

In The  
**Supreme Court of the United States**

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RUTHELLE FRANK, *et al.*,

*Petitioners,*

v.

SCOTT WALKER, Governor of Wisconsin, *et al.*,

*Respondents.*

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**On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Seventh Circuit**

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**AMICI CURIAE BRIEF OF ROCK  
THE VOTE AND OURTIME.ORG  
IN SUPPORT OF PETITIONERS**

—◆—  
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**INTEREST OF THE AMICI CURIAE<sup>1</sup>****Rock The Vote**

Rock The Vote is a nonprofit, nonpartisan organization whose mission is to build the political clout and engagement of young Americans. Fusing pop culture, politics, and technology, Rock The Vote works to mobilize the Millennial voting bloc and the youth vote, protect voting rights, and advocate for an electoral process and voting system that works for the 21st century electorate. Rock The Vote has pioneered ways to make voting easier by simplifying and demystifying voter registration and elections for young adults. It also gives young people the tools to identify, learn about and take action on the issues that affect their lives, and to leverage their power in the political process. Rock The Vote has consistently advocated for rules permitting greater participation in the electoral process.

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<sup>1</sup> No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. No one other than *amici curiae* or their counsel made a monetary contribution to the preparation or submission of this brief. Letters from the parties consenting to the filing of this brief have been filed with the Clerk of the Court. Counsel of record for all parties received notice at least ten days prior to the due date of *amici curiae*'s intention to file this brief.

## **OurTime.org**

OurTime.org is one of the nation's largest non-profit organizations committed to increasing the voter participation of young Americans. Since its launch in 2011, the organization has registered hundreds of thousands of young voters by organizing education campaigns as well as utilizing state-of-the-art voter registration technology. The organization has also formulated partnerships with dozens of celebrities including Larry David, Jessica Alba, Nas, Steve Carell, Usher, Sarah Silverman and many others, as well as brands including The Huffington Post, Tumblr, Yahoo, Karmaloop, Funny or Die and VICE to increase civic awareness among America's largest rising electorate.



### **SUMMARY OF THE ARGUMENT**

Millennials are the most racially diverse generation in American history.<sup>2</sup> Some 43 percent of Millennial adults are non-white, the highest share of any generation.<sup>3</sup> They have a unique interest, therefore, in a law which – according to the District Court – disproportionately burdens and abridges the voting

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<sup>2</sup> Millennials in Adulthood at 6 (Pew Research Center, March 7, 2014), [http://www.pewsocialtrends.org/files/2014/03/2014-03-07\\_generations-report-version-for-web.pdf](http://www.pewsocialtrends.org/files/2014/03/2014-03-07_generations-report-version-for-web.pdf).

<sup>3</sup> *Id.*

rights of African American and Latino voters compared to White voters.<sup>4</sup>

Restrictive voter ID laws like Wisconsin’s Act 23 deny members of the Millennial generation the meaningful connection to democracy that comes from confidence in the fairness of our electoral process. This Court should scrutinize Act 23 to ensure that America’s young voters can bequeath a fair and unbiased voting system to their own children.

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## ARGUMENT

### **REVIEW IS NEEDED TO PREVENT RESTRICTIVE VOTER ID LAWS LIKE WISCONSIN’S ACT 23 FROM TEACHING YOUNG VOTERS THE WRONG LESSONS ABOUT DEMOCRACY.**

Over 20 million voters between the ages of 18 and 29 participated in the 2012 election.<sup>5</sup> These young adults – sometimes called “Millennials” – represented 19 percent of the U.S. electorate.<sup>6</sup>

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<sup>4</sup> App. 67a-68a, 90a.

<sup>5</sup> See “The Time Tax: America’s Newest Form of Voter Suppression for Millennials, and How it Must Be Eliminated to Make Voting Accessible for the Next Generation,” OurTime.org & Advancement Project (Nov. 18, 2013) at 1, <http://www.advancementproject.org/news/entry/new-report-millennial-generation-and-young-voters-of-color-face-unique-time>.

<sup>6</sup> *Id.*

With over 93 million individuals, Millennials now make up a third of eligible voters.<sup>7</sup>

But restrictive voter ID laws like Wisconsin's Act 23 threaten Millennials' access to the ballot. Nationwide, a substantial percentage of 18- to 29-year olds do not have a valid driver's license. In 2012, approximately 41 percent of 18-year olds, 32 percent of 19-year olds, 28 percent of 20-year olds, 26 percent of 21-year olds, 22 percent of 22-year olds, 18 percent of 23-year olds, 16 percent of 24-year olds, and 14 percent of 25-29 year olds did not have a driver's license.<sup>8</sup>

In addition, restrictive voter ID laws exclude many student IDs and non-state drivers' licenses from the approved forms of identification, making it difficult for students attending college out of state to vote. Wisconsin's Act 23, for example, excludes regular University of Wisconsin student IDs as well as driver's licenses and photo IDs from other states.<sup>9</sup>

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<sup>7</sup> Ashley Spillane, "The State of the Youth Vote in America" (Jan. 20, 2015), <http://www.msnbc.com/msnbc/the-state-the-youth-vote-america>; Julia Glum, "Millennial Voters 2014 Midterm Elections: What Keeps Them From Voting And How To Fix It," *International Business Times* (Nov. 4, 2014), <http://www.ibtimes.com/plse-copyedit-pub-tuesday-morning-millennials-2014-midterms-what-keeps-them-voting-how-fix-1715671>.

<sup>8</sup> See U.S. Dep't of Transp. Fed. Highway Admin., *Highway Statistics 2012*, <http://www.fhwa.dot.gov/policyinformation/statistics/2012/dl20.cfm>.

<sup>9</sup> Petition For A Writ Of Certiorari at 3.

Similarly, Texas’s voter ID law excludes student IDs and out-of-state driver’s licenses and photo IDs.<sup>10</sup> Before a Pennsylvania court struck it down on state law grounds, Pennsylvania’s voter ID law excluded student IDs that lack an expiration date; as a result, college and university IDs “typically . . . [did] not comply with the statute[.]”<sup>11</sup>

A young voter without a qualifying photo ID can face high or insurmountable obstacles to obtaining one. The District Court found that, in Wisconsin, a “substantial number of the 300,000 plus eligible voters who lack a photo ID are low-income individuals . . . who have encountered obstacles that have prevented or deterred them from obtaining a photo ID.”<sup>12</sup> Likewise, in Texas, “unless the voter already has an official copy of his or her birth certificate, the minimum fee to obtain [a qualifying] ID to vote will . . . likely be much more [than \$2.00] because of prevalent problems with the accurate registration of births of minorities.”<sup>13</sup> In enjoining Pennsylvania’s voter ID law, the state court observed

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<sup>10</sup> *Veasey v. Perry*, No. 13-cv-193, 2014 WL 5090258, at \*\*9, 21 (S.D. Tex. Oct. 9, 2014).

<sup>11</sup> *Applewhite v. Pennsylvania*, No. 330 M.D. 2012, 2014 WL 184988, at \*\*2-3, 21 & n.12 (Pa. Commw. Ct. Jan. 17, 2014) (permanently enjoining Pennsylvania’s voter ID law under state constitution).

<sup>12</sup> App. 136a (quoted in dissenting opinion of Posner, J.); see also *Petition For A Writ Of Certiorari* at 15, 24.

<sup>13</sup> *Veasey*, 2014 WL 5090258, at \*10.

that “the overwhelming evidence reflects that there are hundreds of thousands of qualified voters who lack compliant ID.”<sup>14</sup>

Being denied the opportunity to vote – or knowing that others cannot vote – based on a voter ID law’s restrictive standards will lead many young people to question the fairness of the electoral process and discourage them from participating. Indeed, the District Court found that “photo ID laws undermine confidence in the electoral process . . . by causing members of the public to think that the photo ID requirement is itself disenfranchising voters and making it harder for citizens to vote, thus making results of elections less reflective of the will of the people.”<sup>15</sup> Far from the civics education once gained by voting at the neighborhood polling place, young people in Wisconsin and states with similar laws will learn only that democracy is reserved for selected individuals.

This Court should intervene before further damage is done. Young voters in particular need an answer to the important question whether restrictive voter ID laws like Wisconsin’s betray our nation’s promise of political participation by unjustifiably burdening the voting rights of millions of registered voters, particularly African Americans and Latinos, in

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<sup>14</sup> *Applewhite*, 2014 WL 184988, at \*11.

<sup>15</sup> App. 46a-47a.

violation of the Equal Protection Clause and Section 2 of the Voting Rights Act.



### CONCLUSION

For the reasons stated above and in the petition for a writ of certiorari, this Court should grant the petition.

Respectfully submitted,

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