

ELECTION DAY VOTER REGISTRATION IN NEBRASKA

R. MICHAEL ALVAREZ
CALIFORNIA INSTITUTE OF TECHNOLOGY

JONATHAN NAGLER
NEW YORK UNIVERSITY



EXECUTIVE SUMMARY

We have analyzed the likely impact on voter turnout should Nebraska adopt Election Day Registration (EDR).¹ Under the system proposed in Nebraska, eligible voters who miss the current 17 day deadline for registering by mail may be able to register to vote on Election Day.² The availability of Election Day Registration procedures should give voters who have not previously registered the opportunity to vote. Consistent with existing research on the impact of EDR in the other states that use this process, we find that EDR would likely lead to substantial increases in voter turnout.

We offer the following voter turnout estimates for Nebraska under EDR:

- **Overall turnout could go up by 4.4 percent.**
- **Turnout among those aged 18 to 25 could increase by 8.9 percent.**
- **Turnout for those who have moved in the last six months could increase by 7.5 percent.³**

INTRODUCTION

The purpose of voter registration in the United States is to make sure that only eligible citizens vote. Voter registration also provides election officials with

convenient lists they can use to notify voters about upcoming elections, as well as other information about elections and voting. Lastly, when individuals enter a polling place, a voter registration list gives poll workers the information they need to authenticate voters before they cast ballots.

At the same time, the process of voter registration imposes costs on voters — such as forcing voters to register well in advance of an election, which might involve a complicated process of determining where and how to register — and these costs have been shown in various studies to serve as barriers to many potential voters.⁴ In Nebraska, eligible citizens who wish to register by mail must do so at least 17 days before the election. In-person voter registration at the county clerk/election commissioner's office is permitted up until 10 days before an election. For some eligible citizens, especially those who have recently moved, requiring registration well in advance of Election Day might make it very difficult for them to cast a ballot. Given that non-registered but otherwise eligible citizens are not on the lists that election officials or other political groups use to mobilize voters, some non-registered eligible citizens may not be aware of an upcoming election or about how and when they can register to vote.

In the last few decades, the costs associated with voter registration have been the focus of significant federal legislation. In 1993, the National Voter Registration Act (NVRA) required states to provide voter

registration forms in places where residents register their motor vehicles, and in other state agencies like public assistance offices. Finally, NVRA required that states allow for mail-in voter registration. More recently, in 2002, the Help America Vote Act (HAVA) attempted to significantly improve voter registration practices across the nation by requiring states to develop computerized, statewide voter registries, and also requiring all states to adopt provisional voting.

Currently, there are six states that have substantial experience allowing eligible citizens to register to vote on Election Day: Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming.⁵ Three other states (and the District of Columbia) have more recently adopted EDR, or a similar reform — Iowa, Montana, and North Carolina. The six states with substantial experience with Election Day Registration have shown that it is an effective way to increase voter participation without complicating election administration or leading to increased voter fraud. Research regarding the experiences of these six states with EDR has shown that:

- **Voter participation is somewhere between 3 and 6 percentage points higher than it would be if EDR were not used in those states.**
- **Citizens who have recently moved or are younger find it easier to register and vote.**
- **Election administration, when EDR is thoughtfully implemented, can be improved and EDR does not undermine the Election Day experience of poll workers or voters.**
- **There is no evidence that the prospects for election fraud are increased.**⁶

Thus, based on the previous experience of these states, previous research that we have conducted, academic research on voter participation and Election Day Registration, and new research we present below, we believe that Nebraska will have a positive experience with Election Day Registration, provided that it is appropriately implemented. We estimate that turnout could increase in Nebraska — possibly by 4.4 percent. In Nebraska, this could result in more than 56,771 new voters in future presidential elections.⁷ Having more voters on the rolls, and allowing previously-registered voters to use EDR to update their addresses will improve election administration and give election officials throughout the state better information when they want to contact voters about upcoming elections and provide them with related information. Finally, increasing voter participation should lead to a stronger democracy and a strengthened civic culture in Nebraska.

The analysis in this report and its voter turnout projections are based on the assumption that Nebraska would implement EDR as it traditionally has been used, allowing eligible individuals to register and vote on Election Day. The turnout projections will not apply if Nebraska conditions EDR on a voter's presentation of a government-issued photo id. We would not expect to see an increase in turnout in Nebraska under such a law similar to what has been seen in other states implementing EDR, and we think turnout could actually be lower if this burden is placed in front of voters.

EDR, REGISTRATION, AND TURNOUT

Determining a voter's eligibility before allowing them to cast a vote has a long history in the United States. Studies of early American political history have shown that eligibility was determined by party observers at the polling places, who could challenge a voter's ability to participate in an election.⁸ Pre-election voter registration practices began early in American history, but became widespread in the decades after the Civil War.⁹ In some states voter registration requirements were part of an array of measures, including poll taxes and literacy tests, that were used to disenfranchise segments of the potential electorate, including immigrants, the poor, and minorities. Early registration practices were often quite restrictive themselves, for example, requiring annual or periodic, in-person registration at a county office during weekday business hours.¹⁰

Liberalization of voter registration laws began with the civil rights movement, culminating in the passage of the Voting Rights Act (VRA) in 1965. The VRA eliminated many of the systematic barriers that made registration and voting difficult for poor and minority voters, and empowered the federal government to oversee the elimination of voting restrictions. Many states substantially reformed their registration and voting procedures after passage of the VRA.

But even with these reforms in some states, many other states continued to use restrictive registration practices after the passage of the VRA. In particular, in many places local election officials had substantial discretion regarding the implementation of registration and voting procedures, and a patchwork quilt of registration practices existed in many states,

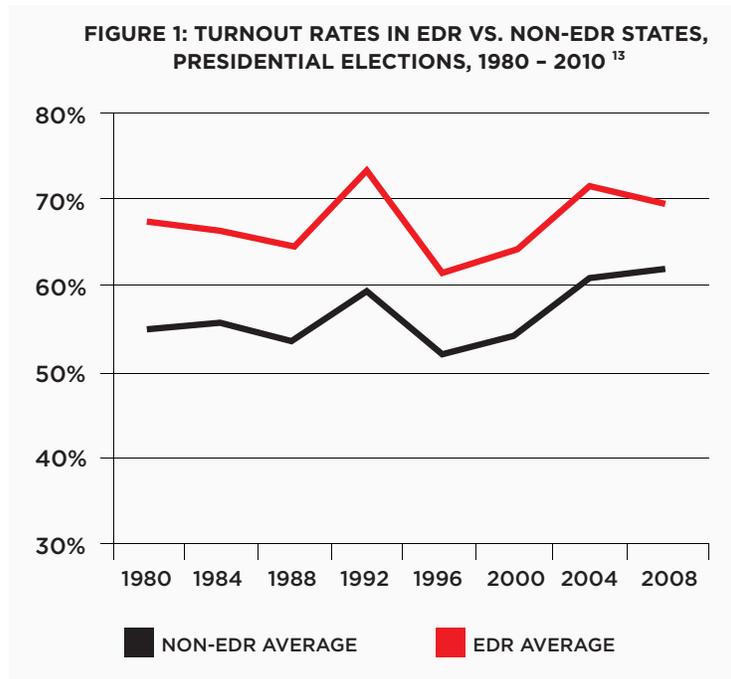
THE SIX, LONGSTANDING EDR STATES
HAVE GENERALLY HAD HIGHER RATES
OF VOTER TURNOUT THAN STATES
THAT DO NOT HAVE EDR.

and certainly across the nation. And research by scholars showed that many voting and registration practices, particularly the practice of requiring registration well in advance of Election Day, substantially reduced voter turnout.¹¹

This led to the enactment of the National Voter Registration Act (NVRA) in 1993, which sought to simplify the registration process and to improve the integrity of voter registries. Key to the NVRA was an expansion of avenues by which a citizen could register to vote, including registration by mail, in department of motor vehicles offices, and in other state public assistance offices. NVRA also provided for new rules regarding procedures for how voters could be removed from registration rolls.

More recently, problems in the 2000 presidential election led to additional federal efforts to reform the voter registration process. In 2002, Congress passed the Help America Vote Act (HAVA), which included provisions requiring that states centralize their voter registries, and that those voter registries be a "centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level." (HAVA Sec. 303(a)(1)(B)). HAVA also required that states implement "fail-safe," or provisional voting procedures, if they did not already have them, so that otherwise-eligible citizens could cast a ballot rather than be disenfranchised due to an error in a voter registry.

The liberalized voter registration procedures adopted in Election Day Registration states have had an impact comparable to those achieved by these federal statutes. The six, long-standing EDR states have generally had higher rates of voter turnout than states that do not have EDR. In the 2004 presidential election, those six EDR states also had demonstrably higher levels of voter turnout. According to the official voting statistics reported by secretaries of state and the U.S. Census Bureau estimates of state population, Election Day Registration states had a voter turnout rate of 70.3 percent in 2004 while non-EDR states had a turnout rate of only 54.7 percent.¹²



In the 2008 presidential election, the number of states using EDR or similar procedures swelled to nine. Analysis of voter participation data collected and distributed by the United States Election Project has shown that participation in the nine Election Day Registration states in the 2008 presidential election averaged 69 percent, relative to an average of 62 percent participation in the non-EDR states.¹⁴ EDR States have in fact seen higher voter turnout rates for decades. (figure 1)

Were Nebraska to implement the proposed Election Day Registration plan well, and the state experienced the typical increase in voter turnout that other states have seen once they have implemented EDR, voter participation could increase substantially. Furthermore, voter participation might increase noticeably among sectors of the population that typically vote at lower rates, such as newly relocated eligible citizens or young voters. Previous research has shown that Election Day Registration often helps these voters. We return to this issue in the next section of this report, and provide precise estimates of EDR’s potential impact on registration and turnout in Nebraska.

EDR IN NEBRASKA

Nebraska ranked 29th in terms of voter-eligible participation in the 2008 presidential election.¹⁵ To estimate the potential impact of EDR, we turn to data from the U.S. Census Bureau’s Current Population Survey (CPS) for the presidential elections of 1996, 2000, 2004, and 2008 and use a methodology similar to one that we have employed in past research on voter turnout, discussed in the Technical Appendix below.¹⁶ In summary, we estimate a statistical model predicting whether individual respondents in the

1996, 2000, 2004, and 2008 CPS report being registered and whether they voted. In this estimation, we control for many factors, including the voter registration process in the state. We control for the respondents' age and level of education, whether or not respondents have moved recently, their ethnic background, and whether or not they are a native-born citizen or have been recently naturalized. We then use these estimates to simulate what turnout would have been in Nebraska if Nebraska had used Election Day Registration in these four elections, and we compute the number of additional voters Nebraska would have had in the 2008 election with EDR.¹⁷

Estimates of Election Day Registration's potential effect on voter turnout in the presidential elections in Nebraska are provided in Table 1. The analysis presented here predicts a 4.4 percent increase in voter turnout in future presidential elections were Nebraska to adopt EDR.

Our analysis suggests other substantial increases in voter turnout for those who might be most affected by EDR:

- **Turnout among those aged 18 to 25 could increase by 8.9 percent under EDR.**
- **Turnout for those who have moved in the last six months could increase by 7.5 percent under EDR.**
- **Over 42,594 additional citizens who do not have college degrees would vote compared to almost 14,112 new voters with college degrees.**

Thus, those eligible citizens who are most typically affected by Election Day Registration in other states would also be strongly affected in Nebraska.

CONCLUSION

Over the last 35 years, one of the more consistent conclusions in the study of turnout has been that making the registration and voting process easier will increase turnout among eligible voters.¹⁸ Our analysis of the impact of Election Day Registration in Nebraska is merely another piece of evidence supporting this claim. By comparing voter turnout in states with EDR and states without EDR, we have estimated the impact EDR would have in Nebraska. Adoption of EDR could raise turnout by 4.4 percent; it could raise turnout substantially more among groups such as young voters and voters who have moved in the period preceding the election.

The trend in the United States has been to ease the barrier that registration places on voting by moving the deadline closer to Election Day. Moving towards Election Day Registration would ease that barrier for thousands of citizens in Nebraska, and bring more participants into the democratic process.

TECHNICAL APPENDIX

To estimate the impact of Election Day Registration in Nebraska we analyzed individual survey data collected by the Census Bureau. Each month the Census Bureau surveys approximately 50,000 households in the Current Population Survey. In even numbered years the November survey includes a battery of questions asking respondents whether or not they were registered to vote, how they registered, and if they voted. The CPS is considered to be the “gold standard” of datasets for analyzing individual-level factors affecting turnout, and turnout across states. The Census Bureau has a higher response rate than any other survey and the sample size is large enough to draw statistically valid samples within a state. Whereas the typical media poll might have 1,500 respondents nationwide, the November 2008 CPS included 1,553 respondents from Nebraska. And to increase our statistical power even more, we pooled the CPS data from the presidential elections of 1996, 2000, 2004, and 2008, giving us over 5,656 respondents from Nebraska, and over 278,000 respondents in total.

Our model incorporates factors that have been shown in extensive research on voter turnout to be correlated with an individual’s decision on whether or not to vote. We utilize categorical variables to indicate whether or not the person is in one of six age groups: 18 to 25, 26 to 35, 36 to 45, 46 to 60, 61 to 75, or 76 to 84. We utilize categorical variables for education placing the respondent as having less than a high school degree, a high school degree, some college education, or a bachelor’s degree or beyond. For annual family income, we include brackets of less than \$20,000, between \$20,000 and \$40,000, between \$40,000 and \$60,000, and above \$60,000. The respondent’s ethnicity is measured as white non-Hispanic, black, Latino, or other. We also included variables indicating whether or not the respondent was a naturalized citizen, and if so, whether they had come to the United States within 10 years of the election or within 16 years of the election. We also included a variable for whether the respondent lives in an urban or rural area. And we include a variable for whether or not the respondent moved in the six months prior to the election.

We include variables at the state level for the number of days before the election that registration closes and for the presence of a competitive election. We include three categorical variables indicating the presence (or absence) respectively of a senate, gubernatorial, or presidential race within the state that was decided by a margin of 5 percent or less.

To be able to determine the impact of EDR on particular groups of the population, and because we expect that EDR will have larger effects on those who have the most difficulty meeting the burden of pre-election registration, we include interaction terms between the availability of EDR, and the respondent’s age, education and income, as well as whether or not the respondent had moved previously and whether the respondent was a native born citizen or a naturalized citizen (and if so, whether recently immigrated or not).

Given these specifications, we estimated the model on all respondents in the CPS for the presidential election years of 1996, 2000, 2004, and 2008. And since we were estimating the model on multiple elections, to allow for differences in turnout across the elections, we included year-dummy variables. Estimating the model gave us estimates of the model parameters. We then compute the predicted probability of each respondent in our sample in

Nebraska voting under that current legal conditions — that is the state’s requirement that voters register well before Election Day. We also compute the probability of each respondent in the sample in Nebraska voting under the counterfactual condition that Nebraska had Election Day Registration available. By aggregating those predicted probabilities over different sub-groups of interest, we are able to estimate the impact of EDR on any subgroup within the population, or we can estimate the impact of EDR on all voting age persons in Nebraska.

TABLE 1
SIMULATED TURNOUT INCREASES IN NEBRASKA UNDER EDR

	ESTIMATED PERCENTAGE POINT INCREASE W/ EDR	ESTIMATED ADDITIONAL VOTES W/EDR
Entire State	4.4	56,771
Persons who have Moved in the last 6 months	7.5	10,148
Persons Age 18-25	8.9	16,774
Persons Age 26-35	5.8	12,419
Persons Age 36-45	3.8	10,203
Persons Age 46-60	3.1	10,637
Persons Age 61-75	2.1	4,029
Persons Age 76-84	2.6	2,101
Latinos	4.8	2,017
Whites (non-Hispanic)	4.3	51,405
Naturalized Citizens	4.4	1,193
Lower Income (\$0-\$20,000 household income)	4.4	10,540
Middle Income (\$20,000 - \$40,000)	4.5	17,552
Upper Income (\$40,000 - \$60,000)	4.3	10,898
Top Income (\$60,000 and above)	4.4	17,776
Rural	4.1	21,963
Urban	4.6	34,802
Persons with grade school education	3.7	4,492
Persons who are high school graduates	4.3	19,062
Persons with some college	4.6	19,040
College graduates	4.5	14,112

Source: Computed by authors, based on analysis of the Current Population Survey, US Bureau of the Census, various years.

ENDNOTES

1. This report is similar to an analysis we produced for Demos on the impact of Election Day Registration (EDR) in Iowa, and borrows liberally from that report in the general discussion of the impact of voter registration laws. See R. Michael Alvarez & Jonathan Nagler, *Election Day Voter Registration in Iowa*, Demos: A Network for Ideas and Action, 2007, <http://www.demos.org/pubs/updatedIOWA.pdf>.
2. See LB 605, as introduced by Nebraska Senator Danielle Conrad on January 19, 2011, http://nebraskalegislature.gov/bills/view_bill.php?DocumentID=12453. Nebraska also allows for in-person voter registration at the county clerk/election commissioner's office up until the second Friday preceding an election, a 10-day pre-election voter registration deadline. Current information on the process of voter registration in Nebraska can be found at http://www.sos.state.ne.us/elec/voter_info.html.
3. A '5 percent increase' refers to an increase of 5 percentage points, or 5 percent of voting age population, not 5 percent of those already voting. Thus, an increase from 50 percent turnout to 55 percent turnout is referred to as a 5 percent increase.
4. How voter registration imposes costs on potential voters was originally researched by Raymond E. Wolfinger and Steven J. Rosenstone, *Who Votes?*, New Haven: Yale University Press, 1980.
5. North Dakota does not currently require voter registration. Iowa and Montana recently adopted Election Day Registration. North Carolina now permits individuals to register and vote at its in-person absentee voting sites, open from the end of the regular voter registration period to three days before Election Day.
6. See, for example, R. Michael Alvarez and Stephen Ansolabehere, "California Votes: The Promise of Election Day Registration," Demos: A Network for Ideas and Action, 2002; R. Michael Alvarez, Jonathan Nagler and Catherine Wilson, "Making Voting Easier: Election Day Registration in New York," Demos: A Network for Ideas and Action, 2004; M.J. Fenster, "The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992," *American Politics Quarterly* 22(1) (1994): 74-87; B. Highton, "Easy Registration and Voter Turnout," *The Journal of Politics* 59 (2); Lorraine C. Minnite, *An Analysis of Voter Fraud in The United States*, Demos: A Network for Ideas and Action, 2004, <http://www.demos.org/pubs/Analysis.pdf>; Demos: A Network for Ideas and Action, *Election Day Registration: A Ground Level View* (2007), <http://www.demos.org/pubs/EDR%20Clerks.pdf> (1997), 565-575; S. Knack, "Election-Day Registration: The Second Wave," *American Politics Quarterly* 29(1) (2001), 65-78.
7. We arrive at this estimate via a statistical analysis of the impact of EDR on voter turnout in each presidential election from 1996 thru 2008 using data from the US Census Bureau's Current Population Survey. See the Technical Appendix for details.
8. Richard Franklin Bense, *The American Ballot Box in the Mid-Nineteenth Century*, New York, Cambridge University Press, 2004, pages 22-30, 90.
9. Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*, New York: Basic Books, 2001.
10. J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910*, New Haven: Yale University Press, 1980.
11. Wolfinger and Rosenstone (1980).

12. Turnout figures are taken from the U.S. Census Bureau, 2007 Statistical Abstract of the United States, Table 408, available at <http://www.census.gov/prod/2006pubs/07statab/election.pdf>. These data are in turn based on reports of secretaries of states on votes cast for president and on Census Bureau estimates of state voting age population.
13. Data from http://elections.gmu.edu/voter_turnout.htm. Turnout rates were computed as the number of votes cast for president divided by the number of citizens eligible to vote. EDR states include Maine, Minnesota, Wisconsin and Oregon from 1980 through 1984. EDR was repealed before the 1988 presidential elections in Oregon. ME, MN, and WI remained as the only EDR states until the 1996 election, when Idaho, New Hampshire, and Wyoming joined with them in offering Election Day Registration. In 2008, three more states allowed registration on Election Day or during the period immediately preceding it, putting the total number of EDR states at nine – Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. North Dakota, which does not require voter registration, is not included in any of the turnout calculations.
14. The data are from http://elections.gmu.edu/voter_turnout.htm; the calculations of average turnout in each set of states (excluding North Dakota) comes from Regina Eaton and Steven Carbó, “Voters Win With Same Day Registration,” Demos, 2010, http://www.demos.org/pubs/voterswin_feb032010.pdf.
15. Data from http://elections.gmu.edu/voter_turnout.htm. All states were ranked by voting-eligible participation, computed as number of votes cast for president divided by number of citizens eligible to vote.
16. The analysis here differs from past reports we have done on the effects of Election day registration in that here we utilize data from the four most recent presidential elections – 1996 thru 2008 – rather than data only from the most recent presidential election.
17. The reported registration and turnout rates in the CPS data differ from those found in the EAC’s Election Day Survey. The CPS data are based on surveys of households, and thus are affected by both sampling error and response error.
18. R.E. Wolfinger and S. J. Rosenstone, *Who Votes?* (New Haven: Yale University Press, 1980); J.E. Leighley and J. Nagler, “Individual and Systemic Influences on Turnout: Who Votes? 1984,” *Journal of Politics*, 54 (1992): 718—740.

AUTHORS

Jonathan Nagler
Professor, Department of Politics
New York University
New York, NY 10012
jonathan.nagler@nyu.edu
Tel: 212 992 9676

R. Michael Alvarez
Professor of Political Science
Caltech/MIT Voting Technology Project
California Institute of Technology
Pasadena, CA 91125
rma@hss.caltech.edu
Tel: 626-395-4089

Jonathan Nagler is Professor of Politics at New York University. Professor Nagler received his BA in Government from Harvard University in 1982, and his Ph.D. from the California Institute of Technology in 1989. He has been a visiting associate professor at Caltech and Harvard, and has taught at the Summer Program, European Consortium for Political Research, Essex University, England, and the Summer Program, Inter-university Consortium for Political and Social Research, University of Michigan, as well as the ESRC Oxford Spring School in Quantitative Methods for Social Research. Professor Nagler's research focuses on voting and elections.

R. Michael Alvarez is currently a Professor of Political Science at the California Institute of Technology and a Senior Fellow at the USC Annenberg Center for Communications. Alvarez is Co-Director of the Caltech/MIT Voting Technology Project, which since 2000 has studied election administration and voting technologies in the U.S. and abroad, and which has worked to translate those research studies into policymaking efforts at all levels of government.

ABOUT DĒMOS

Dēmos is a non-partisan public policy research and advocacy organization. Headquartered in New York City, Dēmos works with advocates and policymakers around the country in pursuit of four overarching goals: a more equitable economy; a vibrant and inclusive democracy; an empowered public sector that works for the common good; and responsible U.S. engagement in an interdependent world. Dēmos was founded in 2000.

In 2010, Dēmos entered into a publishing partnership with The American Prospect, one of the nation's premier magazines focussing on policy analysis, investigative journalism, and forward-looking solutions for the nation's greatest challenges.