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NEBRASKA UNICAMERAL LEGISLATURE
Government, Military and Veterans Affairs Committee
Interim study to examine the issue of Election Day Registration

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Thank you, Senator Avery and members of the Government, Military and Veterans Affairs Committee, for inviting me to participate in this interim study on Election Day Registration.

My name is Allegra Chapman, and I'm staff counsel at Dēmos: A Network for Ideas and Action. As you may know, Dēmos is a national, nonpartisan, public-policy center that works with advocates and policy makers in pursuit of a vibrant democracy with high levels of voting and civic engagement. To this end, we're engaged in a long-term campaign with state advocates and election officials, along with legislative offices, to support enactment of Election Day Registration – also known as Same Day Registration (SDR) – a proven reform that substantially increases voter turnout without compromising the integrity of elections or increasing their costs.

By passing SDR, Nebraska would become the tenth state to permit eligible citizens to both register and vote on the same day. The nine states with the reform in place have shown increased voter turnout. Many voting rights experts agree that pre-Election Day registration deadlines have contributed to lower turnout among eligible voters in the United States. The numbers are much better, though, in SDR states: whereas only 50.5% percent of the voting aged population turned out to vote in non-SDR states in 2000, 65.6% voted in SDR states. The numbers were even higher in the last presidential election.

BENEFITS OF SAME DAY REGISTRATION

Same Day Registration makes the process of registering and voting more user-friendly. The same day registration states, as a group, generally tout an average voter turnout rate of 10 to 12 percentage points higher than non-SDR states. Academic studies show that a significant part of this difference is directly attributable to SDR, with the elimination of registration deadlines increasing turnout by a full three to six percentage points, depending on state and research method used. Not only does SDR increase turnout but it also reduces a state's use of provisional ballots, the counting of which can be time-consuming and costly. Fewer provisional ballots at the end of the day makes for a quicker count and less post-election trouble. Plus, voters can rest assured that their votes actually counted.

Same Day Registration boosts turnout

Over 1.1 million Americans used SDR to vote on or before November 4, 2008. Voter turnout was seven percentage points higher in SDR states than in those lacking the reform. Significantly, the five states with the highest turnout – Minnesota, Wisconsin, Maine, New Hampshire, and Iowa – are all SDR states.

The reform unquestionably boosts overall voter turnout, but evidence suggests that it especially does so for traditionally low-turnout groups. Younger citizens, frequent movers, and minorities all stand to benefit from SDR. We earlier analyzed the potential impact of SDR on Nebraskan voters should the state adopt the process. Here are the findings:

1. Overall turnout could go up by 5.4 percent.
2. Turnout among those aged 18 to 25 could increase by 10.6 percent.
3. Turnout for those who have moved in the last six months could increase by 9.5 percent.
4. Turnout for Latinos could increase by 9.0 percent
5. Turnout for African Americans could increase by 6.0 percent.
6. Turnout among poor and middle-income citizens could increase by 8.1 and 6.4 percent, respectively, while turnout among the wealthiest citizens would likely increase by 3.7 percent.

As you can see, turnout promises to be highest for recent movers and younger voters. With our current economic recession, and the skyrocketing increase in foreclosure rates, more and more Nebraskans – including students – may find themselves moving. Census data show that almost 40 million people in America moved between 2005 and 2006. Significantly, recent movers constitute 43% of all non-voters. We're sure to see constant, if not higher, numbers over the next couple years. Such figure represents a chunk of the population that legislators simply can't ignore, especially since many of those using SDR are changing addresses or names rather than voting for the first time, and are already constituents.

SDR, moreover, is not a partisan issue but a voter one. The largest percentage of SDR voters in Iowa in 2008 were "No-Party." In states with SDR, then, all eligible citizens are potential voters to be courted by campaigners. The job falls to political parties to treat all eligible citizens as potential voters in order to secure their elections. One study shows that individuals are more likely to be contacted by a political party in SDR states, and that those contacted in SDR states are more likely to turn out and vote than in non-SDR states. Youth are especially impacted by this: "young citizens are more likely to be contacted by a political party in states with election day registration by an estimated 11 percentage points in presidential elections, and by an estimated 18 percentage points in midterm congressional elections. This represents a key finding because when people are mobilized they are more likely to vote."

Momentum continues to build around election reform, with over half the states considering SDR proposals this year. This push makes sense: more people, representing more of America's make-up, show up at the polls thanks to the reform. To ensure that as many eligible citizens as possible reap the benefits of SDR, Nebraska should allow electors to register and vote on Election Day at the polling site rather than at a county clerk or election commissioner's office. We understand that the Committee's interim study seeks to determine whether it's better to have a citizen register and vote at the polling place or at a county clerk or election commissioner's office. We believe that the easiest way to increase turnout – and to have all votes counted – is by making SDR available at polling places. Requiring Nebraskans to go to an election commissioner's or county clerk's office may require a long drive and an extra chunk of time, especially for rural citizens. This is time that some simply don't have. Instead of putting additional burdens on voters, let's make it easier for them. As shown below, this can be achieved without putting on too much of a burden on elections clerks.

Same Day Registration reduces the need for provisional ballots

After the 2000 presidential election, in which up to three million Americans were turned away from the polls because of voter registration problems and registry flaws, the U.S. Congress passed the Help America Vote Act (HAVA), requiring non-SDR states to offer provisional ballots to citizens who believed they had registered but whose names didn't appear on the rolls. This was a well-intentioned solution but certainly no fail-safe, as was hoped. Provisional ballots don't ensure that every vote will count. As seen in the following presidential election, in 2004, over one third of the nearly 2 million provisional ballots cast were not counted.

One can imagine the disappointment a voter feels in finding out, after having cast a ballot, that his vote did not count. Many provisional ballots don't get counted because improper purgings take place, voter registration information doesn't get properly inputted, or agencies fail to transfer registration forms to elections officials. Even though the percentage of provisional ballots counted in 2008 for Nebraska was decent – 77.91% – that figure is still problematic. After all, 15,490 provisional ballots were cast, all of which require investigation by clerks – a costly and time-consuming process. Moreover, 3421 provisional ballots went uncounted in Nebraska. That can cause a lot of disappointment for voters who thought they had cast a ballot. True, some of these might be the result of voter error. But some are surely due to administrative error. Administrative error can't be eliminated, but it can be ameliorated. With SDR, there's no question as to whether an elector's vote gets counted.

ARGUMENTS AGAINST SAME DAY REGISTRATION

Some have voiced concerns over SDR's implementation. It's reasonable to worry about potential problems, but years of SDR experience show that the reform can be effectively implemented without increasing voter fraud or adding high costs.

Fraud as a non-issue

Fraud is a non-issue in SDR states. In this most recent election, close to 550,000 people registered and voted using Election Day Registration in Minnesota. *Not one* of those votes was involved in any of the controversies surrounding the U.S. Senate-seat recount.

Elections administrators agree that SDR does not invite fraud. According to a telephone survey conducted by Dēmos of elections officials and poll workers, the great majority of respondents said that current fraud-prevention measures suffice to ensure the integrity of elections. There's no reason to think otherwise: states impose heavy penalties for voter fraud; voters are required to show documentation for proof of residency; and many must sign an oath attesting to their identity and citizenship. Unlike registration by mail, SDR requires eligible voters to attest to their identity face-to-face before an elections official. Audits conducted after an election, moreover, add an additional level of identity verification – and those who get caught will certainly pay a penalty.

Current election procedures ensure against voter fraud. And as a practical matter, few occurrences of voter fraud have occurred. Barnard professor Lorraine Minnite's analysis on data from 2002 to 2005 in SDR states revealed *just one case of voter impersonation* at the polls. Further, the Department of Justice's initiative in prosecuting voter fraud resulted in only 40 prosecutions nationwide for election crimes related to illegal voting between 2002 and 2005. Wisconsin was the only SDR state where a federal investigation led to any voter fraud

prosecutions. Four voters were charged with double voting and 10 were charged for voting while disfranchised for a felony conviction. Charges against the “double voters” were dropped or exonerated, and only half the felon voters were convicted. Considering DOJ’s otherwise 90-percent conviction rate, such failure to convict – for a minute number of cases – provides strong evidence that voter fraud simply does not attend SDR. In fact, when attorneys general from both New Hampshire and Wisconsin investigated Election Day votes from the 2004 election, neither found any fraud attributable to SDR.

Because SDR does not increase voter fraud at the poll, Nebraska does not need to require an additional proof of identity/ residence other than that which HAVA requires. We think this is an important issue, and we appreciate the Committee’s consideration of what types of identification to require for SDR. We advise that there’s no need to require proof of identity/ residence other than that which HAVA already requires. Utility bills, bank statements, and the like suffice for proof, thanks to the above safeguards already in place. A photo ID requirement is just not necessary, and it may prevent some – like some poor and elderly populations who don’t have the means with which to obtain photo IDs – from voting on Election Day. Voter fraud is simply not a problem. For over thirty years, Maine, Wisconsin, and Minnesota have effectively – and safely – offered SDR without requiring photo ID.

Low administrative costs

Iowa, the state that has most recently enacted SDR, spent less than a total of \$40,000 in implementation for a total of 99 counties in this last presidential election. (The biggest cost incurred – \$26,000 – was for producing a training video to be used statewide by auditors and precinct officials.) \$9000 was spent on SDR precinct kits, including registration forms, oath forms, and instructions. And \$1568 was spent on information brochures on SDR education. All in all, SDR was implemented in a very cost-effective manner, one that could easily be duplicated.

To handle the new registrations on Election Day, many of the counties in Iowa hired one additional precinct official. The average cost in Iowa was about \$100 per official; the state has 1774 precincts, so at most they spent a total of \$177,400 total for all counties combined. The production of additional registration forms added a little more to the cost, so officials in the Secretary of State’s office estimate that the total cost for counties was about \$200,000 statewide. Iowa has 99 counties so the cost was a little more than **\$2000 per county**. Because most counties were expecting higher cost for the historic presidential election in 2008 the additional costs were easily absorbed.

Iowa’s experience is typical of the long-standing SDR states. One authoritative study indicates that elections are no more expensive to administer in SDR states than in non-SDR states. In a telephone survey conducted by Dēmos of local election officials in the SDR states of Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming, most respondents described the incremental cost of SDR as “minimal.” Where costs did exist, they were used for training and employing additional staff to help with registrations on Election Day and inputting data, in the following days, on the permanent voter registration rolls. Note, though, that respondents stated that SDR *did not add* work or expense but rather *shifted the cost burden* from one time and place to another. Instead of devoting time and resources to surges at the close of pre-Election Day registration, elections administrators shift these costs to Election Day and the days that follow, when inputting information is easier and not as time-sensitive.

Election Day Registration not only fails to add significant expenses but can also result in a decreased reliance on provisional ballots, as stated earlier. In 2004, Iowans cast close to 15,000 provisional ballots, compared with

fewer than 5,000 in 2008. Even without factoring in this election's higher voter turnout in Iowa, the state saw a 67% reduction in provisional ballots. Once states get used to SDR, their provisional ballot numbers may grow even smaller: in 2004, Wisconsin used only 374 and Wyoming used only 95. Such reduction does away with the complicated post-election process of verifying registrations and/ or sending notifications to those whose votes were not counted – a time-consuming and expensive task. In fact, several elections officials claimed that SDR helped defuse confrontations with voters whose names were missing from the registration lists – the same people who would have to vote by provisional ballots. Without SDR, the clerk of a New Hampshire town of 30,000 said, “we’d have a lot of unhappy people” at the polls. And even though some poll workers admitted that SDR required them to do additional work, they similarly acknowledged that such reform made things easier for voters.

CONCLUSION

Same Day Registration will increase participation, ease tensions at the polls, and occur without the problem of fraud. Such a reform promises to increase voters' confidence in the electoral system and create repeat voters. Nebraska could become a model for the nation, and trail the way for the rest of the states. Dēmos would applaud such a move.

Dēmos looks forward to working with you as you consider a Same Day Registration proposal in the 2010 legislative session. To assist you with this process we have included the following reports with our testimony:

1. Voters Win with Election Day Registration,
2. Election Day Registration: Best Practices
3. Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security
4. Election Day Voter Registration in Nebraska

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