

EXPANDING THE VOTE:

The Practice and Promise
of Election Day Registration

Demos

A NETWORK FOR IDEAS & ACTION

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PREFACE

The 2000 election was a deeply troubling episode in the history of our democracy. In addition to the widespread voting and recount problems in Florida and elsewhere, the election cast a harsh light on broader weaknesses in our electoral system. Voter turnout remained at near-record low levels in 2000, and tens of millions of Americans were not even registered to vote. In most states, unregistered voters who became interested in participating during the final days of the election were unable to do so because of registration deadlines up to four weeks before election day. Many voters who went to the polls were barred from casting a ballot because of widespread problems with registration lists - obstacles that existed not just in Florida but also in two dozen other states.

This report examines election day registration (EDR), an important reform measure that would help address some of the problems highlighted by the 2000 election. Currently, six states have election day registration - Wisconsin, Maine, Minnesota, Idaho, Wyoming and New Hampshire. As the research presented in this report shows, allowing voters to register and vote on election day helps to increase participation significantly and to ensure that all voters who arrive at the polls can vote. The six states with election day registration have substantially higher voter turnout than the national average and report few problems with fraud, excessive costs, or administrative complexity. Extending election day registration to other states, and eventually the entire nation, would bring millions of new voters to the polls and help reverse the long-term decline of voting in the United States.

Despite its promise, election day registration is only one part of a broader democracy reform agenda. Many other important reform measures are needed to broaden voter participation and ensure that our democratic system is open and inclusive. These include: ensuring that all existing federal laws governing voter registration and voting rights are vigorously enforced, restoring voting rights to ex-offenders who have paid their debt to society, enacting comprehensive campaign finance reform, proportional or instant run-off voting, computerizing voter registration systems in all states, and strengthening civic education in our schools.

Demos' work seeks to advance this broad democracy agenda. We are working with advocates, scholars, and policymakers around the nation to build a strong and effective movement for reform. In a number of states, efforts are underway to enact election day registration as one critical step toward strengthening our democracy. We hope that this report will be useful to this work.



Miles Rapoport
President

SUMMARY AND RECOMMENDATIONS

THE PROBLEM

- Voter turnout in U.S. elections has reached record lows. Only 51% of the population voted in the 2000 presidential election. People of color, the young, the mobile, and low-income Americans are less likely to vote than others. Nearly 50 million eligible Americans were not registered to vote in the 2000 election.
- Voter registration procedures pose barriers to voter participation. In many states, registration deadlines occur substantially before election day. States with registration cut-off dates closer to election day have higher voter turnout than states with earlier cut-off dates.
- In the aftermath of the 2000 election, election officials from numerous states reported that some voters were unable to vote because their names were not on voter lists when they arrived at polling places.

ONE RESPONSE: ELECTION DAY REGISTRATION

- Six states – Wisconsin, Maine, Minnesota, Idaho, Wyoming and New Hampshire – currently have election day registration (EDR). These states have consistently achieved voter turnout that is 8% to 15% better than the national average.
- One of the biggest advantages of EDR is that individuals who become interested in the campaign close to election day are able to vote.
- EDR helps to ensure that all citizens who arrive at the polls have an opportunity to vote, even if their names have accidentally been left off voter lists.
- EDR enables new residents in an election district to register and vote more easily. Over 40 million Americans moved between March 1999 and March 2000, and these Americans had far lower registration and voting rates than other citizens. The young, people of color, and low-income Americans are especially likely to be mobile.
- States using EDR report few problems with fraud, administrative complexity, or excessive cost.

POLICY RECOMMENDATIONS

- All states currently without EDR should move toward instituting this reform.
- All states that do not now have computerized statewide voter registration databases should create them. These systems will facilitate the implementation of EDR, reduce the possibility of voter fraud, increase administrative efficiency at the polls, and enable those citizens who are mobile to retain their opportunity to vote.

- States should ensure that polling places comply with all federal voting rights laws. All polling places should be staffed by adequately trained and well-paid election officials capable of helping citizens register and vote.
- States enacting EDR should avoid erecting unreasonable barriers to registration at polling places. Any requirement that registrants produce evidence of their eligibility should be narrowly tailored and equitably implemented. Provisional ballots should also be available at all polling places.
- In states where the implementation of EDR may not be immediately practical, states should consider reducing voter registration deadlines as an interim measure to increase opportunities for voter participation.

OVERVIEW

On November 7, 2000, over 80 million Americans eligible to cast a vote in the national election failed to do so. A quarter of eligible American citizens were not even registered to vote on election day. Along with many other flaws in our democratic system, the 2000 election illustrated the enduring and severe problems of low voter registration and participation. The election also exposed serious problems at polling places, including voters in states across the country finding themselves not on voter lists even though they had registered in a timely fashion. Election day registration (EDR) provides the ability both to register and to vote at the polls on election day. The six states using EDR have higher than average voter turnout rates and report few problems with fraud, administrative complexity, or excessive cost. Extending this reform nationwide will make it easier for citizens to become actively involved in the political process.

THE PROBLEM: LOW VOTER TURNOUT AND FRUSTRATED VOTERS

Voter turnout in elections has reached record lows. Only 51% of the population voted in the 2000 presidential election.¹ This was an improvement in turnout over the previous presidential election in 1996, when just 49% of the population voted. Voter turnout in the U.S. has not risen above 60% since 1968, and is consistently much lower than in other industrialized nations.² In addition to the problem of low voter turnout, the 2000 election saw many people who tried to vote turned away at the polls because of problems with voter registration lists.

Low voter turnout raises fundamental questions about the effective functioning and fairness of our democratic process. Declining participation over recent decades has been linked to a wide number of factors, from diminishing public faith in government to the weakening of political parties.³ Barriers posed by voter registration procedures also play a role in reducing participation.

Prior to 1993, the process of voter registration was made difficult by the lack of convenient opportunities for citizens to register by mail or in the course of routine interactions with government.⁴ In 1993, President Clinton signed the National Voter Registration Act (NVRA) or “Motor Voter” Act – an historic piece of legislation brought about by an extended advocacy campaign aimed at increasing voter participation. The provisions of this act were intended to make voter registration easier. The NVRA increased the number of locations where voter registration could take place. In particular, the Department of Motor Vehicles (DMV), public assistance offices, and other state agencies were made into registration sites so that people applying for drivers’ licenses or government assistance could register to vote at the same time. The NVRA also mandated states to allow mail-in voter registration.

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Voter registration has increased since the passage of the NVRA. The Federal Election Commission (FEC) reports that 76% of the U.S. voting age population was registered in 2000, up from 70.8% in 1992.⁵ While 7.6% of the total number of new registrations took place at agencies in 1999 and 2000, and nearly a third of them were conducted by mail, 31.8% of voter registrations took place at the Department of Motor Vehicles.⁶ Despite an overall increase in national registration rates, however, there are significant differences in who is registered to vote based on age, education, length of residency, race and ethnicity.

One of the largest variations in voter registration rates is correlated with age. People 18-24 years old have the lowest rates of registration, 43.6% in 1998, while older Americans have the highest rates – more than three quarters of those over 65 years old were registered in 1998.⁷ Another vast variation in registration rates is due to educational attainment. Only 43.4% of people without a high school diploma reported being registered in 1998, while 73.8% of people with a bachelor's degree were registered. Those with advanced degrees were registered at the highest levels – 77.7% in 1998. Likewise, those with lower incomes were less likely to be registered. Less than half of people with incomes under \$50,000 reported being registered in 1998 – compared with 77.3% of those with incomes of \$75,000 or over (see table).⁸

Length of residence is the other major factor governing a person's likelihood to be registered to vote. Only 43.2% of those who lived someplace for less than 6 months were registered to vote in 1998, compared to 76% of those who had been in the same residence for 5 years or longer.⁹ This is a significant fact in a nation that has a very high level of geographic mobility. According to the U.S. Census Bureau, 43.4 million Americans moved between March 1999 and March 2000, or 16% of the population. Over half of these moves were in the same county and 20% were between counties in the same state. Only 20% of moves were to a different state. Recent movers also tend to be disproportionately younger (the majority are in their twenties), nonwhite, and poor – three groups already less likely to register and vote.¹⁰

The problem of frustrated voters at polling places who find themselves unable to vote is less systemic and long-term than the phenomenon of declining voter turnout. However, this problem is still significant. According to an August 2001 congressional report, "Eligible voters in at least 25 states went to the polls in the 2000 presidential election and found their names were illegally purged from the rolls or not added in a timely fashion."¹¹ Most of these problems were caused when people who registered for the first time at state agencies through provisions mandated by the NVRA were not included in voter lists given to poll workers. Many of these new registrations occurred long before statewide registration deadlines expired.

In a July 2001 report to Congress about the effectiveness of the NVRA, the Federal Election Commission (FEC) notes that the 2000 election produced a

Table 1. Registration Rates in Four States by Race/Ethnicity, 1998

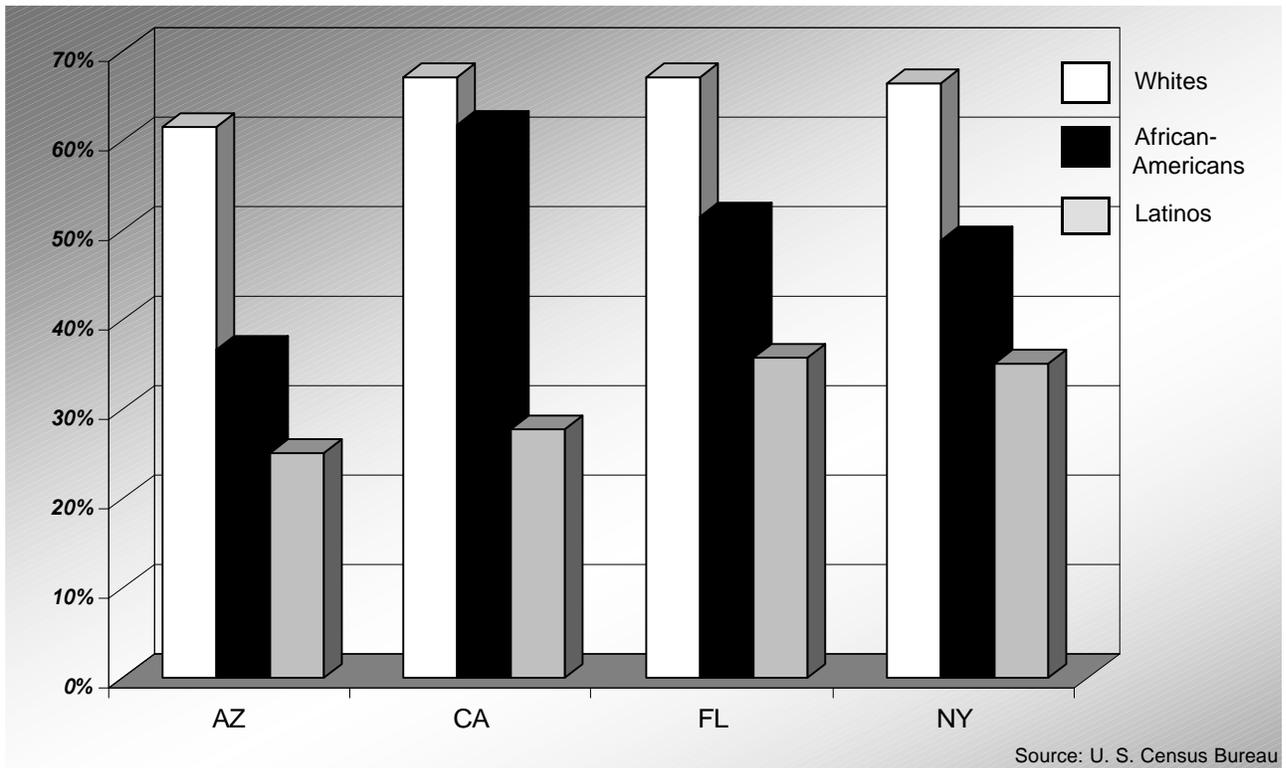
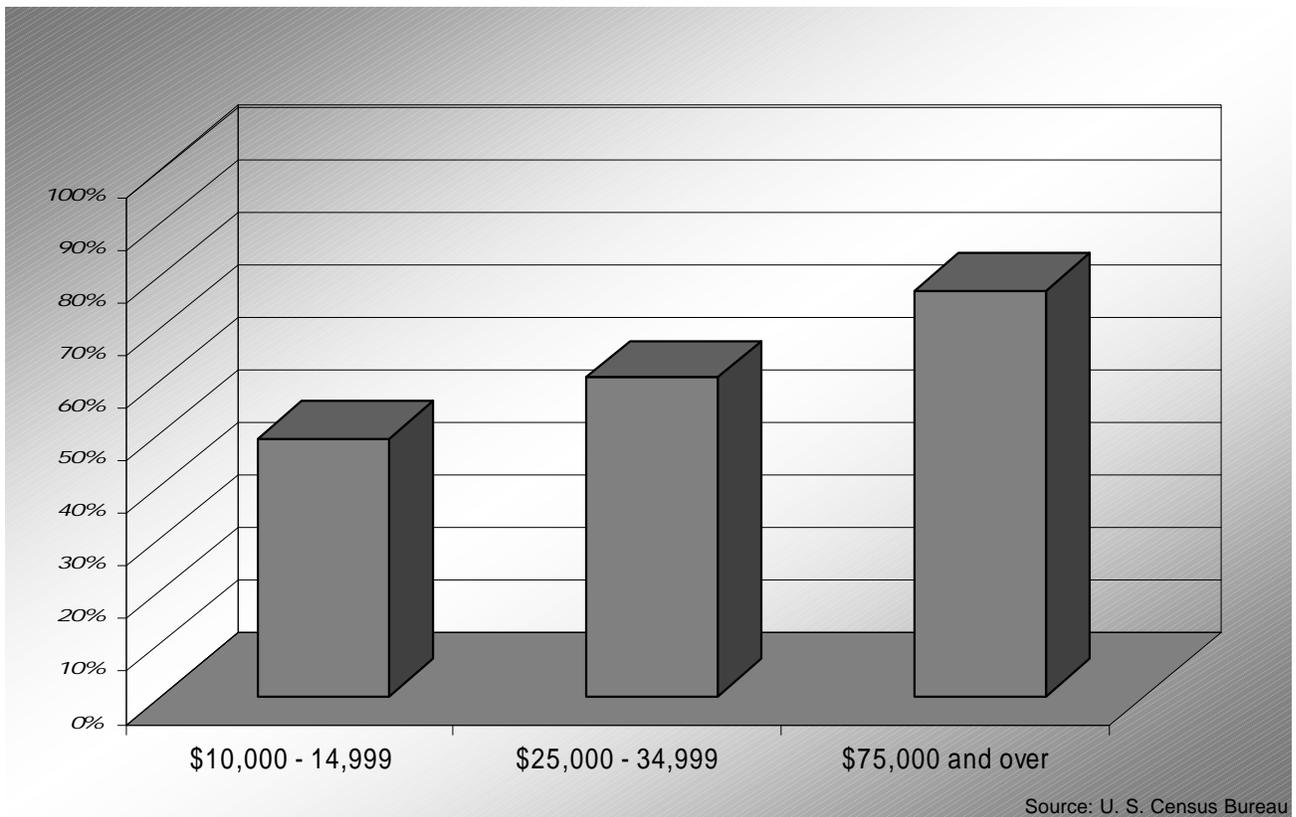


Table 2: Voting Registration Rates by Income, 1998



record number of complaints about registrations that were not added to the voter lists in a timely fashion.¹² A 2001 Caltech/MIT report on voting technology estimates that between one-and-a-half and three million votes were lost or not cast in 2000 because of problems with the registration process and voter lists.¹³

BEYOND MOTOR VOTER: LOWERING REGISTRATION BARRIERS

New steps are needed to simplify voter registration and to ensure that all potential voters have maximum opportunities to participate. In all but seven states (the exceptions are North Dakota, which has no voter registration at all, and Maine, Wisconsin, Minnesota, New Hampshire, Wyoming and Idaho, which use EDR), voter registration deadlines occur substantially before election day, often 29 or 30 days in advance. Such deadlines prevent unregistered voters with a late interest in elections from voting.

The number of voters barred from the process in this way can be significant. During the final weeks of a campaign, politicians advertise vigorously to get their messages across, and races inevitably tighten. Typically, the public's interest in elections surges at this time. For instance, in the 2000 Presidential election 59% of people surveyed reported giving "quite a lot" of thought to the election between September 11 and 17, and 62% reported giving "quite a lot" of thought to the election between October 2 and October 8 (the period when most registration-deadlines occur). However, these numbers jumped to 70% between October 16 and October 22, and to 75% between October 30 and November 5.¹⁴ In another indicator of late breaking interest, the number of new voting registrants tends to spike upward as election day approaches.

Not surprisingly, the evidence suggests that those states with cut-off dates closer to election day experience higher voter turnout.¹⁵ An analysis of the relationship between voter registration deadlines and voter turnout in the 1996 and 2000 general elections reveals that states with voter cut-off dates closer to election day had higher turnouts. Nine of the thirteen states with registration deadline cut-offs of 21 or fewer days before election day ranked among the fifteen states nationwide with the highest voter turnout. (Excluding the six states with EDR and North Dakota.)

Electoral reforms beyond the NVRA are needed for several reasons. The NVRA is silent on the subject of registration deadlines; states are free to set their own. They can therefore deny potential voters with a last-minute interest in an election the opportunity to participate. Furthermore, while the NVRA seeks to ensure that registrants who change residence within a voting jurisdiction remain on voter lists, states have wide latitude on how to comply with the Act's so-called "fail-safe" provisions. These provisions are based on the principle that "once registered, a voter should remain on the list of voters so long as the individual

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at polling places.**

remains eligible to vote in that jurisdiction.”¹⁶ The FEC has reported continuing problems with this aspect of the NVRA. For example, nearly half of all states do not offer provisional ballots - the best way to implement fail-safe voting.¹⁷

Other problems persist with the implementation of the NVRA. One of these involves the failure of states to comply fully with the Act's provisions for offering registration opportunities at government agencies other than the DMV, such as at public assistance offices.¹⁸

Even when perfectly implemented, the NVRA may not reach people who have recently moved across county lines within their own state, who are unclear as to where to register, and who have not yet gotten a new drivers' license. Recent movers may not have information about mail-in registration, or mail-in registration forms may not be broadly available. Some mail-in registration forms available on the Internet are not considered valid by state election officials.¹⁹ Citizens with limited English proficiency or those with disabilities may have special problems becoming quickly registered.

Overall, according to the Census Bureau surveys, the NVRA has been more successful in reaching some groups of Americans than others. Non-urban Americans are more likely to register at the DMV than are city dwellers, particularly African-American and Latino urban residents. African-Americans are also less likely to take advantage of the mail-in registration provision, and the failure of states to implement the NVRA's provisions for registering in public assistance agencies disproportionately affects people of color. African-American and Latino urban residents are most likely to register through special voter registration efforts unconnected to the NVRA.²⁰

More aggressive implementation of the NVRA by all states would increase the opportunities for people to register and help decrease problems at the polls. Even then, however, obstacles to registration would still be greater than they need to be. EDR could help circumvent nearly every remaining obstacle to registration.

REDUCING PROBLEMS AT THE POLLS

Election day registration systems would enable all voters who come to the polls to cast a ballot. Under EDR systems, voters who mistakenly think they are registered can register on election day. Voters whose NVRA registrations were not added to voter lists in a timely fashion can re-register. Voters who have been mistakenly purged for various reasons can also re-register.

In the 2000 election, states with EDR were not immune from widespread problems with purged voter lists or with new registrations not being added to voter lists in a timely fashion. However, EDR helped cushion the negative impact of these problems. In Maine, for example, lawyers for the Democratic Party accused Portland officials of illegally purging the names of as many as 15,000 voters.²¹ In addition, it

was reported that the applications of some voters who registered through the Department of Motor Vehicles were not forwarded to the state elections division. The good news was that in Portland, purged voters did have the recourse, albeit an inconvenient one, of re-registering to vote on election day at City Hall – thanks to Maine’s system of election day registration.²²

There are no reliable estimates of how many people arriving at polling places were unable to vote in the 2000 election because their names were not on voter lists. Clearly, though, if EDR were in place in the 25 states that reported such problems, thousands of excluded voters would have had the option of re-registering on election day and casting a ballot.

ELECTION DAY VOTER REGISTRATION IN PRACTICE

Election day registration has long been recognized as a means of reducing the barriers to participation and raising voter turnout. In 1977, after EDR was successfully implemented in Minnesota and elsewhere, President Carter promoted legislation to extend EDR to the national level.²³ Because it lacked bipartisan support, the Carter Administration’s proposal was ultimately modified to make EDR optional, rather than mandatory, for states to use. The bill therefore effectively lost its legislative clout.²⁴ Despite this setback, EDR’s proponents have continued to advocate for it as an effective way to extend the franchise. Six states currently use EDR. Three of them – Wisconsin, Minnesota and Maine – have used EDR since the 1970s. Three others – Wyoming, New Hampshire and Idaho – adopted EDR in 1993-1994.²⁵ All of the states that implemented EDR in the 1990s did so to avoid complying with the NVRA.

All states with election day registration have pre-election registration deadlines. These deadlines vary from 10 days in New Hampshire to 25 days in Idaho. After the cutoff, voters who wish to register have the option of doing so on election day.

Election day voter registration is a relatively straightforward procedure in each of the six states. Before they can register and vote, individuals must show proof of identity and residency. Each state has different requirements concerning the documentation that will suffice for this purpose. For instance, Wisconsin and Minnesota do not mandate the use of picture identification. Appropriate documentation ranges from drivers’ licenses and passports to leases and utility bills. By contrast, Idaho has amended its laws to require that potential voters provide picture identification as well as a document providing proof of residency. New Hampshire residents must complete an affidavit and show proof of age and residency. If election clerks doubt the veracity of a person’s identity or residency claim, then they can contest the ballot, usually by marking it, or by keeping it to the side so that it may be checked at a later date. After elections, Wisconsin and Minnesota also verify the registrants’ residency by sending out postcards that

cannot be forwarded to the addresses they provide.

Election officials receive training, generally at the county or city level, to handle election day registration. In an attempt to head off long lines and to avoid the frustrations associated with them, the state of Wisconsin assigns new registrants to separate voting areas from pre-registered voters. When voters arrive at the polls, a “greeter” talks with them and directs them to the appropriate area. Election officials observe that they have prevented excessive congestion, even in metropolitan locations, by structuring the physical environment of the polling place in this way. They also stress repeatedly that there is a difference between allowing election day registration and having all voters register on election day. Many potential voters pre-register in states using EDR, and those who choose to register on election day are typically insufficient in number to cause significant delays at the polls. Maine avoids congestion at the polls by insisting that residents of large urban areas who use EDR register at a different, centralized location.

As noted above, states with EDR were not exempt from the widely reported problems at polling places during the 2000 election. There is no evidence, however, that EDR was responsible for these problems. For example, election officials and advocates report that major disorder and frustration occurred at the polls in Wisconsin, where many polling places were understaffed because of a failure to predict high turnout and an unwillingness to pay poll workers adequately. Similar problems were not experienced in Wisconsin during the 1998 or 1996 elections.

EDR AND VOTER TURNOUT

The states using EDR have significantly higher voter turnout than the national average. In the 2000 presidential election, 68.8% of Minnesota residents of voting age turned out to vote, while 67.3% of Maine residents, 66.1% of Wisconsin residents, 62.5% of New Hampshire residents, 59.7% of Wyoming residents, and 54.5% of Idaho residents followed suit. Four of the six states with voter turnouts at least 10% higher than the national voter turnout of 51.3% were states using EDR.²⁶

In 1996, when voter turnout in the United States was 49%, all six states using EDR had turnout over 57%. Maine had the highest voter turnout in the nation in 1996 - 71.9% of its electorate voted.²⁷

Extrapolating from past experience, political scientist Mark J. Fenster estimates that implementing EDR nation-wide could increase electoral participation in U.S. presidential elections by 8.54 million.²⁸ Based on an analysis of the states that had EDR between 1972 and 1996, political scientists Craig Leonard Briens and Bernard Grofman estimate that eliminating voter registration deadlines and implementing same day registration would produce a 7-percentage point rise in voter turnout in the average state. Briens and Grofman stress that middle class voters are most likely to take advantage of EDR. They also note that turnout gains in the so-called “second wave” states (those implementing EDR in 1993) have been less sig-

**Election day
registration can
be implemented
with relative
speed and ease
in many states.**

Voter registration deadlines prevent unregistered voters with a late interest in elections from voting.

nificant than gains in the three “first wave” states.²⁹ Stephen Knack specifically examines the three states that adopted EDR in 1993. In contrast with Briens and Grofman, he suggests that EDR produces a 6-percentage point rise in mid-term elections and a 3-percentage point rise in presidential elections.³⁰

A central advantage of EDR is that individuals who become interested in a campaign close to election day are able to vote. When registration deadlines occur well in advance of election day, people who become engaged by the arguments circulating during the final weeks of an election campaign and have not previously registered to vote find themselves effectively disenfranchised. They are unable to support the candidate of their choice at the ballot box. By contrast, in states that have EDR, new voters can register at the last minute and participate in the democratic process.

***North Dakota:*
The Only State Without Voter Registration**

While six states make provisions for election day voter registration, North Dakota does not use voter registration at all. North Dakota was among the first states to implement a voter registration system in the 19th century, but it abolished this system in 1951. Since then, the state’s system for voting has worked with few problems. Some precincts in the state keep voter lists from prior elections. In these precincts, a prospective voter’s information is checked against this list. In precincts without pre-existing voter lists, voters must present proof of residency, and/or be willing to swear an affidavit testifying to residency in the precinct.

Election officials can challenge the right of people to vote if they suspect that they fail to meet the residency requirements, are too young, or are non-citizens. State officials report that there has not been widespread fraud in North Dakota. In fact, not a single case of voter fraud has been prosecuted in North Dakota since the voter registration system was abolished in 1951. Voter turnout has been consistently high in presidential elections, falling below 60% of the electorate only once in the past 20 years.³¹

CASE STUDY OF SUCCESS: EDR IN MINNESOTA

Laws establishing election day registration in the state of Minnesota were first passed in 1973. EDR has been used for all primary and general elections in the state since 1974. State officials report that the system generally works well and voters also appear to be happy with EDR. Minnesota has one of the highest voter turnout rates in the country. Over the past quarter century, up to one-fifth of voters who registered in Minnesota did so on election day.

To register at the polls on election day, a person needs to verify his or her residence by showing election judges information from one of the following categories:

- A current Minnesota driver’s license or a state identity card. A learner’s permit or a receipt for a new identity card will also suffice as adequate documentation for registration.
- Any other document approved by the secretary of state’s office for identification purposes (including a notice of late registration card mailed to a Minnesota address; a U.S. passport or military I.D. plus a utility bill mailed to a Minnesota address within 30 days of the election; and a viable registration at a different address in the same Minnesota precinct).
- A valid student picture I.D. with a fee statement or registration summary showing the student’s address. A valid student I.D. alone will suffice if the student is already on a student housing list on file at the polling place.
- Alternatively, a person who seeks to register at the polls on election day can have a voter who is already registered in that precinct sign an oath vouching for their residence.

Table 3. Voter Turnout in Presidential Elections in States with EDR, by Percentage, 1968-2000.
(boldface indicates when EDR was instituted).³²

Year	United States	Maine	Minnesota	Wisconsin	Idaho	New Hampshire	Wyoming
1968	60.84	66.37	73.75	66.52	73.34	69.62	66.95
1972	55.21	60.27	68.65	62.49	63.34	63.63	64.41
1976	53.55	63.66	71.53	66.52	60.68	57.27	58.56
1980	52.56	64.49	69.96	67.35	67.71	57.14	53.23
1984	53.11	64.77	68.16	63.46	59.93	52.98	53.38
1988	50.15	62.15	66.33	61.98	58.34	54.81	50.30
1992	55.23	71.98	71.73	68.99	65.16	63.14	62.30
1996	49.08	71.90	64.07	57.43	57.05	57.30	59.43
2000	51.30	67.30	68.80	66.10	54.50	62.50	59.70

Election day registration helps ensure that all voters who arrive at the polls have an opportunity to vote, even if their names have been left off voting lists.

Election officials can potentially “challenge” any voter who they suspect is registering fraudulently. All registration cards completed on election day are forwarded to the county auditor. The auditor adds the names of new voters to the registration list unless the original registration is found to be “substantially deficient.” The auditor also sends non-forwardable mail to any registrant, and if the mail is returned, may challenge their voting status.

The 1998 gubernatorial race in Minnesota is indicative of the way in which EDR can facilitate last minute engagement and participation, especially among young voters. Jesse Ventura, a former professional wrestler, ran using a populist’s strategy, placing campaign advertisements on *The Simpsons* television program instead of on the nightly news, and working until the very last minute to gain electoral support. His strategy worked. Four weeks before election day a poll showed that Ventura had captured 13% of the vote. Less than a week before the election, these numbers had grown to 23%. As commentator Lisa Disch notes: “Because this jump occurred after the 15 to 29 day period where most states close out registration, and even after the ten day mark where the more progressive states draw the line, Ventura could not have capitalized on it without election-day registration.”³³

The statistics from the 1998 gubernatorial election in Minnesota are very revealing. About 16% of the total vote on election day were new voters, registering for the first time at the polls. Half of these individuals were under age 29, and many of them were from blue-collar districts. Exit polls show that almost everyone who registered to vote on election day voted for Ventura. Although it is impossible to isolate a single variable, such as EDR, and say that it caused Ventura’s victory, it seems clear that a correlation exists between voter registration deadlines (or the lack thereof in Minnesota) and voter turnout.

Table 4: Voting in Presidential Elections in Minnesota, 1976-2000³⁴

Year	Percent of Voting Age Population Voting In U.S.	Percent of Voting Age Population Voting in Minnesota	Percent of Voters Registering By EDR In Minnesota
1976	53.55	71.53	22.95
1980	52.56	69.96	20.85
1984	53.11	68.16	16.30
1988	50.15	66.33	17.16
1992	55.23	71.73	18.15
1996	49.08	64.07	15.25
2000	51.30	68.80	18.88

QUESTIONS AND ANSWERS ABOUT EDR

Election day registration has the potential to increase voter registration and turnout, and to ensure that all voters who arrive at the polls are able to cast a ballot. But while EDR has the potential to reduce barriers to political participation, it must be instituted carefully to prevent potential pitfalls. EDR proposals raise a series of important questions.

Q: Will EDR encourage voter fraud?

A: While the specter of voter fraud has historically been used to restrict voting opportunities and access to the franchise, concerns about fraud are important to consider in regard to any measure aimed at facilitating the process of registering and voting, including EDR.

Minimal Fraud in EDR States. Officials in the six states where EDR is practiced report minimal problems with fraud. In fact, reports on voting problems and irregularities in the 2000 election found little incidence of fraud throughout the United States. Problems with voter fraud in the past several federal elections have generally been modest in scope and have not been correlated with the existence of EDR. Voter fraud is a federal felony that carries significant criminal penalties.

Computerized Records. In the age of computers, effective measures can be taken to minimize voter fraud. One such measure entails creating a database of registered voters accessible by the last few digits of a person's social security number or other identifying data. Wyoming, for instance, is presently instituting a system in which the names of all registered voters, including those who register at the polls, will be entered into a database that is accessible in "real time" to all election officials. Such a system will prevent people from walking in to register at more than one location under the same name. If this system is designed in a way that facilitates information sharing with other states, then it could also be possible to track mobile voters, and thus to ensure that the one-sixth of the U.S. population who move on an annual basis retain their votes. Computerized systems can also reduce voter disenfranchisement resulting from inadequate record keeping. Eleven states now have statewide, computerized systems. At least seven other states are moving to put such systems in place. It should be noted, however, that none of the states currently using EDR began with a computerized system. Computerization is not necessary for the successful implementation and functioning of EDR.

Reasonable ID Requirements. By using the last few digits of a person's social security number along with another form of identification such as a lease or a utility bill, election-officials can also bypass the need to ask for photographic identification cards at the polls – these are sometimes costly to acquire and, in

the words of Wisconsin State Senator Gwendolynne Moore (D-Milwaukee), serve as “a poll tax on poor people and people of color.”³⁵ One possibility is the use of a “point system” so that potential voters can present either a piece of photographic identification or two other acceptable documents proving identity and residency. Indeed, a major challenge in implementing EDR is to avoid potentially onerous identification requirements. Election officials in most states with EDR believe it suffices to rely on a combination of some form of identification that does not inhibit would-be voters, along with affidavits and confirmation of addresses.

Recommendations for Promoting Voter Integrity While Using EDR

- ✓ Create statewide, computerized databases of registered voters that clerks can access and update during the registration process.
- ✓ Require the use of reliable documents to prove identity and residency - but ensure that identification requirements are not onerous, unreasonable or deterrents to registration.
- ✓ Require that individuals sign an affidavit to ensure that they are eligible to vote.
- ✓ Enable challenges to ballots that election clerks suspect are fraudulent, but allow voting with provisional, or “challenge” ballots.
- ✓ Confirm the addresses of registered voters by sending postcards that cannot be forwarded from the addresses they provide.

Young people and those who move will particularly benefit from election day registration.

Q: Will instituting EDR be an administrative nightmare?

A: The states using EDR do not report greater administrative problems with elections than other states. Indeed, EDR can help address one of the most frustrating administrative problems exposed during the 2000 election: incomplete or inaccurate registration lists that result in people being barred from voting. Also, in states with EDR, the burden of managing significant influxes of new voters has proven manageable. While dealing with such influxes may increase the costs of poll operations, surges of new voters to the polls on election day can be seen as evidence of EDR’s success in increasing participation, underscoring the value of this method of voter registration.

Addressing Voter List Problems. As discussed earlier, some 25 states reported that voters arriving at polling places during the 2000 election were prevented from voting because of list problems. EDR itself is not a solution to the problem of poor voter lists. This problem needs to be addressed through better computerization of lists, better coordination between state agencies, and stronger

safeguards to prevent illegitimate purging. However, along with provisional ballots, EDR can help ensure that list problems do not prevent citizens from voting.

Improving Polling Conditions. Election day registration at polling sites does add an additional burden on poll workers, in that they must be able to register new voters in addition to performing their other duties. In exciting elections that attract many new voters to the polls, these strains could be significant – especially in larger states with major urban areas. But officials and advocates from states with EDR do not report that this burden is excessive or unmanageable. They emphasize that educating registration clerks is important, as is attempting to predict voter turnout and making sure that polling places are adequately staffed. Wisconsin offers a good example of how these challenges have been dealt with. Officials in Wisconsin argue in favor of starting to use EDR in an “off-year,” or non-presidential election. This enables clerks to gain experience with EDR, and to work out some of the initial problems with its implementation in a non-pressured electoral context. Off-year elections in Wisconsin are characterized by voter turnout that is typically 20% lower than in presidential elections.

Protecting Non-English Speakers Under EDR. The administrative challenges associated with EDR may be more significant in areas where many voters have limited English proficiency. In these areas, poll workers may need to be prepared to provide a higher level of assistance to voters, since registering is a more complex act than many other actions that typically occur at a polling place.³⁶ Regardless of whether EDR is enacted in more states, there is widespread agreement about the need for better efforts to ensure the voting rights of citizens with limited English proficiency.³⁷

Q: *Will EDR be prohibitively expensive?*

A: Reliable estimates regarding the cost of EDR in the six states that now have it are hard to come by. This reflects the larger difficulty of estimating the costs of elections. According to the 2001 report by Caltech and MIT on voting technology, trying to pinpoint the costs of election administration is extremely difficult given poor record keeping and the way that election costs are embedded in different parts of state, county, and municipal budgets. For this reason, it is hard to compare election administration costs in the six states with EDR to those in states without this system.

An Affordable Reform. Officials in states with EDR do not report substantially higher costs because of EDR. Indeed, as noted earlier, the three states that adopted EDR in the 1990s all did so in part to avoid the costs of complying with the NVRA. (States that implement EDR in the future will still have to comply with the federal requirements of the NVRA).³⁸ New election costs incurred by states that move to adopt EDR are likely to be manageable, even without feder-

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where election day
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al election assistance. As estimated by the Caltech-MIT study, election costs break down as follows: a) equipment purchases and maintenance: 15-20%; b) election day operations, which include polling place management, poll worker training and salaries, printing, etc.: 15-20%; c) voter registration: 33%; and d) general administration: 33%.³⁹ Implementing a system of election day registration is likely to place an additional burden on only two of these areas: election day operations and voter registration.

More Spending on Poll Workers. The most obvious costs associated with EDR relate to training poll workers and increasing their numbers. The problem of underpaid and poorly trained poll workers has been widely highlighted in the wake of the 2000 election. Many states and counties face problems recruiting poll workers willing to work very long hours for low pay, as well as problems providing these workers with proper training. A system of election day registration at polling sites has the potential to further burden poll workers because they would also have to be able to register new voters - an additional task that requires further training. As noted above, however, the cost of election day operations – including poll worker costs as well as many others – constitutes one-fifth or less of current expenditures on elections. Most experts already agree that more spending is needed in this area.

Computerization Costs. As already discussed, computerization is desirable, although unnecessary for EDR to work successfully. There is widespread consensus among electoral reform advocates, however, that all states should move forward to computerize statewide voter lists. Costs for computerization can be broken down into two broad categories: those related to establishing and maintaining a computerized system, and those related to equipping polling places with adequate technological resources. Sponsors of a bill to institute EDR in Connecticut want to eliminate costs at polling places by conducting same day registration at the registrar's office, using the computers already located there in conjunction with a pre-existing computerized list of registrants. This may be an interim solution until polling places can be equipped with computers. New federal assistance for electoral reform could enable states to move forward more quickly to computerize polling places. This practice could be most easily adopted by Delaware, Kentucky, Louisiana and a number of other states that already have a database of registrants.

Q. Will EDR favor any particular political party?

A. Reform measures that increase overall registration and participation do not generally have major partisan effects. The NVRA, the last major reform aimed at reducing obstacles to registration and voting, has not notably benefited either political party. In many states, the ranks of Independents have grown most quickly as a result of the NVRA – reflecting the national shift to political de-alignment over the past decade. Implementing EDR in new states is likely to produce more registrations that reflect existing partisan preferences. This

appears to have been the case in New Hampshire and Wyoming, two states that implemented EDR in 1993.

Experience in the EDR States. In New Hampshire, new Republican registrants increased by 7% between 1992 and 1996, while there was a decrease in Democratic registrants by 6%. In Wyoming, the shifts for both parties during this same period were greater. Republican registrants increased by 12%, with the Democratic Party seeing a 10% decrease in registrants. Undeclared, or Independent voter registration within Wyoming remained nearly constant from 1992 to 1996, with a 1.4% decrease in registrants. New Hampshire was a different story, with a 27.8% increase in Independent voters during the same period.⁴⁰

Q: Is EDR a system of voter registration that is suitable for all states?

A: Yes, absolutely. It should be possible to institute EDR with relative speed and ease in many states, particularly in small states and those with computerized registration systems already in place. In the three states that adopted EDR during the 1990s, implementation did not prove to be either a difficult or extended process. It should be noted, however, that all six states that have EDR are relatively small and do not have a history of voter fraud. Increased spending on elections by the states and by the federal government could be important to speeding the pace of reform – helping to pay for better staffed polling places and also for computerized systems. An appropriate interim measure, if necessary, could be to reduce the voter registration deadline in those states on a slower path to EDR systems. This step would provide more citizens with the opportunity to register to vote closer to election day.

NOTES

- ¹ FEC, “Voter Registration and Turnout 2000,” p 1. Please note these numbers reflect the entire voting age population (VAP), including many non-citizens, prison inmates, ex-offenders, and mentally disabled who are not eligible to vote. An estimated 10 percent of U.S. residents of voting age – over 20 million people – do not have voting rights due to their citizenship status, the impact of felony disenfranchisement laws, and prohibitions against voting among the mentally disabled. Immigrants comprise the largest portion of the VAP who are unable to vote. The Census Bureau estimated that in the 1998 election, 92.5 percent of the voting age population were citizens. See: U.S. Census Bureau, “Reported Voting and Registration by Sex, Race, and Hispanic Origin, for States, November 1998,” pp. 1-8.
- ² FEC, “National Voter Registration and Turnout in Presidential Elections - 1960 to 1992,” p 1.
- ³ See, for example, Ruy Teixeira, *The Disappearing American Voter* (Washington, D.C.: Brookings Institution, 1992); and Steven Rosenstone and John Mark Hansen, *Mobilization, Participation, and Democracy in America* (New York: MacMillan, 1993).
- ⁴ Francis Fox Piven and Richard A. Cloward, *Why Americans Still Don't Vote* (Boston: Beacon Press, 2000).
- ⁵ FEC, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office* (Washington, D.C.: GPO, 2001), p. 1; FEC, “Voter Turnout in the 1992 Presidential Election by State,” p. 2; and FEC, “Voter Registration and Turnout 2000,” p. 1.
- ⁶ FEC, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office*, pp. 1-2.
- ⁷ U.S. Census Bureau, *Voting and Registration in the Election of November 1998*, p 2. Please note that these percentages are from the Current Population Survey, which depends on self-reporting and may produce findings that vary from reality.
- ⁸ *Ibid.*, p. 5.
- ⁹ *Ibid.*, p. 6.
- ¹⁰ U.S. Census Bureau, “Geographic Mobility: Population Characteristics, March 1999 to March 2000,” May 2001.
- ¹¹ Democratic Investigative Staff, House Judiciary Committee, *How to Make a Million Votes Disappear: Electoral Slight of Hand in the 2000 Presidential Election* (U.S. Congress, House Committee on the Judiciary, August 20, 2001), p. 4.
- ¹² FEC, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office*, p. 17.
- ¹³ Caltech-MIT Voting Technology Project, *Voting - What Is, What Could Be*, July 2001, p. 8.
- ¹⁴ The Gallup Poll, *The Nine Weeks of Election 2000*.
- ¹⁵ See Steven Rosenstone and Ray Wolfinger, *Who Votes?* (New Haven: Yale University Press, 1980); Steven Rosenstone and Ray Wolfinger, “The Effect of Registration Laws on Voter Turnout,” *The American Political Science Review*, Vol. 72, No. 1 (March 1978).
- ¹⁶ FEC, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office*, p. 8.
- ¹⁷ *Ibid.*, pp. 28, 36.
- ¹⁸ On this subject, see for example: National Council on Disability, “Implementation of the National Voter Registration Act by State Vocational Rehabilitation Agencies,” October 1, 1999.
- ¹⁹ FEC, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office*, p. 17.
- ²⁰ U.S. Census Bureau, “Voting and Registration in the Election of 1996,” July 1998, p. 10.
- ²¹ U.S. House of Representatives, Judiciary Committee, *How to Make a Million Votes Disappear: Electoral Slight of Hand in the 2000 Presidential Election*, pp. 59-60.
- ²² *Ibid.*
- ²³ See E. Walsh, “Simpler Voting Is Proposed,” *The Washington Post*, March 23, 1977, p. A1.
- ²⁴ See M. Russell, “Administration, Hill Leaders Gut Voting Bill; White House, Hill Leaders Cut Registration Measure,” *The Washington Post*, July 16, 1977.
- ²⁵ In a little known provision, Rhode Island also allows people to register to vote on election day, but only for Presidential and Vice-Presidential candidates in a general election.
- ²⁶ FEC, “Voter Registration and Turnout 2000,” pp. 1-2. Please note again that FEC numbers include persons of voting age who are

not eligible to vote.

²⁷ FEC, “Voter Registration and Turnout – 1996,” pp. 1-2.

²⁸ Mark J. Fenster, “The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992,” *American Politics Quarterly*, Vol. 22, No. 1 (1994), p. 84.

²⁹ Craig Leonard Briens and Bernard Grofman, “Election Day Registration’s Effect on U.S. Voter Turnout,” *Social Science Quarterly*, Vol. 82, No. 1 (March 2001), pp. 171-183. Additionally, in an email to the authors, Grofman commented: “If we compare the three early adopting EDR states pre and post their adoption, they start off (1968-1972) 8.32 percentage points higher than the entire U.S. and end up (1976-2000) 14.51 percentage points higher. Thus EDR seems to yield a shift upward in turnout of more than six percentage points. In contrast, in the more recently converted to EDR states, they start off (1968-1992) 6.39 percentage points higher than the entire U.S. and end up (1996-2000) only 8.21 percentage points higher, a shift of less than 2 percentage points.”

³⁰ Stephen Knack, “Election-Day Registration: The Second Wave,” *American Politics Research*, Vol. 29, No. 1 (January 2001), pp. 65-78.

³¹ On North Dakota’s registration system, see: <http://www.state.nd.us/sec/novoterregistrationinND.htm>

³² Data is from the Federal Elections Commission.

³³ See Lisa Disch, “Minnesota and the ‘Populism’ of Political Opposition,” *Theory and Event*, Vol. 3, Issue 2 (undated), p. 3.

³⁴ Data provided on turnout provided by the FEC. Data on registration in Minnesota provided by the Office of the Minnesota Secretary of State, “Minnesota General Election Statistics, 1950-2000,” see <http://www.sos.state.mn.us/election/elstat94.pdf>.

³⁵ The National Commission on Federal Election Reform recommends the creation of statewide, computerized voter registration lists referenced by the last four digits of a person’s social security number. For Gwendolynne Moore’s comment please see Dennis Chaptman, “Voting Reforms in Dispute: Same-Day Registration Likely to Stay,” *Milwaukee Journal Sentinel*, Dec. 3, 2000.

³⁶ Under current federal law, many counties throughout the nation are required to make language assistance available to limited-English-proficient registrants. These jurisdictions would be compelled to provide such assistance on election day with EDR.

³⁷ See, for example, Juan Figueroa, “Statement Before the United States Senate Rules Committee,” Washington D.C., March 14, 2001.

³⁸ Following the passage of the NVRA, states had a limited window of opportunity to opt out of the law through implementing EDR. All other states must now continue to comply with the NVRA, regardless of other changes to registration procedures.

³⁹ Caltech-MIT Voting Technology Project, *Voting - What Is, What Could Be*, July 2001, p. 51.

⁴⁰ Data is from state election offices in New Hampshire and Wyoming.