



**Hearing of the California State Assembly  
Committee on Elections and Redistricting  
July 5, 2011**

**Testimony of Steven Carbó  
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SB 641**

Dēmos is a national, non-partisan research and advocacy organization headquartered in New York City. Our Democracy Program works with policy makers, advocates and scholars around the nation to strengthen democracy by reducing barriers to voter participation and encouraging civic engagement. We appreciate this opportunity to testify on SB 641, the Same Day Registration (SDR)<sup>1</sup> legislation introduced by Sen. Ron Calderón.

Dēmos applauds the members of the Assembly Elections and Redistricting Committee for your consideration of Same Day Registration. SDR is a proven innovation that helps increase voter participation by allowing eligible voters to register to vote and cast a ballot after the close of the regular voter registration period, on Election Day and/or on the days immediately preceding it. Nine states (Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming) and the District of Columbia currently offer Same Day Registration.

***Increased Voter Turnout with Same Day Registration***

Same Day Registration states have historically achieved turnout rates that are on average 10 to 12 percentage points higher than non-SDR states. They led the nation in voter turnout by 7 percentage points in the high-turnout 2008 presidential election.<sup>2</sup> The five states with the highest turnout that year – Minnesota, Wisconsin, Maine, New Hampshire, and Iowa – were all SDR states.<sup>3</sup> All told, over 1.5 million Americans were able to participate in the historic 2008 presidential election because of Same Day Registration.<sup>4</sup>

Same Day Registration's potential for increased voting is due to the fact that it removes one of the chief obstacles to voter participation: pre-election voter registration

deadlines. Voting rights experts agree that pre-election registration deadlines have contributed to lower turnout among eligible voters.<sup>5</sup> While these deadlines may have served some legitimate public purpose in an earlier era, the experience of Same Day Registration states shows them to be unnecessary today.

Pre-Election Day voter registration deadlines are particularly unjustified in our highly mobile society. The U.S. Census Bureau reports that 37.5 million individuals changed residences between 2009 and 2010, representing nearly 12.5 percent of the nation's population.<sup>6</sup> Americans who change addresses can easily find themselves unable to vote in their new election districts. They fail to re-register to vote or update their voter registration records in time to cast a ballot on Election Day.

Same Day Registration solves the problem. Those who move can simply register anew in their new voting districts on Election Day, or on the days beforehand, and cast a ballot.

### ***Same Day Registration Can Increase Voter Turnout in California***

Same Day Registration has the potential to appreciably increase voting in California. Demos commissioned two nationally-recognized political scientists, R. Michael Alvarez from the California Institute of Technology and Jonathan Nagler of New York University, to estimate SDR's impact in California. A copy of the report is attached.

The key findings of the report are as follows:

- Overall voter turnout in California could increase by 4.8 percent.
- Turnout among 18 to 25 year olds could increase by 9 percent.
- Turnout among persons who have moved in the last six months could rise by 7.3 percent.
- Turnout among Latinos and newly-naturalized citizens could each rise by 5.1 percent.

With Same Day Registration, more than 1 million additional California citizens would participate in future presidential elections.<sup>7</sup>

### ***Same Day Registration Reduces the Need for Provisional Ballots***

Another important benefit of Same Day Registration is that it reduces the need for provisional ballots. Provisional balloting can be a frustrating experience for elections officials and voters alike. Elections workers are often hard-pressed to comb their voter registration records in the hectic days after each election looking for evidence of prior registration of provisional voters, whose names could not be found on the voter rolls on

Election Day. Voters are upset and bridle at casting provisional ballots. Many are later disillusioned by learning that their provisional ballots were ultimately rejected, and never vote again.

Same Day Registration offers a ready solution to these problems. Eligible voters whose names do not appear on poll books merely complete a new voter registration application on Election Day, and vote a regular ballot.

### ***Successful Implementation of SDR in Iowa and North Carolina***

Iowa and North Carolina both enacted Same Day Registration legislation in 2007. SDR went into effect in their first presidential elections in November 2008. The results were astounding. With Same Day Registration in place, North Carolina saw the greatest increase in voting among all states since the 2004 presidential election. 253,000 citizens were able to participate because of SDR, which is available during the state's 16-day early voting period, after the state's voter registration deadline. African Americans were one of the particular beneficiaries of Same Day Registration in North Carolina. While African Americans represented 21 percent to the state's voting age population, they accounted for fully 36 percent of state residents who used SDR to vote that November.<sup>8</sup>

Iowa's first major experience with Same Day Registration was also impressive. Nearly 46,000 Iowans used SDR to vote in November 2008.<sup>9</sup>

Provisional balloting also fell sharply in both states. In Iowa, provisional votes dropped from 14,661 in 2004 to 4,725 in November 2008.<sup>10</sup> In North Carolina, almost 40,000 fewer provisional ballots were cast in the much-higher-turnout 2008 presidential race than in the 2006 mid-term election.<sup>11</sup>

### ***Suggested Amendments to SB 641***

#### Expand Availability of Same Day Registration

The voter turnout increases projected by Professors Alvarez and Nagler assume that California would implement SDR as it traditionally has been used, allowing eligible individuals to register (or update their registration) and vote at the polling place on Election Day. As they reported,

*For EDR to be effective, the registration process must be something that the typical voter can proceed through without excessive complications. Any EDR system that restricts the number of registering and polling places, or the time of registering and voting would obviate the primary advantage of EDR as it has been used in other states – i.e., that it removes registration burdens. ... [A] procedure requiring voters to engage in excessive travel on election day is not*

*likely to facilitate as many voters utilizing it as would a system allowing voters to simply register and vote at their local polling place.<sup>12</sup>*

Dēmos expects that several of the limitations adopted in SB 641 would diminish the legislation's positive influence on voter turnout. As we understand it, individuals not currently registered to vote could only submit a so-called "conditional voter registration" affidavit at the headquarter offices of county election officials on Election Day and during the early voting period. And previously registered voters who had not updated or corrected their registration records before California's 15-day voter registration deadline could not use SDR to update their voter registration and vote a regular ballot.

The primary benefit of Same Day Registration is that it substantially eases the burden of voter registration. Restricting Same Day Registration to one location in each county undermines the convenience of SDR. The headquarter offices of county election officials may not be readily accessible by public or private transportation and will likely involve significant travel. Under these circumstances, we would not expect that many voters would actually use SB 641's Same Day Registration procedures. California would not see the 4.8 percent increase in voter turnout projected by Professors Alvarez and Nagler.

Restricting "conditional voter registration" to new voter registrations further diminishes its potential impact. While Same Day Registration has allowed millions of unregistered voters the ability to vote, it has also helped many other previously registered citizens who failed to update their registration before Election Day or early voting periods. More than half of the 253,000 voters who used Same Day Registration to vote in North Carolina's first presidential election with SDR in 2008 used it to update their registration records and avoid voting by provisional ballot.

Dēmos respectfully suggests that you consider amending SB 641 to allow eligible voters to register anew and/or update an existing registration and cast a regular ballot at each polling place on Election Day. The collective experience of nine SDR states has shown that this reform is a cost-effective and proven means of increasing voter participation.

#### Eliminate Provision Ballots for Same Day Registrants

As drafted, the ballots cast by same-day registrants under SB 614 would be provisional in nature, requiring elections officials to perform additional verification procedures after Election Day and before the end of the canvass period in order for those ballots to be counted. These procedures are unnecessary and undercut one of the primary benefits of Same Day Registration, the reduced use of provisional ballots.

States that allow Same Day Registration typically require individuals to complete a voter registration application, show proof of residence and/or identity, take an oath, and then vote a regular ballot. Provisional ballots are not used.

Provisional balloting tends to be proposed for same-day registrants out of concern for increased voter fraud. The record in SDR states shows no basis for those concerns. Simply put, voter fraud is a non-issue in SDR states. Election administrators can offer voters the opportunity to register and vote on Election Day or during early voting periods without undermining the integrity of election results.

In 2007, Demos conducted a survey of 49 local election officials in the six original Same Day Registration states to elicit information on their experience in administering SDR. The great majority of respondents reported that their fraud-prevention measures were sufficient in ensuring the integrity of elections.<sup>13</sup> Their states impose heavy penalties for voter fraud, voters are required to show documentary proof of residency, and voters must sign an oath attesting to their identity and citizenship.

Same Day Registration also offers an inherent element of integrity not available in many other voter registration transactions: SDR requires eligible voters to attest to their identity, face-to-face, before an elections official. This safeguard does not hold for mail-in voter registration applications. Post-election audits of SDR voters like those conducted in Wisconsin can add an additional level of security.<sup>14</sup>

The research also shows that sufficient safeguards against voter fraud are in place in SDR states and that very few instances of voter fraud develop. Barnard College professor Lorraine Minnite conducted an extensive analysis of voting data in Same Day Registration states from 2002 to 2005. Her research uncovered *just one case of voter impersonation* at the polls.<sup>15</sup> Indeed, voter fraud is exceedingly rare today. A high-profile voter fraud initiative by the U.S. Department of Justice in the Bush Administration resulted in only 40 prosecutions for elections crimes relating to illegal voting nationwide between 2002 and 2005.<sup>16</sup> Wisconsin was the only SDR state implicated. Four voters were charged with double voting, and 10 were prosecuted for voting while disfranchised for a felony conviction. Ultimately, the charges were dropped or the defendants were exonerated in all the double-voting cases and half the felon prosecutions. The minute number of convictions (the federal government obtains an average 90-percent conviction rate in nearly all felony crime cases) speaks strongly to the integrity of elections in Same Day Registration states, and elsewhere. An investigation of votes cast in 2004 by the New Hampshire Attorney General also found no fraud attributable to SDR.<sup>17</sup>

Demos respectfully suggests that SB 641 be amended to eliminate provisional balloting for same-day registrants. California can emulate the procedures followed in Same Day Registration states, extending opportunities for voter participation without undermining the integrity of the vote.

## Conclusion

Same Day Registration holds great promise for California. Properly administered, SDR can extend the vote to over 1 million eligible citizens in California who would otherwise be unable to vote. Dēmos respectfully recommends that the Assembly Elections and Redistricting Committee seize the opportunity presented by your consideration of SB 641 and craft a Same Day Registration that proposal that builds upon the long experience of SDR states and achieves its potential for expanding voter participation.

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<sup>1</sup> “Same Day Registration” allows eligible voters to register and cast a ballot after the close of the official voter registration period, in the run-up to each election. “Election Day Registration” (EDR) is a variety of Same Day Registration that allows for registration and voting on Election Day itself.

<sup>2</sup> Demos, *Voters Win with Election Day Registration*, available at <http://www.demos.org/publication.cfm?currentpublicationID=AE8AB63E-3FF4-6C82-5DC59D5071F89C52>.

<sup>3</sup> See United States Elections Project, 2008 General Elections Turnout Rates, [http://elections.gmu.edu/Turnout\\_2008G.html](http://elections.gmu.edu/Turnout_2008G.html).

<sup>4</sup> *Voters Win with Election Day Registration*, op. cit., p. 2

<sup>5</sup> See Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000). See also Frances Fox Piven and Richard A. Cloward, *Why Americans Don't Vote* (New York: Pantheon, 1988).

<sup>6</sup> Press Release, U.S. Census Bureau, *Census Bureau Reports Housing is Top Reason People Moved Between 2009 and 2010* (May 23, 2011), [http://www.census.gov/newsroom/releases/archives/mobility\\_of\\_the\\_population/cb11-91.html](http://www.census.gov/newsroom/releases/archives/mobility_of_the_population/cb11-91.html).

<sup>7</sup> R. Michael Alvarez and Jonathan Nagler, *Election Day Voter Registration in California*, Demos (2011), [http://www.demos.org/pubs/CA\\_EDR\\_Report-Demos.pdf](http://www.demos.org/pubs/CA_EDR_Report-Demos.pdf).

<sup>8</sup> *2008 Recap: the Year of the Voter*, Democracy North Carolina (2009), <http://www.democracy-nc.org/reports/researchreports/WrapUp.pdf>, p.2.

<sup>9</sup> Secretary of State Michael A. Mauro, *Iowa Secretary of State 2008 Report* (2009), p. 4.

<sup>10</sup> *Id.*, p. 6.

<sup>11</sup> Information available from the North Carolina State Board of Elections, Raleigh, NC.

<sup>12</sup> Alvarez and Nagler, op. cit., p. 2.

<sup>13</sup> Demos: A Network for Ideas and Action, *Election Day Registration: A Ground-Level View*, available at [http://www.demos.org/pubs/EDR\\_Clerks.pdf](http://www.demos.org/pubs/EDR_Clerks.pdf)

<sup>14</sup> See Cristina Vasile and Regina Eaton, *Election Day Registration: Best Practices, an Implementation Guide*, Demos (2010), p. 26.

<sup>15</sup> Lorraine Minnite, *Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security*, Demos (2007), <http://www.demos.org/pubs/EDRVF.pdf> (A 17 year-old in New Hampshire was caught casting his father's ballot in a 2004 Republican presidential primary. This fraud was unrelated to EDR because the father was already registered and on the rolls.)

<sup>16</sup> *Id.* In 2002, 78,381,943 votes were cast in national elections; in 2004, 122,294,987 votes were cast in national elections.

<sup>17</sup> Memorandum from Bud Fitch, Deputy Attorney General to Chairman Robert Boyce and Members of Senate Internal Affairs Subcommittee; Chairman Michael D. Walley and Members of House Election Law Committee (Apr. 6, 2006), <http://128.121.25.104:8080/awweb/awarchive?item=16677&type=meta>.