

EXECUTIVE SUMMARY

The right to vote is one of the fundamental pillars of our democracy, but that right is under attack for millions of older Americans across the nation. Attempts to limit voting locations, the length of early voting periods, inaccessible voting locations, and new strict voter identification (ID) laws threaten the hard won voting rights of older Americans.

KEY FINDINGS

- Since its founding, America has steadily expanded the right to vote through state law, federal law, and constitutional amendments.
- The right to vote and access to the polls have come under recent attack in ways not seen since prior to the passage of the *Voting Rights Act of 1965*.
- Various states have enacted suppressive voting laws under the guise of fighting voter fraud, a claim that has been thoroughly debunked.
- Suppressive voter laws, such as laws that require voter ID and limit access to polling locations, heavily impact older Americans.
 - Millions of older Americans do not maintain a current government ID, which is required to vote in many states, or do not have access to the documentation required to obtain a government ID.
 - Seniors are forced to travel longer distances to reach the polls due to poll closures – a sometimes insurmountable hurdle.
 - Some polling locations and ballots are not accessible for older Americans.
 - Limits to early voting and absentee ballots can prevent older Americans from casting a vote.

RECOMMENDATIONS

- Ensure the full authorization and empowerment of all federal voting laws, which will help facilitate older Americans' access to the polls.
- Provide access to the polls for older Americans by allowing opportunities for accessible early voting and absentee voting.
- Limit restrictions on voting and ensure election laws fully consider the needs and abilities of older Americans.

INTRODUCTION

Americans' right to choose their representatives through the voting process is one of the most sacred pillars of our country's democracy. Yet, only 61 percent of eligible voters cast a ballot in 2016.¹ While there are some who simply choose not to participate in the democratic process, others encounter barriers to voting, like laws that place conditions upon voting or issues that make accessing the polling place more difficult. This can have a significant impact on older Americans' ability to vote, especially for older Americans who are poor or racial minorities. As the baby boomer population continues to age, these restrictions and barriers are likely to adversely impact more Americans.

This report discusses how suppressive laws and accessibility issues make voting more challenging for Americans, especially older Americans and individuals with disabilities. It also proposes steps to strengthen the voting process such as ensuring the full authorization and empowerment of all federal voting laws, providing access to the polls for all Americans, and limiting restrictions on voting. The right to vote for all Americans can be protected by ensuring that elections are accessible, secure, and accurate.

Voter Spotlight

Christine Krucki voted in every presidential election since 1948, but effectively lost her ability to vote after Wisconsin passed a voter ID law in 2011. An old Illinois photo ID and proof of residence in Wisconsin were not enough to gain access to the polls. She needed her birth certificate, but did not have a copy, and was forced to pay \$20. However, her last name on the birth certificate did not match her current last name, which she changed when she married. She then had to pay \$15 for her marriage certificate, but that listed her last name differently than her birth name, as she had adopted a different last name after moving in with her stepsister when she was in her 20s. She was told she had to change the name on her Illinois marriage certificate to match her birth certificate, which would cost between \$150 and \$300. At that point, she gave up.

<https://www.thenation.com/article/a-90-year-old-woman-whos-voted-since-1948-was-disenfranchised-by-wisconsins-voter-id-law/>

HISTORY OF POLL ACCESS IN AMERICA

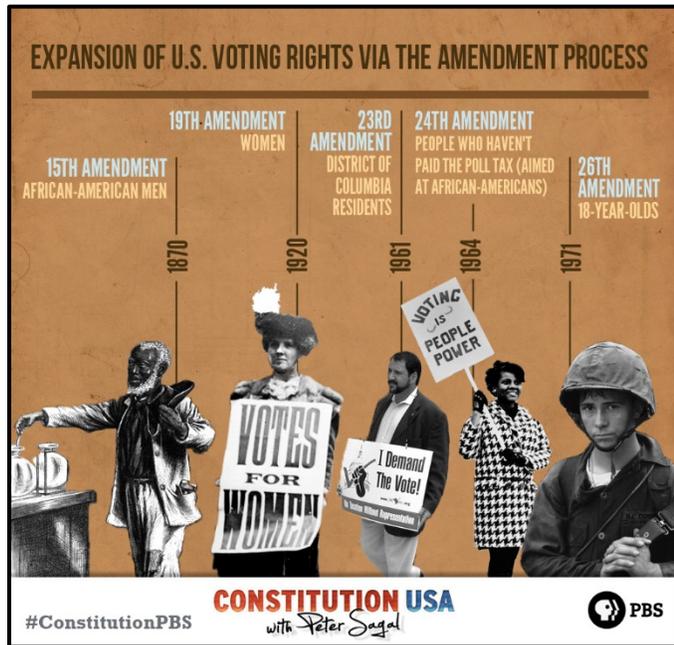
The struggle for voting rights in this country has a long history punctuated by both setbacks and successes. Over time, Congress and the states have created laws extending the right to vote and have implemented policies designed to improve the ease of casting a ballot. On balance, these modifications take steps to better fulfill the ideals of fairness and equality enshrined in the Declaration of Independence and our U.S. Constitution.

While it is difficult to accurately evaluate the population and voter turnout rate in early American elections, it is estimated that in 1788, only seven percent of the population was eligible to vote in the presidential election.² In 2016, over 71 percent of the population was eligible to cast a ballot.³ As more and more Americans gained the right to vote, other citizens

took proactive steps to ensure they could exercise this new right. Americans successfully lobbied for more local polling places, absentee ballots, and early voting.

A Steady Expansion of Voting Rights

For the first 60 years of the country's history (with a few exceptions), only property-owning white men could cast a ballot.⁴ The first expansion occurred on the state level and removed many religious restrictions by the late 1820s.⁵ The requirement of property ownership for white men to vote was abolished by 1856.⁶ In 1870, all adult men, regardless of race, were given the right to vote.⁷ Even with this momentum, it took another 50 years for women, and even longer for all Native Americans to be able to cast a ballot.⁸



In more recent years, additional measures were enacted to ensure that all eligible citizens can exercise their right to vote. The minimum voting age had historically been 21, but in 1971, voting rights were expanded to American citizens age 18 and older.⁹ Furthermore, in 1986, the rights of citizens serving in the military and living abroad to vote in federal elections was guaranteed by the *Uniformed and Overseas Citizens Absentee Voting Act*.¹⁰ In 2002, with the passage of the *Help America Vote Act*, Congress codified accessibility requirements for Americans with disabilities, such as providing access for mobility impaired Americans and mandating proper voting booths for visually impaired individuals.¹¹ They also required language resources for Americans with limited English proficiency.¹² At the same time, Congress created the Election Assistance Commission, which is primarily charged with developing guidance to meet some of the language-related requirements, providing for the certification of voting equipment, studying state election administration, and administering grants to states to help ensure up-to-date voting equipment.¹³

ATTACKS ON VOTING RIGHTS

Despite the significant gains we have made throughout our country's history, it has not been without struggle and setbacks. Following the 19th and early 20th century constitutional amendments to expand voting, many states found ways to circumvent voting protections and restrict the right to vote through the use of poll taxes or literacy requirements.¹⁴ In response to these attempts, the 24th Amendment was ratified in 1964 to prohibit Congress and the states from conditioning the right to vote in a federal election on the payment of a poll tax or any other tax.¹⁵ In 1966, the Supreme Court banned the use of poll taxes in state elections in

Harper v. Virginia Board of Elections.¹⁶ In an attempt to further prevent racial discrimination in voting, President Lyndon B. Johnson signed the *Voting Rights Act* (VRA) of 1965, which prohibited any state or local government from passing laws intended to block racial and ethnic minorities from voting.¹⁷

While not the original intent of the law, some of the protections of the *Voting Rights Act* benefited older Americans, as well. For example, as described in greater detail in later sections of this report, older Americans often do not drive and rely on polling locations close to their homes in order to vote. Laws that would have previously been blocked by the VRA that targeted minority Americans with sudden changes in polling locations or reductions in the number of polling locations can also make a difference in whether older Americans can vote.

Even though the VRA was passed over 50 years ago, it remains a source of contention and controversy. The United States Supreme Court's 2013 decision in *Shelby County v. Holder* struck down a key section of the VRA that prevented certain states and jurisdictions with a history of discriminatory practices from making changes to election law without prior approval from the U.S. Department of Justice.¹⁸ This decision enabled states and jurisdictions with a

history of discriminatory voting practices to erect new barriers to voting without federal government oversight. Decisions by those covered jurisdictions to enact laws pertaining to elections no longer require review and approval from the U.S. Department of Justice.¹⁹ Older Americans are often a population group disproportionately impacted by these new laws or decisions.

Voter Implications

In its decision in *Shelby County v. Holder*, the Supreme Court signaled that Congress has the ability to create a new section in the law to ensure discriminatory practices could not be put in place. However, despite bipartisan proposals to fully restore the *Voting Rights Act*, Congress has yet to act because Republican leadership has blocked any effort to do so over the past four years. While Republican leadership falters, we continue to see state and local attempts to slowly chip away at voters' access to the polls.

Many states and localities are taking advantage of this Supreme

Court decision. Indeed, there have been recent efforts to make it more difficult for Americans to participate in the political process. These efforts have primarily come in the form of strict government-issued photo ID requirements to vote and proof of citizenship requirements to register to vote. These laws have not only increased voter suppression, but they have also caused confusion in the voting process. Moreover, preventing eligible Americans from voting runs contrary to the ideals of our country and undermines the legitimacy of our government.

Justification for the suppressive laws described in this report has been thoroughly debunked. A leading study on this issue found only 31 potential instances of in-person voter impersonation fraud out of over 1 billion ballots cast across the country between 2000 and 2014.²⁰ While voter fraud does happen, it is rare and comes with serious consequences. Eligible American

citizens should not be denied their constitutional right to vote based on unsubstantiated and often repudiated claims of widespread voter fraud.

BARRIERS TO VOTING FOR OLDER AMERICANS

While voting is becoming increasingly difficult for many citizens, older Americans face a unique set of challenges when trying to exercise their right to vote. Older Americans make up a significant amount of the voting population in the United States. In the 2016 election, 30 percent of the voters were 50-64 years old and 15 percent were 65 and older.²¹ Many of these older Americans have difficulties with mobility, are unable to secure transportation to the polls, and have found polling places inaccessible. These issues alone can be difficult to navigate, but are often further complicated by laws and policies that create barriers to voting.

Older Americans May Not Maintain the Required Government ID to Vote

Voter photo identification requirements have been pushed through a number of state legislatures around the country under the guise that such requirements serve as a commonsense way to prevent voter fraud. This effort is gaining steam across the nation. Thirty-two states require individuals to provide some form of ID at polling places in order to cast a ballot.²² In 2018, similar laws will take effect in two additional states.²³ In 2017, elected officials in 22 states introduced at least 39 pieces of legislation that would impose voter ID requirements on the ability to cast a ballot, some of the bills imposing more onerous requirements on top of existing ones.²⁴

Voter Implications

A recent study of the impact of Wisconsin's new voter photo ID requirement in the 2016 election found that six percent of registrants who did not vote were prevented because of a lack of necessary ID. Additionally, the study found 11.2 percent of "eligible nonvoting registrants were deterred" from voting based on confusion around the new law.

<https://elections.wisc.edu/news/voter-id-study/voter-id-study-supporting-info.pdf>

While these laws may not be drafted with older Americans in mind, their impact on this population is significant. Many older Americans may not maintain a photo ID or may have trouble obtaining one, thereby restricting their right to vote. In 2012, nearly one in five citizens over the age of 65 (about 8 million) lacked a current, government-issued photo ID.²⁵ According to AARP, people older than 65 tend to give up their driver's license and rarely replace it with a state-issued ID.²⁶ Thus, when a state enacts a strict voter ID law, older

Americans who have been voting for decades can suddenly find themselves unable to access the voting booth.

Even obtaining a photo ID can be a significant burden for older Americans. Voters who lack the required photo ID must travel to a designated government office to obtain one. A 2012 Brennan Center study of 10 states that had enacted or were considering enacting strict voter ID

laws showed the true burden of such travel. The report found that over 10 million eligible voters live more than 10 miles away from their nearest state ID-issuing office that is open more than two days a week.²⁷ For isolated seniors in rural America who cannot drive, that distance can represent an impossible hurdle to obtaining a photo ID. The states that have passed the most restrictive voter ID laws are some of the worst investors in public transportation.²⁸ Many older Americans live on a fixed income. On average, an older American must pay for medications, food, housing, and other items with only \$22,000 a year.²⁹ An unexpected added expense to obtain government-issued identification can place voting out of reach for many older Americans balancing the costs of life-sustaining food and medication.

Since the majority of Americans have a valid form of government ID, a requirement to present one in order to vote does not present a barrier to most voters. However, the details matter when it comes to voter ID requirements. As mentioned above, these laws often require strict government issued photo ID. In other words, only certain IDs will be sufficient, as outlined below.

Expired IDs and Out-of-Date Address Issues

Many strict voter ID laws feature requirements that the ID feature a voter's current address. This is a challenge that can impact Americans who move, including older Americans. According to the U.S. Census Bureau, over 11 percent of Americans move in a given year.³⁰ While these address requirements disproportionately impact young Americans, minorities, and lower-income Americans, they also pose a significant issue for older Americans. As they look to downsize, move closer to their children, or move into senior communities or long-term care facilities, older Americans may be moving for the first time in decades.³¹ Such moves often also trigger a need to re-register to vote.³²

Many states have a registration deadline 30 days³³ prior to the election and if an individual's registration is not current, they may not be able to cast a ballot that is ultimately counted.³⁴ Such disenfranchisement occurs despite states having the ability to allow same day registration or at least same day address changes for voters who are already registered in a state.³⁵

Voter Spotlight

Dorothy Cooper is a 96-year-old retired domestic worker. She has been voting without trouble since her 20s, but now needs a photo ID. She never learned to drive, and the photo ID issued to her by the Chattanooga Police Department for seniors who live in the Boynton Terrace public housing complex does not qualify as a valid ID for voting purposes. She tried to get a government-issued ID and brought a rent receipt, copy of her lease, voter registration card, and birth certificate to obtain one. Unfortunately, the birth certificate listed her maiden name and since she didn't have her marriage certificate, she was denied the free ID. While Dorothy was ultimately able to cast a ballot, the hurdles she was forced to overcome created unnecessary obstacles to her right to vote.

<http://www.timesfreepress.com/news/news/story/2011/oct/05/marriage-certificate-required-bureaucrat-tells/60662/>

Another common issue for strict photo ID laws is that some states do not allow expired IDs to be used for voting, which can impact older Americans who no longer drive.

People in all walks of life, not just older Americans, are impacted by photo ID requirements. For instance, in some states, student identification from a state university is not sufficient proof that a would-be voter is who they claim to be.³⁶ Texas' notorious ID law, which is not currently in effect because of ongoing litigation, allowed gun licenses to be used, but not student IDs.³⁷

Older Americans May Not Have the Required Documentation

Another challenge to obtaining a state-issued photo ID is the need to produce underlying documentation. This is usually a birth certificate or naturalization documentation. This can be a significant hurdle for older Americans, as they may lack the required documentation to even receive government identification. Without current identification, many states require a birth certificate in order to obtain a new state-issued ID. However, it is sometimes the case that older Americans are not in possession of their birth certificate or never had their birth registered, which may have been common in that time at the place of their birth. Even obtaining an acceptable copy may take considerable time and expense. Absent the required documentation necessary to secure a government ID, older Americans may find themselves unable to cast a ballot.

Another challenge in obtaining an ID relates to citizens whose names have changed, most commonly because of marriage or divorce. These individuals must often have official documents proving such changes. Often times, there is a cost to securing or changing these types of documents. For older Americans who live on a fixed income, the need to purchase life-sustaining medications may outweigh an interest in participating in the election process.

Voter Spotlight

Ruby Barber is 92-years-old. After Texas passed a voter ID law, she was almost blocked from voting because she could not find her birth certificate. Ruby was born in a farmhouse without a doctor present, so her birth was never registered and her marriage license was lost in a 1992 house fire. Her Social Security card, two utility bills, expired driver's license, and her Medicare card were not enough to obtain a photo ID. It took finding her birthday in the 1940 U.S. Census for the state to be satisfied.

<http://www.nydailynews.com/news/politics/texas-officials-won-92-year-old-texas-woman-voter-id-article-1.1799344>

Many Older Americans Require Assistance to Vote

Many older Americans require assistance with daily living activities and they may also require assistance in voter registration and at the polls. According to the Pew Research Center, more than 35 million eligible voters in the United States – one in six – have a disability.³⁸ Many Americans have limited mobility, with over eight million requiring the assistance of a wheelchair, walker, or cane to assist with their mobility.³⁹ Over 18 million Americans 65 years and older, almost half of the older population, need some form of assistance with daily activities.⁴⁰

Because many older Americans require physical assistance, it can be challenging for them to make it to the polls and also to cast their ballot while there. Potential lines at the polling place can also increase the challenges for older Americans who are often reliant on a family member, friend, or aide. If these people are unable to assist an older voter on Election Day, accompany them to an early voting site, or assist them in obtaining an absentee ballot, casting a ballot may be impossible for many older voters.

Accessing Transportation to Vote as an Older American Can Be Complicated

Transportation further complicates accessing polling locations for many older Americans as not all polling locations are accessible. Even if a senior does not require daily aid from a caregiver, they may no longer drive. Without the ability or desire to drive, older Americans must either rely on friends or family members in order to leave the home, or utilize public transportation. While public transportation may be available, it may not be easy to access. A report by Transportation for America estimated that over 11 million Americans age 65 and older lived with poor transit access in 2015.⁴¹

Even with access to public transportation, mobility issues can still arise for older Americans.

Many older Americans must walk to catch the bus or train. In communities with crumbling sidewalks, few benches for rest, or street crossings with inadequate time to cross the street, these issues present challenges. Walking long distances or successfully completing multiple transfers may be impractical, impossible, or dangerous to the health of older Americans. All of these issues can combine to make what many younger Americans consider a short trip to the voting location into a near impossible journey for some older Americans.

Polling Locations and Ballots Are Not Always Accessible for Older Americans

Polling locations also create obstacles for older Americans. Not all polling locations are accessible for older Americans. In some cases, if an older American can leave the home and access the transportation necessary to reach a polling place, they may find getting into the polling location difficult. A 2017 report by the U.S. Government Accountability Office (GAO) found that only 17 percent of polling sites reviewed were fully accessible for disabled and older

Voter Spotlight

Laura Troth is 80-years-old and uses a wheelchair. After Texas passed a voter ID law, she was turned away from her voting precinct because all she had was her voter registration card. She had a family friend drive her to the Texas Department of Public Safety office that day to get an ID. She presented her old driver's license, Social Security, and Medicare cards, but was told she needed her birth certificate. Her birth certificate was not accepted because the name on it was differed from her married name, and would require her marriage certificate. It took a third visit with all the requested documents before she could get the ID.

<http://www.houstonchronicle.com/news/columnists/falkenberg/article/Senior-tries-and-tries-to-get-ID-card-so-she-can-5226268.php?t=bd34f0742f29c86149&cmpid=twitter-premium>

Voter Spotlight

Leroy Switlick is 67-years-old and was forced to make three separate trips to the DMV in Milwaukee to get a photo ID because he lacked the required documentation. He has voted in every presidential election for more than 40 years. He is partially blind, never learned to drive, and never needed a state-issued ID before. It took multiple trips and a lawyer for him to finally succeed in securing the documentation needed to vote.

<http://www.bbc.com/news/election-us-2016-37569855>

Americans.⁴² The report found that the majority of potential obstacles at polling locations occurred outside of the building.⁴³ Lack of accessible parking, obstacles between the parking space and entrance, and lack of an accessible entrance to the building can all provide added difficulties to voting or make it impossible to reach the voting booth. Even a door entrance with a threshold that exceeds half an inch can block some disabled and older Americans from entering.⁴⁴

In response to concerns about accessibility, many polling places that have physical obstacles to the voting booth have adopted curbside voting. Curbside voting allows a

paper or provisional ballot to be brought out and filled out in the vehicle. However, GAO's 2017 report found that approximately 41 percent of polling places it examined with potential obstacles to the voting booth still did not offer curbside voting.⁴⁵ Even if older Americans can make it into the polling location, their right to cast a private and independent vote may not be upheld. The same GAO study found that while most polling locations they reviewed had accessible voting stations, 65 percent of those locations were set up in a way that could impede a private and independent vote.⁴⁶ This includes, for example, accessible polling stations that require the assistance of a poll worker or accessible stations that do not offer the same level of privacy as other voting stations.⁴⁷

Limiting Early Voting and Absentee Ballots May Prevent Older Americans from Casting a Ballot

There are many reasons why a voter may not be able to vote in person on Election Day, but even the simple act of obtaining an absentee ballot can be difficult in many states. 20 states require eligible voters to specify an excuse to vote absentee.⁴⁸ What counts as a "valid" excuse varies per state, for example, in Pennsylvania, valid excuses include voters who will be away from their municipality due to work or vacation, cannot make it to their polling location due to an illness or disability, or are serving in the Armed Forces.⁴⁹ It is also worth noting that there are 13 states that offer no in-person early voting options to voters, which creates an unnecessary burden for older Americans looking to cast their vote.⁵⁰ Even if a senior is able to vote by mail, updated signature requirements can be a barrier for older Americans whose signatures naturally change over time or who may be physically unable to sign their name.⁵¹

Closing Poll Locations May Make it Difficult for Older Americans to Vote

In recent years, many states have closed long-standing polling locations. These closures may result in voters being forced to travel longer distances to reach the polls and facing longer lines

to vote while there. Poll closures can have distinct consequences for older Americans. A 2016 survey by The Leadership Conference for Civil Rights highlights this issue. The survey found 868 fewer places to cast a ballot in 2016 than in 2013 in 381 counties across the United States.⁵² This sharp reduction likely means that many eligible voters have to travel farther to reach the polls. Given the transportation issues facing seniors, poll closures can severely complicate the ability of older Americans to exercise their right to vote on Election Day. Furthermore, as some polls close, burdens are placed on the remaining polling locations leading to longer wait times to cast a ballot. For instance, in Arizona's Maricopa County, cuts in polling locations resulted in five hour long lines to vote in the presidential primary in 2016.⁵³ Long lines may be nothing more than an annoyance for some, but for older or disabled Americans they can represent yet another barrier to voting. The travel barrier is partly why the states of Oregon, Washington, and Colorado, with California joining in 2018, have implemented Vote-By-Mail elections. Vote-By-Mail states mail every registered voter a ballot, allowing voters to return the ballot via mail or by dropping it off before Election Day. Such a system removes the necessity to travel on Election Day, although the state may still operate in-person voting locations.⁵⁴

THREATS TO AN AGING POPULATION

The actions and decisions detailed in this report will significantly hinder the ability of older Americans to access the polls and cast a ballot. Moreover, the impact of these decisions will become greater as baby boomers age. Every day, another 10,000 individuals turn 65.⁵⁵ Between 2010 and 2030, the percentage of the population over 65 is expected to increase from 13 percent to 19 percent.⁵⁶ Many of these individuals, who for their entire lives have had the right of casting a ballot, might for the first time find themselves on the outside looking in. This will be more acute in states like Pennsylvania, Maine, Florida, and West Virginia, which have large older populations.⁵⁷

HOW TO IMPROVE THE VOTING EXPERIENCE FOR OLDER AMERICANS

Given the barriers to voting facing older Americans, the following steps would help ensure that all older Americans have access to the voting booth:

- Ensure the full authorization and empowerment of all federal voting laws in place.
 - As has been described, federal laws have been passed to ensure that all Americans have access to the polls and each of these laws, in their own way, help ensure that older Americans are not blocked from the ballot box. In order to guarantee that they work as intended in the long term, we must ensure that each law is fully functional and that resources are in place to ensure their proper implementation. Examples include:
 - Updating the *Voting Rights Act*, to prevent the implementation of discriminatory practices; and

- Robust funding for the Election Assistance Commission, to ensure that elections remain accessible, secure, and accurate.
- Provide access to the polls for older Americans by allowing opportunities for accessible early voting and absentee voting.
 - To ensure that older Americans have flexibility in accessing the polls, regardless of any physical or logistical limitations, states and jurisdictions should ensure that older Americans have significant opportunities to vote.
- Limit restrictions on voting.
 - In an effort to safeguard older Americans' ability to vote, states should ensure that any voting restrictions, including voter IDs, fully consider the needs and abilities of older Americans.

CONCLUSION

The right to vote is among the most fundamental in our democracy and should not be impeded under any circumstance. We have come a long way, but around the country, the voting rights of millions of older Americans are under sustained attack. The integrity and fairness of the American electoral process requires a combined effort of local, state, and federal institutions and firm steps must be taken against any policies that result in the intentional or unintentional disenfranchisement of any eligible American citizen who wants to cast a ballot.

Implementing the recommendations above would help ensure voting access to every eligible American. Sensible action to address the issues discussed in this report and other barriers to voting will help ensure a diversity of views are represented at every level of government, and that the interests of older Americans are considered in the crafting of policies that may impact their financial and health security, and that of their families. As the number of older Americans continues to increase, their access to the polls should remain unfettered.

Barriers to Voting for Older Americans in the United States

State or U.S. Territory	Requires Photo ID ⁵⁸	Does Not Offer Early Voting or In-Person Absentee Voting ⁵⁹	Requires an Excuse to Vote Absentee ⁶⁰	2010 Population 65+ ⁶¹	2030 Population 65+ ⁶²
Alabama	X	X	X	657,792	1,147,615
Alaska				54,938	155,741
American Samoa		X	X	2,267	*
Arizona				881,831	1,700,763
Arkansas			X	419,981	704,792
California				4,246,514	7,863,004
Colorado		All Elections Conducted By Mail		549,625	1,192,649
Connecticut		X	X	506,559	830,281
Delaware		X	X	129,277	239,811
District of Columbia				68,809	108,497
Florida	X			3,259,602	5,692,813
Georgia	X			1,032,035	2,450,742
Guam		X	X	10,747	*
Hawaii				195,138	320,140
Idaho	X			194,668	386,518
Illinois				1,609,213	2,689,088
Indiana	X		X	841,108	1,479,498
Iowa				452,888	699,710
Kansas	X			376,116	631,810
Kentucky		X	X	578,227	1,047,383
Louisiana	X		X	557,857	991,270
Maine				211,080	371,407
Maryland				707,642	1,323,136
Massachusetts			X	902,724	1,496,735
Michigan	X	X	X	1,361,530	2,288,277
Minnesota				683,121	1,238,677
Mississippi	X	X	X	380,407	662,051
Missouri		X	X	838,294	1,443,106
Montana				146,742	270,378
Nebraska				246,677	405,258
Nevada				324,359	799,186
New Hampshire	X	X	X	178,268	348,911
New Jersey				1,185,993	1,968,907
New Mexico				272,255	513,564
New York		X	X	2,617,943	4,092,851
North Carolina				1,234,079	2,433,490
North Dakota	X			97,477	155,062
No. Mariana Islands		X	X	1,566	*
Ohio				1,622,015	2,702,082
Oklahoma				506,714	876,245
Oregon		All Elections Conducted By Mail		533,533	997,873
Pennsylvania		X	X	1,959,307	3,105,443
Puerto Rico			X	541,998	*
Rhode Island	X	X	X	151,881	243,491
South Carolina		X	X	631,874	1,185,294
South Dakota	X			116,581	198,255
Tennessee	X		X	853,462	1,596,276
Texas	X		X	2,601,886	5,525,220
U.S. Virgin Islands		X	X	14,388	*
Utah				249,462	517,727
Vermont				91,078	165,012
Virginia	X	X	X	976,937	1,909,689
Washington		All Elections Conducted By Mail		827,677	1,639,976
West Virginia			X	297,404	483,203
Wisconsin	X			777,314	1,349,533
Wyoming				70,090	136,015

* Information Unavailable

REFERENCES

¹ *Voting in America: A Look at the 2016 Presidential Election*, United States Census Bureau (May 10, 2017) (available at https://www.census.gov/newsroom/blogs/random-samplings/2017/05/voting_in_america.html).

² Due to a variety of voting requirements by states at the time, different understanding of who counted as an American citizen, different standards in record keeping, and incomplete statistics, it is difficult to calculate the precise percentage of Americans eligible to vote in the first presidential election. However, in his book entitled, “Voting in American Elections: The Shaping of the American Political Universe Since 1788,” Walter Dean Burnham estimated that 304,800 Americans were eligible to vote in the 1788 Presidential election. The closest population estimate for 1788 comes from U.S. Census Bureau, which estimates that the total U.S. population in 1790 was 3,929,214 (https://www.census.gov/history/www/through_the_decades/fast_facts/1790_fast_facts.html). The estimate that seven percent of the population was eligible to vote in 1788 was calculated by dividing the total numbers of Americans who are estimated to have been legally eligible to vote in 1788 (304,800) by the estimated total U.S. population in 1790 (3,929,214).

³ Professor Michael McDonald’s United States Elections Project at the University of Florida (<http://www.electproject.org/2016g>) estimated that 230,585,915 Americans were eligible to vote in the 2016 presidential election. The U.S. Census Bureau estimates that the total U.S. population in 2016 was 324,013,797 (<https://www.census.gov/popclock/>). The estimate that 71 percent of the population was eligible to vote in 2016 was calculated by dividing the total number of Americans who are estimated to have been legally eligible to vote in 2016 (230,585,915) by the total U.S. population in 2016 (324,013,797). The different sources of data make it impossible to completely and accurately compare the number of Americans eligible to vote in 1788 and 2016, however, we believe these general numbers helps us understand how the American electorate has expanded over the years.

⁴ See *Stories from the Revolution*, National Park Service (available at https://www.nps.gov/revwar/about_the_revolution/voting_rights.html); *The Right to Vote and the Rise of Democracy, 1787-1828*, Journal of the Early Republic (Summer 2013) (available at <http://jer.pennpress.org/media/26167/sampleart22.pdf>).

⁵ *Maryland’s “Jew Bill,”* American Jewish Historical Quarterly (September 1970 to June 1971) (available at http://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/013400/013489/pdf/ajhq_2.pdf).

⁶ *The Evolution of Suffrage Institutions in the New World* (February 2005) (available at <http://economics.yale.edu/sites/default/files/files/Workshops-Seminars/Economic-History/sokoloff-050406.pdf>).

⁷ The Fifteenth Amendment to the United States Constitution (available at <https://constitutioncenter.org/interactive-constitution/amendments/amendment-xiv>).

⁸ *Voting Rights for Native Americans*, The Library of Congress (available at <http://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/elections/voting-rights-native-americans.html>).

⁹ The Twenty-Sixth Amendment to the United States Constitution (available at <https://constitutioncenter.org/interactive-constitution/amendments/amendment-xxvi>).

¹⁰ *Registration and Voting by Absent Uniformed Services Voters and Overseas Voters in Elections for Federal Office*, 52 U.S.C. §§ 20301-20311 (available at <https://www.law.cornell.edu/uscode/text/52/subtitle-II/chapter-203>).

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¹³ *Ibid.*

¹⁴ *White Only: Jim Crow in America*, National Museum of American History (available at <http://americanhistory.si.edu/brown/history/1-segregated/white-only-1.html>).

¹⁵ Twenty-Fourth Amendment to the United States Constitution (available at <https://www.gpo.gov/fdsys/pkg/STATUTE-78/pdf/STATUTE-78-Pg1117.pdf>).

¹⁶ *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966) (available at <http://caselaw.findlaw.com/us-supreme-court/383/663.html>).

¹⁷ Voting Rights Act of 1965, Public Law 89-110 (available at http://library.clerk.house.gov/reference-files/PPL_VotingRightsAct_1965.pdf).

¹⁸ *Ibid.*

¹⁹ *Shelby County v. Holder*, 570 U.S. 2 (2013) (available at https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf).

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