



Hearing of the Maryland Senate Education, Health, and Environmental Affairs Committee & the Maryland House of Delegates Ways and Means Committee

February 21, 2013

Thank you, Chairwoman Carter and members of the Committee. My name is Steven Carbó, State Advocacy Director at Demos, a national, non-partisan public policy organization that works with policy makers, elections officials, and voter advocates in pursuit of a vibrant democracy with high levels of voting and civic engagement. Achieving this level of inclusivity requires reducing barriers that prevent all eligible citizens from exercising their right to vote.

I am here today to testify in support of Same Day Registration (SDR) as proposed by Gov. O'Malley, Senator Raskin, and Delegates Cardin and Reznik (SB 279/HB 224, SB 519/HB 242, SB 518/HB 17). Same Day Registration is a proven reform that can substantially increase voter turnout among eligible voters -- particularly among those with traditionally lower rates of voter participation -- without compromising the integrity of elections or substantially increasing costs. Nine states and the District of Columbia allowed for Same Day Registration in the 2012 presidential election.¹

Benefits of Same Day Registration

America is a highly mobile society. According to the US Census Bureau, over 36 million individuals changed residences between 2011 and 2012.² Many of these individuals failed to register to vote before the registration deadline, and found themselves unable to cast a ballot. Others who had timely submitted their voter registration applications found on Election Day that their names had not been added to the voter rolls and that their votes would not be counted.

Same Day Registration remedies both 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.

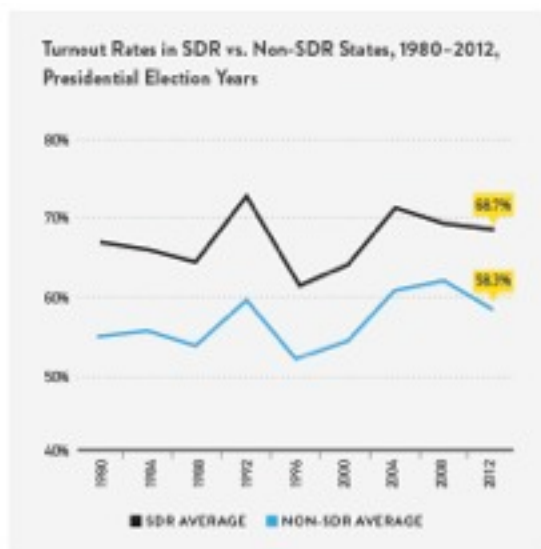
SDR Boosts Turnout

SDR states as a group have historically enjoyed an average voter turnout rate of 10 to 12 percentage points higher than non-SDR states.³ Academic studies show that a significant part of this difference is directly attributable to Same Day Registration. Experts predict that adoption of SDR can increase turnout by a full three to six percentage points.⁴ And increased voter participation can be achieved without administrative burden or increased incidence of voter fraud.⁵

Over 1.5 million Americans used SDR to vote in the 2012 presidential election. Voter turnout was over 11 percentage points higher in the nine states that permitted registration and voting on the same day

last November.⁶ The five states with the highest turnout - Minnesota, Wisconsin, New Hampshire, Iowa, and Maine – are all SDR states.⁷

North Carolina, another Same Day Registration state that offers SDR exclusively during the state’s early voting period, as is being considered in Maryland, also showed continued gains. 250,000 voters used SDR to cast a ballot there on November 6, 2012, moving the state up to number eleven in voter participation nationwide. North Carolina had historically been ranked among the 15 *worst* states for voter participation.



SOURCE: U.S. Elections Project, <http://elections.gmu.edu/Turnout%201980-2012.xls>

⁸From the brief "Voters Win With Same Day Registration"

STATE	TOTAL SDR	TOTAL SDR, % OF TURNOUT
Idaho	117,861	17.69%
Iowa	66,289	4.17%
Maine	58,474	8.07%
Minnesota	527,867	17.89%
Montana	8,258	1.68%
New Hampshire	99,301	13.81%
North Carolina	249,922	5.61%
Wisconsin	388,157	12.58%
Wyoming	28,017	11.18%
TOTAL	1,544,146	10.34%

In 2010, Demos commissioned two nationally-renowned elections experts to estimate the turnout gains that Maryland might expect to see if it adopted Same Day Registration.⁹ They projected substantial increases:

- Overall turnout could rise by 4.3 percent,
- Turnout among those aged 18 to 25 could increase by 9.1 percent, and
- Turnout for those who have moved in the last six months could increase by 7.2 percent.¹⁰

These advances presume that Same Day Registration would be well implemented in Maryland. Registration should occur at the same place as the vote is cast, and early voting locations must be accessible and well known to the voters. Voters should not need to travel far to reach an early voting center, and sufficient early voting centers must be available so they are not overly crowded.

SDR Overcomes Barriers to the Vote

Voter registration serves several reasonable purposes. It helps ensure that only eligible citizens can cast a vote, and provides election officials with convenient lists they can use to notify voters about upcoming elections and the voting process.

But pre-election voter registration requirements impose costs on voters as well, contributing to lower turnout among eligible voters in the United States. Requiring voters to register well in advance of an election is simply unworkable for many Americans. Many previously-registered voters lose their eligibility merely because they have moved. About one in eight Americans moved in both the 2008 and 2010 election years, and were most likely to have registration difficulties at the polls.¹¹ When you have just moved to, or are jumping from one job to the next while raising a family, registering to vote weeks in advance of an election may not be at the top of your to-do list.

This hurdle is compounded by the fact that the “percentage of people giving ‘quite a lot’ of thought to U.S. presidential elections rises dramatically in the final four weeks prior to the election, just at the time when registration is no longer possible in half the states.”¹²

Same Day Registration remedies these problems. Eligible citizens who have moved but failed to register at their new addresses, or missed the pre-election voter registration deadline can simply register to vote and cast a ballot on Election Day or during the early voting period.

Same Day Registration Allows Voters to Correct Registration Problems, and Reduces Provisional Ballots

Many Americans’ ability to exercise the vote is frustrated each election by faulty voter registration systems and records. In a 2012 report, the Pew Center on the States found that current voter registration systems “are plagued with errors and inefficiencies that waste taxpayer dollars, undermine voter confidence, and fuel partisan disputes over the integrity of our elections.”¹³ According to experts at MIT, problems with registration resulted in 2.2 million votes lost in the 2008 general election.¹⁴ Another study showed that 5.7 million people faced a registration-related problem that needed to be resolved before voting.¹⁵

Same Day Registration provides a real-time, effective remedy to problems like these. A previously registered voter who only learns on Election Day that her name has been left off the voter rolls can simply update a faulty registration record or register anew with SDR, and cast a ballot that will be counted.

Since passage of the Help America Vote Act in 2002, Congress has required that states offer provisional ballots to those citizens who believed they had registered but whose names do not appear on registration rolls. But provisional balloting does not ensure that every vote will count. In 2008, 2 million provisional ballots were cast, but over 500,000 were not counted. Almost 18,000 provision ballots were at least in part rejected in Maryland that year.¹⁶ One can imagine the disappointment a voter feels in finding out that her vote did not count.

The opportunity to correct registration mistakes with Same Day Registration cuts down on the need to vote by provisional ballot. Iowa and North Carolina, the two states that most recently implemented SDR,

saw a steep decline in provisional balloting – a potential cost savings. Iowa voters cast 15,000 provisional ballots in the 2004 presidential election, before SDR was available. After SDR was enacted, the number of provisional ballots dropped to less than 5,000 in 2008, -- a 67 percent reduction. North Carolina saw 23,000 fewer provisional ballots in 2008 than in 2004, post- and pre-Same Day Registration. This trend also held in mid-term elections. Provisional balloting declined in both states by nearly 50 percent between the 2006 and 2010 election.

These two SDR states show that Same Day Registration can be a boon for local elections officials, dramatically reducing the complicated, post-election process of verifying registrations and/ or sending notifications to those whose votes were not counted – a time-consuming and expensive task.

I understand that the legislation introduced by Senator Raskin and Delegate Cardin, SB 519/HB 242, would designate the votes cast by Same Day Registrants as provisional. The experience of SDR states shows that policy choice to be unnecessary and counterproductive. One of the important benefits of Same Day Registration – the reduced need for provisional balloting – would be lost. I respectfully recommend that that the bill be amended.

SDR is a Cost-Effective Means of Increasing Voter Participation

Implementing SDR may require little to no additional expenditures. In the 2008 presidential election, the state of Iowa spent less than \$40,000 to introduce Same Day Registration in its 99 counties. The single biggest cost incurred - \$26,000 – was for producing a training video used statewide by auditors and precinct officials. An additional \$9,000 was spent on SDR precinct kits, including registration forms, oath forms, and instructions; and \$1,568 was spent on SDR information brochures.¹⁷ All in all, SDR was implemented in a cost-effective manner – one that could easily be duplicated.

The cost of SDR implementation for Iowa's 99 counties was also minimal. Nearly half of the Iowa counties participating in a recent Demos study reported no direct costs, or only minimal costs associated with Same Day Registration.¹⁸ On Election Day, most of the counties did not require additional staffing at the polls. And while some counties hired additional precinct officials to handle SDR, most new expenses were associated with additional printing and mailing of SDR-related forms.¹⁹ North Carolina counties noted some additional staffing needs at one-stop sites as the most notable cost associated with Same Day Registration. In general, most counties that reported adding staff for SDR were unable to disaggregate Same Day Registration costs from overall early voting expenses.²⁰

The experience in Iowa is typical of the long-standing SDR states. One authoritative study indicates that elections are no more expensive to administer in SDR states than non-SDR states.²¹ Indeed, in a telephone survey conducted by Demos of local election officials in the SDR states of Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming, most respondents described the incremental cost of SDR as "minimal."²² Where costs did exist, they were used for training and employing additional staff to help with registrations and with inputting data in the days following an election.²³ Note, though, that respondents stated that SDR *did not add* work or expense but instead shifted the cost burden from one time and place to another.²⁴

Safeguarding the Vote with Same Day Registration

Elections administrators agree that SDR does not invite voter fraud.²⁵ In fact, the great majority of local elections officials in SDR states who participated in two Demos surveys reported that current fraud-prevention measures suffice to ensure the integrity of elections.²⁶ There's no reason to think otherwise: states impose heavy penalties for voter fraud; voters are required to show documentation for proof of residency; and they must sign an oath attesting to their identity and citizenship. And unlike registration by mail, SDR requires eligible voters to attest to their identity face-to-face before an elections official. Audits conducted after an election adds an additional level of identity verification.

The evidence shows that current election procedures safeguard the vote against fraud. An analysis of SDR states conducted by Lorraine Minnite, a professor at Barnard College of Columbia University, revealed that between 2002 and 2005 *just one case of voter impersonation* occurred at the polls nationwide.²⁷ Attorneys General from both New Hampshire and Wisconsin who investigated Election Day votes from the 2004 election found no fraud attributable to SDR.

Conclusion

Passage of Same Day Registration will increase participation, ease problems at the polls, and maintain the integrity of the vote. States that have enacted Same Day Registration stand as a testament to its benefits. Demos strongly supports legislation to enact SDR in Maryland.

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¹ SDR states are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming.

² U.S. Census Bureau, Geographical Mobility 2011-2012, Table 1, available at <http://www.census.gov/hhes/migration/data/cps/cps2012.html>.

³ Demos: A Network of Ideas and Action, *Voters Win With Election Day Registration* (Updated Feb 2013), document in preparation.

⁴ See Stephen Knack, "Election Day Registration: The Second Wave," *American Politics Quarterly* 29(1), 65-78 (2001); Knack and White 2000; Craig L. Briens & Bernard Grofman, "Election Day Registration's Effect on U.S. Voter Turnout," *Soc. Sci. Q.* 82(1); 171-83 (March 2001); Mark J. Fenster, "The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992," *American Politics Quarterly* 22(1) (1994): 74-87.

⁵ See, for example, R. Michael Alvarez and Stephen Ansolabehere, "California Votes: The Promise of Election Day Registration", Dēmos: A Network for Ideas and Action, 2002; R. Michael Alvarez, Jonathan Nagler and Catherine Wilson, "Making Voting Easier: Election Day Registration in New York", Dēmos: A Network for Ideas and Action, 2004; M.J. Fenster, "The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992," *American Politics Quarterly* 22(1) (1994): 74-87; B. Highton, "Easy Registration and Voter Turnout," *The Journal of Politics* 59(2), 565-575 (1997); Lorraine C. Minnite, An Analysis of Voter Fraud in The United States, Dēmos: A Network for Ideas and Action, 2004, <http://archive.Demos.org/pubs/Analysis.pdf>; Dēmos: A Network for Ideas and Action, *Election Day Registration: A Ground Level View* (2007), available at http://www.Demos.org/sites/default/files/publications/EDR_Clerks.pdf; S. Knack, "Election-Day Registration: The Second Wave," *American Politics Quarterly* 29(1) (2001), 65-78.

⁶ Demos: A Network of Ideas and Action, *Voters Win With Election Day Registration* (Updated Feb 2013), document in preparation. Note that voter turnout figures were derived by the number of votes cast for the highest office and the voting-eligible population, as reported by the United States Election Project at http://elections.gmu.edu/Turnout_2012G.html.

⁷ Id.

⁸ Id.

⁹ R. Michael Alvarez and Jonathan Nagler, *Same Day Voter Registration in Maryland*, Demos: A Network of Ideas and Action, (Winter 2010), available at http://www.demos.org/sites/default/files/publications/SameDayRegistration_Maryland_Demos.pdf.

¹⁰ Id.

¹¹ See, U.S. Census Bureau, "Mover Rate Reaches Record Low, Census Bureau Reports," November 15, 2011, cited in The Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade*, February 2012, at http://www.pewcenteronthestates.org/uploadedFiles/Pew_Upgrading_Voter_Registration.pdf.

¹² Steven Carbo and Brenda Wright, "The Promise and Practice of Election Day Registration," p. 72, in *America Votes!* (Benjamin E. Griffith ed., 2008), citing The Gallup Poll, *The Nine Weeks of Election 2000* (cited in *Voters Win with Election Day Registration*).

¹³ The Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade*, February 2012, at http://www.pewcenteronthestates.org/uploadedFiles/Pew_Upgrading_Voter_Registration.pdf.

¹⁴ R. Michael Alvarez, Stephen Ansolabehere; Adam Berinsky; Gabriel Lenz; Charles Stewart III and Thad Hall, "2008 Survey of the Performance of American Elections, Final Report" (2008). Available at <http://www.pewcenteronthestates.org/uploadedFiles/Final%20report20090218.pdf>, cited in The Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade*, February 2012, at http://www.pewcenteronthestates.org/uploadedFiles/Pew_Upgrading_Voter_Registration.pdf.

¹⁵ Stephen Ansolabehere, "Voting Experiences," PowerPoint presentation, July 30, 2009. This presentation reported findings originally published in the Cooperative Congressional Election Study (Cambridge, MA: Common Content, Release 1, 2009), cited in The Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade*, February 2012, at http://www.pewcenteronthestates.org/uploadedFiles/Pew_Upgrading_Voter_Registration.pdf.

¹⁶ Maryland State Board of Elections, *2008 Presidential General Election - Provisional Voting Breakdown*, available at http://www.elections.state.md.us/elections/2008/turnout/general/provisional_breakdown.html.

¹⁷ [Former] Iowa Secretary of State Michael A. Mauro, "Iowa Secretary of State 2008 Report," on file at Demos.

¹⁸ Laura Rokoff, Emma Stokking, *Small Investments, High Yields: A Cost Study of Same Day Registration in Iowa and North Carolina*, Demos: A Network for Ideas & Action (forthcoming February 2012).

¹⁹ Id.

²⁰ Id.

²¹ Supra, Alvarez, Ansolabehere, and Wilson.

²² Demos: A Network for Ideas and Action, Election Day Registration: A Ground-Level View, available at http://www.demos.org/pubs/EDR_Clerks.pdf.

²³ Id.

²⁴ Id.

²⁵ Lorraine C. Minnite, *The Myth of Voter Fraud* (Ithaca, NY: Cornell University Press, 2010); Demos: A Network for Ideas & Action, Election Day Registration: “A Study of Voter Fraud Allegations and Findings on Voter Roll Security,” available at <http://www.demos.org/publication/election-day-registration-study-voter-fraud-allegations-and-findings-voter-roll-security>.

²⁶ Demos: A Network for Ideas and Action, *Election Day Registration: A Ground-Level View*, available at http://www.demos.org/sites/default/files/publications/EDR_Clerks.pdf.

²⁷ Lorraine C. Minnite, *The Myth of Voter Fraud* (Ithaca, NY: Cornell University Press, 2010); Demos: A Network for Ideas & Action, *Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security*, available at <http://www.demos.org/publication/election-day-registration-study-voter-fraud-allegations-and-findings-voter-roll-security> (A 17 year-old in New Hampshire was caught casting his father’s ballot in a 2004 Republican presidential primary. This fraud was unrelated to EDR because the father was already registered and on the rolls.) Additionally, an initiative by the Department of Justice in prosecuting voter fraud has resulted in only 40 prosecutions nationwide for election crimes related to illegal voting between 2002 and 2005. Id. Wisconsin was the only EDR state where a federal investigation led to any voter fraud prosecutions. Four voters were charged with double voting and 10 were charged for voting while disfranchised following a felony conviction. Charges against the “double voters” were dropped or exonerated, and only half the felon voters were convicted. Considering DOJ’s otherwise 90-percent conviction rate, such failure to convict – for a minute number of cases to begin with – provides strong evidence that voter fraud simply does not attend EDR.