court should be required to reassess any fines and fees they previously imposed.
 - Jurisdictions should be barred from incarcerating, revoking licenses, and disenfranchising people who are unable to pay fines and fees.
 - States should set caps on the cost of calls to inmates in state and local prisons and jails, as well as bar government agencies from receiving commissions from service providers.

HOW TO TALK ABOUT IT

- **Everyone should be treated equally by our justice system, regardless of the size of our bank accounts.** At a time when 44 percent of adults cannot cover a \$400 emergency expense,²⁴³ the reliance of our legal system on money bail, fines, and fees undercuts justice. A just system does not allow a person's wealth or poverty to decide whether they can be a free person or must sit in jail.
- **Making poverty a crime harms public safety.** When people are detained before their trial because of an inability to pay bail, they and their families may be placed in dire financial straits. Detaining a person who has been accused of committing a low-level offense before their trial does not prevent crime—in fact, it has been shown to increase the likelihood that they will commit a crime in the future.²⁴⁴
- **People of color, women, individuals with disabilities, and members of the LGBTQ community are harmed the most by our wealth-based criminal justice system.** People who haven't accrued the wealth necessary to buy their way out of jail are disproportionately harmed by our nation's legal system. When people cannot post bail, they are more likely to plead guilty to a crime, be more severely sentenced, and run up additional fines and fees. All of this piles on to keep families in poverty.

HOW IT WORKS

Washington D.C. has a strong pretrial release system where money-based detention is prohibited.²⁴⁵

» In Washington, about 85 percent of all arrestees are released prior to trial.²⁴⁶

Approximately 88 percent of people who are released are not re-arrested prior to trial and about 88 percent return to court.²⁴⁷

» The D.C. bail statute requires that the least restrictive form of release necessary be applied and uses citation and release, rather than arrest, for low-risk defendants.

» D.C. quickly assigns an attorney to criminal defendants before their first appearance in order to ensure that they have an experienced and effective advocate representing them.

» Washington requires that prosecutors make decisions about what a criminal defendant will be charged with within 24 hours of arrest.

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HOW IT WORKS

Continued

- » D.C. has established a high-functioning pretrial services agency that conducts a risk assessment for every person who has been arrested and who will be charged by examining a number of factors, including an arrestee’s substance use and mental health information,²⁴⁸ and assists the courts in making informed decision about pretrial release and detention.

- » Finally, D.C. provides supervision and treatment for defendants who are released pending trial.

MORE RESOURCES

- » University of Pretrial [resource page](#)
- » Pretrial Justice Institute [resource page](#)
- » Pretrial Racial Justice Initiative [resource page](#)
- » Vera Institute [website](#)
- » National Center for State Courts [resource guide on fines, fees, and bail practices](#)

NOTES



SUSTAINING OUR FAMILIES

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ENSURE HEALTH CARE FOR ALL

‘Of all the forms of inequality, injustice in health care is the most shocking and inhumane.’

—DR. MARTIN LUTHER KING JR

THE PROBLEM

When a child is injured or a loved one is suffering from a serious illness, no one wants to think about co-pays and deductibles. We want compassionate, effective medical care, delivered quickly and accessibly. We know that people, families, communities, and our nation thrive when good health is a public priority. The Affordable Care Act was an historic achievement to provide health insurance to a record number of uninsured Americans. Yet even if the Affordable Care Act were fully implemented, nearly 30 million people would remain uninsured, and out-of-pocket medical costs could lead to financial ruin for many people. At the same time, ideologically driven politicians continue to threaten recent gains in access to health care.

Most Americans still worry about the availability and affordability of health care.²⁴⁹ America’s fragmented and complex health care system makes us a global outlier; we are the only industrialized nation that fails to deliver health care to all of its people. America also has a growing under-insurance problem. People may have insurance, yet their sky-high health plan premiums, copays, and deductibles cause financial stress or result in patients missing necessary treatment. Medical debt remains the leading cause of personal bankruptcy in the United States.²⁵⁰ According to the Kaiser Family Foundation, more than a quarter of Americans struggle to pay their medical bills.²⁵¹ Our system treats health care as a commodity available based on one’s ability to pay, worsening existing health disparities by class and race.

People of color, undocumented immigrants, and people with low incomes have higher rates of disease and mortality, and suffer disproportionately under our current health coverage scheme. African Americans are 77 percent more likely than white Americans to develop diabetes.²⁵² People of color run 2 to 4 times the risk of reaching end-stage renal disease than white people.²⁵³ Racial disparities are particularly acute for pregnant women and infants: Because African-American mothers are far less likely to receive prenatal care than white mothers and the care they do receive is likely to be lower quality, the infant mortality rate for black babies is more than twice as high as for white babies, and black mothers are more than 3 times more likely to die in childbirth than white mothers.²⁵⁴ While many structural factors contribute to worse health care outcomes for patients of color, our current for-profit system adds to disparities by creating both financial obstacles and barriers to accessing a doctor. Politicians worsen this situation by refusing to allow undocumented

patients to purchase subsidized Obamacare plans and to obtain Medicaid coverage. This not only burdens immigrant health, but also weighs down our inefficient health care delivery system.

States must take steps to build upon the gains of the Affordable Care Act and expand health care access and coverage. In the 18 states that have not yet expanded eligibility for Medicaid coverage, 2.6 million adults fall within a coverage gap where they earn too much to qualify for traditional Medicaid yet too little to be eligible for tax credits that would help them pay for private insurance coverage.²⁵⁵ Expanding Medicaid eligibility, which comes at little cost to the state, is the critical first step for states to increase health care access.

POLLING DATA

- 37% OF VIRGINIA VOTERS cited health care as their most important issue after the November 2017 election.²⁵⁶
- 74% OF AMERICANS hold a favorable view of Medicaid, including 73% of adults in states that have not yet expanded Medicaid eligibility.²⁵⁷
- 67% OF AMERICANS say Medicaid “works well” for the people it covers in their state.²⁵⁸

POLICY SOLUTIONS

Expand health insurance coverage and access to health care for all state residents. States should consider the following steps:

- **Expand Medicaid coverage.** Currently 32 states and the District of Columbia have expanded Medicaid eligibility to cover non-elderly adults with incomes below 138 percent of the federal poverty level.²⁵⁹ The Affordable Care Act provides federal funding for the vast majority of the cost of Medicaid expansion. States that have not yet expanded Medicaid eligibility should immediately act to do so.
- **Reject work requirements and other restrictions on Medicaid eligibility.** A number of states have applied for federal waivers in order to impose work requirements on Medicaid recipients.²⁶⁰ Imposing such restrictions does not increase access to employment among Medicaid recipients (the vast majority of whom already work, are sick or disabled, or are family caregivers) yet puts an estimated 6.3 million Americans in danger of losing health coverage as they scramble to document their conditions or risk falling through new gaps in the program.²⁶¹ States should reject any effort to limit Medicaid enrollment.
- **Establish a Basic Health Program.** The Affordable Care Act gives states the option to imple-

ment a Basic Health Program to cover residents with incomes between 133 percent and 200 percent of the federal poverty level.²⁶² The program provides continuity of care and coverage to people whose incomes fluctuate. In addition, green card holders and other lawfully present non-citizens who are excluded from Medicaid coverage are eligible for the program. Currently Minnesota and New York have established Basic Health Programs, providing affordable, comprehensive coverage to 800,000 people. Coverage under the program must include the essential benefits specified by Affordable Care Act. Monthly insurance premiums and out-of-pocket costs cannot exceed what they would be for plans purchased through the Affordable Care Act marketplace, and in practice they are often considerably lower. New York and Minnesota recently sued the federal government to maintain federal funding for the program, which reimburses states for the vast majority of costs.²⁶³

- **Increase support for community health centers.** Community health centers are the most significant source of comprehensive primary care for medically underserved communities across the United States. They provide affordable primary care to over 27 million people, regardless of insurance coverage or ability to pay.²⁶⁴ Although a majority of community health center revenues come from insurance payments and federal grants, state and local grants and contracts made up approximately 11 percent of community health center revenue in 2015.²⁶⁵ Increasing state support would expand the populations health centers can serve.
- **Implement all-payer rate setting.** Through a Medicare waiver, the state of Maryland has the authority to regulate the rates that hospitals charge for their services. Maryland mandates that hospitals charge the same rate for any given service or provider to all patients, regardless of what type of insurance patients have. Maryland has further controlled health care costs by adopting global budgets, which incentivize hospital systems to keep patients healthy. As a result of these systems, Maryland has limited the growth in hospital costs for all patients.²⁶⁶ In addition to cost containment, Maryland's system is significant because it lays the groundwork for a single-payer universal health care system. Maryland is currently seeking to expand the system beyond hospitals to other health care expenditures. Other states should explore seeking a waiver to emulate Maryland's successful program.

HOW TO GO FURTHER

- A number of states are exploring the potential for universal health care systems, which would replace the private health insurance industry with single-payer, publicly managed insurance providing coverage to all state residents. While regulatory, fiscal, and political hurdles remain, policymakers and advocates who are determined build state-level single-payer systems are making important progress.

HOW TO TALK ABOUT IT

- **We all thrive when good health is a public priority.** When a child is injured or a loved one is suffering from a serious illness, no one wants to think about co-pays and deductibles. We want compassionate, effective medical care, delivered quickly and accessibly. The Affordable Care Act brought meaningful reforms to our system. Now we must work toward making health care access a reality for all Americans.
- **No one should struggle with debt to get the care they need.** Medical debt is still the leading cause of personal bankruptcy in the United States, and more than 1 in 4 Americans struggle to pay their medical bills. People may have insurance, but health plan premiums, copays, and deductibles are so high that they cause financial stress or result in patients missing necessary treatment. Americans continue to die because they lack affordable health coverage. We need to ensure people can get the health care they need without going broke.

HOW IT WORKS

- » States that expanded Medicaid had significantly fewer residents without insurance as a result, with the greatest increases in insurance coverage in rural areas and among vulnerable populations such as young adults, people with HIV, veterans, and children.²⁶⁷
- » By making health care more affordable, Medicaid expansion increases financial security for struggling families. For example, in Ohio, the percentage of expansion enrollees with medical debt fell by nearly half since enrolling in Medicaid. Previously uninsured prescription drug users who gained Medicaid coverage in 2014 saw, on average, a \$205 reduction in annual out-of-pocket spending.²⁶⁸
- » Medicaid expansion saves lives. For example, expanding Medicaid was associated with a lower risk of death among cardiac surgery patients.²⁶⁹
- » There were no significant increases in state spending due to Medicaid expansion and some states have saved money. Louisiana reported that Medicaid expansion saved the state \$199 million in its 2017 fiscal year, due in part to changes in federal reimbursement rates.²⁷⁰
- » Maryland's all-payer rate regulation produces large savings for Medicare-participating hospitals compared to those operating in other states. From 2013 through August 2016, the hospital spending growth rate underlying Maryland's savings was more than 4 percent below the national growth rate. Maryland state hospitals saved more than \$429 million for Medicare.²⁷¹

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HOW IT WORKS

Continued

- » New York’s plan under the Basic Health Program provides low- or no-cost health coverage to 700,000 low-income people. Participants pay between \$0 and \$20 for their monthly premiums and can purchase a health plan at any time during the year.²⁷²

MORE RESOURCES

- » Kaiser Family Foundation [report on uninsured poor adults in states that do not expand Medicaid](#)
- » Centers for Medicare & Medicaid Services [overview of Basic Health Programs](#)
- » National Association of Community Health Centers [website](#)
- » Health Affairs [overview and assessment of Maryland’s all-payer rate system](#)
- » Political Economy Research Institute [economic analysis of the Healthy California single-payer health care proposal](#)

NOTES

MAKE HOMES AFFORDABLE FOR ALL

“They are literally taking money out of the grocery bill when they increase rent...It’s left me with a sense of hopelessness.”

— JESSICA KEANE, SACRAMENTO, CALIFORNIA ²⁷³

THE PROBLEM

A home is more than a roof over our heads. It’s the opportunity to raise our families in a safe neighborhood with clean air and water, and to live in a place where we can access good jobs, efficient transportation, and high-quality schools. For most Americans who own their home, it is also their primary source of family wealth.²⁷⁴ Whether we rent or own our homes, everyone deserves access to a safe and stable place to live and the opportunities it provides. Each year, the federal government spends nearly \$200 billion to support housing in this country—yet as millions of Americans struggle to find and hold onto homes they can afford, the vast majority of our public funds for housing are directed to subsidize the nation’s wealthiest households.²⁷⁵ Through investments in affordable housing and programs for first-time homebuyers, states have the opportunity to reduce this inequity—but too often, they do not.

Across generations, America’s public policies have systematically operated to shut black and Latino families out of opportunities to build housing wealth that benefitted white families. Redlining is the most notable example. In the years after World War II, the National Housing Act and the GI Bill contributed to a historic boom in homeownership and household wealth among American families. Yet federal policymakers drew red lines around African-American neighborhoods, discouraging private banks from lending in these areas even as black homebuyers were excluded from living in white neighborhoods. Redlining also contributed to divestment in predominantly African-American urban areas at a time of substantial public investment in roads and infrastructure in the white suburbs. While redlining was officially outlawed by the Fair Housing Act of 1968, its impact in the form of residential segregation patterns persists today, with families of color more likely to live in neighborhoods characterized by higher poverty rates, lower home values, and declining infrastructure compared to neighborhoods inhabited predominantly by white residents. These enduring patterns of segregation impact both renters and homeowners.²⁷⁶

Rather than working to address the historic injustice of unequal opportunity, our current housing policies reinforce the inequality created by discrimination. Meanwhile, many working people cannot find an affordable place to live. There is no county in the nation where a full-time worker earning the minimum wage can afford to rent a modest two-bedroom home, and even a one-bedroom is out of reach in most of the country.²⁷⁷ As a result, researchers estimate that more

than 20 million renter households live in housing poverty, meaning that after they pay for housing they cannot afford to meet other basic needs like food, transportation, and medical care.²⁷⁸ At the same time, on a single night in 2016, more than half a million Americans were homeless, including more than 116,000 children and more than 39,000 veterans.²⁷⁹ States need to better finance affordable housing, preserve the affordability of existing subsidized housing, and use policies like inclusionary zoning to harness private funding to pay for affordable housing.²⁸⁰ The greatest housing hardship is felt by the lowest-income households, whose rents have increased while incomes have declined.²⁸¹

POLLING DATA

81% OF AMERICANS
say housing affordability is a problem and 60% say it is a serious problem.²⁸²

80% OF AMERICANS
favor expanding housing support for low-income families with children.²⁸³

POLICY SOLUTIONS

Use funding, incentives, and regulations to rebalance state housing investments. States need to see more aggressively to the housing needs of low- and moderate-income households.

- **Invest in affordable housing and adequately fund the state housing trust fund.** Forty-seven states and the District of Columbia have housing trust funds to help provide housing to low-income households that are not being served by the market.²⁸⁴ Given the high rate of cost-burdened renters,²⁸⁵ it is clear that these trust funds are in need of additional revenue. States that do not have a dedicated funding source for their trust fund should establish one.²⁸⁶ Fees on real estate transactions are a common source of revenue for these funds.²⁸⁷ States should also act to encourage and enable cities and counties to raise revenue for local housing trust funds.
- **Encourage localities to bundle federal grants to address the affordable housing crisis.** States should create incentives for localities to bundle funds from the Community Development Block Grant program, the HOME Investment Partnerships Program, and other sources to address the scarcity of affordable housing.
- **Empower local governments to address housing affordability.** States should give local governments the authority to implement rent regulations, strong tenant protections, and other measures that effectively address local housing needs.
- **Strengthen and expand homeownership programs.** Many states have a variety of policies to assist low- and moderate-income and first-time homebuyers obtain a home. States help families obtain loans and make payments including down payments and closing-cost payments.

States also provide grants and first-time homebuyer tax credits. States should explore options to assist low- and moderate-income homebuyers.

- **Do not allow property taxes to push families out of their homes.** Low-income homeowners who have paid off the mortgages on their homes should not lose them because the property taxes are too high. This can occur for a variety of reasons: gentrification can increase property values, a declining population can reduce the tax base and put upward pressure on property taxes, and, most unfairly, there can be illegal practices shifting tax burdens disproportionately onto those with the least access to the politically powerful.²⁸⁸ States should ensure that localities are fairly and progressively applying property taxes. States should provide low-income homeowners with a credit against their property tax bill to make sure that property taxes are affordable.
- **Enforce and strengthen state-level fair housing laws.** Studies continue to show racially biased treatment by real estate agents and rental housing providers.²⁸⁹ States should enforce anti-discrimination laws. It is important for states to implement audit testing because it is difficult for prospective renters or homebuyers to know whether they have been discriminated against. States should also prohibit source-of-income discrimination. Individuals relying on federal housing choice vouchers to pay rent should not be prohibited from renting any property that they can afford.

HOW TO TALK ABOUT IT

- **America is at its best when we all have a place to call home.** Access to a safe and affordable home near quality schools, transportation, and jobs is basic to the American Dream and to our nation's future.²⁹⁰ Millions of working Americans should not have to struggle to find an affordable place to live. We are a stronger and better country when decent housing is within reach for all of us.
- **Our housing rules have swung out of balance, favoring the wealthy rather than Americans in need.** The American public invests \$200 billion each year to support housing, but most of the benefits go to households that are already wealthy. Rather than catering to wealthy special interests, we can change the rules to ensure that housing resources serve families with the greatest needs: housing the homeless, enabling low-paid renters to raise their families in stable homes, and helping working- and middle-class homeowners.
- **Housing choice—especially for low-income communities and communities of color—is a critical component of equitable and economically prosperous regions.** When localities seek public funds to strengthen their communities, it's only right that they must take specific steps to ensure fair housing. That means addressing discrimination and toppling barriers to opportunity for all their residents.²⁹¹

HOW IT WORKS

- » Investing in affordable housing creates jobs, increases family incomes, and encourages further economic development. According to one estimate, constructing 100 affordable rental apartment units produces \$11.7 million in local income generation, \$2.2 million in taxes and other revenue for local governments, and 161 local jobs in the first year.²⁹²
- » Living in affordable housing enables families to commit more than twice as much of their income to health care and insurance compared to families with housing cost burdens, and families with affordable housing are significantly less likely to forgo needed doctor's visits and medications due to a lack of money.²⁹³
- » Access to affordable housing can create a more stable environment for children by reducing frequent family moves that contribute to absenteeism and the need to repeatedly change schools.²⁹⁴

MORE RESOURCES

- » National Low Income Housing Coalition report [Out of Reach 2017](#)
- » Center for Community Change [resource page on state housing trust funds](#)
- » Urban Institute handbook [Keeping the Neighborhood Affordable: A Handbook of Housing Strategies for Gentrifying Areas](#)
- » Urban Institute research report [Housing Policy Levers to Promote Economic Mobility](#)

NOTES

ACHIEVE REPRODUCTIVE JUSTICE

“I knew my hourly retail job wouldn’t allow me to give my child the future I had always imagined. I was struggling in college and didn’t have the \$30 to pick up a birth control pill pack in the first place.”

—RENAE BRACEY SHERMAN²⁹⁵

THE PROBLEM

The ability to make decisions about whether and when to have children is critical to the economic security of women and their families. Having a child is one of life’s most serious commitments, economically and otherwise. An unintended pregnancy can upend financial stability, making it difficult for mothers in particular to pursue education and maintain employment. Yet in 2011, 45 percent of U.S. pregnancies were unintended. Due to lower incomes and more limited access to birth control, black and Latina women, young women, and women living below the poverty line were the most likely to experience an unintended pregnancy.²⁹⁶ Lack of access to effective birth control and abortion compounds the inequalities that already exist.

Access to reproductive health services is a cornerstone of the fight for economic justice for millions of women and their families. Unfortunately, in recent years and with alarming frequency, a barrage of attacks at both the federal and state levels threaten to further restrict women’s access to these services. In the first half of 2017 alone, legislators in 28 states introduced bills restricting abortion access under certain circumstances, with legislators in 6 states introducing legislation to ban abortions in all circumstances.²⁹⁷ During the same period, 3 states added restrictions on publicly funded family-planning services.²⁹⁸ At the federal level, the House of Representatives passed a 20-week abortion ban that would severely limit reproductive health access. The Affordable Care Act expanded access to contraception by expanding health coverage overall and mandating that insurance plans cover a wide range of contraceptives without any out-of-pocket costs. However, the Trump administration dramatically widened exemptions enabling employers to deny contraceptive coverage to their workers.²⁹⁹

The current wave of restrictions threatens the economic security of millions of families nationwide. Lack of affordable, timely access to reproductive health services is costly. Before the Affordable Care Act guaranteed contraceptive coverage, birth control costs accounted for 30 to 44 percent of women’s out-of-pocket health care costs.³⁰⁰ For a woman working full-time at a minimum-wage job, the full costs of an IUD equal one month’s salary.³⁰¹ Women who cannot afford birth control often resort to less effective methods, which put them at risk for an unintended pregnancy that may

completely upend their lives. Most women who seek abortion are already struggling financially, and many cite poverty as their main reason to end a pregnancy. A woman who is turned away for an abortion is 3 times more likely to be in poverty 2 years after the fact than her counterpart who is able to access the procedure.³⁰²

Attacks on access to reproductive care disproportionately harm women of color, who are more likely to have low incomes and limited access to preventive health services as a result of discrimination and institutional racism.³⁰³ Women of color, in particular, have long been the targets of coercive reproductive policies that undermine their families' economic well-being.³⁰⁴

POLLING DATA

- 85 % OF VOTERS** agree that a woman who can make decisions about her own reproductive health care, including whether and when to have children, has more control over her own economic security.³⁰⁵
- 64 % OF VOTERS** believe women's health insurance should cover reproductive health care, including abortion.³⁰⁶
- 68 % OF ADULTS** support the requirement that private health insurance plans cover the full cost of birth control.³⁰⁷

POLICY SOLUTIONS

Safeguard the economic security of women and their families by defending against policies that make it difficult to access affordable reproductive health services and championing policies that expand access to these services. States can enact the following policies:

- **Guarantee insurance coverage of a full range of contraceptive methods and services at no out-of-pocket cost.** By the end of 2017, 28 states required all insurers that provide prescription drug coverage to include coverage of all FDA-approved prescription contraception.³⁰⁸ The states of California, Illinois, Maryland, Nevada, New York and Vermont mandate that contraceptives be provided at no out-of-pocket cost. States should further ensure that no-cost contraceptives and family planning services are available to Medicaid recipients. States can also mandate coverage of over-the-counter birth control and to cover a one-year supply of contraceptives so that access is not interrupted.
- **Guarantee insurance coverage of abortion, including for Medicaid recipients.** The states of California, New York, and Oregon currently require that nearly all private insurance plans offer coverage of abortion.³⁰⁹ While federal law denies funding for abortion coverage through

Medicaid, a number of states use their own funds to provide abortion coverage for Medicaid enrollees, including Alaska, Arizona, California, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Montana, New Jersey, New Mexico, New York, Oregon, Vermont, Washington and West Virginia.³¹⁰ Several states have prohibited private insurance plans from covering abortion care—these bans should be repealed.

- **Eliminate restrictions on abortion providers when these restrictions do not further patients' health and safety.** Many states have enacted regulations on abortion clinics and providers that aim to limit access rather than enhance patient safety.³¹¹ Undue restrictions include regulations on room size, the width of hallways, burdensome licensing standards, and requirements that facilities and providers maintain relationships with hospitals. A number of states also require abortion providers to present misleading or inaccurate information to patients or impose waiting periods that may necessitate multiple trips to a distant clinic, imposing hardship on many women. Repealing these requirements increases access to reproductive health care.
- **Require hospital emergency rooms to offer emergency contraception to victims of sexual assault.** California, Connecticut, Hawaii, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Washington, Wisconsin and Washington D.C. mandate that emergency rooms provide emergency contraception to sexual assault victims upon request.³¹²
- **Mandate medically accurate sex education.** Young people cannot make informed choices about their reproductive health without accurate information. California, Colorado, Hawaii, Illinois, Iowa, Maine, Michigan, New Jersey, North Carolina, Oregon, Rhode Island, Utah and Washington require that schools provide medically accurate sex education.³¹³

HOW TO TALK ABOUT IT

- **To achieve full equality, women must have the right to control their own bodies and the ability to plan their own families.** Deciding whether and when to have a child is one of the most important decisions people make. Women must have access to the full range of reproductive health services that will help them achieve and maintain economic security.
- **Women and their families do better economically when they have access to reproductive health services, with the impact felt across generations.** When women can plan their families, their children have better education outcomes and earn higher wages.³¹⁴ On the other side, women denied abortions are more likely to be in poverty 2 years later.³¹⁵ Removing barriers to these services will help families achieve greater economic security.
- **Employers' religious and moral beliefs should not dictate women's access to reproductive health services.** Current federal rules may pave the way for more and more employers to deny

women much-needed services on dubious grounds. A woman's place of employment should not dictate her ability to control her own body and make her own reproductive choices. That's why states need to step up and protect access to reproductive care and services.

- **Removing barriers and ensuring access to reproductive health services advances gender and racial equity.** Birth control is responsible for one-third of the narrowing of the gender wage gap.³¹⁶ Increasingly, women are the primary breadwinners for their families. Access to reproductive health services helps them take care of their families. Making it easier and less expensive to access these services will particularly benefit women of color, who are more likely to lack access to preventative and reproductive health services and live in poverty as a result of discrimination.

HOW IT WORKS

- » When states act to uphold the requirement that health insurance plans cover prescription contraceptives at no out-of-pocket cost to patients, state residents will continue to benefit from access to no-cost contraception even as the federal law is being undermined.
- » Cost-free access to contraception is saving American women an estimated \$1.4 billion dollars per year on birth control pills alone.³¹⁷
- » Cost-free access to contraception has given women with health insurance more control over whether and when to become pregnant. As a result of the requirement that insurance covers contraceptives like other medicines, women are more likely to use prescription contraceptives and have shifted towards using more effective long-term methods of birth control that previously had high upfront costs.³¹⁸
- » Women who are able to obtain an abortion are less likely to be living in poverty and more likely to be employed full-time 1 year later, compared to women who had been similarly situated but were denied the ability to terminate a pregnancy because of a slightly later gestation date.³¹⁹

MORE RESOURCES

- » National Women's Law Center [resources on health care and reproductive rights](#)
- » All* Above All [resource page on access to abortion coverage](#)
- » SisterSong Women of Color Reproductive Justice Collective [resource page](#)
- » Guttmacher Institute [page on state laws and policies on reproductive rights](#)

PROTECT AND IMPROVE THE SAFETY NET

“I can’t imagine what I’d do without SNAP. I think it would surprise a lot of Maine people to know how many of their neighbors are hungry and to really understand how hard it is for people living in poverty to get enough to eat.”

— ROBERT JONES, VETERAN AND SNAP RECIPIENT³²⁰

THE PROBLEM

To live up to America’s deepest values of human dignity and equality, we must protect and expand our social safety net. From time to time we all face challenges beyond our control—and that’s why we help each other out when we encounter rough patches. Families should not go to bed hungry, be out on the streets as they search for a new job, or lay awake at night wondering how they will afford child care. From Depression-era efforts by President Franklin Roosevelt and Frances Perkins, to President Lyndon Johnson’s War on Poverty, we have created both federal and state programs that protect basic living standards for our fellow Americans and enable us to get back on our feet when we fall on hard times.

Today, over 90 percent of public benefits go to the elderly, disabled, or working poor.³²¹ Programs including Temporary Assistance for Needy Families (TANF), Unemployment Insurance (UI), Supplemental Nutrition Assistance Program (SNAP), and the Child Care and Development Block Grant (CCDBG) provide much-needed support for households facing economic hardship, stabilize families’ access to necessities and care, keep millions of Americans out of poverty, and reduce crime.³²² Safety net programs are especially vital when the economy is underperforming, when jobs are hard to come by, and when families have to spend down their savings in order to get by. These programs set Americans up to be more productive, healthier, and happier: Studies show that higher wages, more education, and better health are just a few of the long-term outcomes of strong safety net or child care programs.³²³

Many of the programs that make up our nation’s safety net are funded by the federal government and administered by states, providing states with flexibility in how funds are used and who is eligible to participate. This flexibility has been exploited by politicians who slash state funding or redirect much-needed federal funds away from poor families based on false associations of public benefits and laziness or criminality, and bald appeals to classism, racism, nativism and outdated gender norms. Using dog-whistle phrases about the populations they serve, politicians have compromised the efficacy of these programs, often by introducing restrictions or new eligibility requirements in order to prevent people from using vital safety net programs.³²⁴

The share of TANF money that states now spend for its intended purpose of meeting basic needs for families has dropped dramatically in the last few decades, as states often use TANF funds to fill unrelated budget holes.³²⁵ Meanwhile, in Connecticut, Georgia, Texas, North Dakota and West Virginia, struggling families have less access to child care assistance, as these states have severely limited or closed the rolls to new families trying to receive child care under CCDBG.³²⁶ States also slashed funding for UI after the Great Recession, and even as the economy improved, people still looking for work only had a 3-in-10 chance of receiving UI benefits. In several states, policymakers have reduced the number of weeks that anyone can claim UI or begun to use less generous formulas in counting weekly benefits.³²⁷ And Kansas and Maine, among others, have used an improving economy to impose strict and severe time limits on the ability to receive SNAP.³²⁸

Even when states do not cut back programs, struggling families are often stigmatized and forced to jump through hoops that middle-class or wealthy families never have to navigate in order to receive state or federal benefits.³²⁹ For instance, a 2017 law will give states a greater ability to drug-test beneficiaries of unemployment insurance,³³⁰ while no such law exists to drug-test wealthy households who receive public assistance, such as the deduction for home mortgage interest. States like North Carolina require that UI beneficiaries meet weekly job search requirements, while Indiana and other states imposed new work and job-training requirements for SNAP recipients.

In other states, struggling families face a Catch-22: If they try to build up any savings in order to achieve self-reliance, they are denied assistance or forced to sell off assets and spend down savings in order to stay eligible for programs that prevent them from experiencing deep poverty. The use of “asset limits” can reduce self-sufficiency and create financial burdens for families while producing no savings for states.³³¹

The stinginess of the safety net and the racialized rhetoric surrounding it has consequences for inequality and the economy broadly. States with a higher population of black residents are more likely to have restrictive welfare policies and lower overall benefits.³³² And, due to racially discriminatory enforcement of drug laws, people of color—and women of color in particular—are often shut out from food stamps or TANF due to drug convictions. This is true despite the fact that there is virtually no difference in drug use between white and black populations.³³³

POLLING DATA

85% OF VOTERS say there should be increased funding for child care that directly supports greater access to quality programs for low- and middle-income children while their parents work or attend school.³³⁴

81% OF REGISTERED VOTERS favor raising food stamp benefits for the typical recipient.³³⁵

19% ONLY 19% OF WORKING AMERICANS (and 11% of nonworking Americans) favor cutting aid to the poor.³³⁶

POLICY SOLUTIONS

Support Americans who are struggling by protecting and expanding the safety net, and increase child care assistance so families with young children can make ends meet.

- **Expand eligibility and state funding for safety net programs.** Increase state funding for programs such as SNAP and TANF, extend the length of time families are eligible and remove punitive requirements and restrictions, such as drug testing, job search requirements, or limits on when or how TANF funds can be spent. States should streamline applications for public benefits and should not remove recipients from public benefits programs for minor infractions.
- **Increase or eliminate limits on the ability of families to save money or own assets.** Owning a car or building a savings account should not reduce eligibility for public benefits, as these assets may be the most effective at enabling families to move out of poverty.
- **Ensure that state TANF funding is spent on basic needs and child care programs,** not on other budgetary areas or on programs that are not targeted to poor families.
- **Strengthen Unemployment Insurance benefits** by:
 - Expanding the maximum eligibility to 26 weeks.
 - Eliminating rules that prevent workers who can only work part-time due to family responsibilities or health concerns from being eligible for UI benefits.
 - Indexing the maximum weekly benefit amount to inflation and state wage growth.
 - Calculating benefits based on the largest quarterly earnings a worker earned at a previous job.
- **Strengthen child care assistance** by:
 - Appropriating sufficient funds to eliminate waiting lists so that all eligible families are served.
 - Expanding eligibility to families with incomes up to 200 percent of the federal poverty level and beyond. Ensure that families are not priced out of a program when their income rises with inflation. Enable families to retain access to child care assistance while they are searching for a job. Limit co-payments for child care and ensure that payments do not increase year-to-year as a percentage of a family's income.
 - Ensuring that child care is accessible to the people who need it most. Ensure that child care is accessible in all communities with young children and is available to support children with special needs; school-age children who need care after school and during school breaks, including the summer; parents who are enrolled in school; and parents who work non-standard hours.

- Setting adequate reimbursement rates for child care providers. Reasonable reimbursement rates enable child care providers to meet standards for safety and caregiver-child ratios mandated by federal law and to hire and retain qualified caregiving staff. Reasonable rates also help to ensure accessibility and availability of high-quality child care. The federal government recommends that providers be reimbursed by states at the equivalent of the 75th percentile of current market rates for child care in the area.

HOW TO TALK ABOUT IT

- **A strong social safety net is about committing to basic opportunity and human dignity.** Our country works best when we all help each other get ahead and face challenges beyond our control. Investments in the safety net mean children are healthier and better educated, more families can live productive lives, and more people can retire with happiness and dignity. Right now, many families hold down multiple jobs and must still choose between putting food on the table, paying the bills, buying school supplies and saving for the future. In an economy that doesn't work for everyday people, we need to strengthen programs that help empower families and ensure that no one falls behind.
- **All of us benefit from ensuring that the next generation gets a good start in life.** It makes no sense that we leave individual families on their own, scrambling to find child care they can access and afford. It's worth investing in a child care system that will give families real choices about how to combine caregiving and work. Children who participate in high-quality child care are more likely to attend college, to work, and to earn more, and are less likely to become involved with the criminal justice system.
- **Supporting struggling families with a strong social safety net is an investment in our future.** When families can eat, pay their bills, and have a roof over their head, they can stay out of deep poverty and start to plan for the future. When we impose confusing rules that prevent people from saving, or force them to sell their car just to receive public benefits, we're preventing people from getting ahead, and that hurts our economy and our future. When we expand and protect public benefits, our society becomes healthier, happier, more innovative, and more productive.

HOW IT WORKS

- » Strengthening public benefit programs, especially cash benefits, results in more education, higher wages, and better health for recipients in the long term.³³⁷

Continued next page

- » Expanded public assistance programs stabilize households and reduce poverty, while also helping stabilize and grow the economy. For example, a \$1 increase in SNAP benefits during recessions is estimated to produce an additional \$1.70 in economic activity.³³⁸
- » High-quality child care and early education have been shown to benefit children’s health and social and cognitive development and to help prepare them for school. For example, recent studies of early education programs in North Carolina and New Jersey found substantially improved educational outcomes persisting for years after the program.
- » Every dollar invested in early care and education returns roughly \$8.60 in benefits to society, according to a 2015 report by the Council of Economic Advisers.³³⁹
- » Eliminating onerous asset-limit rules helps stabilize households and prevents a temporary financial crisis from becoming permanent. As families have the opportunity to save money, states also save the public dollars they would have spent on administering asset limits and on supporting households that otherwise quickly fall into crisis again without assets.³⁴⁰

MORE RESOURCES

- » National Employment Law Project [unemployment insurance policy advocate’s toolkit](#)
- » Center for Law and Social Policy and National Women’s Law Center [implementation guide for states on the Child Care and Development Block Grant](#)
- » Center on Budget and Policy Priorities [resource page on family income support](#)
- » Center on Budget and Policy Priorities [resource page on food assistance](#)
- » Prosperity Now [scorecard on asset limits in public benefit programs](#)

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STOP PREDATORY LENDING

“You’re hooked. You can feel the hook right in your mouth. And you don’t know it at the time, but it gets deeper and deeper ... I was having to get one [loan] to pay another.”

- TRUDY ROBIDEAU, CALIFORNIA³⁴¹

THE PROBLEM

Fair and affordable access to credit is vital for American consumers and our economy. Credit can contribute to community stability by helping Americans afford significant purchases like a home or a car, and can smooth out the ups-and-downs in household finances to prevent temporary crises from turning into long-term poverty. Yet risky, high-interest debt can profoundly undermine communities, draining resources and destabilizing family finances. In the 1990s, politicians loosened rules on the financial sector, enabling lenders to prey on Americans struggling to make ends meet. Unscrupulous lenders cashed in on predatory loans of all types. Payday lenders and car-title lenders multiplied, promising quick and easy money while trapping borrowers in a cycle of debt.

Nearly half of Americans can’t cover a \$400 emergency expense.³⁴² Communities of color are particularly vulnerable to predatory lenders because of generations of public policy that has systematically locked black and Latino families out of the wealth-building opportunities that benefitted white families. As a result, people of color remain less likely to have savings to fall back on to handle an emergency, buy a car, attend college, pay a medical bill, start a business, or make a down payment on a home. The lack of wealth and greater need for credit to meet these needs disproportionately exposes communities of color, as well as low-wealth white communities, to predatory lending. In a vicious cycle, predatory lending strips additional resources from families and communities, increasing their reliance on borrowing in the future.

Each year, 12 million Americans take out payday loans, spending more than \$9 billion on fees.³⁴³ Payday and car-title lenders disproportionately target low-income neighborhoods with high populations of people of color, promoting quick-fix loans with annual percentage rates of nearly 400 percent a year on average.³⁴⁴ The short-term loans also carry high fees, so that most borrowers ultimately pay more in fees than they originally obtained in credit.³⁴⁵ Payday lenders design these loans specifically to trap their low-income consumers in cycles of debt—ensuring that the vast majority of borrowers will have to rollover or renew their loans within 2 weeks, incurring new fees and additional interest. Car-title loans operate on a similar business model of repeat loans, with 1 in 5 consumers ultimately losing their vehicle through repossession.³⁴⁶ While the predatory lenders make millions, low-income borrowers often end up in financial wreckage because they are less able to pay their mortgage, rent, and other bills.

POLLING DATA

3 % OF REGISTERED VOTERS have a favorable view of payday lenders, compared to 51% with an unfavorable view.³⁴⁷

71 % OF REGISTERED VOTERS support greater regulation of payday lending.³⁴⁸

POLICY SOLUTIONS

Protect consumers from high-interest debt. Fifteen states—Arkansas, Arizona, Connecticut, Georgia, Maryland, Massachusetts, Montana, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Dakota, Vermont, and West Virginia, as well as Washington D.C.—curb predatory installment loans with interest rates capped at 36 percent or less.³⁴⁹

Strong state laws include the following provisions:

- **Cap annual interest rates at 36 percent or less.** Calculate the full annual rate on loans, including all interest, fees, and other charges to ensure that they do not exceed 36 percent annually, with no loopholes. Researchers find that rates at or below 3 percent per month (36 percent annually) most effectively halt the cycle of debt, covering lenders' origination fees while keeping loans affordable to borrowers.³⁵⁰
- **Limit loan fees.** High fees can give lenders an incentive to quickly turn over new loans to existing borrowers or to evade caps on interest rates.
- **Require lenders to evaluate a borrower's ability to repay all loans.** Analyzing a borrower's income and expenses should be a requirement for all lending, but should complement, not substitute for a strong cap on interest rates.
- **Tighten other lending laws so that payday and car-title lenders do not migrate to other products.**

HOW TO TALK ABOUT IT

- **Payday loans trap borrowers in a cycle of debt.** We need rules to ensure that credit benefits people and communities, not predatory lenders who profit from struggling families. Just like a car without a seatbelt, payday and other high-interest loans are fundamentally defective products that require safeguards.
- **Predatory lenders target the most economically vulnerable communities,** particularly veterans, seniors, women, and communities of color. Communities that have historically been

shut out of opportunities to fairly access credit and build wealth are particularly susceptible to abusive lending practices today, and need protection.

- **Working people shouldn't have to borrow to make ends meet.** Working Americans should be paid enough to sustain themselves and provide for their families without having to borrow for basic needs. Raising standards for our jobs and increasing access to food, housing, and medical care for all Americans addresses household needs more effectively than encouraging financial products that leave families in debt.

HOW IT WORKS

- » Today 15 states and the District of Columbia have effective caps on loan interest, essentially banning payday lenders from preying on 90 million Americans.³⁵¹
- » People living in states without payday and car-title loans have saved an estimated \$5 billion a year in fees annually—\$2.2 billion from payday lending, plus another \$2.8 billion from car-title lending.³⁵²
- » The Military Lending Act prohibits active-duty service members from being charged interest greater than 36 percent; however, loopholes have undermined the law.³⁵³

MORE RESOURCES

- » National Consumer Law Center [survey of state efforts to restrain high-cost loans](#)
- » Center for Responsible Lending [payday lending resource page](#)
- » StopTheDebtTrap.org [campaign page on payday lending](#)

NOTES

MAKE TAXES FAIR

“America has been fantastic to me. I have no problem paying whatever I need to pay to keep my country growing.”

—WILL SMITH, ACTOR³⁵⁴

THE PROBLEM

Our taxes make it possible for all of us together to do what any of us alone cannot. Together we can educate our children, train our workers, care for our elderly, and treat our sick. We can build the infrastructure, provide the services, nurture the businesses, and construct the housing that contribute to vibrant communities. We can ensure that we all have what we need to thrive and—when times are hard—survive. A fair tax system—that asks those who have profited most from our shared investments to contribute more to their continuation—is the best way to pitch in together for these essential investments.

Wealthy special interests and the politicians they support, however, have consistently promoted racial stereotypes of black people, new immigrants, and others to undermine support for collective action through government, make people resent paying taxes, and set the stage for irresponsible cuts that benefit corporations and the rich. The changes to our federal tax structure passed in December 2017 further rig a system already skewed in favor of wealthy individuals and corporations. The wealthiest Americans have long received the most government assistance to build their wealth, while the poorest receive the least. Then Congress restructured the tax system to redistribute even more of our nation’s wealth up from working people to the 1 percent. At a time when our infrastructure is crumbling, when aid for public colleges and universities is inadequate, and when too many Americans cannot afford health insurance, federal politicians beholden to wealthy donors have voted to further reduce the share that wealthy individuals and corporations pay into our shared coffers.³⁵⁵

These changes to federal tax rules come at a time when nearly half of all states faced revenue shortfalls in 2017—a greater number than any year since 2010, at the height of the Great Recession.³⁵⁶ These shortfalls during a period of broad economic growth lay bare the flaws of skewed state tax policies. In almost every state, policymakers exacerbate existing economic inequality with regressive tax policy, which relies on the lowest-income earners to pay the greatest proportion of their income in state and local taxes.³⁵⁷ Many states also face lower-than-expected sales tax growth because internet sales continue to grow, and online retailers are so far not compelled to collect sales taxes.³⁵⁸ States that don’t have an income tax or have a flat-rate tax system that charges CEOs the same rate as their secretaries tend to be the most regressive.³⁵⁹

Finally, many policymakers jeopardize their tax bases by cutting corporate tax rates in an effort to show general friendliness to business and by pushing through tax incentives to court specific businesses. The massive tax breaks offered by states and cities seeking Amazon’s second headquarters is just the most prominent recent example. One study of the 240 Fortune 500 corporations that both generated profits and fully disclosed their state and local income tax payments found that these companies paid state income taxes of less than 2.9 percent of their U.S. profits between 2008 and 2015, despite a statutory rate of roughly 6.25 percent.³⁶⁰

People of color experience disproportionate harm from these tax structures, as they are over-represented at the low end of the income ladder, due to historic and current policies and practices of educational and occupational segregation, discrimination, and wealth-stripping. However, non-Hispanic white people will comprise the largest single racial or ethnic group of people negatively affected. Working people shoulder an undue burden in many states’ statutory tax schemes, but they also foot the bill for aggressive corporate tax cuts. And, as states face revenue shortfalls from these ill-conceived tax policies, policymakers often cut programs that economically stabilize our lowest-income citizens and support our middle class. Then, cynical politicians will continue to misrepresent the failure of these programs—that they have in fact sabotaged—as evidence that the programs should be further limited or eliminated.

We need a *demos*-centered tax overhaul, so we can invest in the projects that will create a more equitably prosperous society.

POLLING DATA

67% OF AMERICANS
think corporations pay too little in taxes.³⁶¹

63% OF AMERICANS
think upper-income people are paying too little in taxes.³⁶²

POLICY SOLUTIONS

- **Stabilize state resources in the face of federal tax changes.** A sizable minority of states may experience a revenue “windfall” from the changes to the federal tax code; many more will not. But all states will face cuts to federal support for states and localities and federal funding of safety-net programs. In response, states should add to their rainy-day funds. Do not cut income tax rates. Limit the pass-through effects of the changes to the federal tax code by decoupling state tax systems from the federal code, so that changes to the standard deduction and estate tax (for example) on the federal level do not impact state revenues.³⁶³ Federal law makes it difficult to collect sales tax from internet retailers not physically located in a state; however,

states like New York require internet companies with in-state third-party partners to pay sales taxes. This levels the playing field for in-state retailers.³⁶⁴

- **Make income taxes more progressive.** As wealthy individuals and corporations reap dramatic windfalls under the federal tax changes, state policymakers should capture some of that windfall by raising taxes at the top of the income ladder.³⁶⁵ States without a personal income tax should institute one that takes a greater share of income from high-income households than low- and middle-income earners. States should tax investment income at the same rate as income from work. Additionally, the 32 states that do not already collect estate and inheritance taxes should enact such levies.³⁶⁶
- **Require corporations to report all profits together.** Corporations sometimes avoid taxes by reporting the profit of each subsidiary separately. Twenty-five states and the District of Columbia require combined reporting of corporate income, which requires that corporations report all subsidiary and corporate profits together and protects states against corporate tax avoidance.³⁶⁷ States that do not currently require combined reporting should enact that requirement. All states could add offshore subsidiaries in the combined reporting requirement, as a handful of states currently do.³⁶⁸
- **Attract business with investments in infrastructure and human capital, not eroding tax revenues.** Policymakers should revise their business-incentive strategy to focus on the state's investment in its human capital rather than giving away revenue to entice companies.³⁶⁹
- **Stabilize working and poor families.** By decoupling state tax systems from the federal code, states may have greater ability to protect the state-level personal and dependent exemptions, which make tax systems more progressive.³⁷⁰ By decoupling, states may be able to preserve and expand tax credit programs for low-income working families. For instance, policymakers should establish a state Earned Income Tax Credit (EITC) if they don't have one already. States with an EITC can expand it, making sure that their EITC is fully refundable and applies to both families with children and childless adults, raising the income level at which the EITC phases out, lowering the qualifying age to claim the credit, expanding the definition of work to include caregivers and students, and allowing eligible workers to request an advance of the credit or a monthly pay-out of their credit. Child and dependent-care tax credits are another vital support for working families with children. To ensure that tax credits benefit the lowest-income families, they should be made fully refundable. States that do not have refundable child and dependent care tax credit should act to establish them.

HOW TO TALK ABOUT IT

- **No matter where we come from or what our color, most of us work hard for our families. But now/today, certain Republican politicians and their greedy backers hurt everyone by handing even more kickbacks to corporations and the rich by dodging and avoiding taxes/contributing to our country.** After handing Wall Street executives billions in extra cash, they claim we're broke and demand we defund our schools and cut Medicare and Social Security for seniors. Then they turn around and point the finger for our hard times at poor families, Black people and new immigrants. We need to join together with people from all walks of life to fight for our future, just like we won better wages, safer workplaces, and civil rights in our past. By joining together, we can elect new leaders who work for all of us, not just the wealthy few.
- **Our taxes make it possible for all of us together to do what any of us alone cannot.** When we fund our public efforts and institutions adequately, we can educate our children, train our workers, care for our elderly, and treat our sick. We can build the infrastructure, provide the services, nurture the arts, and create the housing that contribute to vibrant communities and thriving businesses. We can engage other nations through diplomacy, defend ourselves and our allies from threats, and respond to emergencies at home and abroad. We can ensure that we all have what we need to thrive and—when times are hard—survive.
- **A fair tax system is the best way to pitch in together for these essential investments.** Right now, some are not paying their fair share. When big corporations dodge paying their fair share of taxes, the rest of us have to pick up the tab. At a time when our infrastructure is crumbling, when aid for public colleges and universities is being cut, and when too many Americans are being priced out of health insurance, cynical politicians beholden to wealthy donors have reduced the portion that wealthy individuals and companies pay into our shared coffers.
- **Tax policies that favor the wealthy exacerbate economic inequality and the racial wealth gap.** The median net worth of white households has ranged from 6 to 18 times the median net worth of Latino and African-American households from 1989 to 2016. Giving additional benefits to people who are already wealthy further widens this unfair economic divide.
- **We need to rewrite the rules so the rich pay their fair share in taxes and ordinary Americans get a fair shot.** This is about basic fairness. We need to turn our tax policies right side up, so we can invest in creating more prosperity for all, and more opportunities to build wealth across race and class.

- » State-level personal income taxes are associated with stronger growth. The 41 states with broad-based personal income tax systems have experienced faster economic growth over the last decade than the 9 states that lack a personal income tax. Among the 9 states with the highest personal income tax rates, GDP increased 25.8 percent between 2006 and 2016 compared to growth of just 17.4 percent in the 9 states without any broad-based personal income tax.³⁷¹
- » States that rely more on graduated personal income taxes and less on sales taxes have lower taxes for low-income families, while the wealthiest pay more. For example, in Oregon, which depends heavily on its income tax for revenue and has no sales tax, the lowest-income households pay 8.1 percent of their income in state and local taxes compared to 11.3 percent in South Dakota, which has no income taxes but does levy a sales tax. Meanwhile, the highest-income households pay a smaller share of their income in combined state and local taxes in South Dakota than in Oregon.³⁷²
- » At the federal level, the Earned Income Tax Credit is highly effective at reducing poverty and boosting the incomes of working families. In 2016, the Earned Income Tax Credit lifted 5.8 million Americans—over half of them children—over the federal poverty line. Twenty-nine states and the District of Columbia have state-level Earned Income Tax Credits that build on the success of the federal system.³⁷³

MORE RESOURCES

- » Center on Budget and Policy Priorities report on [A 4-Point Fiscal Policy Blueprint for Building Thriving State Economies](#)
- » Center on Budget and Policy Priorities report on [How Should States Respond to Recent Federal Tax Changes?](#)
- » Economic Security Project report on [The Working Families Tax Credit](#)
- » Institute on Taxation and Economic Policy [state policy page](#)
- » National Women’s Law Center report on [Making Care Less Taxing: Improving State Child and Dependent Care Tax Provisions](#)

NOTES

ESTABLISH STATE PARTNERSHIP BANKS

“It is time to bring the money home so it can build our future. We will do this by redirecting resources to a bank that is committed to making investments in and for New Jersey because it will be owned by the people of New Jersey.”

- PHIL MURPHY, GOVERNOR OF NEW JERSEY³⁷⁴

THE PROBLEM

Investment enables our communities to thrive. Whether it’s a family seeking a mortgage to buy their first home, a neighborhood business that needs a loan to grow, or a city financing a new rail project, our communities rely on investments made today to flourish in the coming years. Traditionally, banks provided these up-front investments in local businesses and public projects. In recent decades, however, policymakers deregulated the financial industry, including breaking down the wall between retail banks that serve consumers and investment banks that place risky bets on Wall Street. Traditional banking, which focused on safeguarding deposits and lending to businesses and individuals, was transformed into a high-risk, high-reward wealth machine for a tiny elite of investment bankers and money managers. High-yield investment and securities trading now dominate the banking industry, instead of lending and depository services. Not coincidentally, the U.S. financial system has become extremely concentrated, with a handful of large banks now controlling close to 60 percent of the country’s financial assets, while community banks’ share of financial assets has shrunk by more than 50 percent since the mid-1990s, to only 11 percent of total assets. Community banks are in crisis—indeed, 25 percent shut their doors between 2008 and 2015.³⁷⁵

As the broader economic recovery gained momentum in recent years, small business leaders consistently identified capital needs as a major challenge. In 2016, approximately one-third of small businesses that applied for loans did not receive them; even worse, 54 percent of minority-owned businesses reported being turned down for loans.³⁷⁶ Despite growing consumer demand, small businesses—key drivers of job creation and overall resiliency in many communities—have not had sufficient access to capital. Meanwhile, the big banks that control most of the nation’s financial capital are using it for non-productive and often destructive activities like high-speed trading and securitizing mortgage debt, which was the primary cause of the financial crisis of the late 2000s. Overall, the biggest shift has been between stock trading and business lending: Trading assets expanded by a factor of 7 between 1980 and 2012, to approximately \$35 trillion, while business lending only grew threefold, reaching about \$15 trillion over the same period.³⁷⁷

This “financialization” of our economy is crippling long-term innovation and job creation in the real economy.³⁷⁸ In many metropolitan and rural areas alike, lack of access to affordable credit and banking services cuts off low-income communities and communities of color from being able to save or build for the future. At the same time, a lack of financing undermines regional equity strategies that promote local business growth and public goods across racial and residential divides. To solve the challenges facing small businesses and low-income communities, local lending and investment must grow substantially, and structural change in the finance industry is needed. State partnership banks—publicly owned banks where states and cities deposit their own tax revenue—are part of the solution. State banks cut out the Wall Street middlemen and make more resources available for in-state financial needs such as small business loans, student loans, and infrastructure investment.

POLLING DATA

32 % OF AMERICANS
currently have confidence in banks.³⁷⁹

79 % OF SMALL BUSINESSES
in Washington State, 75% of small business in Oregon, and 72% of small businesses in Maine support the idea of a state bank.³⁸⁰

POLICY SOLUTIONS

Establish a publicly run state partnership bank to make loans that address needs in the real economy, offsetting the financial imbalances created by Wall Street. North Dakota is currently the only state with a public bank, established in 1919 as a populist counterweight to Wall Street extortion on the frontier. A number of other states and cities are considering proposals to establish a state bank.³⁸¹

Building on the North Dakota model, states should:

- **Charter a new bank entirely owned by the state.** Deposit tax revenue with the state bank rather than with outside financial institutions, which charge high fees and invest the money out of state. Appoint a board of overseers, including representatives of various interested banking and business sectors as well as diverse community leaders, to monitor the bank’s activities and fiduciary health. To avoid excessive risks with taxpayer money and the state budget, a state bank should operate like a bank and not an investment fund.
- **Use the bank to leverage and expand local lending.** The main purpose of a partnership bank is to leverage and expand community bank lending and spread risk, helping to diversify local lending and enable more equitable access to credit.

- **Provide low-interest loans.** The Bank of North Dakota (BND) successfully provides low-interest student loans and municipal loans for small infrastructure projects, allowing cities to circumvent more costly bond markets. State banks should also provide a secondary market for local home mortgage and farm loans, to help expand local lending and spread risk in these important areas for state economies.
- **Foster local ownership of banks.** Shore up local ownership of community banks by offering loans enabling state residents to purchase local bank stock. State banks can also help community banks by offering letters of credit that help them meet stringent standards for managing municipal and county deposits. City and county tax dollars are then banked locally instead of with big out-of-state banks.
- **Share benefits with the community and the state.** A state bank should be fiscally beneficial in addition to eliminating Wall Street fees. It should pay market-rate interest on state deposits and an annual dividend to the state from its lending profits. A state bank could also house a state-level disaster relief fund, to expedite relief in advance of receiving federal funds.
- **Expand lending in communities of color.** State bank policies for lending in more diverse states with high levels of economic and racial inequality should be carefully calibrated to expand lending in communities of color. This could be enabled by distributing risk across the full portfolio and by leveraging other funds, such as subsidizing interest rate discounts for higher-risk loans. Municipal loans should be concentrated in the state's poorest cities. Racial equity should be a focal point in the design and implementation of partnership lending, and mechanisms should be devised to ensure community input and oversight in the process.
- **Enlist partners in capitalizing the state bank.** States will need to find a way to capitalize a state partnership bank in its first years, in addition to accumulating annual deposits from the state; one idea is to enlist the Federal Reserve in purchasing low-interest bonds issued specifically by or on behalf of the state bank, as has also been proposed for the capitalization of federal and regional infrastructure banks.³⁸²

HOW TO GO FURTHER

A state partnership bank could provide individual depository and low-interest emergency loan services, which is not a function served by the Bank of North Dakota. Serving these functions would require significant infrastructure (such as bank branches and personnel throughout the state) and could involve competing with existing community banks rather than partnering with them. Policymakers should consider how these services would be made accessible and affordable in communities traditionally underserved by the banking system.

HOW TO TALK ABOUT IT

- **We need banks that work for people and communities, not the other way around.** Today we give our public dollars to Wall Street banks that charge exorbitant fees and don't invest in our communities, infrastructure, or small businesses. A state bank will put our public dollars to work for all of us.
- **Instead of serving the interests of private shareholders, a state bank will serve the public interest and be accountable for community needs and goals.** Rather than paying dividends to shareholders like the Wall Street Banks do, a state bank pays its dividends back to the state, helping to stabilize the public budget to fund community needs like education, medical care, and transit.
- **State banks support community businesses.** Small businesses struggle to find the credit they need to expand because Wall Street banks are focused on trading and larger investments with a higher short-term payoff. State banks can fill the gap by expanding the volume and diversity of local lending, enabling a local hair salon to expand or a popular restaurant to open a second location.
- **In North Dakota, the state bank helped communities through the financial crisis.** In the one state that has a state bank, North Dakota, not a single bank failed during the Great Recession and availability of credit for small businesses actually expanded. A state bank can help a state and its local economies be “financial crisis-proof.”

HOW IT WORKS

- » A state bank helps create jobs by expanding community banking and small business growth in the state economy. North Dakota has 4 times as many community banks per capita compared to the national average.³⁸³ Community banks hold 60 percent of North Dakotan deposits, compared to only 16 percent nationally. Lending volume per capita by community banks in North Dakota is about 4 times as large as the national average for community banks. North Dakota has had consistently low unemployment over many years, and this is not solely due to the energy boom; neighboring states with similar economies, such as Montana and Wyoming, typically have higher unemployment.
- » State banks strengthen local economies by expanding small business lending. North Dakota is a leading incubator of successful business startups, ranking first in access to financing and overall best state to start a business in one 2017 study.³⁸⁴ Estimates show that comparable state bank performance in a bigger state, such as Washington, would

Continued next page

generate approximately \$2.6 billion in additional business lending and would create or retain more than 8,000 small business jobs in a single year, and more than \$200 million in new state revenue over 20 years.³⁸⁵ A state bank can also help to diversify community bank lending by distributing risk, potentially expanding affordable credit to businesses in traditionally underserved communities.

- » State banks make municipal financing for infrastructure, school construction, and other public goods less costly compared to Wall Street financing.³⁸⁶
- » A state bank is a buffer against the business cycle, insulating local banks and small businesses from volatility in the broader financial system. During the financial crisis, local banks in North Dakota were able to turn to the Bank of North Dakota, which took unpaid loans off their books and injected new equity into the banks with its bank stock loan program (not a single North Dakota bank failed in the financial crisis of the late 2000s).
- » A state bank benefits the state by paying market-rate interest on state deposits and a yearly dividend from its lending profits, in addition to eliminating Wall Street fees. Between 1995 and 2014, the BND paid dividends to the state totaling nearly \$400 million out of approximately \$950 million in bank profits.

MORE RESOURCES

- » Institute for Local Self-Reliance [resource page on state banks](#)
- » Dēmos report on [How Mainstream Partnership Banks Can Improve Local Economies](#)
- » Dēmos policy brief on [How State Banks can Reduce Student Debt](#)

NOTES

DEMOCRACY
POLICIES

SHARING THE VISION OF A STRONGER, MORE INCLUSIVE DEMOCRACY

“What’s at stake today is the very shape and structure of our democracy: the way we make decisions about everything from who gets health care to whether a family with a full-time worker will live in poverty; and whose voices are heard in that process.”

— HEATHER MCGHEE, DISTINGUISHED SENIOR FELLOW, DĒMOS³⁸⁷

Americans overwhelmingly agree that our democracy is out of balance and needs fundamental change; they are more united on this than perhaps any other issue.³⁸⁸ While our intuitive sense that our democracy is not working for all of us can make us cynical, the truth is there are solutions to create more access to democratic participation and fair representation, and these solutions are both popular and energizing.

HONING PUBLIC SUPPORT OF SOLUTIONS FOR A STRONGER DEMOCRACY

- » **Vision.** Begin and end with a vision for a more inclusive, representative democracy. Root the vision in shared values like freedom and equality.
- » **Problem.** Demonstrate that you, like so many of Americans, understand that our democracy and our economy are not working for all of us. Tie the problems in our democracy with people’s everyday lives and the issues they care about and point to special interests backed by big money as “villains,” using specific examples.
- » **Solutions.** Most importantly, focus on solutions and how they lead to a shared vision and values. Talking about solutions for a stronger democracy can help turn people’s cynicism into action.

Source: *ReThink Media, Moving Americans to Action: A Message Guide For Democracy Advocates*, [here](#).

A VISION ROOTED IN SHARED VALUES

To build an economy that works for all of us, and not just the wealthy few, we must build a democracy in which we all truly have an equal say in the decisions affecting our lives, and elections are free, fair, and accessible. We can build an inclusive democracy that represents we the people, not just the wealthy special interests; in which people of all walks of life can run for office—and win; where everyone’s voice is heard, everyone’s freedom to vote is respected, and “one person, one vote” is a reality. Building a more representative democracy will help us build power to advance and accelerate economic, racial, and environmental justice.

THE PROBLEM: DEMOCRACY OUT OF BALANCE

Right now, our democracy is out of balance, and we all pay the price. A powerful donor class comprised of wealthy individuals and corporations has more say than everyday Americans. Individuals in this donor class are much wealthier, whiter, and more likely to be male than Americans as a whole. And, they have staunchly different political views, particularly on how to structure our economy or how to prioritize issues facing communities of color.³⁸⁹ When an unrepresentative donor class drives public policy based on their interests, people of color, women, immigrants, and working and poor people bear the brunt of the costs. While wealthy donors from the financial, pharmaceutical, fossil fuel, and private prison industries reap the benefits of policies designed to maximize their profits, marginalized communities experience the consequences—in the form of evictions and foreclosures, poor health and environmental injuries due to pollution and carbon emissions, and overflowing prisons that are packed disproportionately with people of color.

Communities of color are often harmed in policy *and* politics. Political parties and other civic institutions disinvest from black and brown voters. As Michelle Tremillo, Executive Director of Texas Organizing Project has described, “You can walk through our neighborhoods and never know it was an election year.” With elections dominated by big money, people who do not have access to wealthy donor networks struggle to run for office and win. Centuries of race-based exclusion in our democracy and our economy make it even harder for candidates of color: 90 percent of elected officials in America, from the county level up to Congress, are white, although more than 37 percent of Americans are people of color; and state legislative candidates of color raise significantly less money than white candidates when they run for office.³⁹⁰

Once elected, politicians backed by wealthy special interests change the rules of the game to try to stay in power. Politicians manipulate voting maps and draw district lines in ways that will keep themselves, their parties, and their predominantly white, male donors in power. States remove eligible Americans from voter lists when they have not voted in a few elections or cannot be reached by mail. From the beginning of our democracy until today, wealthy special interests

have backed state efforts to restrict people’s freedom to vote, especially for black Americans and communities of color.³⁹¹ Consistently—and with “almost surgical precision,” in the words of one federal court—these attacks on the freedom to vote disproportionately hurt people of color.³⁹² So despite game-changing advances in technology that could make voting more convenient, exercising our fundamental freedom to vote has become even harder in some states.

The result is a democracy fundamentally out of balance, which an overwhelming majority of Americans recognize. The imbalance and inequalities in our democracy play out in an economy that does not work for all of us.

SOLUTION: BUILD AN INCLUSIVE, REPRESENTATIVE DEMOCRACY

We can bring our democracy into balance. As this section of this briefing book discusses, we can:

- Shift power from a wealthy, disproportionately white donor class to the people, by empowering small-dollar donors and the candidates they support and reining in the outsized influence of wealthy donors and corporations.
- Advance and expand the freedom to vote, by modernizing our voting and election systems and making them more accessible, and by abolishing laws that disenfranchise people convicted of felonies and restoring the right to vote to people who have been disenfranchised by these laws.
- Make our democracy more representative by creating fair voting maps, honoring the popular vote, and taking other steps to make elected officials more responsive and accountable to a broader range of people.

Together, we can build an inclusive democracy that is of, by, and for the people.

STAYING GROUNDED IN THE VISION

People who want to keep democratic power concentrated in the hands of the wealthy few have long framed democracy issues in ways that stoke people’s fears, drive misinformation, and leverage racialized dog-whistles. One need only consider the false claims of illegal voting in the last presidential election for an example. Therefore, proponents of a robust and inclusive democracy must be wary of talking about these issues in ways that can trigger these responses and inadvertently move the public toward restrictions that make it harder to vote (and especially harder for communities of color).³⁹³ For this set of issues, messaging guidance based upon available polling suggests it is best to avoid these framings altogether.³⁹⁴ Focusing on shared values, and on solutions that will strengthen our democracy, is the best way to hone public support for democracy reforms.

CAUTIONARY NOTE

Polling on democracy issues has historically surveyed respondents who have voted or who are registered to vote. By focusing on voters, many polls exclude the nearly 40% of Americans who did not vote in the most recent presidential election. And, because of a long history of racialized advantages and disadvantages in voting and voter registration, focusing on voters and people who are registered to vote also has racial equity implications, since communities of color face more structural barriers to participating. For these reasons, more inclusive opinion research is needed, and advocates should approach democracy messaging guidance critically—especially when working to mobilize populations that are underrepresented on the voter rolls.

- **Avoid discussing problems facing our democracy in a way that is too partisan or academic.** It can be alienating to everyday people. Terms like “voter suppression” are unclear and sound partisan, which can make people cynical.³⁹⁵ In this area, pointing to studies or empirical evidence can actually make people *less* likely to agree with you. For example, pointing to studies showing that voter fraud is incredibly rare makes people even less likely to believe that voter fraud is incredibly rare. However, pointing to court cases protecting the freedom to vote can be an effective way to validate your message.
 - **Instead, tap into shared values like fairness and equal access, and connect the problems facing our democracy with issues that are important to everyday people.**
- **Avoid framings that make people cynical or afraid, including:**
 - Corruption.** Corruption has been at the center of many conversations about money in politics, and Americans overwhelmingly agree that our government is corrupt. However, over-emphasizing the corrupting influence of money in politics leads people into a “vortex of despair”: when people become so cynical they believe the problems facing our democracy are not solvable.³⁹⁶ Here, we can learn a lot from Organization for Black Struggle (OBS), whose work includes canvassing in resource-poor wards in St. Louis. When OBS organizers meet community members with empathy and shared values, it creates pathways for talking about measurable solutions, like raising the minimum wage. The same is true when talking about our democracy. Centering shared values and solutions can move people from cynicism into action.
 - **Instead, focus on solutions that will help us create a democracy where we all have an equal say over the decisions that affect our lives.**

“Fraud.” Unfortunately, there is widespread misinformation about the prevalence of voting errors in the United States. Most Americans believe that voter fraud is a growing problem. Polling also indicates that majorities support voter ID and documentary proof of citizenship requirements, even though these restrictions hurt people of color, trans and queer people, elderly people, low-income people, and people with disabilities most. The specter of fraud is rooted in fear of the “other,” and it’s best to avoid engaging about “fraud” at all.

- **Instead, express our shared desire for elections that are free, accessible, and secure, and pivot to solutions to bring our democracy into balance (which move people to action, not fear).**
- **Use caution when talking about the real need to make our elections more secure.** Most Americans are rightly concerned about hostile regimes exerting influence on our elections. This may present opportunities to pass election security measures or bans on campaign spending by foreign corporations. But we must bear in mind that nearly 50 percent of Americans falsely believe that “millions” of individuals “voted illegally” in 2016. Public fear around election “security” and “foreign interference” can also corner us into talking about “fraud,” which is damaging for reasons noted above. This rhetoric can also fuel state attacks on the freedom to vote and undermine long-term efforts to build a more inclusive democracy through measures like expanding the franchise to people who have been criminalized by our justice and immigration systems.
 - **Cite specific threats (such as attempts by the authoritarian Russian regime to sow discord and influence the 2016 election) rather than vilifying “foreigners” generally.**
 - **Focus on solutions to advance election and voting protections and technologies, *without* vilifying outsiders—and emphasize a vision of a stronger and more inclusive democracy. In the long run, we want to build a democracy rooted in shared values, not in fear of outsiders.**

MORE RESOURCES

- » Women’s Donor Network webpage [Who Leads Us?](#)
- » ReThink Media message guides for [democracy advocates](#); [environmental advocates](#), and [voting rights messaging](#)
- » The Brennan Center for Justice resource page on [new voting restrictions in America](#)
- » Free Speech For People and Dēmos report on [centering marginalized communities: a framework for intersectional money-in-politics events](#)



REDUCING THE INFLUENCE OF BIG MONEY IN POLITICS

148 Center Constituents and Small Donors through
People-Powered Election Campaigns

156 Rein in Wealthy Donors and Corporations

CENTER CONSTITUENTS AND SMALL DONORS THROUGH PEOPLE-POWERED ELECTION CAMPAIGNS

“You start to see really quickly how the ability of people to support you morally and with their vote ... outstrips their ability to support you financially, [which] makes all the difference in the world. And how people who love what you’re saying downgrade you as a candidate because they don’t think you have enough money: ‘I love what you’re saying, but you can’t win.’”

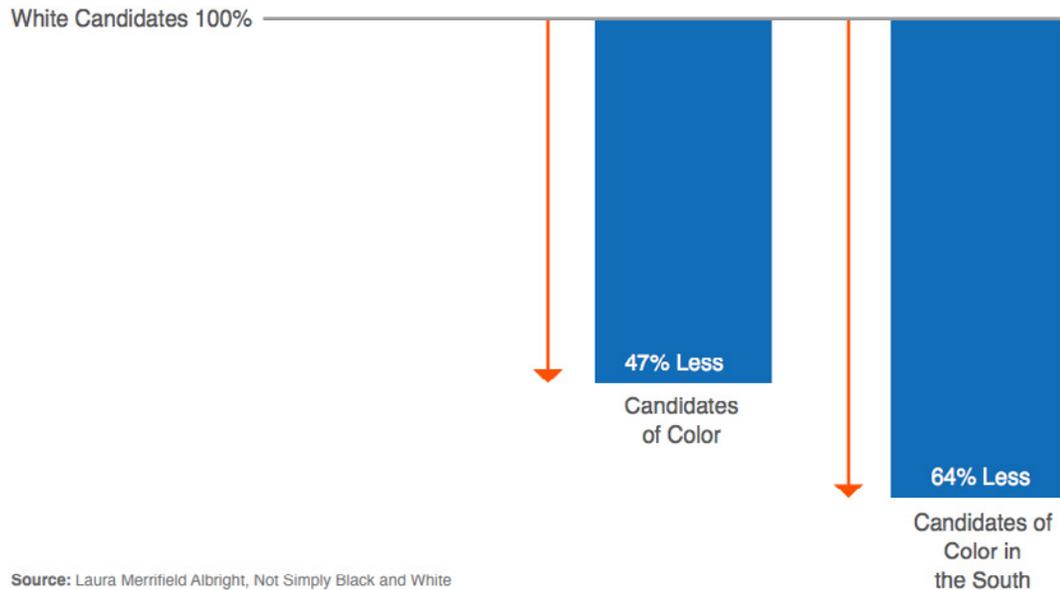
—EUGENE PURYEAR, JUSTICE FIRST,
SPEAKING AT A COMMUNITY MEETING ON D.C. FAIR ELECTIONS³⁹⁷

THE PROBLEM

We need to build a democracy where everyone’s freedom to vote is respected, every vote is counted, and everyone—from any walk of life—can run for office and win. Too often, the strength of a person’s voice in our democracy is determined not by the power of their ideas but by the size of their wallet. Big money in politics keeps many qualified candidates out of office, because running for office without the advantage of fundraising or incumbency is extremely difficult. In 2015-2016, state legislative candidates who lacked the advantage of fundraising or incumbency only won their races 9 percent of the time.³⁹⁸

Because running for office is so expensive, wealthy individuals and corporations who can spend big money on state elections and campaign donations have the largest say in who runs for office—and who wins.³⁹⁹ These donors are disproportionately wealthy, white, and male, and hold demonstrably different views and priorities than the rest of us, especially about how we structure our economy.⁴⁰⁰ Many qualified people who do not have access to wealthy donor networks decide not to run for office at all; not surprisingly, these could-be candidates are disproportionately people of color.⁴⁰¹ And, because of a long history of race-based exclusion in our economy and our democracy, candidates of color often raise less money when they do run.

Candidates of color raise 47% less than white candidates overall, and 64% less than white candidates in the south (in 2006 state legislative races)



In a system dominated by big money, many Americans feel unrepresented.⁴⁰² From the county level up to Congress, 90 percent of our elected officials are white (65 percent are white men), while nearly 40 percent of the country are people of color. Women of color are the most underrepresented group in the halls of power: though they make up 19 percent of our national population, women of color account for just 4 percent of all elected officials.⁴⁰³ In some states, the numbers are even more abysmal. For instance, white men account for 28 percent of the state of New York’s population, yet make up 74 percent of its elected officials.⁴⁰⁴ Though 43 percent of New York’s population are people of color, only 8 percent of its elected officials are—and just 3 percent are women of color.⁴⁰⁵

When financial barriers keep everyday Americans from running for office, we all pay the price with a government that is unresponsive to the voices of the people. Instead, a small, wealthy donor class determines what issues receive attention and what policies become law—or do *not* become law, in the case of policies like raising the minimum wage.⁴⁰⁶ In fact, a Princeton political scientist determined that “under most circumstances, the preferences of the vast majority of Americans appear to have essentially no impact on which policies the government does or doesn’t adopt” and “patterns of responsiveness . . . often correspond more closely to a plutocracy than to a democracy.”⁴⁰⁷

We can change who has access to power in our democracy. We can create people-funded elections that break down financial barriers to running for office and make room for community leaders who have a lot of popular support but don't have access to big money. By creating robust small-donor empowerment programs, we invest in the democracy we want, so that people from all walks of life can have an equal chance to participate. This is especially true when public financing programs are designed with input from communities that have historically been left out of the process.

POLLING AND DATA

85% OF AMERICANS believe we must “fundamentally change” or “completely rebuild” the current system of funding political campaigns.⁴⁰⁸

72% OF DEMOCRATS AND **62% OF REPUBLICANS** support “citizen-funded” elections that match small-dollar donations using public funds.⁴⁰⁹

63% OF SEATTLE RESIDENTS AND **52% OF SOUTH DAKOTA RESIDENTS** have voted to adopt voucher programs through ballot initiatives. In South Dakota, support for the measure was even higher in the top 5 majority-Native American counties (ranging from 54-71%).⁴¹⁰

POLICY SOLUTIONS

Bring our democracy into balance by creating fairer ways to fund election campaigns. The best way to do this is to empower voters and small donors by providing adequate public funds for public election campaigns.

To be successful, a public financing system must be:

- Well-funded and designed to allow candidates to run robust campaigns at every stage of the election cycle—from before the primary, to the days leading up to the general election.⁴¹¹
 - ✓ Resource the program and index funding to inflation or other indicia—such as an average of prior fundraising totals across election cycles, or the number of residents—to keep the program relevant over time.
- Designed to increase the participation and importance of small-dollar donors, including from communities of color and other historically underrepresented communities.

- ✓ Limit participating candidates from accepting large donations and donations from corporations, or from spending large amounts of their own or their families' funds.
- ✓ Use multiple types of public funding, including:
 - Public funding to match small-dollar donations, which amplifies the voices (and dollars) of low- and middle-income Americans.
 - Seed-money grants that allow candidates to get their campaigns running.
 - Vouchers (or “credits”) for residents to donate to campaigns, which encourage candidates to engage all residents, including those who lack disposable income (who are disproportionately people of color, trans and queer people, immigrants, and people with disabilities).
- Inclusive of many candidates and communities.
 - ✓ Offer public funding to candidates for any election in which fundraising might be a barrier to running, including in general, primary, and special elections.
 - ✓ Offer public funding to Independent and third-party candidates.
 - ✓ Design programs with input from community members and community-based organizations, who will be instrumental to successfully implementing the program.
 - ✓ Include a wide range of offices in the system, from district attorney to governor and state legislator, where feasible.

States can take other low-cost steps to empower small donors:

- Create small-donor committees to amplify the voice and resources of everyday people in elections. These committees accept and pool only small contributions in order to distribute larger donations to candidates, parties, or other committees.⁴¹²
- Ensure that existing campaign finance laws are inclusive of unbanked and underbanked households, which rely more on financial services loaded with hidden fees like prepaid credit cards and payday loans.⁴¹³ For these Americans, requiring political donations made by check, credit or debit card can be a barrier to participating. States should be inclusive about the forms that donations can take, including by allowing small cash contributions.⁴¹⁴
- Raise the minimum wage and ensure fair scheduling, so that more people are able to make small contributions to the candidates of their choice.

HOW TO TALK ABOUT IT

- **We need a government of, by, and for the people, not a skewed system where the strength of our voices depends upon the size of our wallets.**
- **In America, people from any walk of life should be able to run for office and win, not just those with access to wealthy donors.** When a political donor class that is whiter, wealthier, and more male than the rest of us calls the shots, the result is a democracy that is not reflective of we the people.
- **The need to raise large amounts of money prevents many qualified people from running for office.** Well-funded public financing programs strengthen democracy by reining in the influence of big money in elections, amplifying the voices of everyday people, and breaking down barriers to running for office.
- **Programs that empower small donors transform how people run for office, and win.** They allow candidates and elected officials to spend more time with constituents, hearing their issues and priorities, and less time with big donors—including big donors who don't reside in the candidate's district. By replacing large contributions from moneyed special interests with small contributions from everyday Americans, we can make every voice count.
 - **Tip:** Identify specific industries and special interests that dominate elections in your state. Small donor public financing of elections would help shift power away from these special interests, to the hands of the people.
- **Small donor programs (including voucher programs) empower people who better represent the population as a whole.** In today's climate, big donors with bigger wallets drown out everyday people, especially people of color.
- **Successful programs in place right now are working to increase the importance of small donors, and to create racial, class, and gender diversity among donors and candidates.** The cost of these programs is a minor investment compared to the state's overall budget, and a critical investment in a fairer democracy.

HOW IT WORKS

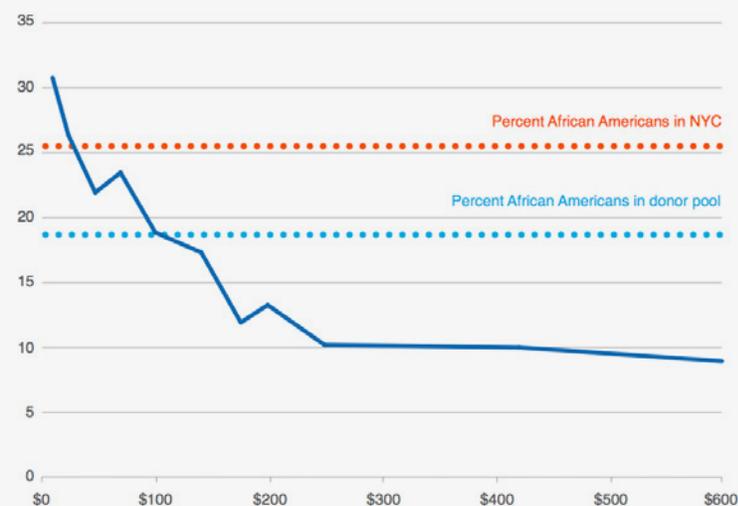
- » More than 28 state and local jurisdictions have public financing of elections.⁴¹⁵ Successful programs empower everyday people to participate in our democracy in new ways, reduce the influence of big money, and make small-dollar contributions more important.
- » Seattle's first-of-its kind "Democracy Voucher" program provides eligible residents with 4 vouchers of \$25 each, which they may direct to the participating candidate(s) of their

Continued next page

choosing. In its first year, the program has brought new candidates and donors into the democratic process. The three candidates running for City Council under the program swept their races while running campaigns focused on small donors.⁴¹⁶ The program has already increased small-donor participation to historic levels.⁴¹⁷

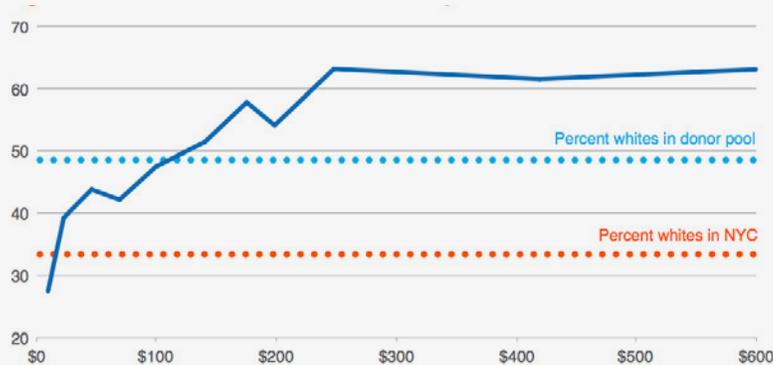
- » In 2017, South Dakotans voted to enact a similar measure, including a public financing program that provided 2 \$50 “credits” to residents to contribute to participating candidates. When implemented, the program is predicted to increase the role of small contributors and make the pool of South Dakota political donors more diverse and more representative of the state’s population (which is 9 percent Native American).⁴¹⁸ Unfortunately, for the time being, the South Dakota legislature has blocked the initiative.⁴¹⁹
- » Participants in Connecticut’s statewide Citizens’ Elections program receive contributions from a wider set of donors than candidates who do not participate, because they need a minimum number of in-district donors to qualify for a public grant. Passing the program helped build the people power necessary to pass progressive state reforms—including the first paid sick leave bill in the nation.⁴²⁰ Maine and Arizona have similar programs, and Maine voters recently strengthened theirs through a 2015 ballot initiative.
- » New York City’s program matches contributions up to \$175 from residents to participating candidates at a rate of 6-1. By amplifying small-donor voices, the program also advances racial equity, since small-dollar donations are much more reflective of the city’s racial diversity than large donations (which tend to come predominantly white neighborhoods).⁴²¹

African American share of contributions by donor level



Source: Public Campaign 2009 New York City elections and Census demographic data.
 Note: This figure by Public Campaign and Demos.

White share of contributions by donor level



Source: Public Campaign 2009 New York City elections and Census demographic data.
Note: This figure by Public Campaign and Demos.

The program helped Tish James run for office and get elected as Public Advocate, the first woman of color ever elected to a city-wide position in New York City.⁴²² Overall participation rates are high: In 2017, the mayor and 7 of the 10 City Council winners used the program to run for office.⁴²³

Stay Tuned: Washington, D.C.'s recently-enacted Fair Elections program

Instead of matching small contributions at a rate of 6-1 like New York City's program, the D.C. program will match small contributions to participating candidates at a rate of 5-1 and provide candidates with seed-money grants ranging from \$10,000-\$160,000, depending on the office. This hybrid system was designed to advance racial equity across the District, and to allow participating candidates to run viable campaigns at every stage of the election cycle. The program will provide funding to qualifying participating candidates for Mayor, Attorney General, City Council (at-large and ward), and D.C.'s Board of Education (at-large and ward).

MORE RESOURCES

- » Dēmos report on [designing public financing systems to advance equity and independent political power](#)
- » Dēmos explainer on [public funding for electoral campaigns](#)
- » The Movement For Black Lives resource page on [money-in-politics reforms](#)
- » Every Voice briefing book for candidates on [connecting with voters on money in politics](#)
- » The Brennan Center for Justice report on [small donor public financing](#)
- » Campaign Legal Center & Issue One report on [citizen funding of elections](#)
- » Every Voice & Win/Win Network overview of [Seattle's Democracy Voucher program](#)

REIN IN WEALTHY DONORS AND CORPORATIONS

“When we get big money out of state politics, candidates work to win our votes, debate the issues, and represent us—their constituents.”

—REVEREND STARSKY D. WILSON, DEACONESS FOUNDATION,
PASTOR OF ST. JOHN’S CHURCH, SPEAKING IN FAVOR
OF THE CLEAN MISSOURI INITIATIVE⁴²⁴

THE PROBLEM

Americans agree that our government should be of, by, and for all the people, not just the wealthy few. But across the country, wealthy donors and corporations pour millions of dollars into state elections, running roughshod over the will of the people. Much of the blame lies with the Supreme Court. For decades, the Court has narrowly framed the problem of big money in politics as only about corruption or the appearance of corruption, and *not* about equality, representation, or the broader threat to democracy when wealthy interests can translate economic might directly into political power.⁴²⁵ Against all experience to the contrary, the Court has insisted that big money is not problematic if it is spent by donors themselves (rather than given to the candidates those donors support). As a result, wealthy donors can funnel unlimited sums of money into elections, including through groups called “Super PACs.” Although Super PACs are deeply unpopular, Super PAC spending is increasingly flooding into state and local elections.⁴²⁶

Part of the responsibility rests with states. More than half of all states allow corporations to contribute directly to candidates, a practice that is prohibited in federal elections and that decreases the role that actual human beings play in funding elections.⁴²⁷ In addition to corporations, ultra-wealthy individuals can easily out-fundraise and outspend everyday Americans. In 11 states, there are no limits on how much wealthy people can contribute to candidates or political committees.⁴²⁸ Allowing wealthy donors to contribute tens of thousands—or even millions—of dollars makes state elections less competitive and makes it harder to disrupt the status quo or hold elected representatives accountable.⁴²⁹ Further, despite the influx of Super PAC and other big spending at the state and local levels, in most states, it’s impossible for the public to see where the money is really coming from.⁴³⁰ Weak enforcement is also a problem: Nearly 1 in 3 state legislators are aware of at least one intentional violation (either in their campaign or in others’) of campaign finance laws in their states.⁴³¹

Wealthy donors who fund political campaigns are not just richer, whiter, and more often male than the rest of us; they also have very different views and priorities, especially about how to

structure our economy and how to prioritize the issues that matter most to communities of color.⁴³² Although they do not represent the breadth of the American *demos*, our policies and laws nonetheless overwhelmingly address the concerns of the donor class, while crucial problems affecting everyday Americans are overlooked.⁴³³

When our government's choices reflect the will of wealthy special interests instead of the will of the people, we all pay the price. Historically marginalized communities bear the brunt of the consequences of this imbalance: diminishing job quality and standards, while wealth accrues to the top 1 percent; deteriorating public infrastructure, while oil pipelines are built at the expense of the environmental health of Native Americans and other communities of color; and decreasing investments in education and social services, while public spending on incarcerating people in private prisons increases. A private prison company invests lobbyists and thousands of dollars in Arizona elections, and the state's private prison industry booms—despite increased rates of violence associated with for-profit prisons, where inmates of color are more likely to be confined.⁴³⁴ An oil company donates millions of dollars to candidates for state elections, overpowering the voices of the communities that experience higher rates of cancer, asthma, birth defects, and lung diseases, in addition to substantial economic and environmental injuries, from living near the company's oil refineries.⁴³⁵

We can reverse course and build a democracy where we all have an equal say over the decisions that affect our lives—and the vast majority of Americans agree with this goal.

POLLING AND DATA

> 80 % OF AMERICANS agree that corporate political spending drowns out the voices of everyday people.⁴³⁶ Across political parties, a supermajority of **94%** believes that money in politics and wealthy donors are sources of political dysfunction.⁴³⁷

85 % OF AMERICANS believe we must “fundamentally change” or “completely rebuild” the current system of funding political campaigns.⁴³⁸ And, across educational and partisan categories, majorities say that new laws can be written to effectively reduce the role of money in politics.⁴³⁹

60 - 70 % OF AMERICANS consistently support limits on what individuals, corporations, and unions can contribute to campaigns.⁴⁴⁰

60 - 78 % OF AMERICANS also consistently support a constitutional amendment to overturn the Supreme Court's ruling that has allowed outside groups, corporations, unions, and wealthy individuals to spend unlimited amounts of money on elections, and to allow Congress to limit the amounts these groups can spend on elections.⁴⁴¹

POLICY SOLUTIONS

Create a democracy that works for everyone by reining in the oversized influence of an ultra-wealthy donor class.

- **Limit contributions to candidates and political committees, taking into account what every-day people can afford to give.** For examples of reasonable contribution limits, look at [Alaska](#) (for individuals, \$500/calendar year to candidates and political committees) and [Colorado](#) (for individuals, \$575/election for statewide candidates and political committees, \$200/election for legislative candidates, but with doubled limits for candidates who agree to voluntary spending limits and who face high-spending opposition).
- **Ban corporations from directly contributing to state candidates.** This is the practice at the federal level and in more than 20 states.⁴⁴² Minimally, corporations should face the same contribution limits that state residents do.
- **Rein in sham vehicles for big-money spending, including Super PACs.** Require Super PACs and other spenders that raise money to spend on state elections to file state disclosure reports. [California](#) does this whenever a Super PAC or other spender raises more than \$2,000 to spend on California elections. States desiring to lead the way forward can also ban sham Super PACs that are really only established to elect a single candidate.⁴⁴³
- **Strengthen disclosure requirements and enforcement.** Update archaic disclosure systems to provide constituents with a more complete picture of money spent on elections in real time, and strengthen enforcement to help create accountability. Disclosure requirements should apply to all organizations and corporations spending substantial sums on elections (not just PACs and Super PACs), *and* all groups that *donate* to spender groups.⁴⁴⁴
- **Advocate that your state's U.S. Senators only confirm nominees to the Supreme Court who are open to limiting the influence of big money in our democracy.** Ask your Senators to join the growing number of [Senators](#) who take a Supreme Court nominee's position on money in politics into account when deciding how to vote on the nomination.
- **Advance a resolution calling to amend the U.S. Constitution to restore power to the people.** Join the [19 states](#) (and more than 750 local jurisdictions) that have passed resolutions calling for a Twenty-eighth amendment to override the Supreme Court's pro-big money understanding of our constitution.

HOW TO TALK ABOUT IT

- **Our democracy is out of balance.** Big money yells the loudest, and the voices of everyday Americans are drowned out. We need a government that is of, by, and for the people. For

instance, when government is in the hands of big polluters and the fossil fuel industry, the voices of communities of color facing environmental injustices are ignored. To protect our communities and our environment, we need to ensure that every voice counts, not just the voices of oil companies and other wealthy interests funding political campaigns.⁴⁴⁵

- **Our government should be responding to all Americans, not just ultra-wealthy donors.** We can bring our democracy into balance by making it more inclusive and representative. We can multiply the power of everyday Americans by creating public financing of elections and setting reasonable limits on how much outside groups, corporations, unions, and wealthy individuals can contribute to political campaigns.
- **We can rein in Super PACs and other big spenders and require them to disclose the wealthy donors funding them.** Americans should be able to easily look up candidates, online and in real time, to see who has spent money for that candidate, both during the election and afterwards. Politicians who break the rules should be held accountable.
- **Creating a democracy that works for all of us will help create an economy that works for all of us.**

Tips for framing:

- Open and close with an aspirational message of a democracy in which we all have an equal voice and an equal say. Along the way, show that you understand the problem, but most importantly, emphasize the solutions that will bring balance to our democracy.
- While Americans overwhelmingly agree that our government is “corrupt,” overemphasizing the corrupting influence of money in politics builds on people’s existing cynicism about government and viable solutions and leads the public into what some term a “vortex of despair.”⁴⁴⁶ Instead, describe a vision of an America where we all have an equal voice and an equal say, and focus on solutions to bring our democracy into balance.
- Tie the problem of big money in politics to issues that people already care about, to show the price we pay for a big-money democracy. It’s helpful to point to specific, big-money villains—which might be big polluters and the fossil fuel industry, real estate developers, big Pharma, or something else.
- Note the communities that are most directly impacted, and particularly historically under-represented communities.

HOW IT WORKS

- » Lower contribution limits offset incumbent advantage, help challengers compete for office, and help make elections fairer.⁴⁴⁷ Contribution limits are a very popular solution and can help address a valid public perception that our democracy is broken. For instance, the Illinois legislature passed contribution limits after former Governor Rod Blagojevich was convicted on public corruption charges.⁴⁴⁸
- » In states where corporations are prohibited from making political contributions, a larger portion of all candidate contributions come from human beings (as opposed to entities like PACs or nonprofit corporations).⁴⁴⁹
- » Legislators in states with random campaign finance audits, and in which candidates must disclose detailed “substantive information ... with relative frequency” are more likely to view their state’s campaign finance enforcement regime as effective.⁴⁵⁰
- » Thanks to the California DISCLOSE Act, Californians now have a more complete picture of who is influencing their elections.⁴⁵¹ The law creates a follow-the-money disclosure system that allows the public to see where money originated: not just the obscurely-named nonprofit where it ended up.⁴⁵² The law also requires a disclaimer to be made in the beginning of political advertisements (whether by TV, radio, internet, etc.) to disclose the advertisement’s top 3 funders.

MORE RESOURCES

- » ReThink Media message guides for [democracy advocates](#) and [environmental advocates](#)
- » Dēmos reports on the impact of [racial bias in our big-money political system](#) and the distorting influence of the [political donor class](#) in our big-money elections
- » [Testimony of Dēmos President Heather McGhee](#) before the Senate Judiciary Committee, opposing the confirmation of Neil Gorsuch to the Supreme Court
- » Every Voice briefing book for state and local candidates on [connecting with voters on money in politics](#)
- » Movement For Black Lives on [money-in-politics reform](#)
- » [Graphic](#) from Women’s Donor Network connecting the problem of underrepresentation with key issues
- » To conduct research on money in state elections, visit [FollowTheMoney.org](#)
- » To view existing state contribution limits, including corporate contributions, see the National Conference of State Legislatures, [State Limits on Contributions to Candidates, 2017-2018 Election Cycle](#)



**VOTE
HERE**

POLLING PLACE

ADVANCING AND EXPANDING THE FREEDOM TO VOTE

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MODERNIZE VOTER REGISTRATION

“I challenge every other state in this nation to examine their policies and to find ways to ensure there are as few barriers as possible for citizens’ right to vote.”

— OREGON GOVERNOR KATE BROWN, WHEN SIGNING AUTOMATIC VOTER REGISTRATION INTO LAW⁴⁵³

THE PROBLEM

Voting is critical to the health of our democracy. Voter registration is the on-ramp to participating in elections, but the registration system can be complicated and daunting, and does not ease participation in our democracy. Initiating or updating voter registration is often a serious roadblock for people who move frequently, those who speak English as their second language, individuals with disabilities, and people whose backgrounds and educations may not have exposed them to the voting process.

Nearly 1 in 4 eligible voters in the United States is not registered to vote.⁴⁵⁴ Lower registration rates among historically marginalized communities today reflect the long history of exclusion from our democracy. For example, the registration rate for eligible Latinx voters in 2016 was just 57 percent, nearly 20 points behind the registration rate for whites.⁴⁵⁵ Low-income Americans are also disproportionately impacted. Unregistered individuals in households making less than \$15,000 per year are twice as likely as those making \$75,000 or more to say they are not registered to vote because they do not know how or where to register.⁴⁵⁶

More than 60% of eligible voters report having never been asked to register to vote.⁴⁵⁷ This means that for the majority of eligible voters, the burden of navigating complicated voter registration procedures is on them. Arbitrary voter registration deadlines and outdated voter registration systems that rely on paper application forms add unnecessary layers of red tape and confusion to the process in many states. In states with voter registration cutoffs, even if a would-be voter tracks down a voter registration application, they may not realize that they will not be added to the rolls or permitted to vote if they register after the cutoff date. Often these deadlines come well before election season reaches its peak in the weeks leading up to the general election, when campaigns and news around an election are heating up and interest in the election is higher.⁴⁵⁸

Our antiquated voter registration systems lead to problems for Americans who are already registered as well. People who register in advance of an election can find themselves left off the rolls when they show up to vote, due to mistakes in processing from illegible handwriting, outdated scanners, and human data entry errors. People who have moved are often surprised to show up to the polls only to discover they are not on the voter roll because their voter registration did not move with them. Between 2011 and 2012 alone, 22 million voting-age Americans moved within their state, many not knowing they were required to re-register to vote at their new address.⁴⁵⁹

Registering—and staying registered—to vote does not need to be this hard. That’s why a growing number of states are adopting pragmatic, bipartisan reforms to modernize voter registration infrastructure to ensure that every eligible voter has an equal opportunity to exercise her fundamental right to vote.

POLLING AND DATA

54 % OF AMERICANS support automatic registration,⁴⁶⁰ where government agencies like the DMV register eligible citizens to vote after confirming their eligibility based on information they are already receiving.

55 % OF AMERICANS support laws that allow people to register to vote on the same day they cast their ballot.⁴⁶¹

POLICY SOLUTIONS

Modernize voter registration to remove red tape and make it cost effective, accurate, and secure.

- **Offer an *accessible*, online registration system where eligible people can register to vote, update their voter registration, and check their voter registration status.** As of the end of 2017, 37 states and the District of Columbia offered online voter registration (OVR),⁴⁶² and most states have some means for voters to look up their voter registration status online. OVR is a cost-effective way to offer voters the convenience of registering on a computer or smartphone and to maintain accurate and up-to-date voter lists.⁴⁶³ To be inclusive and accessible to the broadest range of eligible voters, an online registration system should:
 - Be offered in all languages required by Section 203 of the Voting Rights Act and pursuant to any state language-assistance laws.
 - Be fully accessible to people with vision impairment and other disabilities.
 - Incorporate technology that can capture and accept an electronic signature so that people who lack state-issued identification have a way to provide a signature on their online voter registration application;⁴⁶⁴ or, explore other means of providing a signature, such as letting the individual sign at the polling place when they vote.
- **Automate your state’s voter registration infrastructure so that eligible citizens are registered to vote—and registrations are automatically updated—when they interact with state agencies.** The National Voter Registration Act (NVRA) already requires most states to offer voter registration at motor vehicle offices, public assistance agencies, and offices serving people with disabilities. Across the country, states are taking additional simple steps to modernize exist-

ing state agency voter-registration infrastructure to make registration more convenient and accurate, including:

- Building systems that incorporate seamless voter registration opportunities into online agency transactions and allow for the secure electronic transfer of voter information to elections officials. These systems eliminate costs and problems associated with the transmission and processing of paper registration forms and improve the accuracy and integrity of state voter rolls.
- Shifting to Automatic Voter Registration (AVR), which uses information already on file with government agencies to identify individuals who are eligible to register to vote and add them to the voter rolls or update their voter information in a seamless, paperless process. Adopting AVR increases voter registration rates, ensures that voter registration rolls are updated when voters move within the state, and reduces the potential for inaccuracies including voter errors. When designing AVR, precautions must be taken to ensure that individuals who are not eligible to vote, including non-citizens, are not registered, and to provide clear, accessible, and well-delivered opt-out provisions.
- **Expand the state and local government agencies offering voter registration.** Under the NVRA, states may designate agencies to offer voter registration services in addition to DMVs, public assistance agencies, and agencies serving people with disabilities. This is an opportunity for states to think expansively about bringing more people into the political process. States like Ohio have designated public high schools and universities, public libraries, and county treasurers' offices as NVRA agencies. In 2013, California became the first state to designate its health benefit exchange as an NVRA agency. States should also designate corrections agencies, including parole boards and probation offices, as voter registration agencies.⁴⁶⁵ Even states that are not covered by the NVRA can mandate that designated state and local agencies offer voter registration.⁴⁶⁶

THE NVRA'S 25TH ANNIVERSARY

The NVRA has been around for 25 years, but sometimes old laws get neglected. Make sure your state has strong NVRA policies, training, and tracking to ensure all required agencies are offering voter registration. Or take advantage of the NVRA's 25th anniversary to modernize NVRA compliance! Automating the voter registration process at state agencies will ensure seamless registration and verification that increases voter registration rates, improves the integrity of our elections, and eliminates problems and costs associated with handwritten registration forms.

- **Allow voters to register to vote and cast a ballot during early voting and on Election Day.** Same Day Registration (SDR) and Election Day Registration (EDR) eliminate the bureaucratic hurdles of voter registration deadlines, allow registration issues to be fixed on site, and modernize our registration process to better serve the needs of a busy and mobile society. Implemented in some states in the 1970s, SDR is not a new concept. As of 2018, 16 states and the District of Columbia have adopted SDR.⁴⁶⁷ Most states that offer SDR not only allow people to register to vote and cast their ballots in the days and weeks leading up to Election Day during early voting, but also allow people to register and vote on Election Day itself.
- **Pre-register eligible 16- and 17-year-olds and automatically add them to voter rolls when they turn 18.** Engaging potential voters at a young age is a successful way to increase voter registration, not just in the short term but also over a lifetime. People who begin voting at an early age are more likely to stay engaged. Pre-registering 16- and 17-year-olds to vote can be an important first step to engaging young adults. Twelve states and the District of Columbia allow pre-registration starting at 16, and an additional 4 states allow pre-registration of 17-year-olds.⁴⁶⁸
- **Send election officials to USCIS ceremonies to register newly naturalized citizens.** While 71.2 percent of all US-born citizens reported being registered for the November 2016 elections, only 61.7 percent of naturalized citizens did.⁴⁶⁹ Sending state election officials to naturalization ceremonies can be an important first step to engaging new citizens.

EQUAL ACCESS FOR ALL ELIGIBLE VOTERS

When developing and implementing reforms to modernize voter registration and voting, include community-based groups and experts working on immigrants' rights, language access, and access for people with disabilities. Working with impacted communities will help ensure that modernized systems are inclusive of people who have historically been left out of the process, and that safeguards are in place to protect noncitizens from inadvertent registration.

HOW TO TALK ABOUT IT

- **Making voter registration inclusive and accessible advances our democratic values of freedom, equality, and fairness.** When voter registration is harder, we create unnecessary obstacles for Americans to exercise their fundamental freedom and civic responsibility. Every eligible voter should have an equal opportunity to participate in our democracy and make their voices heard in our elections.

- **Modernizing voter registration is a commonsense solution with bipartisan support across the U.S.** States across the country are enacting laws to modernize voter registration. Modernization makes voter registration more secure and less complicated for *all* eligible voters, while also easing costs and burdens placed on elections officials. States should implement commonsense solutions that take advantage of technology we use in our everyday lives to help make voter registration more accessible and secure. Every eligible voter should have an equal opportunity to choose their elected officials.
- **Modernized voter registration improves the accuracy and integrity of our voter rolls.** We need policy solutions that safeguard our election system. Modernized, automated voter registration improves the accuracy and security of our voting rolls by making it easier to verify voters and ensuring consistency across jurisdictions. Together, we can pass reforms to ensure that every eligible voter gets a fair chance to exercise their right to vote.

HOW IT WORKS

- » Modernized registration systems increase voter registration rates, including in historically marginalized communities. When voter registration is accessible, registration numbers climb. For instance, in the 10 years following Pennsylvania’s elimination of paper registration at its motor vehicle offices, the voter registration rate quadrupled.⁴⁷⁰ Oregon’s new law that automatically registers people who interact with its Office of Motor Vehicles added 272,000 people to the voter rolls in its first year. These newly registered voters were more likely to live in racially diverse areas and lower- and middle-income areas, and 40 percent were under the age of 30.⁴⁷¹
- » Modernized voter registration systems increase voter turnout. States with Same Day Registration (SDR) have the highest voter turnout rates in the nation, achieving turnout rates up to 7 to 10 percentage points higher than states without SDR.⁴⁷² In 2016, the 6 states with the highest turnout were all states with SDR.⁴⁷³ Policies like pre-registration of 16- and 17-year-olds likewise have a demonstrated impact on turnout. In 2008, pre-registered young voters in Florida turned out at a rate 4.7 percent higher than young voters who registered after turning 18.⁴⁷⁴
- » Modernized registration systems increase the security and accuracy of the voter rolls. In a 2016 report by the United States Government Accountability Office, elections officials in all of the 5 states studied reported that online voter registration improved the accuracy of their voter registration rolls, with 1 state reporting this was the greatest benefit to online registration.⁴⁷⁵ Officials also report that electronic transmission of data

Continued next page

from DMVs to elections officials increases accuracy by eliminating problems associated with deciphering illegible handwriting on paper forms.⁴⁷⁶ In states like Michigan and Kentucky, DMV data-sharing allows for automated updates of changes of address.⁴⁷⁷

- » Modernized registration systems are cost effective. Switching to an online voter registration system can save states hundreds of thousands of dollars. For instance, Washington State reports costs savings of \$0.25 for each online registration, with an additional \$0.50 to \$2.00 per registration saved at the county level.⁴⁷⁸ Allowing voters to register to vote and cast their ballots on the same day reduces costs associated with processing provisional ballots. After SDR was adopted in Iowa, provisional ballots dropped from 15,000 in the 2004 presidential election to less than 5,000 in 2008—a 67 percent decline.⁴⁷⁹ North Carolina saw 23,000 fewer provisional ballots after it adopted SDR in 2008.⁴⁸⁰

MORE RESOURCES

- » Dēmos [overview of policy solutions](#) to make registration more accessible and seamless
- » Presidential Commission on Election Administration [bipartisan recommendations to modernize voter registration](#)
- » American Civil Liberties Union best practices for [making online voter registration accessible to people with disabilities](#)
- » Project Vote [toolkit](#) on best practices for implementation of the NVRA at public agencies
- » Brennan Center for Justice [overview of AVR laws across the country](#)
- » Dēmos [policy brief](#) and [explainer](#) on same-day registration
- » California’s report on best practices for [pre-registering 16- and 17-year-olds](#)
- » National Conference of State Legislatures [overview of existing state policies](#) on online voter registration, Same Day Registration, and pre-registration for young voters

NOTES

MAKE VOTING ACCESSIBLE

“[L]ow-income voters, elderly voters, student voters and African-American voters ... turn to early in-person voting as their best option for casting a ballot.”

—SYBIL EDWARDS-MCNABB, PRESIDENT OF THE
OHIO CONFERENCE OF THE NAACP ⁴⁸¹

THE PROBLEM

The right to vote is fundamental to our democracy. Yet the logistics of voting—restrictive polling times, long lines, inaccessible polling places, and limited language access—impose often insurmountable hurdles to democratic participation for far too many people. In 2016, more than twice as many people who did not vote reported these problems as the cause than reported forgetting about or being uninterested in the election.⁴⁸²

In some states, voters are required to vote on a single Tuesday. Even in states where early voting is available, voters are sometimes limited to voting during weekday work hours. These restrictions on voting times create barriers for people who earn an hourly wage, are low- or middle-income, or do not own a vehicle (particularly when polling sites are not transit-accessible).⁴⁸³ Each of these characteristics define groups that are disproportionately people of color.⁴⁸⁴

Further, some jurisdictions require individuals who wish to vote absentee (in person or by mail) to attest to specific reasons for their need to vote outside of Election Day hours. For example, in New York, people applying to vote absentee must attest that they:

- Will be absent from their county on Election Day (and, if they live in one of New York City’s 5 counties, that they will be absent from the entire city of New York on Election Day)
- Have a temporary or permanent illness or physical disability
- Have primary care responsibilities of at least 1 person who is ill or physically disabled
- Are a patient or inmate in a hospital run by the Veterans’ Administration, or
- Are detained in jail or prison but qualified to vote.⁴⁸⁵

Rules like this do not protect the vote of a person who, for instance, cannot take time off from a job to visit their polling site and wait in often lengthy lines to cast a ballot, before commuting to work.

Individuals with disabilities face heightened barriers to making it into their polling place. In the United States, more than 35 million people with physical, cognitive, or communicative impairments are eligible to vote.⁴⁸⁶ Among registered voters who did not vote in 2016, 12 percent cited an illness or disability as the reason that they were unable to cast a ballot.⁴⁸⁷ The Government Accountability Office (GAO) examined 178 polling places during the 2016 general election and found that 60 percent of them had one or more impediments that could prevent individuals with disabilities from casting a private, independent ballot.⁴⁸⁸

People with limited English proficiency (or “LEP” individuals) also experience barriers to actively participating in our democracy and having a voice in decisions that fundamentally impact their lives when voting procedures are not provided in a language they can easily understand. In 2015 it was reported that more than 25.9 million people with limited English proficiency reside in the United States—a number that had remained steady for 5 years.⁴⁸⁹ Approximately 18 percent of LEP individuals were born in the United States,⁴⁹⁰ including Native American communities.⁴⁹¹ And, of the 82% of LEP individuals who are foreign-born, roughly 37% are naturalized citizens who are eligible to vote.⁴⁹² Whether born here or naturalized, we must protect these Americans’ right to vote, regardless of the language they may speak.

POLLING AND DATA

80% OF PEOPLE
in the United States support early voting.⁴⁹³

2X COMMUNITIES OF COLOR
experience voting lines twice as long as predominantly white communities.⁴⁹⁴

\$544M WORTH OF LOST PRODUCTIVITY AND WAGES
was caused by voting lines in 2012.⁴⁹⁵

24.1M VOTERS
cast their ballots early in 2016 in jurisdictions where early voting is available.⁴⁹⁶

57.2M AMERICANS
voted early, absentee, or by mail in 2016, representing 40% of ballots cast.⁴⁹⁷

POLICY SOLUTIONS

Essential reforms that increase access to voting include:

- **Create robust early voting opportunities.** Thirty-seven states and the District of Columbia provide their residents with the option of voting early,⁴⁹⁸ though the early voting systems in place vary significantly from state to state. To create a truly accessible early voting system, states must:
 - Allow all eligible voters to vote early.
 - Provide early voting during weekend hours, particularly on Sundays⁴⁹⁹ and on weekdays after traditional work hours.
 - Create multiple early voting locations that are easily accessible by public transportation, including public buildings like schools and senior centers, as well as non-traditional sites like shopping malls.⁵⁰⁰

- Provide early voters with the option of voting at any of the early voting sites in their election jurisdiction.
- **Provide voters the option to vote by mail.** Like in-person absentee ballots, states should allow all voters to request and cast vote-by-mail ballots. However, because voting by mail is only an accessible option for voters with a fixed residence, and some communities greatly value voting in person, voting by mail should not be mandatory. Currently, 27 states and the District of Columbia provide all residents the option of voting by mail.⁵⁰¹
- **Make Election Day a holiday and provide private-sector workers with adequate paid time off to cast a ballot on Election Day.** State laws allowing employees to take time off and vote on Election Day vary greatly across the United States.⁵⁰² States should pass legislation that:
 - Declares Election Day a state holiday on which community colleges, public schools, and government offices are closed.⁵⁰³
 - Requires places of employment open on Election Day to provide employees with paid time off at the start or end of the work day for voting (up to 4 hours or more), to make sure employees have time to stand in line and commute to and from their polling place.
 - Establishes penalties that discourage employers from violating time-off-to vote laws.⁵⁰⁴
- **Ensure that polling sites, ballots, and other voting materials are fully accessible to voters with disabilities and/or with limited English proficiency (LEP).**
 - To improve access to the ballot for people with disabilities, states must:
 - ✓ Create an Accessible Elections Office to assess the accessibility of polling places and election materials prior to any election, monitor and report out on problems, receive complaints, and disseminate best practices.
 - ✓ Provide poll workers and election officials regular training on state and federal laws governing access and rights of people with disabilities and best practices.
 - ✓ Establish mobile voting locations in and around long-term care facilities and other places that serve people with limited mobility.
 - ✓ Have the appropriate state agencies aggressively enforce state and federal laws regarding independent access to the polls by people with disabilities.
 - ✓ When investing in elections systems with paper ballots (and scanning technology), also invest in technology that makes these systems accessible to people with disabilities, to guarantee that all eligible voters can cast a private and independent vote.

- To improve access to the ballot for LEP individuals, states must:
 - ✓ Comply with the Voting Rights Act and other laws requiring that election jurisdictions provide oral assistance, ballots, voting forms and other materials in languages other than English whenever 3% of voting-age citizens (or 7,500 people, whichever is less) speaks a common language other than English.
 - ✓ Require poll workers in covered jurisdictions to receive regular language access education and trainings.
 - ✓ Ensure that materials are translated appropriately, using the prevailing dialect and word usage of the LEP voters being served.

HOW TO GO FURTHER

- Invest in election infrastructure to make voting and administering elections more accessible, inclusive, and efficient, such as new scanning technologies to count paper ballots, with technologies that allow individuals with disabilities and limited English proficiency to cast a ballot independently. Recruit a sufficient number of poll workers who are representative of the communities they will be working in.
- Expand the right to vote to immigrants who are not naturalized citizens. In many places, non-naturalized immigrant residents are excluded from the democratic process.⁵⁰⁵ This means that many community members who are working, paying taxes, parenting, participating in schools, and contributing to our neighborhoods, are unable to help shape the public decisions that fundamentally impact their lives and the lives of their families.
- Immigrants should be afforded the right to participate in local and state politics so long as they meet other voting qualifications in their state (such as being at least 18 years of age and not having been disqualified on other grounds, such as mental incapacity). School boards, city councils, and mayors, for example, make decisions regarding school programming, trash pickup, snow removal, local revitalization efforts, and utility access.⁵⁰⁶ For state and local democracy to be responsive to the needs of the people, all residents must have a say.

HOW TO TALK ABOUT IT

- **The right to vote is fundamental to our democracy.** Yet, the logistics of voting—restrictive polling times, long lines, inaccessible polling places, and limited language access—impose often insurmountable hurdles to democratic participation for far too many people. We can pass reforms that bring more people into the democratic process.

- **Today, a voter’s access to the ballot depends on the state—and the precinct—where they live.** Election systems vary greatly across the U.S. Some jurisdictions strictly limit when most voters can vote to Election Day, while others provide robust early voting and vote-by-mail opportunities. Within a single state, voters can have vastly different experiences depending on where they cast their ballot. We need to make sure that *all* voters have equal access to our democratic process.
- **We must never deny a person their right to vote because of their race, income, disability, or other status.** All too often, restrictions on how a person may exercise their right to vote have the effect of disenfranchising historically marginalized communities. We need to protect and promote the right to vote in order to create a true, more robust democracy that responds to the needs of its people.

HOW IT WORKS

North Carolina allows people to vote absentee in-person and by mail during the weeks preceding an election, despite court-blocked efforts to roll the program back.⁵⁰⁷ Multiple voting sites are set up in each county during the early voting period and people can vote at any of these locations.⁵⁰⁸ While the times and days when people can vote, as well as the number of voting locations, differ by county,⁵⁰⁹ early voting—particularly early in-person voting—is enormously popular in the state.

- » In the 2016 general election, the state reported accepting more than 1 million absentee ballots, more than 94 percent of which were cast in-person through early voting.⁵¹⁰
- » More than 20 percent of all ballots cast in the state’s election were cast early.⁵¹¹
- » In 11 counties, at least 50 percent of voters cast their ballots during early voting (including by voting in person or by absentee ballot, which can be returned in person or by remote means including mail or email).⁵¹²
- » In North Carolina, voters of color are more likely to take advantage of early voting opportunities to cast a ballot.⁵¹³

Early voting not only increases access to the ballot and voter satisfaction, it also makes election administration more efficient, by:

- » Reducing lines and wait times on Election Day
- » Reducing stress on Election Day voting systems

Continued next page

END FELONY DISENFRANCHISEMENT

“Voting is a right that gives me the ear of people in power and through that, I have the power to change what I know to be wrong: our country’s enormous problem with mass incarceration, which disproportionately impacts black and brown people.”

—ETTA MEYERS, 62, MARYLAND⁵¹⁵

THE PROBLEM

The answer to the question “Who can vote?” tells you who counts—literally and figuratively—in a democracy. Our votes are our voice; they are how we elect representatives to make decisions that shape our lives. When the government strips people of their freedom to vote, it strips people of their self-determination. More than 6.1 million Americans—about 1 in 40 American adults or more people than the entire population of Maryland⁵¹⁶—are barred from voting because of state laws stripping voting rights from people convicted of felony-level offenses.⁵¹⁷ These felony disenfranchisement laws, sometimes described as “Jim Crow by another name,” hurt people of color most, and black men in particular.⁵¹⁸ Across the country, these laws strip 1 in 13 African-American adults of their right to vote.⁵¹⁹ Rates of disenfranchisement are even more jarring in some states. For example, Mississippi laws allow disenfranchisement to be permanent and lifelong, stripping 1 in 10 adults of their right to vote.⁵²⁰ More than 58 percent of disenfranchised Mississippians are African American, though African Americans make up only 38 percent of the state’s population.⁵²¹

Only Maine and Vermont allow people with felony convictions to vote while they are incarcerated; the remaining 48 states have some form of voter disenfranchisement. Thirty states block people convicted of felonies from voting not just during incarceration, but also after their release. Indeed, 77 percent of the 6.1 million Americans impacted by state voter disenfranchisement laws are people who are not currently incarcerated (including individuals on supervised probation or parole).⁵²² Policymakers keep community members out of the electoral process by maintaining state laws tying the restoration of voting rights to completion of parole or probation, to conclusion of a waiting period of years after completing probation, to a pardon from the legislature or governor, or to repayment of criminal debts. Some laws even categorically block people convicted of felonies from ever voting again.⁵²³ Laws like this, which exclude people from our democracy, also make it harder to reduce recidivism and for formerly incarcerated people to reintegrate into society.⁵²⁴

Felony disenfranchisement laws have an ugly history. They arose during and just after the Civil War as part of the Jim Crow laws that maintained white supremacy and kept African Americans from building political power.⁵²⁵ Today, these laws continue to disempower people of color, particularly African Americans, by linking our fundamental freedom to vote with the criminal legal system. Due to discriminatory policing policies and practices, law enforcement officers disproportionately arrest African Americans; “once arrested, they are more likely to be convicted; and once convicted, they are more likely to face stiff sentences.”⁵²⁶ As

a result, people of color are disproportionately likely to be convicted of and incarcerated for felony-level offenses.

By disenfranchising people convicted of felonies, states further limit the political efficacy and representation of people of color in the halls of power. People of color are underrepresented among state judges⁵²⁷ and prosecutors. Of the 2,400 elected prosecutors in the country, 95 percent are white and just 1 percent are women of color.⁵²⁸ So, while people of color make up 37 percent of the U.S. population, they make up just 5 percent of its prosecutors, but 67 percent of its prison population. The District of Columbia and 48 states prevent individuals incarcerated for felony convictions from exercising their most fundamental democratic right. Yet, even as they are denied their right to vote, they are counted by the U.S. Census as residents of the districts in which they are confined, rather than where they are from, bloating the power of districts that host prisons and shifting power away from over-policed and over-prosecuted communities.

Our democracy is stronger when we all have a say in decisions affecting our lives and our communities. We must ban laws that disenfranchise people convicted of felonies and expand voting rights to those whose rights have been taken away.

POLLING AND DATA

74 % OF AMERICANS agree that people convicted of felonies should be allowed to vote after they complete their sentences.⁵²⁹

60 % OF AMERICANS support restoring voting rights to people who have left prison and are now on parole in the community.⁵³⁰

POLICY SOLUTIONS

In tandem with reforms to our criminal legal system, states should:

- **Abolish felony disenfranchisement laws.** Repeal any laws that allow voters to be disenfranchised as a result of criminal convictions.
 - States should adopt practices like those of Maine and Vermont,⁵³¹ and stop stripping people who have been convicted of felonies of their right to vote. Rather than taking away this fundamental freedom as a form of punishment, states should facilitate and encourage electoral participation by incarcerated people.
 - Ending felony disenfranchisement altogether is the ultimate objective. But in states where this is not yet politically possible, there are still meaningful steps states can take to reduce the impacts of disenfranchisement laws, by restoring the right to vote to individuals who

have been released from prison, including people who are on probation and parole.⁵³² Eliminate lifelong bans on voting, mandatory waiting periods, and requirements for executive and legislative pardons. Also, reverse rules tying restoration of voting rights to repayment of criminal fines and fees.⁵³³

- In any instance where felon disenfranchisement laws are amended or repealed and access to the ballot is expanded, states should automatically re-enfranchise people who become qualified to vote as a result of the change in law. No person should have to apply to have their rights restored.
- **Require corrections agencies to provide voter registration services.** Any corrections agency that has contact with individuals at the time they are or become eligible to vote should be designated as a voter registration agency. This means that if a state does not disqualify incarcerated people from voting, the department of corrections should serve as a voter registration agency. In other states, the appropriate agency may be the department of probation or parole. People should be automatically registered by these agencies unless they opt out. Requiring these agencies to provide automatic voter registration services and assistance will help ensure that people whose freedom to vote has been restored—and other eligible voters that come into contact with these agencies—can actually exercise that freedom.
- **Guarantee that eligible voters who are incarcerated can exercise their right to vote.** Even in the 48 states with felony disenfranchisement laws, many people who are detained are eligible to vote, including people awaiting trial. States must ensure that detained and incarcerated individuals who are eligible to vote can cast their ballots, by informing them that they can request an absentee ballot, transmitting absentee ballot applications to the appropriate election authority in a timely manner to ensure that anyone detained on Election Day can nevertheless exercise their right to vote, and guaranteeing that detained persons can cast a secret ballot.
- **Abolish prison gerrymandering.** Stop counting incarcerated people in the districts where they are confined when drawing legislative maps, a practice that bloats the power of districts that host prisons and distorts representation in surrounding communities.⁵³⁴ Instead, count incarcerated people at their home addresses (typically their legal residences) in the communities where they retain ties and are likely to return after incarceration. Adjust Census data to reallocate prison populations when drawing district maps.⁵³⁵

HOW TO TALK ABOUT IT

- **Our democracy is stronger when it is more inclusive and when we guarantee fundamental freedoms to all.** The answer to the question “Who can vote?” tells you who counts—literally and figuratively—in a democracy. Voting is the most fundamental action of participants in democratic systems.

- **Today, 1 in 40 Americans—including 1 in 13 African Americans—do not count in our country due to restrictions tied to criminal convictions.** Tying our fundamental freedom to vote to a criminal legal system that remains deeply infected by racism will keep us from achieving a democracy in which everyone has an equal say, as surely as Jim Crow laws did.
- To create a democracy that works for all of us, we must follow the lead of Maine and Vermont and abolish voter disenfranchisement as a criminal punishment.

HOW IT WORKS

Maryland used to ban people convicted of felonies from voting even after they were released from prison. In 2016, the Unlock the Vote coalition, led by Communities United and other groups led by formerly incarcerated people, succeeded in moving the state legislature to pass SB 340/HB 980 over the governor's veto.⁵³⁶ The legislation automatically restores voting rights to people when they are released from prison, allowing people to vote while on probation. The American Probation and Parole Association testified in support of the bill, explaining that “voting plays an integral role in the successful reentry of people coming out of prison and trying to reclaim their lives.”⁵³⁷ The bill's passage allowed 40,000 Marylanders who would have been excluded to cast their ballot in 2016.⁵³⁸ As one first-time voter in Baltimore, Will Suggs, explained, “They've been not giving us the right to vote for so long, we felt like we didn't matter ... Now we feel like we matter.”⁵³⁹

MORE RESOURCES

- » The Sentencing Project primer on [felony disenfranchisement](#)
- » For state-level estimates of the number of people who have been stripped of their voting rights, see Table 3 of [6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement](#) from the Sentencing Project
- » From the Brennan Center for Justice, [Racism & Felony Disenfranchisement: an Intertwined History](#), and *The Atlantic*, [The Racist Origins of Virginia's Felon Disenfranchisement](#)
- » Prison Policy Initiative Prison Gerrymandering Project's [solutions](#) page on prison gerrymandering

NOTES



ENHANCING DEMOCRATIC REPRESENTATION

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MAKE REPRESENTATION REAL

“The goal should be to have a government made up of representatives that best reflect the priorities and opinions of the people it serves. Right now we don’t have that. What we have now are politicians picking their voters; rather than voters picking their politicians.”

— REP. WINNIE BRINKS (D-GRAND RAPIDS)⁵⁴⁰

THE PROBLEM

The promise of “one person, one vote” in the United States means that the voices of everyday people must matter, that every vote must count equally, and the government must be representative of and responsive to the needs of its people. Elections are the mechanism in a democracy to ensure the government reflects the people’s will. But, too often, election rules and design undermine the power of everyday people to elect officials who will represent their interests. Partisan and race-based gerrymandering, at-large districts that dilute the representation of people of color, and the Electoral College system all prevent people across the United States from having an equal say in our democracy. These electoral designs actively devalue the democratic participation of parts of the electorate, causing many people to become disillusioned and discouraged from participating.⁵⁴¹ Gerrymandering occurs when elected officials are allowed to draw district lines and effectively select their own constituents. Partisan legislators use partisan- and race-based gerrymandering to skew representation so that the party drawing the lines controls more seats than is justified by the number of votes it earns—sometimes maintaining majority control of legislatures without earning more votes than the opposing party (as is the case currently in the U.S. House). They do this by “packing” members of an opposing political party or communities of color into fewer districts or “cracking” districts to dilute the voting strength of these groups.

Gerrymandering also stacks the deck in favor of the status quo by making elections less competitive. In 2016, more than 90 percent of the races for seats in the U.S. House of Representatives were non-competitive.⁵⁴² When decision-makers can draw district lines in ways that assure victory for one group, they disempower other groups—often people of color and people not affiliated with the governing party—and enable candidates and elected officials to ignore the needs and lived realities of many of the people they represent. In 2021, we will face a slew of gerrymandering efforts across the country, as states redraw voting maps for every level of government using data from the 2020 Census—a fact that highlights how important it is to make sure that Americans from historically marginalized and undercounted communities are accurately counted in the Census.⁵⁴³

Elected officials in power also design “at-large” districts to prevent people from electing their candidates of choice and being represented, especially people of color. In a winner-take-all, at-large system, voters elect multiple representatives for a larger voting area rather than for a smaller district,

and the same block of voters can end up choosing all of the representatives. This limits the power of groups and communities that have significant numbers within particular districts but are a minority in a larger voting area. In a district system, such groups might or might not elect candidates of their choosing, but any candidate who wants to contend must strive to represent them. In contrast, in an at-large system, candidates—and later, elected officials—can survive without addressing the interests of such voters. At-large districts also tend to be geographically larger, which makes running for office more expensive and may prevent qualified community leaders without deep pockets from running for office. At-large systems have long been used as a mechanism for disenfranchising voters of color⁵⁴⁴ and indigenous Americans.⁵⁴⁵

Structures undermining the principle of “one person, one vote” also affect elections for the nation’s highest office. The U.S. President is elected by the votes of the Electoral College—not the votes of the people. Each state receives Electoral College votes equal to the number of members the state has in Congress.⁵⁴⁶ In all but 2 states, all of the state’s Electoral College votes go to the candidate who wins the popular vote, regardless of how the population splits its vote.⁵⁴⁷ So, whether a candidate wins in the state by 99 percent or 51 percent, she will receive all of the state’s electoral votes and the challengers will receive none.

Because of the Electoral College, voters in some states have a greater say than others in presidential elections. Candidates seek votes in (and tailor policy platforms to) a narrow band of competitive states (which are whiter than the country as a whole) rather than the large population centers. And, presidents are sometimes sworn into office after losing the national popular vote. The Electoral College was a compromise to benefit Southern slave states, which could otherwise never out-vote the North since they did not allow a large proportion of their population—enslaved people—to vote; the system was also supported by the founders’ paternalistic belief that the American people could not make informed decisions when electing a president.⁵⁴⁸ The U.S. is the only democratic nation in the world that has an intermediary body solely for the purpose of selecting its next president.⁵⁴⁹

Efforts to deprive people of equal representation can extend beyond election season. Some states also use laws—sometimes dubbed “emergency manager” laws—to divest locally-elected officials of their power and appoint an unelected decision-maker in a community in which they do not live and to which they are not accountable. These laws have been used to displace elected school board and city council members and, in a number of instances, to divest elected officials serving communities of color of their decision-making authority.⁵⁵⁰ For instance, in Michigan it was a state-appointed emergency manager, not an elected official, who made the decision to change the source of the city of Flint’s drinking water from Lake Huron water to Flint River water.⁵⁵¹ Even after the Flint city council cited the rising health concerns and voted to return to using Lake Huron water, the Flint emergency manager unilaterally overruled that decision.⁵⁵² Using Flint River water caused residents to suffer from lead poisoning⁵⁵³ and Legionnaires’ disease, and resulted in serious illness and death.⁵⁵⁴ In Detroit, an emergency manager closed more than half of the public schools between 2009 and 2015.⁵⁵⁵ Such decisions have undeniable impacts on communities—affecting the health, wellbeing, future, and very survival of the community members whose voices these laws disregard and overrule.

When Americans feel that their votes will not matter or will be denied equal weight, or that the candidates and parties on the ballot are not addressing the issues that most impact them, political participation drops. The public sense of disillusionment is only amplified by the fact that our government is most responsive to the will of a wealthy, unrepresentative donor class.⁵⁵⁶ We can make a democracy that represents all of us by breaking down structures that dilute the power of the American people to elect their leaders.

POLLING AND DATA

73 % OF VOTERS want to eliminate political bias in redistricting, even if doing so costs their political party seats.⁵⁵⁷

71 % OF AMERICANS believe that “those who stand to benefit from redrawing congressional districts should not have a say in how they are redrawn.”⁵⁵⁸

POLICY SOLUTIONS

To ensure that every vote receives equal weight, states must:

- **Use independent redistricting commissions to draw districts.** Redistricting should be taken out of the hands of incumbent legislators, who disproportionately represent the interests of wealthy donors, and placed instead into the hands of independent actors, with rules to ensure actual independence and to prevent conflicts of interest.⁵⁵⁹
 - Commissions can use computer modeling to help draw districts. Districts should be drawn to protect against the dilution of the votes and representation of people of color, to reflect the state’s partisan and demographic make-up, to be geographically compact, and to be competitive.⁵⁶⁰
 - State commissions consider different data when drawing districts. For instance, California prohibited its commission from considering partisan data when drawing district lines, while Arizona instructed its commission to consider partisan data to help draw competitive districts.⁵⁶¹ Both approaches have increased competition,⁵⁶² but competition is just one of several key aims that should be considered when drawing districts—another of which is fair representation.
 - States should require redistricting decisions to be periodically analyzed by independent researchers to ensure that districts are competitive and that other goals are being met, or to reassess the factors that are used to draw districts. Any analysis conducted should be made public.

- **End the use of winner-take-all, at-large election systems.** Split up at-large voting jurisdictions that hurt communities of color—either geographically and/or into multi-member districts with proportional representation. Districts should be designed to achieve partisan fairness and provide communities of interest the opportunity to elect candidates of their choosing (and where practicable, should be drawn by independent redistricting commissions).
- **Join the National Popular Vote Interstate Compact.** The Compact abolishes the Electoral College without amending the U.S. Constitution. Instead, the Compact establishes an agreement between states and the District of Columbia to award Electoral College votes to the presidential candidate who wins the popular vote.⁵⁶³ The Compact will not take effect until it has been passed by enough states to account for the majority (270) of Electoral College votes.⁵⁶⁴ Currently, 10 states and the District of Columbia, which hold a total of 165 electoral votes, have joined the Compact.⁵⁶⁵

To make government officials responsive to the people they represent, states must:

- **Repeal and prevent the implementation of laws that allow states to divest locally-elected officials of governing power.** No legislation should allow states to usurp the power of elected officials by appointing unaccountable, unelected decisionmakers in their place.
- **Adopt voting mechanisms like Fusion Voting that make candidates more accountable and responsive to voters beyond their known base and donors.** Fusion Voting allows more than 1 political party to nominate the same candidate for the same office. Under a Fusion Voting system, the *candidate* who receives the most votes is still elected to office, but this allows voters to show their support for third parties and the values they espouse—rather than forcing people to choose between supporting a minor party’s platform and voting for a candidate who has a higher likelihood of prevailing in an election.⁵⁶⁶ It also promotes a system where candidates listen and respond to the concerns of voters beyond their traditional base in order to attempt to secure the support of third parties.

HOW TO TALK ABOUT IT

- **Every person should have an equal say in shaping our democracy, and every vote should count equally.** Practices that dilute the voices and power of people and communities, and communities of color in particular, undermine the promise of one person, one vote.
- **Voters should choose their representatives—politicians should not be able to choose their constituents.** We must pass rules that stop partisan politicians from manipulating voter maps to keep themselves and their wealthy donors in power. We can create elections that are competitive by breaking down financial barriers for running for office and drawing fairer districts, so that the public can effectively hold elected officials accountable.

- **We must dismantle state policies and practices that usurp political power from historically underrepresented communities.** We can put a stop to partisan and racial gerrymandering, at-large districts, and other election-related rules that remove power from the most marginalized. Such reforms are needed to create a government that is truly of, by, and for the people.

HOW IT WORKS

Before the 2010 redistricting efforts began, California passed a law requiring that legislative districts be drawn by an independent, 14-member commission, and not by the state legislature. The commission must include 5 Democrats, 5 Republicans, and 4 members from neither party.⁵⁶⁷ Individuals are only eligible to serve as commissioners if they meet exacting requirements designed to avoid conflicts of interest, including that neither they nor an immediate family member has run for office, worked for a candidate or elected official, or worked as a registered lobbyist.⁵⁶⁸ In addition, while a commissioner is serving in their role, both they and their family are prohibited from serving on staff, or as a consultant or contractor, for the federal or state government.⁵⁶⁹

When drawing California's legislative districts, commissioners were prohibited from considering partisan data.⁵⁷⁰ However, even without considering the likely competitiveness of a district being drawn, the commission's 2011 map created a markedly more competitive political environment in the state than the 2001 redistricting map had: The average margin of victory was 30 percent lower for elections conducted using the 2011 map, and the number of districts where the margin of victory was less than 10 percent increased from 5 percent to 19 percent.⁵⁷¹

There are trade-offs to California's approach that other states can learn from. Excluding partisan data from consideration may have resulted in increased competitiveness, but it did not significantly increase representation of Californians who are not associated with the majority political party.⁵⁷² Gains in demographic representation were only modest.⁵⁷³ States should prioritize fair representation of all state residents as a guiding principle.

MORE RESOURCES

- » NAACP LDF [at-large voting frequently asked questions](#)
- » National Conference of State Legislatures [redistricting commissions: state legislative plans](#)
- » FairVote [redistricting resources](#)
- » Common Cause New York & New York Counts [taking action to avoid a Census 2020 crisis](#)
- » Dēmos on [fusion voting: an analysis](#)

RESIST AND OVERHAUL MEASURES THAT MAKE IT HARDER TO VOTE

“[N]ew restrictions target African Americans with almost surgical precision ...”

—THE COURT IN NORTH CAROLINA STATE CONF. OF THE NAACP ET AL. VS. MCCRORY (4TH CIRCUIT, 2016), DESCRIBING A NORTH CAROLINA LAW REQUIRING STRICT VOTER ID AND ELIMINATING VOTING RIGHTS ADVANCES⁵⁷⁴

In many states, creating a free, fair, and inclusive democracy also requires advocates to resist and overhaul practices that make it harder to vote or to have one’s vote counted, such as voter identification requirements, documentary proof of citizenship requirements, improper purges, efforts to roll back voting rights advances, and voter intimidation. These kinds of measures to make it harder to vote or have one’s vote counted often go hand-in-hand with widespread misinformation about the prevalence of voting errors or voter “fraud” in the United States, including racialized dog-whistles and outright lies about illegal voting. Although empirical research shows no increase in voter fraud, most Americans fear that it is on the rise. That kind of fear—and the misinformation that underlies it—has led many Americans to support restrictions like voter ID requirements, even though such practices keep many eligible voters from exercising their freedom to vote.

Because of these dynamics, it is often better for policymakers and advocates to avoid engaging in a debate about “fraud” at all and instead, anchor their message in shared values (like elections that are free, fair, and accessible) and pivot to talking about solutions to bring our democracy into balance. Yet, where oppressive voting measures are at play, state-level advocates may have little choice but to dispel the myths that underlie these measures and to explain why such measures must be resisted.

VOTER ID REQUIREMENTS

THE V

As of January 2018, about 17 states request or require voters to present a photo ID to vote. Most states already require voters to sign their name in a poll book next to a copy of the voter’s signature from their original voter registration form. While poll-book sign-in requirements have been effective in preventing double voting, voter ID laws add little protection to the integrity of elections. They have also been proven to disproportionately block the elderly, people with disabilities, and voters of color from participating in our democracy.

Busting Myths About Voter ID

Myth: You need ID to board a plane or open a bank account, so you should need one for voting.

Truth: The U.S. Constitution protects our right to vote in elections that are free and fair. In contrast, boarding a plane or opening a bank account are not foundational constitutional rights. As one of our most precious and fundamental rights, the freedom to vote must be protected for everyone.

Myth: Voter ID makes our elections more secure.

Truth: Protecting the integrity of our elections is essential, but we must not infringe on people's freedom to vote in order to meet that need—and we don't have to. We cannot deny voters an election that is free, fair and accessible. Voter ID makes voting harder for everyone, even those who have the required ID, and increases the costs of elections.

If we require poll workers to scrutinize each and every voter's identification and limit the types of qualified ID to just a few, it will create long voting lines for everyone, and make it much harder for Americans who don't have a driver's license—including senior citizens and military veterans—to vote.

A photo ID requirement means the government has to pay to educate voters and precinct officials about the new rules, perhaps pay for extra staff or machinery in order to speed up the delays that implementing a photo ID requirement causes, and possibly provide IDs for free to anyone who needs one. Photo ID requirements can increase election costs by millions of dollars.

There are more effective ways to keep our elections honest, without making it harder for all of us to exercise our fundamental freedom to vote. While poll sign-in requirements are effective at reducing double voting and voter impersonation, there is no empirical evidence that voter ID requirements make our elections any more honest.

Myth: Everyone has ID.

Truth: Many senior citizens are lifelong voters who have never needed ID to vote. Many no longer drive and don't need a driver's license. ID requirements make it harder for seniors to vote. Strict ID requirements also make it harder for many trans and queer Americans to vote, due to discrepancies on an individual's ID and related discrimination based on appearance or to lack of required ID due to lack of resources.

MORE INFORMATION

- » Dēmos on [restrictive photo id laws for voting](#)
- » National Center for Transgender Equality on [voting while trans: preparing for voter ID laws](#)
- » The Associated Press, [Wisconsin voter ID law proved insurmountable for many voters](#)

DOCUMENTARY PROOF OF CITIZENSHIP

THE ISSUE

Traditionally, Americans have been allowed to register to vote by signing a voter registration application and stating under penalty of perjury that they are citizens of the U.S. and are eligible to vote in their state. This is the same level of verification required by witnesses in court.

Starting with Kansas and Arizona, several states have started demanding that people show evidence of their U.S. citizenship, such as a birth certificate, before they can register to vote. Many people, particularly elderly, disabled, and low-income voters, don't have access to such documents. Obtaining a passport or an official copy of a birth certificate can be expensive, especially if the voter wasn't born in the state in which they are trying to register. These requirements also hamper grassroots efforts to register voters and get out the vote because people often keep their sensitive documents at home, and even if the voter has the required document, they may be reluctant to allow a stranger to make a copy.

In Kansas and Arizona, tens of thousands of voters who meet all of the voter eligibility requirements have been blocked from voting simply because they failed to provide one of the required citizenship documents. But voting restrictions like these can be successfully challenged in court. On June 18 2018, a federal court struck down Kansas' documentary proof of citizenship law, holding that the burdens to voters under the law were unjustified, and that the law was a solution in search of a problem: there was no credible evidence to support the need for such severe restrictions on the rights of Kansas voters.⁵⁷⁵

Busting Myths About Documentary Proof of Citizenship

Myth: Everyone has a birth certificate or passport.

Truth: The freedom to vote is fundamental to our democracy and should not depend on someone's ability to pay to obtain a birth certificate or passport.

Proof of citizenship requirements exclude legitimate voters who do not have the necessary documents, such as many senior citizens, students and young people living away from home, or married people who adopt the surname of their spouses.

Myth: Requiring people to prove their citizenship is necessary to prevent illegal non-citizen voting.

Truth: Voting must be kept free, fair and accessible. Proof of citizenship requirements do not advance election integrity. They are a new form of restriction, designed—like poll taxes of old—to prevent certain voters from exercising their freedom to vote. Despite irresponsible claims by some looking to justify these restrictions, every effort to uncover substantial illegal voting has come up empty.

Myth: Protecting elections cannot rely on the honor system—we should require more than a voter's say-so that they are eligible.

Truth: People already have to swear under penalty of perjury that they are eligible to vote. If they lie, they can be prosecuted under criminal law.

MORE INFORMATION

» The Brennan Center for Justice survey on [Americans' possession of documentary proof of citizenship and photo identification](#)

IMPROPER PURGES

THE ISSUE

Recent elections have seen a rise in improper and unlawful efforts to purge eligible voters from the rolls, which often hurt poor voters and voters of color at much higher rates than white voters. State voter roll maintenance practices often target low-propensity voters by purging those who haven't voted for a period of time—further aggravating the obstacles voters already face by punishing them when they are unable to cast their ballot. Other purge efforts target naturalized citizens by mandating reliance on inaccurate citizenship data. State participation in flawed list-matching programs such as Kansas's "Crosscheck" system exposes voters to even more risk.

In the National Voter Registration Act of 1993 (NVRA), Congress deliberately struck a balance in favor of protecting eligible voters from improper purges. The NVRA requires states to make an effort to remove ineligible voters from their voter rolls, but also prohibits them from removing eligible voters. The NVRA also expressly prohibits discriminatory removal programs or those that target voters for failing to vote.

Busting Myths About Voter Purges

Myth: The state's voter rolls are bloated—there are more registered voters than eligible citizens.

Truth: It's important for states to maintain a voting registry that is accurate and up-to-date. To maintain accurate voter rolls, states must protect eligible voters from improper removal and only remove individuals who have become ineligible to vote. The need for accurate rolls must not be converted into an excuse for making it harder to vote.

Full participation in our democracy should be the goal, not reducing registration rates to some arbitrary level. Claims of "bloated rolls" are a smokescreen for efforts to remove American citizens from the rolls and to make it harder for legitimate voters to vote.

Purging an eligible voter causes real and immediate harm—someone who has every reason to believe she is registered to vote may lose her right to cast a ballot in a critical election. Having someone who is no longer a state resident remain on the registration list, on the other hand, does not cause any immediate harm—someone would have to do something purposefully illegal to create any real problem. This is exactly why Congress prioritized protecting voters over purging them in the NVRA.

Myth: There are stale registrations on the rolls. The state should remove anyone who hasn't voted in the last 5 years (or 6 years or 10 years, etc.).

Truth: Voting is not a use-it-or-lose-it right. Purging voters simply for non-voting is illegal and makes it harder for legitimate voters from across the political spectrum to exercise their fundamental right to vote when they choose. Maintaining accurate and up-to-date voter rolls is important and necessary, but not an excuse for making it harder to vote.

Removing eligible American voters from state voter lists if they haven't voted in several elections or cannot be reached by mail undermines the integrity of our elections.

Myth: The state should join Kansas's "Interstate Crosscheck" program to find and remove people registered in more than 1 state.

Truth: Kris Kobach's Crosscheck is neither secure nor accurate and puts voters at risk of hacking as well as improper purging. Crosscheck's flawed data-matching puts millions of legitimate voters on its list of "potential double registrants," subjecting them to potential purging and requiring them to jump through extra hoops to stay registered—often simply because they have a common name. Further, Crosscheck's poor security risks exposing the private information of more than 100 million U.S. citizens.

Using Crosscheck to purge properly registered voters based on flawed information and without adequate safeguards is not only unfair: it also violates federal voting rights protections. In June 2018, a federal court held that Indiana's planned use of Crosscheck to purge voters - without even providing them of notice of the purge - likely violates federal law, and prohibited the state from taking any steps to implement the law until the case over its legality is resolved.⁵⁷⁶

The Electronic Registration Information Center (ERIC) is a better, more secure way to maintain accurate and up-to-date voter rolls and protect the integrity of our elections. It also assists states in increasing the number of eligible citizens who register to vote.

Myth: There are non-citizens on the voter rolls. The state should be using the Department of Homeland Security (DHS) to help identify non-citizens who register to vote.

Truth: The right to vote is a fundamental freedom enjoyed by all U.S. citizens regardless of where they were born. Past efforts to use DHS information to purge non-citizens have unfairly singled out foreign-born citizens, making them jump through unnecessary hoops to register and stay registered. Non-citizens who register to vote already face criminal prosecution and deportation. Protecting the integrity of our elections is essential; in the process, we cannot infringe on freedom.

MORE INFORMATION

- » Politifact Florida, [Homeland Security warned that the SAVE database is not foolproof way to verify the voter rolls, LWV says](#)
- » [Leave Crosscheck](#) resource page

EFFORTS TO WALK BACK ADVANCES IN VOTING RIGHTS

THE ISSUE

Since 2013, when the U.S. Supreme Court struck down the heart of the Voting Rights Act of 1965, there have been numerous efforts around the country to roll back reforms that removed earlier barriers to voting. For example, Ohio cancelled a week of early voting, eliminated same-day registration, and took away voting on Sundays, which was a popular day to vote among African Americans. In 2016, a court in North Carolina struck down similar attempts to cut back early voting, pre-registration of high school students and other reforms that had led the state to some of the highest turnout rates in the nation. The court said that eliminating these reforms was discriminatory and would not lead to fairer elections.

Busting Myths About Voting Rights Roll-backs

Myth: Early voting (or the number of polling places or extended polling hours) is too expensive.

Truth: Our elections should be free, fair and accessible for every eligible voter. Restricting the vote to one particular Tuesday is inconsistent with the requirements of modern life. All states should make it easier to vote by allowing citizens to vote before Election Day or to vote absentee, as most states do now.

Creating early voting opportunities increases access to voting while diminishing the number of people who vote on Election Day, which reduces long lines at the polls. A modern system that benefits everyone costs less than the ancient and inefficient policy of Election Day voting it replaced.

Myth: Counties and towns should be able to decide how much early voting they want or need.

Truth: Voters' ability to cast a ballot should not depend on where they live. Uniform early voting hours throughout the state makes voting easier for everyone.

Myth: Same-day registration (or online registration or absentee voting) leads to voter "fraud."

Truth: We need to ensure that our elections are free, fair and accessible for everyone who is eligible to vote. Citizens who vote using same-day and online registration are subject to the same rigorous eligibility checks as other voters.

CAGING, VOTER CHALLENGES, AND OTHER FORMS OF VOTER INTIMIDATION

TERMINOLOGY

“**Caging**” is “the practice of compiling a list of voters based on returned mail for the purpose of challenging their eligibility to vote. A caging list is compiled by conducting a mass-mailing and collecting the names of voters where the mail was returned. Lists may also be built by comparing different databases. Although many caging lists contain inaccuracies or are based on unreliable data, the list is often used to purge voters from registration rolls, or to challenge voters’ eligibility.”

A “**voter challenge**” is “a formal assertion that a person is not eligible to vote. Depending on the state, challenges may be made during a pre-election period or made in person on Election Day. States vary in terms of who may challenge a voter’s eligibility and the process for determining a voter’s eligibility once it is challenged. The potential for abusing voter challenges is high, particularly where organized groups seek electoral gain.”⁵⁷⁷

The Issue

In some states, voters face overly aggressive challenges to their eligibility to cast a ballot, including caging, voter challenges, and other practices designed to intimidate eligible voters. Voter harassment and intimidation at polling places may soon be on the rise, due to a recent decision by a federal judge in New Jersey to formally end a nationwide court order that had been in place since 1982 to protect voters against harassment and intimidation at their polling place. The order arose out of the 1981 gubernatorial race in New Jersey, when political operatives, in coordination with the Republican National Committee, engaged in a systematic campaign to terrorize voters of color attempting to exercise their right to vote. The order was previously in effect until December 2017, and the DNC relied upon the Decree in October 2016 in challenging then-candidate Trump’s threats to conduct aggressive poll-watching efforts in heavily Democratic parts of Pennsylvania and other states.⁵⁷⁸ In the absence of court oversight, voting rights advocates should be on the lookout for new, more aggressive voter intimidation efforts in 2018 and beyond. All eligible voters must be able to exercise their fundamental right to vote free of intimidation.

MORE INFORMATION

- » Dēmos on [bullies at the ballot box](#)
- » The Brennan Center for Justice on [voter challenges & caging](#) and the DNC v. RNC consent decree

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- ⁴¹⁴ Many states are inclusive of cash contributions, at least to some degree. See, e.g., H.R.S. §§ 11-302 & 11-351(b) (Hawaii's public financing system is inclusive of qualifying cash contributions; the law requires candidates who receive "a contribution of more than \$100 in cash from a single person "[issue] a receipt to the contributor and [keep] a record of the contribution."); N.M.S.A. § 1-19A-2 (H) (allows qualifying contributions (which must be exactly \$5) to be made in cash); W. Va. Code § 3-12-3 (13), a "qualifying contribution" means a "contribution received from a West Virginia registered voter of not less than \$1 nor more than \$100 in the form of cash ...").
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- ⁵¹⁷ Christopher Uggen, Ryan Larson & Sarah Shannon, *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016*, *The Sentencing Project*, Oct. 6, 2016, <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/> (hereinafter Uggen et al., *6 Million Lost Voters*).
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Never Lose Right To Vote	Lost Only While Incarcerated Automatic Restoration After Release	Lost Until Completion Of Sentence (Parole And/Or Probation) Automatic Restoration After	Lost Until Completion Of Sentence In Some States A Post-Sentencing Waiting Period Additional Action Required For Restoration
Maine	District of Columbia	Alaska	Alabama
Vermont	Hawaii	Arkansas	Arizona
	Illinois	California (2)	Delaware
	Indiana	Colorado	Florida
	Maryland (3)	Connecticut	Iowa
	Massachusetts	Georgia	Kentucky
	Michigan	Idaho	Mississippi
	Montana	Kansas	Nebraska
	New Hampshire	Louisiana	Nevada
	North Dakota	Minnesota	Tennessee
	Ohio	Missouri	Virginia
	Oregon	New Jersey	Wyoming
	Pennsylvania	New Mexico	
	Rhode Island	New York	
	Utah	North Carolina	
		Oklahoma	
		South Carolina	
		South Dakota	
		Texas	
		Washington	
		West Virginia	
		Wisconsin	

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- ⁵⁷⁸ See *Democratic Nat. C'ee v. Republican Nat. C'ee*, 671 F. Supp. 2d 575 (D.N.J. 2009), *affirmed in Republican Nat. C'ee v. Democratic Nat. C'ee*, 568 U.S. 1138 (3d Cir. 2013), *cert denied in* 673 F.3d 192 (ordering that the Consent Decree be extended to 2017 “unless, at any point before that date, the DNC is able to prove by a preponderance of the evidence that the RNC has violated the Decree, in which case the termination date will be extended to eight years from the date of that violation.”); *Democratic Nat. C'ee v. Republican Nat. C'ee*, No. 81-03876, 2016 WL 6584915 (D.N.J. Nov. 5, 2016).



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