



**Nebraska Legislature
Government, Military and Veterans Affairs Committee
Public Hearing
January 31, 2008
Testimony of Stuart Comstock-Gay
Democracy Program Director**

Thank you Chairman Aguilar, Vice-Chairman Rogert, and members of the Government, Military and Veterans' Affairs Committee for allowing us testify in support of Election Day Registration in the State of Nebraska.

My name is Stuart Comstock-Gay, and I am the Director of the Democracy Program at Demos, a nonprofit and non-partisan research and advocacy organization established in 1999. Among its various issue areas, Dēmos is particularly concerned about expanding participation in American elections, by lowering barriers to that participation. In this work, we have provided research and advocacy in Election Day Registration efforts in many states, including Iowa, New Mexico, North Carolina and elsewhere.

It is a personal honor for me to testify in favor of this measure, in the state of my birth and the residence of the vast majority of my family.

First, allow me to commend the Chair and members of the Committee for considering Election Day Registration (EDR). By passing EDR legislation, Nebraska would be taking a major step towards expanding access to the democratic process to all Nebraskans.

Currently, nine states have some form of Election Day Registration, and one (North Dakota) has no voter registration requirement at all. Since the elections of 2000, at least 33 of the remaining 40 states have considered a proposal for "Same Day" or "Election Day" Registration. The states that have current proposals or have considered them within the last five years are: Alaska, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, North Carolina, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont and Washington.

Most recently, EDR was adopted in 2007 by your neighboring state of Iowa.

There is much to say in favor of Election Day Registration. It has proven to be a boon to voting by young people. In an era where voter turnout in this country has reduced, EDR is a measure that can have a positive impact.

In this testimony, I wish to touch on four key points.

First, EDR is a reform that can have a meaningful impact on turnout in elections. Moreover, a new report we have just produced suggests that EDR in Nebraska could increase turnout in the state by about 5%, with a particular enhancement of voting among young people.

Second, EDR is a proven reform that has worked in urban, suburban and rural settings

Third, despite some fears to the contrary, EDR has never been a source of voter fraud.

And fourth, Dēmos has sponsored and conducted a wide range of research about EDR and its impact on elections, I have attached copies of our most recent reports to my testimony and I urge you to review that research and our findings as you continue your discussions about the measure. Please feel free to contact us if you have any questions about the research or if you need additional information.

EDR and its impact on Election Turnout

EDR is not a new reform. It has a proven track record. Some states – including Minnesota and Wisconsin – have successfully allowed Election Day registration for over thirty years. Maine, the first state to adopt EDR, started the practice in 1974; today there are ten states that allow you to register and vote on the same day. The states are Iowa, Idaho, Wyoming, Montana, Minnesota, Wisconsin, New Hampshire, Maine and North Carolina¹. The participation rates in these states are generally 10-12 percent higher than states without EDR. While not all of that is attributable to EDR, experts agree that on the average, at least 5-percent of that increase is EDR related.

In the 2006 election alone, EDR enfranchised over 700,000 individuals who registered and voted on Election Day. These votes comprised almost 13 percent of the ballots reported in EDR states. Without Election Day Registration, hundreds of thousands of Americans might have been excluded from that momentous national election.

Moreover, EDR has a particularly powerful impact on young people. Indeed, young people are the population most positively affected by EDR. In every state with EDR, young people are heavy users of it.

EDR's potential impact on Nebraska electoral turnout

This week, Dēmos is releasing a new report about the possible impact of EDR on election turnout in Nebraska. The report, which we have distributed to the committee, suggests that overall turnout in the state could go up by 5.4 percent. Among certain sub-groups in the state, turnout increases could be even higher. Turnout among those aged 18 to 25 could increase by 10.6 percent, and by those who have moved in the last six months by 9.5 percent. Turnout among Latinos, African-Americans, poor and middle income Nebraskans could increase in all cases by percentages ranging from 6 to 9 percent.

The research – conducted by Michael Alvarez of the California Institute of Technology and Jonathan Nagler of New York University – is based on an analysis of census data, historic turnout trends in Nebraska, and in voter turnout trends in EDR states.

It is important to note here, however, that one of the proposals being considered presents some unusual challenges. In no other EDR state are EDR ballots considered “provisional.” Were Nebraska to adopt an EDR scheme that included provisional ballots, it is not clear what level of impact the measure would have.

EDR works in rural environments

One question that has been raised is whether EDR can work in a rural environment. The evidence strongly suggests that EDR can be implemented in any environment.

Of the states that now use EDR, many of them have significant rural populations. According to the U.S. Census Bureau,² 30% of Nebraska's population is considered rural. It is ranked as the 22nd most rural state in the country. By those same rankings, the only EDR state counted less rural is Minnesota, which has a population that is 29.8% rural, and ranks 24th. To be sure, the type of rural populations in Maine (almost 60% rural and New Hampshire (40%) are different in type – lightly populated rural areas, less total farmland, closer to urban centers than in Nebraska – than here. Nonetheless, voting in those areas also conducted on a small scale, in the way it could be expected in Nebraska.

The relevant question is whether or not more sparsely populated voting precincts can manage the record-keeping of EDR. It is safe to say that they can. Indeed, less populated areas, where voting officials are more likely to personally know the

1 North Dakota has no voter registration at all and North Carolina allows people to register and vote at centralized early voting sites.

2 Northeast-Midwest Institute calculations based on data from U.S. Department of Commerce, Census Bureau, 2000 Census, Summary File 3, Table P.5 Urban and Rural, data extracted via <http://factfinder.census.gov/>.

voters, present fewer challenges than in more densely populated areas.

EDR has nothing to do with voter fraud

Some have expressed concern that EDR makes it more likely that prospective voters will engage in vote fraud. The evidence is quite the contrary. Indeed, evidence to date shows little evidence that EDR has any connection to voter fraud. None of the current EDR states has seen significant evidence of voter fraud related to EDR, and most have seen none. In testimony before the Connecticut and Massachusetts legislatures, Maine representative Anne Haskell reported that the state of Maine has found zero instances of voter fraud related to EDR since that state adopted EDR in 1973. A 2006 report from the New Hampshire Attorney General's office sheds light. In 2006, the state undertook an extensive investigation of fraud allegations that arose during the 2004 election. Concerned citizens had reported individuals either voting in New Hampshire who were actually domiciled in other states, or voting more than one time. In testimony presented to the Senate Internal Affairs Committee and the House Elections Law Committees in April of 2006, the state Attorney General's Office confirmed that the state's existing safeguards effectively prevent voter fraud in that EDR state. As reported by the Attorney General's Office, The results of our investigations reflect that there are very few instances of wrongful voting in New Hampshire, the overwhelming majority of which involve people who had a right to vote somewhere in New Hampshire. New Hampshire's local election officials are the front line of our defense against voting fraud and our investigations support the conclusion that most local officials do an excellent job.

Other research and important issues

There are many important questions to ask before a state passes EDR. At Dēmos, we try to prepare useful research to help address the questions that come up. For instance, among the key issues raised to challenge EDR are questions of fraud and problems administering EDR. Among other issues, our research attempts to address both of those. If you want additional copies of the report I submitted, please let me know or you can find them at Dēmos' website (www.demos.org).

Election Day Registration: A Ground Level View - What Local Election Officials Have Learned About Letting Americans Register and Vote on the Same Day

This report recounts surveys of four dozen election officials in long-time EDR states about the impact of EDR on their work – logistics, fraud, cost, simplicity ... are issues are discussed.

Voters Win with Election Day Registration: Election Day Registration Was Successful in Several States during the 2006 Mid-term Elections

This report discusses the impact of EDR on the 2006 mid-term elections, and highlights key challenges and issues of EDR

Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security

Vote fraud is frequently raised as a reason not to pass EDR. This report details the almost complete lack of fraud tied to EDR.

New Hampshire Attorney General's Office Attests to Effective Anti-Fraud Measures in Election Day Registration State

An analysis of an investigation by the NH Attorney General's office about claims of EDR-related fraud in that state in 2004. The longer report from the Attorney General is also available on the website.

Conclusion

Election Day Registration is a reform that can increase participation, reduce problems at the polls, and has been successfully administered without fraud. Nebraska can become a model for the nation by joining the nine other states that already do this. We urge you to do so.

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