



**Vermont House
Government Operations Committee
Public Hearing
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**Testimony of Ludovic Blain
Associate Director, Democracy Program
Demos: A Network of Ideas and Action
In Support of
S. 164**

Good morning. My name is Ludovic Blain. I am the Associate Director of the Democracy Program at Demos, a nonprofit research and advocacy organization established in 1999. Demos works with policy makers, advocates and scholars around the nation to improve our democracy and achieve greater economic equity. Our work on voting issues, particularly Election Day Registration, provisional balloting, and voting by citizens with felony convictions is nationally recognized. Miles Rapoport, a former state legislator and Secretary of State in Connecticut, serves as President. I thank you for this opportunity to share our views on this important election reform issue now under consideration by this Committee.

First, allow me to commend the Chair and members of the Committee for considering Election Day Registration (EDR), and Secretary of State Deb Markowitz for being a strong and effective proponent of what's best for voters. By passing comprehensive EDR legislation, Vermont, can be a model to many other states in yet another election reform area. In fact, this legislative cycle there have been EDR bills introduced in at least 13 states. Demos is currently working with state legislators, election officials, and local advocates not only here in Vermont but also in Connecticut, Massachusetts, and New York.

Election Day Registration in Vermont

Demos strongly supports **S.164**. If passed, Vermont could expect to share the benefits now enjoyed by the six states (Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming) that now allow voter registration on Election Day. In "High 2004 Turnout

for States with Election Day Registration,” a recent report released by Demos, turnout in four of the six states with EDR topped the nation. They also avoid any significant voter fraud, incur minimal marginal costs and create no unmanageable burdens for election officials.

I’d like to spotlight one strength in S.164. Most EDR states allow voters to register and then vote at the same location. A number of the same-day registration bills introduced in states over the past year contemplate the same one-stop process. This one-step process allows voters to register and cast ballots onsite at the polling place, and doesn’t require pollworkers to offer would-be voters the choice to cast a provisional ballot that will likely not be counted, or commute to the town clerk’s office to register.

Other state proposals require a multi-step process for same-day registrants. Eligible citizens would likely go to their polling place, and find out that they were not on the list. They would then be offered a provisional ballot that would probably not be counted. They would have to reject the provisional ballot, and instead appear at the local registrar’s office, complete the registration process, and obtain a notice of acceptance. The registrant then needs to present such notice to staff at the polling place in order to vote. The additional time and travel required by this multi-step process is likely to discourage eligible citizens from taking advantage of Election Day Registration.

Election Day Registration -- A Boost to Voter Turnout

Citizens in Maine, New Hampshire, Minnesota, Wisconsin, Idaho and Wyoming can register through traditional means in advance of elections, they may also choose to register and vote on election day.

The results are impressive. All six EDR states have significantly higher voter turnout than the national average. Nationwide, using voting-eligible population statistics, residents of states with Election Day Registration voted at rates far higher than average:

- 73.8% of all eligible voters in EDR states voted, compared with 60.2% of eligible voters in states without EDR -- a difference of 13.6 percentage points.
- Turnout in four of the six states with EDR topped the nation. Minnesota (78.0%), Wisconsin (74.9%), Maine (72.6%), and New Hampshire (70.5%). Oregon, which employs a vote-by-mail system, had a turnout of 70.9%, making it the only non-EDR state to place in the top five.
- Turnout in “safe” states (where one presidential candidate won with more than 5% of the vote) with EDR averaged 66.9%, compared with 58.5% turnout rates in other “safe” states -- a difference of 8.4 percentage points.
- “Battleground” states (states with a presidential margin of victory less than 5%) with EDR averaged a 75.7% turnout, compared with 65.2% turnout

rates in other “battleground” states -- a difference of 10.5 percentage points.

- The 13.6% turnout advantage for EDR states was significantly larger than the 8.2% difference in turnout between “battleground” and “safe” states.
- EDR may enhance the intense mobilization that occurs in “battleground” states. “Battleground” states with traditional voter registration had turnout rates only 6.7% higher than “safe” states. In “battleground” states with EDR, turnout was 8.8% higher than in “safe” EDR states.

Political scientists concur in their view that EDR would significantly increase the size of the voting public if enacted elsewhere. They have estimated EDR can produce a seven-percent rise in voter turnout in the average state. Implementing EDR nationwide could increase electoral participation in United States presidential elections by 8.54 million people.

And voters want it. According to a May 2001 Medill School of Journalism poll, nearly two-thirds (64 percent) of all non-voters said that allowing people to register and vote on Election Day would make them more likely to vote.

Election Day Registration -- A Remedy to Inaccurate Registration Rolls

Election Day Registration would also provide a ready remedy to one of the most egregious problems cited in the troubled 2004 and 2000 presidential elections. All over the nation, election officials and election protection advocates from numerous states reported that many voters were unable to vote because their names were not on voting list, voters were given provisional ballots that would not be counted, or denied provisional ballots altogether. With EDR, voters whose names did not appear on the registration rolls could have simply re-registered and voted on Election Day. EDR also reduces the number of provisional and affidavit ballots by allowing voters to fix registration problems immediately, and cast a regular ballot.

Election Day Registration also helps capture the votes of people who are unregistered but become interested in voting as Election Day approaches. During the final weeks of a campaign, press coverage increases, candidates advertise vigorously to get their messages across, and races inevitably tighten. Vermont’s 9-day pre-election day deadline for voter registration works to deny the opportunity to vote to unregistered citizens whose interest in an election is piqued in the frenzied period before the vote. No matter how much outreach is done informing people of the voter registration deadline, many people don’t realize they have to register to vote in advance. EDR brings voter registration into the 21st century.

Election Day Registration in Practice – Higher Turnout without Fraud, Administrative Burden or Excessive Costs

Critics of Election Day Registration typically cite three reasons for their opposition – voter fraud, administrative burden, and excessive cost. The six EDR states have shown each of these concerns to be unfounded.

EDR without fraud. As in Vermont and other states, states with same-day registration require registrants to take an oath attesting to the truthfulness of the information they provide upon registration. Willful violations typically carry significant penalties of fines and imprisonment. Some EDR states go beyond the oath requirement by mailing a non-forwardable postcard to the addresses provided by election day registrants. Return of these cards to the offices of election administrators signal problems with the registrations and allow them to be removed from the rolls.

A few states have adopted an additional means of avoiding voter fraud. Maine sends out postcards to jurisdictions where voters had previously registered, canceling that registration, and also prominently posts notices advising voter of the penalties for voter fraud. Maine additionally uses “challenged ballots”. Any voter who has reason to suspect that a ballot was cast by an ineligible voter may cause that ballot to be marked for further review. Challenged ballots are also used where election day registrants provide insufficient proof of identity or residence. The state subsequently investigates these ballots in close races where they might have affected the outcome of an election.

Officials in EDR states report minimal problems with fraud. Reports on voting problems and irregularities in the 2000 election found little incidence of fraud overall across the United States. In New Hampshire, a special House committee established to study voter fraud found that of the more than 1.5 million ballots cast in the year 2000, there was only one case of substantiated fraud. At a hearing of New Hampshire’s Senate Committee on Internal Affairs on February 9, 2005, New Hampshire Secretary of State Bill Gardner said “The only case that we’ve had was in the presidential primary where a young seventeen-year-old ended up voting under his father’s name. And, there have been groups that have come and met with me and have submitted names of people that they’ve questioned or they’re not sure actually live where they say they live. Some of the newspapers in this state have actually taken it upon themselves to do the checking themselves on this. And, even up to now, a couple months later, some of the cases that we thought may be problematic, that it may be someone who didn’t really live there, it was a fake address, it was not real, so far has not been the case. It doesn’t mean that something down the road won’t turn up.

But, with our election officials, I know that those who serve in those positions, if they thought, or were aware that someone was voting who shouldn’t be voting, they would be the first ones to come to us. They would be the first ones to talk about it, because the protection is there at the local level with our local officials. And you can’t say that there will never be someone attempting to commit fraud and you have that delicate balance to

make it accessible as much as possible, but also make it secure and safe so that the integrity of the process is preserved.”

EDR without administrative burden. Officials in EDR states also find that same-day registration imposes no undue administrative burdens. Advance planning, voter education, and staff training are key. As Linda Cohen, Maine Town & City Clerks’ Association Legislative Policy Committee Chair said at a Legal and Veterans’ Affairs Committee hearing on 2/7/05 “It would make the tasks of municipal clerks much easier if there was a cutoff for registering to vote. All the names could be put into the computer and the lists could be printed without feeling like it isn’t all going to get done in time. However, this is not about what makes our jobs easier; it’s all about what is good for the voters. That is our job, and we will do the very best we can, no matter how the legislature votes on this bill.”

Milwaukee, WI, one of the largest EDR jurisdictions in the nation, assigns registrars to each of its 335 wards in peak election years. It also assigns new registrants to separate voting areas from pre-registered voters in an attempt to head off long lines and to avoid the frustrations associated with them.

Public education is another component of successful same-day registration systems. Maine and Minnesota make considerable efforts to advise their citizens about the process of voter registration and the mechanics of voting, using television, radio and billboards.

Poll worker training is the third element in successful EDR systems. Poll workers, election clerks and registrars must all be fully versed in state registration and voting regulations.

Many cite computerized statewide registration systems as a prerequisite for EDR and the antidote to any of the administrative challenges that may accompany it. The fact is that none of the six states that have adopted EDR had these systems at the time of enactment. Nevertheless, these systems can make EDR easier to adopt and prevent the unlikely occurrence of someone registering on Election Day at more than one location under the same name.

EDR without excessive costs. Pinpointing the precise cost of Election Day Registration in EDR states is a difficult undertaking, given inadequate record-keeping and the fact that EDR costs are embedded in state, county and municipal budgets. Nevertheless, election officials in EDR states do not report substantially higher election administration costs because of same-day registration.

Conclusion

If enacted, one-stop EDR can have a tremendous impact on bringing new voters into Vermont’s electoral system. EDR is a proven innovation welcomed by voters, elected officials, elections administrators, and advocates in six states. Their widespread use of the same-day registration option has pushed turnout there to levels that lead the nation. EDR

administrators report that it can be operated without undue burden, at minimal costs, and without fear of widespread fraud.

Contact Information:

Dēmos: A Network for Ideas & Action

220 Fifth Avenue, 5th Floor

New York, NY 10001

212-633-1405 – voice

212-633-2015 – fax

www.dēmos-usa.org