



# Automatic Voter Registration

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Finding America's Missing Voters

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## About Demos

Demos is a public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy.

Our name means “the people.” It is the root word of democracy, and it reminds us that in America, the true source of our greatness is the diversity of our people. Our nation’s highest challenge is to create a democracy that truly empowers people of all backgrounds, so that we all have a say in setting the policies that shape opportunity and provide for our common future. To help America meet that challenge, Demos is working to reduce both political and economic inequality, deploying original research, advocacy, litigation, and strategic communications to create the America the people deserve.

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## FOREWORD

What if America truly had the world's greatest democracy?

Demos means “the people” of a nation, and it is the root word of democracy. Yet the diverse members of our extraordinary American Demos have never enjoyed equal access to the rights and freedoms of democracy. It has taken movements of people over generations to expand the promise of full citizenship to all Americans, from the Reconstruction Amendments, through women's suffrage, the Voting Rights Act, the 26th Amendment, and beyond. In many ways, America's history has been a march towards greater political equality.

Today, that struggle continues, through a new wave of laws designed to make it harder for eligible citizens to exercise their constitutionally-protected voting rights. But even in states where politicians are not actively working to distort their electorate, our current system of voter registration creates barriers to voting that serve no significant purpose for democracy while excluding tens of millions of potential voters from the political process.

It is essential to remember that voter registration systems—where citizens are required to navigate bureaucratic and procedural hurdles in order to exercise their fundamental right to vote—were first implemented in the late nineteenth century as a racist voter suppression tactic, in response to the 15th Amendment's endowment of formerly enslaved Americans with the right to vote.

As so often happens in our interconnected society, measures intended to exclude one group end up disadvantaging millions and distorting our society as a whole. Today, our barrier-laden voter registration system is a major contributor to our unequal democracy, where at least 51 million eligible voters—1 in 4 potential voters—are not registered to vote.

Fortunately, there is a solution. Starting with the Voting Rights Act of 1965 and continuing through the lesser-known National Voter Registration Act, federal policy has enabled significant progress in fostering a more inclusive electorate. In the following report, Demos lays out a detailed policy blueprint for the next, overdue reform in our democracy: universal registration through an automatic registration system, where the government registers eligible citizens to vote after confirming their eligibility based on

information it is already receiving.

The reform is overdue because the consequences of our unequal democracy are urgent not just for public administration, but for the nation's economic well-being. Higher-income Americans vote at nearly double the rate of the lowest-income Americans. According to a recent Demos report by Sean McElwee, *Why the Voting Gap Matters*, people who do not vote, most of whom are not registered, have economic policy preferences that would improve the economy for most families, but these preferences are largely ignored by our elected leaders. At a time when our economy is underperforming on the most crucial measures—failing to deliver enough family-supporting jobs and concentrating wealth to a degree that stifles competition and broad prosperity—it is dangerous to exclude the policy preferences of those for whom the failures are most acute.

The idea of Automatic Voter Registration has taken hold, but in order for it to address existing registration disparities, the design of the policy is essential. For the better part of a decade, Demos' legal strategists have been working with over a dozen state governments to optimize enforcement of the National Voter Registration Act in the places where lower-income citizens are more likely to interact with the government: public assistance agencies and health insurance exchanges (and not just Departments of Motor Vehicles). Demos' policy blueprint for Automatic Voter Registration builds on our and our partners' experience of state NVRA implementation. The potential is huge: if every state followed the lead of Oregon, which has established the first automatic voter registration system in the country, Demos calculates that approximately 27 million people would immediately gain access to elections.

On the eve of becoming a fully multi-racial democracy, a new plural "Demos" with richly diverse cultural ideas and largely progressive policy views—we need to re-commit ourselves to the idea of a fully inclusive democracy, where every person has an equal voice in the decisions that affect our lives. Automatic voter registration can be a big leap forward toward this goal, in a pivotal moment for our democracy and our economy.

A handwritten signature in black ink, appearing to read "Heather McGhee", with a long horizontal line extending to the right.

Heather McGhee, President, Demos

## EXECUTIVE SUMMARY

Casting a ballot that will be counted is how Americans, regardless of privilege or status, have the power to engage in self-government and hold elected representatives accountable for their actions or inactions. Participating in elections is a fundamental right of citizenship, a necessary element of what it means to be a free, self-governing people. As Dr. Martin Luther King, Jr., said:

*The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic traditions and it is democracy turned upside down. So long as I do not firmly and irrevocably possess the right to vote I do not possess myself. I cannot make up my mind—it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact—I can only submit to the edict of others.<sup>1</sup>*

Elections are a public good and serve critical purposes: they are how we choose our representatives, set the course for our public policy and give voice to our views about the issues that impact our lives, families, and communities. But elections cannot serve these purposes well if we do not all participate, and we have a voter participation problem in this country. In 2012, 66 million voters chose President Obama, 61 million voted for Governor Romney, and 82 million eligible people did not vote at all.<sup>2</sup> Further, the low overall voting rate is compounded by significant voter turnout gaps among different demographic groups. In particular, we see significantly less participation by lower-income people, people of color, and young people compared to higher rates of participation by older and more affluent white voters.

Low voter turnout and the turnout gaps between different demographic groups are driven by a number of factors, but the critical first step toward full and inclusive voting is ensuring much higher rates of voter registration and, ultimately, a voting system where every eligible citizen is registered to vote. Of course, many other factors of engagement and mobilization must also come into play, but registration is the *necessary* step for enabling all of our missing potential voters to exercise their right to vote and have their voices heard in our elections. Registration is thus the critical structural problem that we need to fix if our goal is to achieve an

election system that is fully participatory on the core democratic principle of “one person, one vote.” Without this step, tens of millions of potential voters will continue to be excluded from the electoral arena, and they will remain essentially invisible in our democracy. Once these millions of potential “missing voters” are registered, they matter politically, their voices can be heard, and, potentially, much more robust and inclusive voter turnout could result. As the current numbers suggest, the potential for increasing participation by increasing registration is huge:

- The rate of voter turnout among all eligible citizens was only 64 percent in 2008, and 62 percent in 2012;<sup>3</sup> but
- The rate of voter turnout of people registered to vote was 90 percent in 2008, and 87 percent in 2012.<sup>4</sup>

When someone is registered to vote, the data shows, s/he is much more likely to actually vote. Moreover, the differences in turnout between demographic groups shrink dramatically among registered voters; as we demonstrate below, being registered correlates with

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We project an immediate impact of approximately 27 million eligible persons added to voter rolls across the country if every state adopted automatic voter registration.”

greater rates of participation among people of color, young people, and people earning low incomes. Solving these problems of low turnout and unequal turnout, it is clear, has to start with the problem of low voter registration rates.

Our current voter registration system, which is designed as a voter-initiated or “self-registration” system, creates barriers to registration that do not serve any significant purpose in a democracy. Demos believes that full participation in elections significantly depends on achieving universal voter registration through an automatic registration system. Automatic Voter Registration (AVR) builds on the National Voter Registration Act

of 1993 (NVRA)<sup>5</sup> and other voter registration reforms to improve the overall effectiveness of the voter registration system. Automatic Voter Registration uses information already on file with a variety of government agencies to identify persons who are eligible to vote and add them to the voter rolls, or update their voter information, in a paperless process. With comprehensive and inclusive AVR, states have the opportunity to take a major leap forward in voting rights by

building the modern, equitable registration system that we need and deserve.

In the following report, we make a detailed case for AVR as a critical step forward for democratic participation in the United States. First, we take an objective look at the tens of millions of “missing voters”—the eligible citizens who are left outside of the political process by our current registration procedures. Second, we explain how AVR can increase political participation by lowering procedural barriers, reducing administrative errors, and increasing the reach of voter education and mobilization efforts. We project an immediate impact of approximately 27 million eligible persons added to voter rolls across the country if every state adopted automatic voter registration.<sup>6</sup> Third, to help achieve this goal, we lay out the optimal AVR policy design with a step-by-step explanation of the automatic registration process and provide guidance about important considerations that need to be addressed. These include: ensuring that ineligible people are not registered to vote and are protected from legal consequences of inadvertent registration; providing an option to decline registration; building in privacy protections and data protections; and ensuring continued compliance with the National Voter Registration Act.

Finally, we look at how AVR can be aligned and coordinated with other voter registration policies, such as online registration, pre-registration of 16- and 17-year-olds, and Same-Day (or Election Day) Registration. We explain how each of these other advances in election administration can help prepare a state for automatic voter registration and can work alongside automatic registration to achieve universal registration of all eligible American citizens. We conclude with a 50-state matrix indicating where these “building blocks” for AVR already exist, which can help advocates map the future of AVR on a state-by-state basis.



## I. INTRODUCTION

America was built on the promise of equal political representation in order to secure a government that is “of the people, by the people, and for the people,” as Abraham Lincoln famously described it. But this promise cannot be fulfilled unless everyone who is eligible to vote participates in the elections that determine who represents us in government and, in turn, the public policies that affect our lives. Unfortunately, this is not currently the case. The promise of our country as a self-governing republic remains unrealized because we have not succeeded in achieving universal political participation and in many respects we have seen the opposite—systematic political exclusion.

Historically, even as Black Americans, women, and other previously excluded groups gained the right to vote constitutionally, unequal access to the ballot box was perpetuated through state and local election laws and election administration, and particularly through the design and implementation of voter registration systems in the states. As voting rights historian Alexander Keyssar tells us, voter registration laws “served—and often were intended to serve—as a means of keeping African-American, working-class, immigrant, and poor voters from the polls.”<sup>7</sup> While many of the most openly discriminatory voter registration policies and practices were eventually banned under federal law, today we continue to struggle with low voter turnout rates and inequalities of turnout that reflect continuing, serious problems in our voter registration systems.

Undoubtedly, we have made some progress with voter registration in recent decades. The Voting Rights Act of 1965<sup>8</sup> (VRA) took the first crucial steps of prohibiting unequal application of voter registration laws on the basis of race and providing for federal oversight of voter registration where needed.<sup>9</sup> Later amendments to the VRA expanded protections against racially discriminatory registration and voting policies and added protections for members of language minority groups. More recent reforms have focused on government’s positive responsibility to help people register to vote and to make voting easier. The National Voter Registration Act (NVRA) provided eligible voters with opportunities to register by mail and through state offices and agencies, and it also regulates state policies and practices around removing voters’ records from the rolls. The Help America Vote Act of 2002 required states to

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America has tens of millions of “missing voters”—eligible persons still not on the voter registration rolls.”

provide provisional ballots to eligible voters who were not on the registration rolls and to create centralized, computerized statewide registration databases to consolidate the patchworks of local voter registration lists.

Despite this progress, America has tens of millions of “missing voters”—eligible persons still not on the voter registration rolls. In 2012, 1 out of 4 eligible citizens,

or approximately 51 million people, were not registered to vote, according to the Pew Research Center.<sup>10</sup> At the same time, we also still see significant inequalities in registration across different demographic groups, with substantially less participation of lower-income people, young people, and people of color compared to more affluent older white voters. Such inequalities effectively distort the voting electorate, making it unrepresentative of the diversity of our country. For example, in 2014, looking across race and income lines in U.S. Census data:

- White people in families making more than \$75,000 constitute slightly more than a quarter of the U.S. population (27 percent), but they make up more than a third of voters (35 percent).
- Non-white people in families making less than \$50,000 make up 16 percent of the U.S. population, but only 11 percent of voters.

In the last two presidential elections, a seemingly more positive story emerged on the registration divide between Black and white citizens. At the national level, Black and white registration and voting were about equal in 2012, and in 2014 there was a comparatively small gap. However, there continue to be double-digit registration disparities at the state level. For example, in 2014, more than 70 percent of eligible white citizens in Massachusetts were registered to vote compared to only 45 percent of eligible Black citizens. In Washington state, the gap is 72 percent compared to just 47 percent. Other states, including California, Illinois, Connecticut, Pennsylvania, and Wisconsin all had Black-white registration gaps

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With AVR, when a state agency obtains information that demonstrates an individual’s eligibility to vote, s/he is added to the voter rolls unless s/he affirmatively declines to be registered to vote.”

in 2014 that were larger than the national Black-white voting gap of approximately 4.7 percentage points.<sup>11</sup>

Moreover, the progress attained through great struggle in recent decades is under serious attack by the Supreme Court and many states. Eight months after Barack Obama’s re-election in 2012, which brought the highest turnout of Black voters on record, the U.S. Supreme Court ruling in *Shelby County v. Holder*<sup>12</sup> struck down the Voting Rights Act’s (VRA) formula for determining which states must submit their election law changes for federal “preclearance” (meaning advance federal review). Essentially, federal power to

prevent states from implementing discriminatory registration and voting policies has been gutted. In Alabama, North Carolina, Texas, and many other states, this has led to what journalist Ari Berman describes as “the most sustained attack [on voting rights] since the passage of the VRA.” Policymakers in these states are working to limit or repeal policies that encourage and enable participation, such as Early Voting and Same-Day Registration (SDR), while also erecting new policies that unnecessarily limit participation, such as strict photo ID laws.<sup>13</sup> As we move toward the presidential election in 2016 and the next round of Census-based redistricting in 2020 without core protections of the Voting Rights Act, it is crucial that we continue the work of reforming and improving registration systems—both to protect the progress we have made and to enable further progress toward robust and fully inclusive participation in elections.

Implementing Automatic Voter Registration in the states is a vital advance to address these concerns, and an important step forward to achieve a more inclusive democracy. With AVR, when a state agency obtains information that demonstrates an individual’s eligibility to vote, s/he is added to the voter rolls unless s/he affirmatively declines to be registered to vote. This crucial, achievable reform can help maximize political participation by making election administration more efficient, seamless, and up-to-date. State governments have a responsibility to run elections, and should modernize voter registration systems to improve the voter’s experience and put people at the center of our politics. AVR is a big step forward in this direction, and it is the right step forward for a democracy that has articulated but not yet fulfilled the promise of equal political representation.

## II. SELF-REGISTRATION IS AN UNNECESSARY HURDLE TO VOTER PARTICIPATION

Our current voter-initiated registration system creates unnecessary hurdles and red tape on the way to the voting booth, particularly in the form of registration deadlines, uncertainty about where or how to register, and, for many eligible persons, language barriers. These procedural hurdles deter or prevent millions of eligible Americans from registering to vote. In 2014:

- 4.1 million Americans who tried to register to vote were prevented from registering by registration deadlines.
- Another 1.9 million could not add themselves to the voter rolls because they did not know where or how to register.
- Language barriers prevented almost 735,000 Americans from registering.<sup>14</sup>

In one snapshot of people who were prevented from registering to vote by procedural hurdles, researchers using a novel Google search data-based methodology estimated that 3 to 4 million Americans would have registered to vote if they had not missed their states' registration deadlines.<sup>15</sup> Put another way, 3 to 4 million Americans were looking for a way to register to vote in the final days or weeks before the election; given the timing, the odds are that many of these Americans were planning to put newly-minted registrations to immediate use. Registering voters through AVR would have immediately positioned these voters to turn out to vote and allowed them to freely cast their ballots on Election Day.

The specific hurdles that are partly illuminated in the data above, however, speak to a simpler yet deeper point that underscores why AVR is needed. Simply put, registration is the only thing that all otherwise eligible voters are required to do before they vote. Thus, registration is the critical step forward, the one thing that we must *necessarily* improve if we want more people to vote, even if many other factors ultimately determine whether people vote. Without this step, tens of millions of potential voters will remain essentially invisible in our democracy, with no avenue for participation in elections. But, once these millions of missing potential voters are registered, they matter politically and their voices can be heard. Potentially, our voting electorate could become much more fully

reflective of the growing diversity of our country.

The design of our current system of barrier-laden, voter-initiated registration has failed us in our collective responsibility for enabling political participation and inclusion, without serving any significant purpose for our democracy. In contrast, by enabling a potentially very large share of our country's alarmingly vast population of unregistered citizens to be registered and, therefore, able to participate in elections, Automatic Voter Registration, if widely implemented, can help us meet this necessary, and universal, responsibility.

Further, if we care about voting as *a means to equal political representation* we should be especially concerned that our current registration system is characterized by generally low registration rates coupled with unequal and in some cases dramatically unequal registration rates across different demographic groups.

In this light, AVR is not simply a pathway for higher overall registration; it is also a pathway for more inclusive participation in our elections, in accord with our values of equality and with the growing diversity of our country.

### III. POTENTIAL IMPACT OF AUTOMATIC VOTER REGISTRATION

#### Closing Registration Inequalities & Narrowing Voting Gaps

While overall participation among citizens of voting age is dismally low in our country, the burdens of our current system fall most heavily on young people, people with low incomes, and people of color:

- 41 percent of eligible Latino citizens aren't registered to vote.
- 44 percent of eligible Asian American citizens aren't registered to vote.
- 46 percent of eligible young adult (18-24-year-olds) citizens aren't registered to vote.
- 37 percent of eligible people with low incomes (under \$30,000) aren't registered to vote.<sup>16</sup>

Voter turnout rates likewise vary significantly across different demographic groups. But, importantly, voter turnout gaps are much smaller for registered members of these groups compared to the groups as a whole. As we noted in the previous section, registration is a necessary, but not a sufficient, condition of voting; many other factors are important for getting people to the polls on Election Day. Nevertheless, the recent data we have on registration and voting gaps for different demographic groups are both revealing of what is at stake if we continue with the status quo, and also suggestive of what the potential could be if we create a more inclusive voter registration system.

Importantly, the state of Oregon has adopted and is in the process of implementing a truly automatic system of voter registration through its Department of Motor Vehicles, the first of its kind in the United States.<sup>17</sup> If every state were to adopt a truly automatic voter registration system and incorporated a “look back” period for adding updated records similar to Oregon’s, we project that, upon implementation, approximately 27 million previously “missing voters” would be registered to vote and newly enabled to participate

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With Automatic Voter  
Registration 27 million  
of America's "Missing  
Voters" would be  
registered to vote.”

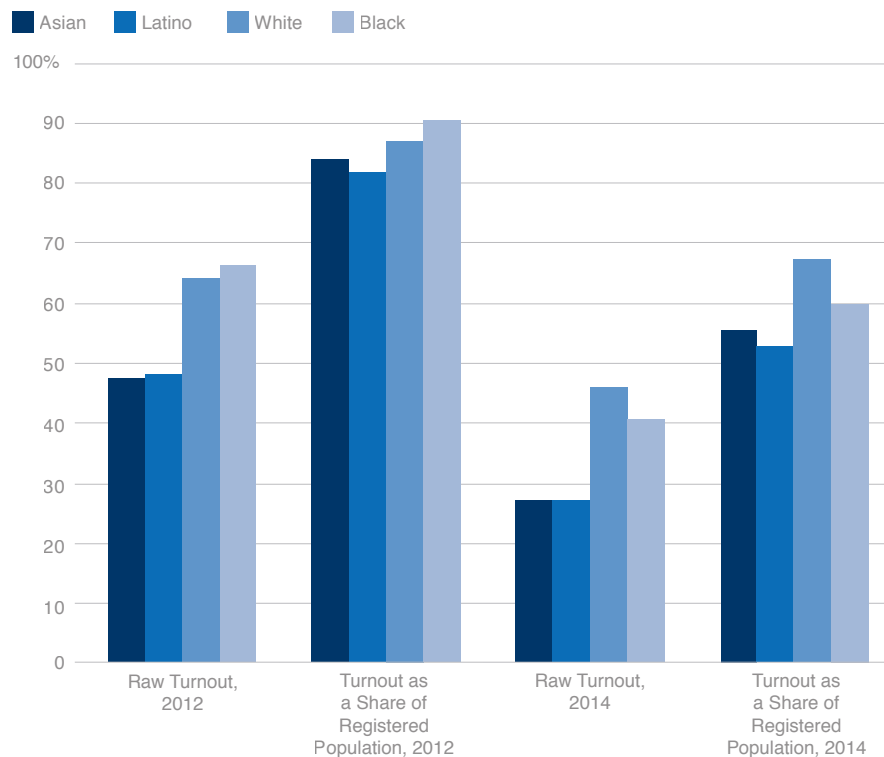
in elections.<sup>18</sup> This would be a transformative achievement in bringing America’s missing potential voters—tens of millions of eligible citizens who aren’t on the voting rolls—into the political life of our country.

### 1. Voting Gaps between Eligible & Registered Citizens by Race & Ethnicity

In 2012, as noted above, there were hard-won yet still tenuous gains in Black voter turnout;<sup>19</sup> but at the same time, only 48 percent of Latinos and 47 percent of Asian Americans turned out to vote—far below overall turnout of other groups. In the 2014 mid-term elections, Blacks, Latinos, and Asian Americans all voted at lower rates than whites did. Forty-six percent of whites voted, compared to only 41 percent of Blacks and 27 percent of both Asian Americans and Latinos.<sup>20</sup>

But looking at the turnout gaps between the *registered* members of these groups in 2012 and 2014 tells a different story. As we see in Figure 1, among registered members of these groups, voter turnout is generally much higher and turnout inequalities shrink

**Figure 1. Turnout by Registration Status, by Race, 2012 and 2014**



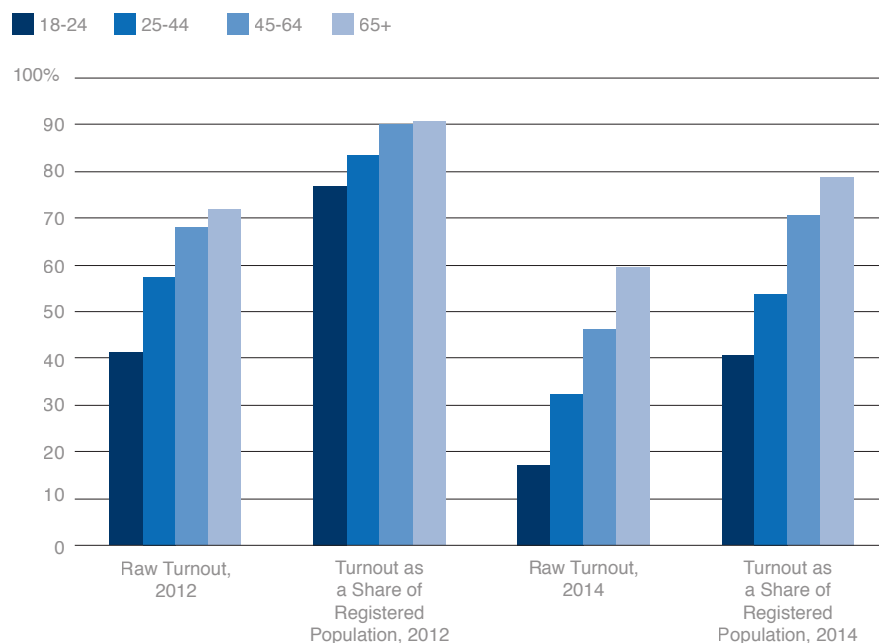
Source: Census Bureau, 2013 and 2015; Demos

dramatically for Latinos and Asian Americans, particularly in the presidential election year. While registration is only one key part of this story, these data are suggestive of the potential impact of robust registration reforms such as AVR on voter turnout and the racial inclusivity of voting.

## 2. Voting Gaps between Eligible & Registered Citizens by Age

There are significant voting gaps across different age groups, and registration gaps play a big role in excluding young people, in particular, from participating in our elections. As Figure 2 shows, In 2012 the gap in turnout rates between all eligible 18-24 year-olds and all eligible people over 65 was 31 percentage points. But among people who were registered to vote, the voting gap between the youngest and oldest voters was only 14 points. While the voting gap didn't close as much in the low-turnout 2014 midterms, for younger people, registration was associated with a much bigger boost in voting than was the case with older people. In 2014, only 17 percent of eligible 18-24-year-olds voted, while 41 percent of registered 18-24-year-olds voted; in other words, registration was associated with a more than twofold boost in the voting rate of young people. This comports with a recent study of 18-29-year-old non-voters, in which 55 percent of Black youth, 45 percent of Latino youth, and 61 percent of white youth said they didn't vote because they were "not registered to vote," by far the most frequently cited reason.<sup>21</sup>

**Figure 2. Turnout by Registration Status, by Age , 2012 and 2014**



Source: Census Bureau, 2013 and 2015; Demos

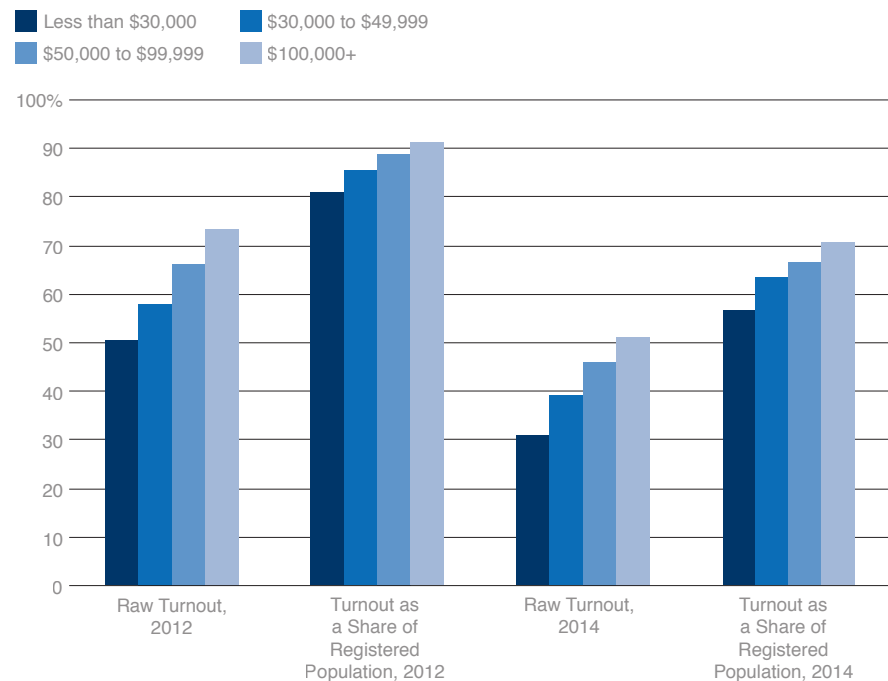


For those over 65, the voting rate boost was smaller: 59 percent of the eligible population voted, and 79 percent of the registered population voted.

### 3. Voting Gaps between Eligible & Registered Citizens by Income

Finally, voting gaps between people making high and low incomes also shrink dramatically if we account for registration rates. In 2012, only 51 percent of all eligible citizens earning less than \$30,000 voted, compared to 74 percent of those making more than \$100,000—a 23 percentage point voting gap (see Figure 3). Registered low-income voters, however, voted at a rate of 81 percent, compared to 91 percent of registered high-income voters, reducing the 23 point turnout gap to only 10 percentage points. In 2014, the voting gap between low- and high-income eligible citizens was 20 percentage points, but, among registered members of these groups, this turnout gap was reduced to 14 points.

**Figure 3. Turnout by Registration Status, by Income, 2012 and 2014**



Source: Census Bureau, 2013 and 2015; Demos

## Margins of Victory, Missing Voters, & Projected Potential Voters

The outcomes of many elections—even at the top of the ticket—are often determined by small margins, in a system where huge numbers of people are left out. It is instructive to look at the potential impact of automatic voter registration in states that have close margins of victory in recent elections. In each of these states, the number of registrants projected to be added to the rolls upon implementation of an automatic voter registration system dwarfs the number of votes that constituted the margin of victory in the most recent Senate, gubernatorial, and/or presidential contest: <sup>22</sup>

- In the 2012 presidential election, a total of 1.3 million votes decided the winner in the 10 states with the closest margins of victory. But 19.5 million citizens in those states were “missing voters”—that is, they were voting-age citizens, but they were not able to vote because they were not registered to vote. We predict 6.8 million potential voters in those 10 states would be added through automatic voter registration.
- In the 10 closest 2014 Senate elections, a total of 1.1 million voters decided the winners, while 13.7 million citizens were missing from the voter rolls. We predict 4.8 million potential voters would be added in those states through automatic voter registration.
- In the 10 closest 2014 races for governor, just over 573,000 voters decided the winners, while 16 million citizens were missing from the voter rolls. We predict 5.6 million potential voters would be added in those states through automatic voter registration.

**Table 1. 2012 Presidential Race, Margins of Victory, Missing Voters, and AVR Impact**

State	Winner	Margin of Victory	Total Votes	Victory Margin Number of Votes	Eligible Citizen “Missing Voters”	Projected Added Registrants/Potential Voters
Colorado	Barack Obama (D)	5.4%	2,569,522	138,754	1,078,000	377,000
Florida	Barack Obama (D)	0.9%	8,474,179	76,268	5,188,000	1,816,000
Iowa	Barack Obama (D)	5.8%	1,582,180	91,766	691,000	242,000
Nevada	Barack Obama (D)	6.7%	1,014,918	68,000	770,000	270,000
New Hampshire	Barack Obama (D)	5.6%	710,972	39,814	321,000	112,000
North Carolina	Mitt Romney (R)	2.0%	4,505,372	90,107	2,078,000	727,000
Ohio	Barack Obama (D)	3.0%	5,580,847	167,425	2,852,000	998,000
Pennsylvania	Barack Obama (D)	5.4%	5,753,670	310,698	3,390,000	1,187,000
Virginia	Barack Obama (D)	3.9%	3,854,489	150,325	1,964,000	687,000
Wisconsin	Barack Obama (D)	6.9%	3,068,434	211,722	1,227,000	429,000
<b>Total</b>			<b>37,114,583</b>	<b>1,344,880</b>	<b>19,559,000</b>	<b>6,845,000</b>

Source: Demos Analysis of Census Bureau Data and Oregon Law, Ballotpedia

Of course, as we have stressed, registration doesn't guarantee turnout, and other factors, such as voter education and mobilization, are important for getting registered citizens to the polls. But comparing the large numbers of projected potential voters with AVR to past margins of victory gives some idea of the potential impact of removing registration barriers with AVR. In the 10 states with the closest margins of victory in the 2012 presidential election, the projected number of potential voters added through AVR would be more than 5 times the total margin of victory in those states; in the 10 states with the closest Senate and Gubernatorial races in 2014, the ratios of projected potential voters to the total margins of victory are approximately 4 to 1 and 10 to 1, respectively.

**Table 2. 2014 Senate Races, Margins of Victory, Missing Voters, and AVR Impact**

State	Winner	Margin of Victory	Total Votes	Victory Margin Votes	Eligible Citizen "Missing Voters"	Projected Added Registrants/Potential Voters
Alaska	Dan Sullivan (R)	2.1%	282,400	5,930	167,000	58,000
Colorado	Cory Gardner (R)	1.9%	2,041,020	38,779	1,078,000	377,000
Georgia	David Perdue (R)	7.7%	2,567,761	197,718	2,453,000	859,000
Illinois	Richard Durbin (D)	10.9%	3,603,475	392,779	3,235,000	1,132,000
Iowa	Joni Ernst (R)	8.3%	1,129,700	93,765	691,000	242,000
Kansas	Pat Roberts (R)	10.6%	866,191	91,816	640,000	224,000
Minnesota	Al Franken (D)	10.2%	1,981,528	202,116	1,111,000	389,000
New Hampshire	Jeanne Shaheen (D)	3.2%	488,159	15,621	321,000	112,000
North Carolina	Thom Tillis (R)	1.6%	2,915,281	46,644	2,078,000	727,000
Virginia	Mark Warner (D)	0.8%	2,184,473	17,476	1,964,000	687,000
<b>Total</b>			<b>18,059,988</b>	<b>1,102,645</b>	<b>13,738,000</b>	<b>4,807,000</b>

Source: Demos Analysis of Census Bureau Data and Oregon Law, Ballotpedia

**Table 3. State Governor Races 2014 Margins of Victory, Missing Voters, and AVR Impact**

State	Winner	Margin of Victory	Total Votes	Victory Margin Votes	Eligible Citizen "Missing Voters"	Projected Added Registrants/Potential Voters
Alaska	Bill Walker (I)	2.2%	279,958	6,159	167,000	58,000
Colorado	John Hickenlooper (D)	3.3%	2,041,574	67,372	1,078,000	377,000
Connecticut	Dan Malloy (D)	2.5%	1,092,773	27,319	892,000	312,000
Florida	Rick Scott (R)	1.0%	5,951,561	59,516	5,188,000	1,816,000
Illinois	Bruce Rauner (R)	4.0%	3,627,690	145,108	3,235,000	1,132,000
Kansas	Sam Brownback (R)	3.7%	869,502	32,172	640,000	224,000
Maryland	Larry Hogan (R)	3.8%	1,728,975	65,701	1,153,000	404,000
Massachusetts	Charles D. Baker (R)	1.9%	2,158,326	41,008	1,565,000	548,000
Michigan	Rick Snyder (R)	4.0%	3,156,531	126,261	2,087,000	730,000
Vermont	Peter Shumlin (D)	1.3%	193,087	2,510	158,000	55,000
<b>Total</b>			<b>21,099,977</b>	<b>573,126</b>	<b>16,163,000</b>	<b>5,656,000</b>

Source: Demos Analysis of Census Bureau Data and Oregon Law, Ballotpedia

## IV. HOW AUTOMATIC VOTER REGISTRATION HELPS OVERCOME BARRIERS TO PARTICIPATION

Currently, the U.S. voter registration system is based on having individual eligible voters add themselves to the voter registration list and keep their records up to date.<sup>23</sup> An eligible voter is not able to vote unless he or she takes steps to figure out when, where, and how to register and applies for registration.

This is not—historically or globally—the usual way to build a voter registration list. Early American voter registration rolls were compiled by local officials, in contrast with our current system of voter-initiated registration. Our current system also lags behind the voter registration systems of other modern democracies.<sup>24</sup> Canada, for example, uses data collected by government agencies for purposes like driver licensing to register eligible voters to vote.<sup>25</sup> In France, the military draft registration process, which is similar to the United States’ Selective Service System, does double duty as a source of voter registration.<sup>26</sup>

As Yale law professor Heather Gerken argues, state governments are well-positioned to fulfill this democratic responsibility: “State officials have plenty of information on us. They know who we are and where we live. Using data-matching technology widely deployed in the private sector, creating a universal, voter-registration list would be a relatively simple matter.”<sup>27</sup> Many state agencies already collect the information required to add eligible voters to the registration rolls in the course of normal agency business, such as driver licensing, and many states are already equipped to transmit this information electronically to elections officials. So, many states already have the capacity to register the eligible citizens in their jurisdiction automatically. In this light, state governments have all the more reason to take responsibility for enabling the freedom to vote by automatically registering eligible voters.

As we noted above, a properly designed AVR system will directly empower eligible citizens to vote by eliminating the procedural hurdles that suppress voter registration. In addition, it is also worth considering how AVR will solve another significant problem with our current registration system: administrative errors that thwart registration and leave eligible voters stranded at the polls. Finally, as we suggest in our analysis of the current voting and registration

gaps, AVR is a gateway into the election process that could lead to higher rates of voter turnout and greater equality of voting across different demographic groups. In what follows, we briefly examine these additional benefits of AVR, before turning to our detailed proposal for how an optimal AVR system should be designed.

### *1. Reducing Administrative Burdens*

Our current voter-initiated registration system lends itself to administrative errors and omissions that accidentally leave eligible voters off the registration rolls. Elections officials frequently find themselves overwhelmed by a crush of registration applications at the registration deadline. These applications have to be processed quickly to ensure that eligible voters are added to the rolls by Election Day, which often requires enlisting inexperienced temporary workers. The need for fast processing and the inexperience of much of the workforce increases the risk of data entry errors and typos, which can translate to registration problems at the polls.<sup>28</sup> A review of elections administration in the recent midterm elections found that 2.5 million votes were lost to registration problems in 2014.<sup>29</sup>

AVR would reduce administrative errors and omissions by automating much of the voter registration process. Under an AVR system, information that is collected in the normal course of agency business, and shows that an individual is eligible to vote, will be transmitted electronically and automatically to the elections office. This will minimize the number of registration tasks agency employees are required to perform, increasing the likelihood that voters' eligibility information will be collected and transmitted promptly and accurately.

AVR will also lessen administrative burdens by spacing registration processing more evenly across the election cycle. Rather than getting an overwhelming crush of voter registration applications at the registration deadline, elections officials will receive voter information throughout the election cycle, as eligible voters visit other state agencies and offices. This will help reduce the number of administrative mistakes in the voter registration list because elections officials will have more time to double-check voter information and they will not have to rely as heavily on inexperienced temporary workers.

## 2. Increasing Voter Education & Mobilization

In addition to removing procedural hurdles and solving administrative problems that limit voter registration, AVR can also be an avenue for increasing voter turnout, potentially on a large scale. By facilitating mobilization of eligible voters who are currently largely invisible to mobilization efforts, AVR is more than just a gateway into the process; it can also provide a positive boost toward voting.

The specific strategies that candidates, political parties, and community groups use to engage potential voters may vary, but the starting point is often the same: the voter registration list.<sup>30</sup> So, eligible voters who don't appear on the registration rolls are less likely than other eligible voters to be targeted for voter information or mobilization efforts by campaigns or other groups. They are less likely to receive political mailings or phone calls, and canvassers are less likely to come to their doors with information about the election or to encourage them to vote.<sup>31</sup>

Potential voters have to contend with the costs of informing themselves about the candidates, locating their polling places and finding the time and resources to get to the polls—all while fulfilling their regular daily responsibilities of making a living, raising children, caring for aging relatives and more. Adding currently unregistered eligible voters to the rolls through AVR would put them on elections officials' and voter mobilization groups' radars, meaning they can be reached with information about how to vote and why their vote is so important. This outreach can have a significant impact on voter turnout, especially for members of groups that currently turn out to vote at lower rates. For example, studies show:

- The turnout rate for registered voters with less than a high school education was 7.4 percentage points higher in states where registered voters were mailed polling place information and 6.2 percentage points higher in states where they received sample ballots than in states where there was no such outreach.<sup>32</sup>
- Registered voters under the age of 25 turned out at rates 4.4 percentage points higher when they received polling place information and 5.7 percentage points higher when they were mailed a sample ballot.<sup>33</sup>
- Asian American voters who received a follow-up phone call after committing to vote in an initial call voted at a rate 13

percentage points higher than Asian American voters who did not receive a follow-up call.<sup>34</sup>

- Latino ‘infrequent voters’ who were targeted for door-to-door canvassing voted at a rate 10 percentage points higher than Latino infrequent voters who were not canvassed.<sup>35</sup>

At least one study confirms the connection between reducing barriers to registration, voter mobilization efforts, and voter turnout. In comparing candidates’ spending on voter mobilization in states with and without Election Day Registration (a reform that allows eligible voters to register when they show up at the polls to vote, also known as Same-Day Registration), the study found that get-out-the-vote-efforts (GOTV) had a comparatively larger effect on turnout in EDR states.<sup>36</sup> Like EDR, AVR is a reform that increases the number of potential voters in a state and, therefore, the potential target population for GOTV efforts. It seems likely that AVR, like EDR, could have similarly positive effects on voter turnout and potentially much greater effects if it is widely implemented and millions of new people become “visible” (because newly registered) to election officials, candidates, and voter mobilization groups.

Additionally, shifting to an AVR system would free up resources that are currently being invested in voter registration efforts right before an election to be redirected toward voter education and mobilization. With AVR, many nonprofit organizations and political parties that run voter registration drives could redirect those resources to voter education and mobilization efforts. So too, by eliminating registration deadlines and thereby reducing the crush of voter registrations right before an election, AVR could help election officials devote more resources to voter information efforts.

## V. AUTOMATIC VOTER REGISTRATION POLICY DESIGN & KEY CONSIDERATIONS

The goal of an Automatic Voter Registration program is universal voter registration. The basic concept of automatic voter registration is that when a state's public agencies and/or systems already have the information to know if a person is eligible to vote, the state's elections officials will add that person to the voter rolls unless the individual declines to be registered. The system works through the electronic transfer of information between public agencies and a state's election databases. Here's how Oregon describes what it calls its "New Motor Voter" system, launching in January 2016:

*Because DMV has access to age, address, and citizenship data and most importantly for vote-by-mail, an electronic signature, the Secretary of State's Office seeks to build upon the technological systems already in place to make voter registration even easier and more secure by using this information to offer voter registration to eligible voters in the system and on an ongoing basis.<sup>37</sup>*

The key to a truly automatic system is that an eligible voter is registered to vote or has their registration updated with new information after interacting with a public agency, without having to take additional steps.<sup>38</sup> Instead of eligible citizens having to "opt in" to voter registration, meaning affirmatively take steps to register to vote, eligible citizens will be registered to vote by the state if (1) their eligibility is clear from data already collected by state agencies, and (2) they do not "opt out" of voter registration when notified of their eligibility and registration. A system that administers voter registration with an opt-out rather than an opt-in approach, through electronic transfer of eligibility information, can add huge numbers of unregistered but eligible persons to the rolls.

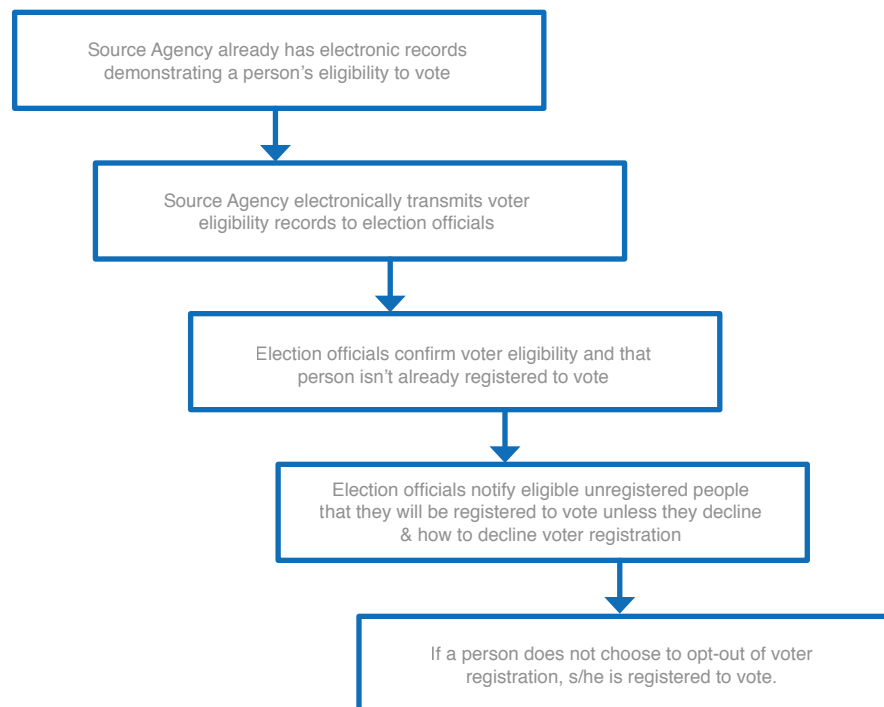
### The Automatic Voter Registration Process

- A public agency, as part of its transactions with people, receives information that demonstrates a person's eligibility to vote, i.e. name, date of birth, residence, and citizenship status.



- The public agency is a source agency for the Automatic Voter Registration program, and it electronically transmits the voter eligibility information from its database to election officials.
- Election officials receive the electronic records and confirm the eligibility of each individual and also that the individual is not already registered to vote (or that the individual needs to update existing voter registration, for example because of an address change).
- Election officials notify eligible unregistered people that they will be added to the voter rolls, and this notification provides instructions about how to decline registration and how to choose a political party. This process may entail returning a postcard mailed by election authorities.
- If a person takes no action s/he becomes a registered voter. If a person chooses a political party then s/he will be registered to vote as a member of that party; otherwise the person will be registered as unaffiliated. If a person chooses to opt out then s/he will not be registered to vote.
- If a person is already registered and has provided a change of address, election officials will update their voter registration records (unless the person opted out of updating their voter registration records to reflect their new address).

**Figure 4. The Automatic Voter Registration Process**



## Important Policy Design Considerations

Each state should have the goal of universal voter registration, but not every state is currently prepared to start building its voter rolls through an automatic system based on database-transfer of electronic records. For example, states that already electronically transfer voter registration information between public agencies and election officials may be closer to being able to implement an automatic system for voter registration. Different states need to take a tailored approach to what will work best in their own current context, but there is a common set of issues that all AVR programs need to address.

### 1. *Choosing Source Agencies*

To achieve universal voter registration, an automatic voter registration program must be inclusive, but protective. These goals may be in tension with each other. Each public agency that maintains a database that contains and can transmit the necessary information to confirm eligibility for voting should be considered as a potential source agency for automatic registration. Fundamentally, it is important that public agencies other than just DMVs are incorporated into the program so that current registration gaps are not perpetuated. For example, if only the DMV is a source agency, then people who do not have driver's licenses or other non-driver identification issued by the agency will not be registered automatically. Studies have shown that Blacks and Latinos are much less likely to have DMV identification than whites.<sup>39</sup> At the same time, we recognize that states may need to balance the comprehensiveness of source agencies with other concerns, such as avoiding inefficient duplication of effort between agencies that largely serve the same populations. States will also have to consider the technological capacities of potential source agencies, as we explain in more detail below.

Nevertheless, it is clear that a broader range of source agencies, such as the public assistance agencies and disability offices covered by the NVRA, will need to be incorporated to achieve universal voter registration. States should also consider including agencies additional to those where opt-in voter registration services are already mandated by the NVRA, like public universities. Some states may also have unique statewide programs that could provide the information necessary for automatically registering eligible citizens. For example, Alaska

may adopt an AVR program in which the state's Permanent Fund Dividend program would serve as a source agency.<sup>40</sup>

To achieve the goal of an inclusive AVR system, states should also consider including their Department of Corrections as a source agency for AVR. Including the Department of Corrections can help close current registration gaps that disproportionately burden communities of color, since mass incarceration is deeply affected by racial discrimination in the criminal justice system. Also, Departments of Correction may be in a good position to transmit registration information to the election authorities because in every state except Vermont and Maine individuals imprisoned for a felony lose their right to vote for some period of time. Presumably, state election officials are already in communication with the Department of Corrections in some manner when individuals lose their right to vote or have their voting rights restored.<sup>41</sup> In an automatic voter registration system, state election officials and the Department of Corrections could continue to work together in order

## Same-Day Registration

Same-Day Registration (SDR) is an important complement to an Automatic Voter Registration program, as well as being a time-tested pro-voter reform that significantly increases voter participation in its own right. With SDR, voters are able to register to vote or update their voter registration at the polls, allowing them to cast a ballot that will be counted. Adopting or maintaining SDR alongside an AVR system provides a failsafe so all eligible citizens can vote, even if they haven't interacted with an AVR source agency or otherwise become registered prior to the election.

Voter registration deadlines, often a month before an election, can be an unnecessary barrier to participation. This is particularly true for people who have recently moved, who are often young, low-income, and people of color. Even people who have registered to vote before a deadline may find that they are not on the rolls when they arrive to vote because of mistakes in processing or flawed voter purges. SDR means they won't be stranded at the polls, and cuts down on the use of provisional ballots that frequently aren't counted.

Same-Day Registration removes voter registration deadlines as a barrier to voting and allows any registration problems that might keep an eligible citizen from casting a ballot that will be counted to be resolved at the polls. It is safe, cost effective and, as discussed further below, increases voter participation. SDR is an integral part of updating and improving our registration process to meet the needs of our modern, mobile society.

to confirm the restoration of voting rights. In Rhode Island, for example, state election authorities already automatically activate the voter registrations of formerly incarcerated individuals when they are released from prison and their voting rights are restored.<sup>42</sup>

### Source Agency Information & Technology Needs

While the breadth of source agencies is important for developing more inclusive voter registration systems, it is critically important that all source agencies be in a position to provide information necessary to confirm an individual's citizenship status, in order to protect non-citizens from being inadvertently registered to vote. Any error on this count could have very serious consequences for any non-citizens who might be inadvertently registered to vote.<sup>43</sup> Only agencies that collect information on citizenship status and can transmit that information reliably should serve as source agencies in an automatic voter registration system. There are several basic questions necessary to ascertain which public agencies can be source agencies for automatic voter registration in each state:

- Which public agencies receive information about a person's citizenship status as part of their agency transactions?  
Agencies that do not collect citizenship information are not appropriate source agencies for automatic voter registration.
- Which public agencies are technologically ready, or could be technologically ready with sufficient investments in technological improvements, to transmit information electronically to elections officials? Some systems may already be exchanging data electronically with election officials.
- Which public agencies are technologically ready, or could be technologically ready with sufficient investment in technological improvements, to collect and transfer an electronic signature?

The databases of potential source agencies should be audited for accuracy when they are incorporated into the automatic voter registration system and start providing data to election officials. Agencies should run audits to confirm the integrity of their databases and the effectiveness of their transmission of voter records to the Secretary.

States may choose to launch an automatic voter registration program using as source agencies only those agencies that are

technologically ready to collect and share eligibility data now; at the same time, states should work to upgrade systems so that a broader set of agencies can participate, to make the AVR program inclusive and equitable. States should build in a long runway for implementation to allow lead-time for accuracy auditing, and should provide funding (or secure outside funding) to upgrade technological systems at public agencies so they can participate as source agencies.

## 2. *Confirming Eligibility & Providing Safe Harbors*

An automatic voter registration program must protect ineligible people from being inadvertently added to the voter registration rolls by requiring the state to confirm eligibility, and by providing legal safe harbors if any ineligible person becomes inadvertently registered to vote through state action.

First and foremost, there must be full confidence in the source databases for the program: the provision and transmission of the information necessary to determine eligibility, including citizenship, must be entirely reliable. As discussed above, a state's ability to add citizens to its voter rolls without the individuals having to take affirmative steps is dependent upon agencies maintaining the information needed to confirm individuals' eligibility in a dependable way. The burden is on the state to use the information already provided by an individual as part of his or her agency transaction to confirm a citizen's eligibility to vote before adding him or her to the voting rolls. For example, Oregon's law establishing its automatic voter registration program states:

*[t]he person shall be registered to vote if the county clerk determines that the person is qualified to vote [under the Oregon Constitution], and the person is not already registered to vote.<sup>44</sup>*

Second, each AVR statute should contain legal protections that provide safe harbors to protect non-citizens or other ineligible persons from penalties designed to prevent and punish improper claims of citizenship or eligibility. Safe harbor provisions should be written into the law so that if any ineligible individuals are inadvertently added to the rolls by the state, they are indemnified and held harmless, having taken no affirmative steps to register themselves. A recently passed law in California, which automates the transmission of voter registration records between the state's

Department of Motor Vehicles and election officials, contains such safe harbors.<sup>45</sup> California’s law shifts the burden of legal responsibility so that the “person’s registration shall be presumed to have been effected with official authorization and not the fault of that person.”<sup>46</sup>

### *3. Option to Decline Voter Registration*

Although the goal of AVR is to maximize enrollment of eligible citizens in voter registration systems, an automatic system can also provide an opportunity for individuals to decline registration. We believe the best AVR program design should provide this “opt out” opportunity to decline registration outside of the point-of-service transactions with source agencies (this is sometimes termed a “back-end opt out”). Once state elections officials have received and processed the records to confirm eligibility and registration status, elections officials contact eligible unregistered people to alert them to the process for opting out of voter registration before adding them to the voter rolls. This can take the form of returning a postcard. Oregon, for example, will send each new potential registrant a mailer with a letter setting out voter eligibility requirements and a postcard that can be returned if the individual wants to decline to be registered to vote. An individual who doesn’t want to be registered to vote can return the postcard within 21 days. If an eligible unregistered citizen doesn’t return the postcard within 21 days, he or she will be added to the voter rolls without having had to take affirmative action during or after the agency transaction.

The key consideration behind adopting this approach is inclusion. Attempting to incorporate a choice of whether to register to vote into the point-of-service transaction may discourage busy individuals from becoming registered, which runs counter to the goal of using the capacity for truly automatic voter registration to achieve universal voter registration. People may also decline registration on the mistaken belief that they are already registered at their current address. Preserving an option to decline registration after a source agency transaction—but before a person is added to the voter rolls—strikes the appropriate balance between enabling participation and protecting individual choice about registration status.

This approach is also preferable because it leaves unaltered the point-of-service (sometimes termed “front-line”) voter registration responsibilities of agency staff required by the National Voter Registration Act. The NVRA already requires states to offer opportunities for people to register to vote during covered

transactions with designated agencies. When properly implemented—which has not always been the case<sup>47</sup>—this can be very helpful for facilitating voter registration, even though it does not require a fully automatic voter registration system. To ensure the most voter-friendly process, states should continue to provide the voter registration option during agency transactions as required by the NVRA, even after they implement automatic voter registration programs with an option to decline registration on the back end. In addition, a person who no longer wants to be registered to vote may always cancel their registration at any time.

#### 4. NVRA Compliance

States can implement an AVR program while maintaining compliance with the requirements of the National Voter Registration Act. This is important because adopting an automatic voter registration system does not alter a state's legal obligations under the NVRA to provide voter registration assistance during specific agency transactions.<sup>48</sup> An automatic voter registration program will often include state agencies that are already required to provide voter registration services under the NVRA, and there need not be any conflict between the two programs and their respective procedures. States can and should start building their voter rolls automatically, but state agencies that are covered by the NVRA must continue to provide voter registration services and assistance to citizens during their individual agency transactions.<sup>49</sup>

In addition to the federal legal requirements of the NVRA, policy considerations argue in favor of maintaining voter registration services and assistance in individual transactions with public agencies (and, as discussed below, expanding the agencies that offer opt-in voter registration opportunities). For example, an automatic voter registration program may be set up so that if an individual has opted out once from being added to the voter rolls, the individual won't be automatically registered in any future transaction with the agency. Such individuals should have continued opportunities to decide to register to vote and receive voter registration services and assistance whenever they interact with the DMV, public assistance and disability agencies, and other covered agencies. Existing NVRA procedures provide exactly this opportunity for persons who might otherwise be subject to a permanent opt-out from automatic voter registration. In addition, many people may prefer having the opportunity to choose a political party during their transaction, rather than having to return a postcard afterward.

## 5. *Protections for Privacy & Use of Data*

Some people who want to register to vote should continue to have their information kept confidential. For example, victims of domestic violence, public safety officers, and people involved in reproductive health care should have a statutory carve out written into the law that will allow them to be registered to vote without having their personal address or other information enter the public realm. Accordingly, states should ensure that their AVR programs incorporate pre-existing privacy protections in both election codes and other general statutes.<sup>50</sup> California's automated voter registration law maintains the privacy protections contained in its Confidential Voter Registration Law,<sup>51</sup> by providing that:

This chapter does not affect the confidentiality of a person's voter registration information, which remains confidential pursuant to Section 2194 of this code and Section 6254.4 of the Government Code and for all of the following persons:

- (a) A victim of domestic violence, sexual assault, or stalking pursuant to Section 2166.5.
- (b) A reproductive health care service provider, employee, volunteer, or patient pursuant to Section 2166.5.
- (c) A public safety officer pursuant to Section 2166.7.
- (d) A person with a life-threatening circumstance upon court order pursuant to Section 2166.<sup>52</sup>

Data collected by state agencies and transmitted to elections officials for voter registration purposes should not be used by the government for purposes unrelated to running elections and facilitating political participation. Law enforcement should be prohibited from using the voter registration database, or any lists created as a result of creating the voter registration database, for any purpose outside of the realm of deterring or prosecuting voter fraud. In particular, there should be a bar to the government's use of eligibility information provided to a state agency for any purpose other than meeting the mission of the agency and registering eligible voters.

Additionally, an Automatic Voter Registration system should prohibit discrimination against anyone who declines to be registered. For example, an AVR statute should include the following protections for the use of data:

- (i) if an individual declines to register to vote, the fact that the individual has declined to register will remain confidential and will be used only for voter registration purposes; and



(ii) if an individual is registered to vote, the source agency through which the individual came onto the voter roll will remain confidential and will be used only for voter registration purposes.<sup>53</sup>

In sum, individuals should be able to transmit their personal information to the state to access public services, including automatic voter registration. The state should accommodate privacy requirements of specific populations, and should not overstep the mandate of automatic voter registration by using the personal information provided for purposes other than those of election administration or the provision of agency services.

#### *6. Language Access & Disability Access*

Access for people whose primary language isn't English and for people with disabilities must be built into the AVR system. Elections officials should provide outreach and education materials in languages in addition to English, as required by the Voting Rights Act.<sup>54</sup> For example, in an automatic registration system individuals can decline to be registered by returning the postcard sent by election officials for that purpose. That postcard should include the languages required by Section 203 of the Voting Rights Act.<sup>55</sup> There may be jurisdictions with non-English-speaking communities whose populations are too small to trigger the mandate of Section 203, but it is still consistent with best practices to provide communications about voter eligibility in those languages.

In addition, if a state is able to include disability services offices as source agencies in its AVR system, election officials should cooperate with public and private outreach programs that serve people with disabilities in order to ensure that they are informed about the state's AVR opportunities.

#### *7. Public Education & Mobilization*

It is important to note that voters cannot use tools that they don't know that they have. For these policies to have a truly transformative impact on political participation, widespread outreach and public education efforts should be required.<sup>56</sup> Unless people are aware that the barrier of restrictive registration rules has been removed, they may not realize that their individual political participation has been enabled and is expected. Particularly in light of our national history of voter suppression and ongoing exclusions from the ballot box, states should take responsibility for strong public education campaigns to mobilize all the potential voters that have gained access to the political system through automatic voter registration.

## VI. GETTING TO UNIVERSAL VOTER REGISTRATION: OTHER VOTER REGISTRATION BUILDING BLOCKS AND COMPLEMENTARY POLICIES

Automatic voter registration can be considered in concert with other complementary registration reforms that can serve as building blocks towards an automatic program, or structural components of an inclusive and effective universal voter registration system. Each reform is individually important because it facilitates citizens' exercise of their right to vote, and can also help prepare states to implement AVR. Taken together, these reforms go a long way toward achieving universal voter registration by replacing our antiquated, burdensome voter registration system with a modern, effective system that more fully embodies American values of voting rights, political representation, and democratic participation.

### *1. Automated Registration*

Truly Automatic Voter Registration means that an eligible American will be added to the voter rolls without being required to take further steps if a relevant state agency possesses information sufficient to establish his or her eligibility. But some states do not yet have databases that contain data sufficient to confirm a voter's eligibility, or do not yet have databases that are technologically sophisticated enough to electronically transfer information. States may initially prefer to deploy something short of a fully automatic system of voter registration to boost their political participation. California has recently adopted such a system, which can be referred to as "automated" registration to distinguish it from "automatic" registration, such as Oregon's new program.

In an automated voter registration system, data presented to the agency as part of the agency transaction serves as the basis of an individual's voter registration application, but the individual is required to take some further affirmative step before being added to the voter registration rolls. For example, though the state may already have collected data sufficient to confirm a person's eligibility status, a citizen may be required to attest to their eligibility to vote before being considered to have successfully completed a voter registration application. A potential voter may even have to answer yes or no to the question of whether they would like to be registered

to vote. Because asking this question or requiring an attestation during a transaction forces people to take an action related to voter registration on the spot, this approach will surely have the effect of excluding some eligible individuals who would otherwise have been added the rolls in an automatic registration system. In this light, we recommend the more inclusive approach of a truly automatic registration system, provided that a state has sufficient technological capabilities for operating such a system.

As noted above, California recently adopted an automated voter registration system that will be implemented once the state has launched its VoteCal centralized statewide voter database.<sup>57</sup> According to the voting rights director for the ACLU of California, it is “a gold standard for what is an automated voter registration [system], but not automatic.”<sup>58</sup> In California’s automated system, the DMV will transfer, on a regular basis, electronic records to the Secretary of State that include:

- A person’s name
- Date of birth
- Residence address and/or mailing address
- Digitized signature
- Telephone number, if available
- Email address, if available
- Language preference
- Political party preference
- Whether the person chooses to become a permanent vote-by-mail voter
- Whether the person affirmatively declined to register to vote during a transaction with the DMV
- A notation that the applicant has attested that he or she meets all voter eligibility requirements
- Possibly other information specified in regulations

One of the guiding principles of a truly automatic system is that it does not require an individual to take any step to become registered to vote that is additional to the regular agency procedure. For the state to register an individual in the process created by the California law, a person will have to affirmatively attest that he or she meets all the voter eligibility requirements in order for the DMV to transfer the records for that person to the Secretary of State (SOS). In California, the DMV records will not constitute a completed voter registration application if “the person does not attest that he or she

meets all voter eligibility requirements while at the DMV”:

*Provide that the records of a person that are transmitted from the DMV to the SOS pursuant to this provision shall constitute a completed affidavit of voter registration for that person unless a) the person affirmatively declines to register to vote at the DMV, b) the person does not attest that he or she meets all voter eligibility requirements while at the DMV, or c) the SOS determines that the person is not eligible to register to vote.<sup>59</sup>*

At least 30 states have or are implementing electronic transfer of voter registration information from their departments of motor vehicles to their elections officials.<sup>60</sup> For example, in Delaware, the Department of Motor Vehicles has had an automated process of voter registration at the DMV since 2009. Agency workers follow prompts on their computer screens, and the client’s voter registration application is pre-populated with the data collected through the DMV process. Delaware’s “e-Signature” program allows an electronic signature to be collected on a signature pad, which also enables the client to:

- Certify citizenship
- Accept or refuse to register to vote
- Affiliate with a party

These registration applications are electronically transmitted to elections officials in real time. Eighty-five percent of new voter registration applications in Delaware come from the Department of Motor Vehicles, and about 40 percent of the transactions at the Department of Motor Vehicles result in a voter registration application.<sup>61</sup> Delaware also has electronic registration at its public assistance agencies.<sup>62</sup>

## **2. Electronic Registration Information Center (ERIC)**

The Electronic Registration Information Center (ERIC) is a consortium of states that have joined together to increase access to voter registration services and maintain the accuracy of their voter registration lists. Member states include Alabama, Colorado, Connecticut, Delaware, Louisiana, Maryland, Minnesota, Nevada, Oregon, Rhode Island, Utah, Virginia, and Washington, as well as

Washington, D.C., and more states continue to join.<sup>63</sup> The exchange was inspired because:

*While most private industry, and many government agencies, have updated their systems to take advantage of modern technology, voter registration systems remain largely based on 19th century tools, such as handwriting paper forms and postal mail. The inherent inefficiencies in the system result in unnecessarily high costs, and make it difficult to keep voter rolls clean throughout the country.<sup>64</sup>*

Members share electronic data from voter registration rolls and source agencies (so far limited to motor vehicle departments, but expandable to public assistance agencies). ERIC imports the Social Security Administration's death index and U.S. Post Office Data. ERIC provides member states information to help them identify voters who have moved within a state or moved between ERIC states (or out of the network of states), as well as voters who may have duplicate registrations or may have changed their name, and voters who may have died. This exchange of data allows ERIC to identify out-of-date records, which states can use to maintain their voter rolls in accordance with the list maintenance requirements of the NVRA. ERIC notes that:

[E]fficient and effective data matching and cleaner voter rolls will result in such efficiencies as less returned mail, fewer provisional ballots on election day, shorter lines at polling places, etc.<sup>65</sup>

States participating in ERIC are required to contact potentially eligible but unregistered voters with instructions about how to register to vote.<sup>66</sup> In the last three years ERIC states have identified nearly twelve million potential voters, and, of those, 700,000 have opted in to registering to vote.<sup>67</sup> By joining ERIC, AVR states will be able to develop more complete, accurate voter rolls more expeditiously. The Presidential Commission on Election Administration endorsed data-sharing to build voter lists:

*The Commission endorses state programs to share data and to collaborate in the synchronization of voter lists so that the states, on their own initiative, come as close as possible to creating an accurate database of the eligible electorate.<sup>68</sup>*

ERIC is a good way to build a better opt-in system with more

responsibility on the government to reach out to eligible citizens in their jurisdiction. Joining ERIC is a good way for a state to start building its capacity for electronic transfer of voter registration information between databases. But to create accurate registration databases in the states, in the service of universal registration, the best way forward is to combine ERIC's interstate program of voter registration data-sharing with automatic voter registration systems in every state, supported by other complementary policies such as Same-Day Registration.

### 3. *Online Voter Registration*

Adopting Online Voter Registration (OVR) is a common sense step to integrate available technological advances into our current opt-in voter registration system. It makes voter registration more efficient and accessible, thereby lowering barriers to participation. OVR also moves a state to use electronic records for its voter registration database, and, therefore, will facilitate the transfer of electronic database information in an automatic voter registration system.

Even once AVR is adopted, OVR should be maintained so that individuals have access to their registration records. People should be able to update their registration themselves if they'd like, particularly when they move in state and may not need to update their driver's license or otherwise interact with another source agency. Not everyone interacts with a DMV or other source agency upon arriving in a new jurisdiction where they are eligible to vote, and online registration provides the modern access that American voters expect. An online system is also a convenient way for people to be able to cancel their voter registrations, should they want to, or to choose a political party affiliation.

OVR has been adopted in 30 states and the District of Columbia. In addition to states that have passed new laws to adopt the program, election officials have used their administrative authority to adopt online systems of registration. For example, Iowa and Pennsylvania have recently launched online voter registration programs based on already existing election law, rather than waiting for passage of a new law.<sup>69</sup> Allowing voters to register online saves states and localities money, and eliminates the administrative burden of entering information from handwritten forms into the registration system.<sup>70</sup>

OVR is particularly useful for closing voting gaps by lowering barriers for young people—they are least likely to be registered to

vote but very likely to have internet access.<sup>71</sup>

- In Arizona, after the state introduced online and automated registration, registration rates among 18-24-year-old citizens rose from 29 to 53 percent.
- In California, in the month before the registration deadline in 2012, almost two-thirds of new registrations from young voters came through the online system; over a third of Latinos who registered online were 18-24-year-olds.
- In Maryland, a study showed that 18-29-year-olds made up 42 percent of online registrants but only 19 percent of registered voters.<sup>72</sup>

Additionally, the Presidential Commission on Election Administration reports evidence that turnout may be higher among those registering online, finding that “in Arizona in 2008, 94 percent of online registrants voted compared to 85 percent of those who registered by paper.”<sup>73</sup>

One limitation on the inclusivity of online registration stems from state practices for capturing a voter’s signature. Identifying inclusive ways to capture signatures securely through the implementation of an OVR program can help a state prepare to run an inclusive AVR program. Delaware allows any individual with a Social Security number to register online. The system transmits the data to the appropriate county electronically, but at the end of the registration process, the user must print, sign, and mail a form generated by the system to complete the registration. The application is incomplete until the signed form is received; however, if the form is not received, the individual can still vote a regular ballot on Election Day by showing ID<sup>74</sup> and providing a signature at the polling place.<sup>75</sup> Connecticut allows online registration for any individuals who have a signature stored in any database available to the state, including federal databases.<sup>76</sup> States should implement technology to capture signatures electronically, similar to signing for credit card purchases on touchscreens. In 2010, Santa Clara County, California, became the first jurisdiction to accept voter registration forms that were signed by hand and submitted electronically using mobile, touchscreen technology.<sup>77</sup> Each applicant’s information and electronic signature, captured on a mobile Internet device touchscreen, were integrated into a secure PDF file, and applicants were able to email the secure file to the county elections office.<sup>78</sup>

#### 4. *Restoring Voting Rights & Ending De Facto Disenfranchisement*

Voting is a fundamental democratic right, yet almost 6 million American citizens have been stripped of their voting rights due to a felony conviction.<sup>79</sup> The Sentencing Project and Human Rights Watch condemn these laws as having “no discernible legitimate purpose.”<sup>80</sup> But their impact has grown nearly five-fold in recent decades: the number of returning citizens and current prisoners without the right to vote was 1.2 million in 1980 and has skyrocketed to 5.9 million.

Felon disenfranchisement is an obstacle to political participation and representation, and its negative effects on democratic participation are a mirror image of the racial inequities in our criminal justice system, with the burden falling disproportionately on communities of color:

- 1 of every 13 Black citizens of voting age can't vote due to criminal conviction.
- 1 in 8 Black men are prohibited from voting because of felon disenfranchisement laws.
- One-fifth of Black citizens of voting age are prohibited from voting in Florida, Kentucky, and Virginia, and Tennessee is very close to one-fifth.<sup>81</sup>

All states except Maine and Vermont deny voting rights to felons while they are incarcerated, and many maintain their prohibition on voting during a period of probation or parole. Seventy-five percent of the people who have lost their right to vote due to these restrictions have already returned to the community after serving their time in prison.<sup>82</sup> In too many states, a byzantine legal or administrative process hampers the restoration of voting rights. There is no reason why this should be the case. If states suspend voting rights at all during incarceration, they should take steps to encourage participation when these citizens return to society:

- Voting rights should be automatically restored to returning citizens upon release from incarceration.
- While in prison, people who were previously registered to vote should have their registrations suspended rather than cancelled entirely. Then, once their rights are restored after being released from incarceration, the state should automatically activate their inactive registrations.
- In a system of automatic voter registration, if the



Department of Corrections already has sufficient eligibility information about the individuals in its custody, the Department of Corrections should be a source agency.

Even when voting rights have been restored to returning citizens, many do not register because they lack information about their eligibility and the registration process, and this leads to a large problem of “de facto” disenfranchisement. Executive Director of the Sentencing Project Marc Mauer says that “people with felony convictions and the electoral officials themselves are often misinformed about the policy. There may be substantially more people who are kept away from the ballot box than even [the current] legal prohibitions would require.”<sup>83</sup> To help solve this problem, in states covered by the NVRA, the Department of Corrections can be designated as a voter registration agency. Even before a state has adopted AVR, or ended the practice of stripping voting rights from people with felony convictions, the Department of Corrections should effectively offer opt-in voter registration services at the time when voting rights are restored. For example, if rights are restored after a period of probation or parole, probation and parole officers offer individuals the opportunity to register to vote.

Where felon disenfranchisement laws exist, they may have already required the establishment of systems of electronic communication between corrections agencies and election authorities. These systems could provide a bridge to facilitate an automatic system of voter registration if they were adapted to transmit release records (in addition to incarceration records), which could serve as an eligibility screen.

### *5. Expanding & Enforcing the National Voter Registration Act*

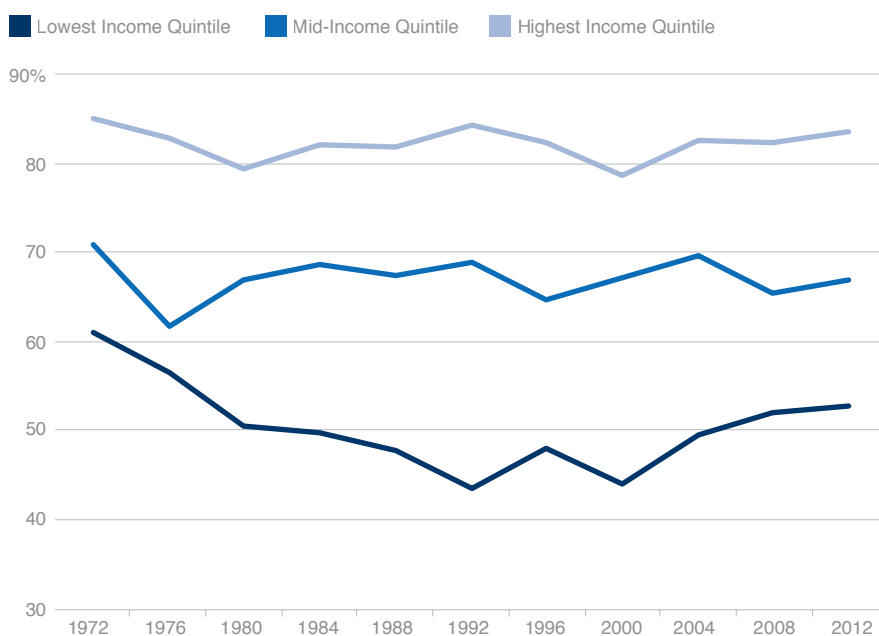
One of the most effective ways a state can facilitate access before adopting automatic voter registration is by improving voter registration services at public agencies, as required by the NVRA. States should ensure that agencies covered by the NVRA comply with the law’s requirements for providing voter registration services. Further, states should expand the spectrum of public agencies designated as voter registration agencies, in order to provide opt-in voter registration services to a larger group of people. Departments of Education and Departments of Corrections may be good targets for such an expansion. Regardless of whether states adopt automatic voter registration, states should seek to improve and expand their

provision of opt-in voter registration services.

Effective administration of NVRA voter registration responsibilities would make great strides in increasing the inclusiveness and universality of current opt-in systems of voter registration. Oklahoma recently reached a settlement in which the state agreed to take steps to better meet their responsibilities to offer voter registration at public assistance agencies, and the number of voter registration applications submitted has already increased dramatically.<sup>84</sup> Because the populations served at current NVRA agencies are often low-income, and because there is such a pronounced registration gap between high-income and low-income groups (see Figure 5), robust implementation of the NVRA should be considered a vital pathway for developing a more inclusive voter registration process and building toward automatic voter registration.

Demos has worked for a decade to enforce the NVRA, which governs the current system of opt-in registration at motor vehicle and public assistance agencies. That work has had tremendous impact in adding voters to the rolls, and, at the same time, it requires continuous monitoring and vigilance by groups like Demos and our partners to make sure that the required services are provided over time. An automatic voter registration system that incorporates a declination option outside the agency transaction itself is the next

**Figure 5. Voter Registration Rates and Income Levels from 1972-2012**



U.S. Census Bureau, Current Population Survey

step forward for maximizing voter registration through government agencies and ensuring a seamless process that reduces the likelihood of error or neglect in providing voter registration services.

#### *6. Pre-Registration of 16- & 17-year-olds*

Eligible 16- and 17-year-olds should be pre-registered to vote and automatically added to voting rolls when they turn 18. Pre-registration does not require any additional voter registration databases, as registration records for individuals who are not yet 18 can be entered as “pending.” Once they reach 18, their registrations automatically move from pending to active. Adopting a pre-registration system for 16- and 17-year-olds that automatically activates their voter registrations when these citizens turn 18 would move us towards an inclusive system that facilitates voter participation.

It would also be a stepping stone to adopting a truly automatic voter registration system. If the state had the records to substantiate eligibility, individuals could be mailed a card letting them know their voter registration record will be activated on their 18th birthday without requiring prior individual action.

Allowing young people to pre-register to vote is an effective way to increase overall voter participation, not just in the short term but also over a lifetime. Voters who are engaged at an early age are more likely to stay engaged.<sup>85</sup> Pre-registering 16- and 17-year-olds to vote can be an important first step to engaging young adults. In 2008, pre-registered young voters in Florida turned out at a rate 4.7 percent higher than young voters who registered after turning 18.<sup>86</sup>

Currently, Colorado, Delaware, Florida, Hawaii, Maryland, North Carolina, and the District of Columbia allow eligible voters to pre-register at 16.<sup>87</sup> In Colorado, anyone who is an eligible voter over the age of 16 can register to vote, even if they will not be 18 by the time of the next election.<sup>88</sup> In addition, 9 states allow voters to pre-register at seventeen.<sup>89</sup> Adding to this, 20 states allow teens to register if they will be 18 before the next election and 7 states allow teens to register if they will turn 18 before the next general election.<sup>90</sup>

#### *7. Portable Voter Registration*

A person’s voter registration should remain valid when he or she moves within a state (and programs like ERIC raise the potential for portability even between interstate moves).<sup>91</sup> A state’s centralized voter registration database can allow for such voter registration portability. Already, a quarter of Americans believe that when

they change their address with the post office, their registration automatically changes as well.<sup>92</sup> With portable voter registration, when people move within a state, their registrations move with them, and they are able to cast a regular ballot in their new location. Implementing portable voter registration should bring a state a step closer to being in a position to adopt automatic voter registration.

Allowing portable voter registration would help states move towards the goal of universal voter registration and increase political participation. Studies have shown that Americans' mobility plays a substantial role in low voter turnout, and one estimate concluded that if registration were portable within states, turnout would increase by as many as 2 million voters nationally.<sup>93</sup> The added need to re-register to vote with each move widens the voter participation gap among certain demographic groups. In particular:

- **Young people:** A Census survey on geographic mobility found that individuals in their late twenties moved more often than any other age group over a 5-year period.
- **Communities of color:** Census respondents who self-identified as Hispanic/Latino or Black/African American moved significantly more often than white respondents.
- **Lower-income Americans:** Over one-half (52.5 percent) of people living below the poverty line moved between 2005 and 2010. Less than one-third (32 percent) of individuals at or above 150 percent of the poverty line moved during the same period of time.<sup>94</sup>

## 8. *Same-Day Registration*

Getting to universal voter registration requires the adoption of Same-Day Registration (SDR). SDR is a timetested pro-voter reform that significantly increases voter participation without compromising the integrity of elections or substantially increasing costs, and is an important complementary policy within an automatic voter registration system. Some citizens who wish to vote may not have interacted with a source agency and been automatically registered to vote before the election, but if they meet the eligibility requirements they should be able to register when they go to vote. With or without AVR, non-registered eligible citizens should be able to register to vote and cast a ballot at the polls.

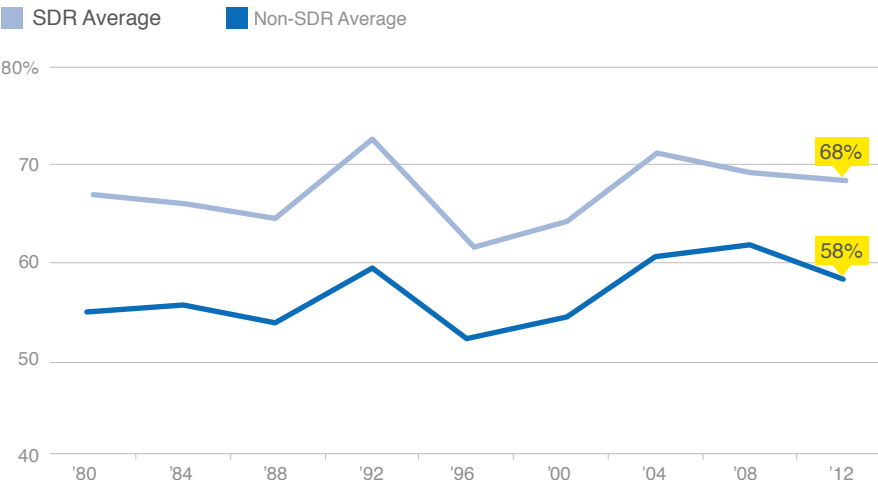
In 2012, approximately 1.5 million Americans used Same-Day Registration to cast their ballots and participate in democracy.<sup>95</sup>

Even in the midterm elections when turnout is typically very low, SDR is important in helping people cast their ballots. In 2014, average voter turnout was over 7 points higher in states with Same-Day Registration as compared with non-SDR states.<sup>96</sup>

America is a highly mobile society: nearly 36 million individuals changed residences between 2012 and 2013, according to the U.S. Census.<sup>97</sup> Many of these individuals failed to register to vote before the registration deadline and found themselves unable to cast a ballot. Others who had submitted their voter registration applications in time found on Election Day that their names had not been added to the voter rolls and that their votes would not be counted.<sup>98</sup> Same-Day Registration remedies both of these problems. Voters simply register to vote on Election Day or during the early voting period, or update a pre-existing registration record, and cast a ballot that will be counted.

Voters in 9 states and the District of Columbia successfully used SDR during the 2012 Presidential Elections; voters in 5 additional states were able to use SDR for the 2014 Midterm Elections.<sup>99</sup> Same-Day Registration was pioneered by Maine, Minnesota, Idaho, Wisconsin, and Wyoming in the 1970s, and in the last decade it has been adopted in California, Colorado, Connecticut, Hawaii, Iowa, Illinois, Maryland, Montana, North Carolina, Vermont, and the District of Columbia (though it has been ended in North Carolina as part of the state’s retrogressive moves to restrict voting access).<sup>100</sup>

**Figure 6. Turnout Rates in SDR vs. Non-SDR States, 1980–2012, Presidential Election Years**



## VII. CURRENT LANDSCAPE OF AVR BUILDING BLOCKS & LEGISLATION

Oregon was the first state fully to recognize and act on the potential of AVR, enacting its AVR law in March 2015, with implementation in January 2016. Other states quickly moved to follow its lead. The New Jersey Legislature passed a bill that would adopt this form of AVR as part of a package of democracy reforms, but it was vetoed by the Governor.<sup>101</sup> In Louisiana, the state Legislature considered a number of AVR proposals along these lines and the state House opted to create a subcommittee to study their feasibility.<sup>102</sup>

Many states have bills proposing AVR systems that are similar to Oregon's model, using motor vehicle agencies as the source agencies for automatic voter registration and giving individuals an opportunity to decline registration. The bills that were introduced in Alabama,<sup>103</sup> Arizona,<sup>104</sup> Illinois,<sup>105</sup> Minnesota,<sup>106</sup> New York,<sup>107</sup> South Carolina,<sup>108</sup> Texas,<sup>109</sup> Vermont,<sup>110</sup> and the District of Columbia<sup>111</sup> follow this model, as do some of the bills introduced in Georgia,<sup>112</sup> Hawaii,<sup>113</sup> and Ohio.<sup>114</sup>

However, some states have offered even more expansive AVR proposals, which also include state offices and agencies other than motor vehicle agencies as AVR source agencies. Arkansas,<sup>115</sup> Georgia,<sup>116</sup> Ohio,<sup>117</sup> and Pennsylvania<sup>118</sup> have all seen proposals for AVR systems that include additional source agencies. For example, one of the bills introduced in Pennsylvania would include the state's Department of Human Services and Department of Military and Veterans Affairs in the AVR system. Arkansas' bill would have designated both the state Office of Driver Services and State Revenue Offices as source agencies for automatic voter registration. As mentioned earlier, Alaska is considering an automatic voter registration system that uses the state's Permanent Fund as the source list to identify eligible citizens.

Even before moving to Automatic Voter Registration, individual states have increased access to registration by adopting building block and complementary voter registration policies. As noted earlier, 15 states and the District of Columbia have ratified Same-Day Registration policies.<sup>119</sup> Twelve states and the District of Columbia have implemented or will soon implement policies allowing young people to pre-register for voting in advance of

their eighteenth birthdays, even if they will not be 18 by the next election.<sup>120</sup> Twenty-nine states and the District of Columbia offer or will offer eligible voters the opportunity to register to vote online.<sup>121</sup> This following matrix provides a full landscaping of where AVR building blocks or complementary policies exist.

**Table 4. Automatic Registration Building Blocks and Complementary Policies<sup>122</sup>**

State	Electronic Registration	ERIC	Online Registration	Portable Registration <sup>123</sup>	Pre-registration	Rights Restoration <sup>124</sup>	Same Day Registration	NVRA <sup>125</sup>
AL		X						X
AK						X <sup>f</sup>		X
AZ	X		X					X
AR	X					X <sup>f</sup>		X
CA	X		X		X <sup>b</sup>	X <sup>e</sup>	X	X
CO		X	X	X	X <sup>a</sup>	X <sup>e</sup>	X	X
CT		X	X			X <sup>e</sup>	X	X
DE	X	X	X	X	X <sup>a</sup>			X
DC		X	X	X	X <sup>a</sup>	X <sup>d</sup>	X	X
FL	X		X	X	X <sup>a</sup>			X
GA	X		X			X <sup>f</sup>		X
HI			X	X	X <sup>a</sup>	X <sup>d</sup>	X	X
ID						X <sup>f</sup>	X	
IL	X		X			X <sup>d</sup>	X	X
IN	X		X			X <sup>d</sup>		X
IA	X		X				X	X
KS	X		X			X <sup>f</sup>		X
KY	X		X					X
LA	X	X	X		X <sup>a</sup>	X <sup>f</sup>		X
ME					X <sup>b</sup>	X <sup>c</sup>	X	X
MD	X	X	X	X	X <sup>a</sup>	X <sup>f</sup>	X	X
MA	X		X		X <sup>a</sup>	X <sup>d</sup>		X
MI	X					X <sup>d</sup>		X
MN	X	X	X			X <sup>f</sup>	X	
MS	X							X
MO			X			X <sup>f</sup>		X
MT						X <sup>d</sup>	X	X
NE	X		X					X
NV		X	X					X
NH						X <sup>d</sup>	X	
NJ	X					X <sup>f</sup>		X
NM	X		X			X <sup>f</sup>		X
NY	X		X			X <sup>e</sup>		X
NC	X					X <sup>f</sup>		X
ND <sup>g</sup>	-	-	-	-	-	X <sup>d</sup>	-	-

**Table 4. Continued**

State	Electronic Registration	ERIC	Online Registration	Portable Registration <sup>123</sup>	Pre-registration	Rights Restoration <sup>124</sup>	Same Day Registration	NVRA <sup>125</sup>
NJ	X					X <sup>f</sup>		X
NM	X		X			X <sup>f</sup>		X
NY	X		X			X <sup>e</sup>		X
NC	X					X <sup>f</sup>		X
ND <sup>g</sup>	-	-	-	-	-	X <sup>d</sup>	-	-
OH				X		X <sup>d</sup>		X
OK			X			X <sup>f</sup>		X
OR	X	X	X	X	X <sup>b</sup>	X <sup>d</sup>		X
PA	X		X			X <sup>d</sup>		X
RI	X	X			X <sup>a</sup>	X <sup>d</sup>		X
SC	X		X			X <sup>f</sup>		X
SD	X					X <sup>f</sup>		X
TN								X
TX	X					X <sup>f</sup>		X
UT		X	X	X	X <sup>a</sup>	X <sup>d</sup>		X
VT			X			X <sup>c</sup>	X	X
VA		X	X					X
WA	X	X	X			X <sup>f</sup>		X
WV	X		X			X <sup>f</sup>		X
WI						X <sup>f</sup>	X	
WY							X	

Sources: Brennan Center for Justice, Electronic Registration Information Center, Fair Elections Legal Network, The Sentencing Project and United States Department of Justice

a Available to 16- and 17-year-olds

b Available to 17-year-olds

c Does not revoke voting rights for felony convictions

d Available on completion of incarceration

e Available on completion of incarceration and parole

f Available on completion of incarceration, parole and probation

g Does not have a voter registration requirement



## VIII. CONCLUSION

We have the opportunity to bring millions of currently unregistered citizens—America’s missing voters—into the political process. With new database technologies, and with rigorous safeguards to ensure voting eligibility, AVR can help us take a big leap forward to create a more robust and inclusive electorate at the heart of our democracy. With AVR, we can modernize the administration of elections and enable democratic participation by eliminating registration barriers and helping new potential voters become more visible and reachable in the election process. Our commitment now should be to capitalize on this profound opportunity to revitalize our democracy by establishing inclusive, effective, and accurate Automatic Voter Registration systems in states across the country.

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19. *Infra*, at p. 4.
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2268. If a person who is ineligible to vote becomes registered to vote pursuant to this chapter ... that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.  
2269. If a person who is ineligible to vote becomes registered to vote pursuant to this chapter and votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote ..., unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote. See A.B. 1461 2015-2016 Reg. Sess. (CA. 2015-2016). [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1461](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1461).
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  48. There is no question that Section 5 and Section 7 of the NVRA require specific voter registration services to be provided during front-end transactions at departments of motor vehicles, public assistance and disability agencies.
  49. The NVRA requires somewhat different processes at departments of motor vehicles and at public assistance agencies alongside the automatic voter registration program. In all cases, a state must retain an affirmative opportunity for people to register to vote alongside the automatic voter registration process.
  50. For example, the draft Oregon Motor Voter Registration Manual explains that "The DMV file sent to the Elections Division will not include individuals or their family members who have received a personal safety exemption from DMV, public employees or their family members who do not submit a residence address to DMV pursuant to ORS 802.250 or law enforcement officials who obtain license/ID cards pursuant to OAR 735-062-0290". Oregon has an Address Confidentiality Program, and "individuals who are not participants in the Address Confidentiality Program may also request to be excluded from the list of active registered voters." DRAFT: Oregon Motor Voter Registration Manual, Oregon Secretary of State Elections Division, at 5, 11 (2015) <http://sos.oregon.gov/voting/Documents/draft-omv-manual.pdf>.
  51. California Secretary of State. "Confidential Voter Registration Law." <http://www.sos.ca.gov/registries/safe-home/laws/confidential-voter-registration-law/#EC2166>. (Section 2166. 1. Any person filing with the county elections official a new affidavit of registration or reregistration may have the information relating to his or her residence address, telephone number, and e-mail address appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential upon order of a superior court issued upon a showing of good cause that a life-threatening circumstance exists to the voter or a member of the voter's household, and naming the county elections official as a party. 2. Any person granted confidentiality under subdivision (a) shall: 1. Be considered a vote by mail voter for all subsequent elections or until the county elections official is notified otherwise by the court or in writing by the voter. A voter requesting termination of vote by mail status thereby consents to placement of his or her residence address, telephone number, and e-mail address in the roster of voters. 2. In addition to the required residence address, provide a valid mailing address to be used in place of the residence address for election, scholarly, or political research, and government purposes. The elections official, in producing any list, roster, or index may, at his or her choice, use the valid mailing address or the word

- “confidential” or some similar designation in place of the residence address. 3. No action in negligence may be maintained against any government entity or officer or employee thereof as a result of the disclosure of the information which is the subject of this section unless by a showing of gross negligence or willfulness.
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    - (b) An education and outreach campaign informing voters about the California New Motor Voter Program that the Secretary of State will conduct to implement this chapter. The Secretary may use any public and private funds available for this and shall provide materials created for this outreach and education campaign in languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). Section 2270, A.B. 1461 2015-2016 Reg. Sess. (CA. 2015-2016). [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1461](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1461)
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  123. Eligible voters who move within the state in states with Same-Day Registration also have the opportunity to cast a regular ballot. Though their registration addresses may not be updated automatically, they can register or update their registration information at the polls.
  124. This category captures states that offer opportunities for restoration of voting rights at or before completion of a sentence for a felony conviction.
  125. States that do not have a voter registration requirement or had Same-Day Registration on and after August 1, 1994, are exempt from the National Voter Registration Act.

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