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Government, Military and Veterans Affairs

LB125 PROVIDE FOR VOTER REGISTRATION ON ELECTION DAY

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**Testimony of
Miles Rapoport, President
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Thank you, Senator Avery, and members of the Committee for allowing me to submit written testimony in support of LB 125.

My name is Miles Rapoport, and I am the President of Demos, a national non-partisan research and advocacy organization established in 2000 and headquartered in New York City. Prior to my tenure at Demos, I served for ten years in the Connecticut State legislature, from 1985 – 1994. As a state legislator, I developed expertise on electoral reform, by serving and subsequently chairing the Government Administration and Elections Committee. In 1994, I was elected as Secretary of the State of Connecticut, and served as Secretary of the State for four years. I had the privilege of administering Connecticut's elections during this time.

As President of Demos, I have continued my work in the area of election reform. Demos works with policy makers, advocates and scholars around the nation to improve our democracy and election process.

First, allow me to commend the Chair and members of the Committee for considering Election Day Registration (EDR). By passing comprehensive EDR legislation, Nebraska would become the tenth state to allow citizens to register and vote on the same day. That would be a major step towards expanding access to the democratic process for Nebraska. By adopting this important election reform, Nebraska would also become a leader for many other states currently considering EDR proposals.

In fact, this week there are hearings on EDR proposals in three states: Nebraska, Maryland and Connecticut. And as the legislative sessions progress across the country, we are anticipating EDR campaign in 15 to 20 states along with the District of Columbia.

WHY FOCUS ON ELECTION DAY REGISTRATION?

EDR Is a Proven Reform That Increases Turnout

EDR is not a new reform. There are eight states that allow citizens to register and vote on Election Day: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming, and one state-- North Carolina-- that allows Same Day Registration (SDR) during their early voting period, which starts nineteen days before Election Day and ends three days before Election Day.

I have attached a copy our recently released report entitled "Voters Win With Election Day Registration", which summarizes the usage of EDR/SDR in the 2008 presidential election. By all accounts, this was an extraordinary election, with high turnouts in states across the country. But it shattered voter participation records in one of the newest EDR state, Iowa.

According to a recently released report by the Iowa Secretary of State¹:

The turnout for the 2008 General Election was the highest in Iowa's history with 1,546,453 voters casting ballots, or 72.1 percent of the total 2,143,665 registered.

Because this was the first presidential election where Iowa allowed EDR, many people were worried that EDR would have a negative impact on the process. However, to the contrary, the Secretary of State's report show their fears were unfounded:

The presidential election on November 4, 2008, brought more voters to the polls in Iowa than ever before. Despite fears of election day problems due to new voting equipment, Election Day Registration, and challenged voter procedures, the election went very smoothly in Iowa.

Finally, with this high a level of voter turnout, we would expect more provisional ballots. However, the Secretary of State's report also highlighted that with EDR the numbers of provisional ballots were reduced:

Provisional ballots are a necessary and vital part of every election. However, provisional ballots do take time and require additional paperwork while having the potential to frustrate voters. For those reasons, reducing the number of provisional ballots cast through procedural and legislative changes has been a priority.

As a result of Election Day Registration and changes to the challenge process, the number of provisional ballots being cast has dropped dramatically. In 2004, 14,661 provisional ballots were cast at the presidential election. In 2008, only 4,725 provisional ballots were cast.

1 Iowa Secretary of State 2008 Report <http://www.sos.state.ia.us/pdfs/2008report.pdf>

Like Nebraska, Iowa has a short registration deadline, of 10 days, and boasts high voter registration of 90%. Yet, Iowa was interested in further increasing its voter participation and adopted EDR in 2007. In the 2008 presidential election they had over 45,000 people utilize the EDR process-- 21,000 first time registrants and over 24,376 voters that were previously registered in another county.

What would EDR mean for Nebraska?

I have also attached a report illustrating the potential impact of EDR on Nebraska. We analyzed the likely impact on voter turnout should Nebraska adopt Election Day Registration (EDR). This report presents the following estimates of increases in turnout for Nebraska overall, and for specific groups of Nebraska citizens under EDR.

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

While Election Day registration is an important reform, it is not a silver bullet for our democracy. Many things must be done to encourage people to join in the process and make them feel that it is rewarding and relevant. While we can't guarantee that people will vote, we all have an obligation to make the process as welcoming and as accessible as possible. EDR is an important step toward expanding access.

EDR is not a new reform. It has a proven track record. Three states—Maine, Wisconsin, and Minnesota-- have successfully allowed Election Day registration for over thirty years -- before computers and before the establishment of statewide lists of voters. Maine, the first state to adopt EDR, started the practice in 1973.

The 2008 presidential election was marked by a tremendous surge in voter interest and participation. While final data on EDR usage in the 2008 presidential election is not yet available, preliminary figures show that over 1.1 million Americans used EDR/SDR to vote on or before November 4, 2008. They represented as high as 18 percent of citizens (Minnesota) who participated in the 2008 general election.

Voter turnout in the nine states that allowed people to register and vote on the same day in the 2008 election was, on average, over seven percentage points higher than states without EDR.

EDR Benefits Young People

Among the largest beneficiaries of EDR are young people. Young Americans, especially college students, move frequently and have a harder time keeping their voter registration current. Although voter turnout among 18-29 year olds has steadily increased over the last four presidential elections, it still lagged behind the overall turnout rate. EDR is a powerful tool that can be used to ensure that young people are able to register and vote. EDR ensures that young people can register and vote on Election Day, and in some states has it lead to increases of up to **14 percentage** points among young voters, compared to states without EDR.

ADDITIONAL REASONS TO SUPPORT EDR

While participation is the strongest reason to adopt EDR, there are also a number of important corollary benefits that legislators should consider:

1. It limits the need for provisional ballots.

In the 2000 election a number of voters were turned away from the polls because their names did not appear on the list of registered voters. Many of these citizens were properly registered yet were erroneously purged from the voter lists, or, for a variety of reasons, their correct name did not appear on the computer generated list at the polling place. Most of these people were not allowed to vote. Congress, disturbed by the disenfranchisement of citizens, developed a process of provisional ballots. After the 2000 presidential election, congress passed the **Help America Vote Act** and required states without EDR to allow voters with registration problems to vote by provisional ballots.

Everyone involved in the electoral process knows that a major cause of friction, hassles, and delays at polling places is disagreement over whether someone is eligible to vote. Provisional ballots were developed to address this problem, but, unfortunately, one third of the provisional ballots cast were not counted in 2004. Additionally, the complicated process of post verifications and notification of voters whose ballots were not counted caused more problems than it solved. Consequently, the process tends to frustrate both voters and election workers. EDR solves this problem fully.

EDR resolves many of the problems of provisional ballots, by providing for an on site verification process, and by allowing people to both register or re-register when necessary on Election Day. As a result, it decreases the tension at the polling place by insuring that citizens who take the time to go to vote will actually get to cast a ballot that they know will be counted.

2. EDR minimizes problems with third-party registrations.

One major controversy in last year's election was the role played by third party registration drives. In many states, large numbers of people registered through drives conducted by organizations seeking to increase turnout. There were issues raised about the validity of many of these registrations. The level of duplications,

and in some cases forgeries, confounded election officials and led to charges and counter-charges. EDR reduces dramatically the need for third-party drives, and means that new registrants who utilize EDR will register at election offices, in front of trained election officials, with proper identification.

3. It improves the quality of campaigning and gets more people interested in the election.

In non-EDR states, candidates limit their focus to registered voters. This may appear to be an efficient way to run an election – but it is not the best way to involve people in the democratic process. It also limits a candidate’s ability to engage unregistered, natural supporters because they are compelled to focus their campaign on registered voters.

However, in EDR states, candidates have to talk to **everybody**, not just the people who are on their “lists”, because everyone is a potential voter. As a result, more people are contacted by the candidates and get interested in the election. This is particularly important for young people; because studies show one of the factors that increases the likelihood of a young person voting is contact with a candidate or a campaign.

In this open environment candidates are encouraged to address more of the issues and concerns of the people they represent, and they are less likely to ignore people or communities simply because they are not registered, or have low registration rates.

WHAT ARE THE ARGUMENTS AGAINST EDR?

It’s certainly reasonable to ask this question. The main two concerns I’ve heard for years are fraud, and problems administering EDR.

Minnesota recount

In 2008 there were over 500,000 EDR ballots cast in Minnesota and their ballots represented over 18% of the votes cast in that election. However, as we watched all the twists and turns of the Coleman/Franken Senatorial race, the EDR ballots have not been an issue; the focus of controversy has been on absentee ballots.

Allegations of Fraud

In the states that have EDR, there have been virtually no instances of illegal activities relating to fraudulent registration on Election Day. There have been periodic “fraud” studies in the EDR states; the most recent were completed after the 2004 election. Following the 2004 election there were examinations of the EDR voters by the Attorneys General in New Hampshire and Wisconsin. Both found no fraud directly attributable to EDR. The registrars in states that have EDR are as concerned about the integrity of their elections as their colleagues across the country. Yet they have been able avoid any significant voter fraud, while at the same time incurring minimal costs and avoiding unmanageable burdens for election officials. To accomplish this they use proven,

yet simple cost effective mechanisms to register people and prevent fraud, such as identification at the polls, specialized workers for the day, and voter and poll-worker education.

Additionally, 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.

A fully operational statewide database is a significant asset in implementing EDR. But, live access to the statewide database or laptops is not required at every polling place. Elections in EDR states are no more chaotic than elections in other states. Moreover, election officials actually feel better about the overall process because they can truly further the participation of most citizens since they rarely have tell an eligible citizen that they cannot vote.

CONCLUSION

Election Day Registration is an extremely important reform, which increases participation, reduces 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 will vigorously applaud if you do.