

The Hidden Costs of Repealing Same-Day Registration in Montana

by DAMON DANIELS

Same-Day Registration (SDR) in Montana, which takes place during the state's late registration period, has operated smoothly since 2006. SDR modernizes election systems by allowing eligible residents to both register to vote and then cast a ballot on the same day, which eliminates arbitrary registration deadlines and facilitates onsite fixes to registration issues. Since 1973, eleven additional states and the District of Columbia have enacted and successfully conducted SDR elections.¹ A number of additional states have either passed SDR measures that are awaiting implementation, passed SDR pilot studies, and/or have introduced SDR legislation within the past calendar year.² SDR states consistently lead the nation in voter turnout.³

In November 2014, voters in Montana will face a very important choice: to repeal or to continue SDR. In 2013, the State Legislature approved Senate Bill 405.⁴ This bill set into motion Legislative Referendum 126 (LR 126), a voter ballot initiative that aims to eliminate SDR. Under this measure, SDR opponents hope that voters elect to roll back the registration deadline to 5 p.m. on the Friday before Election Day.⁵

LR 126 acts against a tailwind of momentum in favor of pro-voter reforms across the country. A repeal of SDR in Montana will only hinder voters' access to the ballot, inevitably creating cumbersome and unnecessary obstacles.

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Eliminating SDR Will Increase Election Costs in Montana

The cost effectiveness of SDR is apparent, both in recent SDR states as well as historically. Election officials in Iowa and North Carolina, which each adopted SDR in 2007, have reported little to no additional costs associated with SDR implementation and any additional expenses were usually offset by the decreased printing and processing of provisional ballots.⁶ Research shows a similar story in long-standing SDR states Maine, Minnesota and Wisconsin (which each first enacted SDR during the 1970s). Elections in these states are no more costly in comparison to non-SDR states.⁷

Conversely, the available research regarding potential costs for *repealing* SDR are quite exorbitant. Following the 2012 General Election, the Wisconsin Government Accountability Board (GAB) released a report regarding the impacts and costs of repealing SDR in their state.⁸ Given the increased costs of maintaining accurate voter rolls, remaining in compliance with regulations of the aforementioned NVRA and Help America Vote Act (HAVA), and accounting for the likely increase in provisional ballot processing and public education efforts that become necessary with any electoral change, the GAB assessed the resulting costs to range from between \$13 million and \$16 million.⁹

As it stands, simply placing LR 126 on the 2014 General Election ballot will cost each of Montana's fifty-six counties \$75,000.¹⁰ While total SDR repeal related expenditures may not reach a final sum that is as high as Wisconsin's projections (due to respective differences in population and election system infrastructures), additional costs will certainly accrue as Montana works to educate voters in order to remain in compliance with existing federal mandates.

Eliminating SDR Will Confuse Voters

One fact about SDR is clear: when the reform is in place, voters quickly become accustomed to the enhancement. The ease of being able to register and vote concurrently, for young voters, voters of color, and new residents in particular is the reason for SDR's success and popularity. Doing away with SDR will demand a significant public re-education effort, for which many voters—e.g., residents who have moved between

Montana counties as well as those who have recently moved from other states—may not learn of the registration changes within enough time to comply. Poll workers and other election officials will also need to be re-educated in order to convey information accurately to voters. As a result, the likely consequence of eliminating SDR is voter hardship at the polls; this includes verification issues that lead to longer lines and wait times and increased provisional balloting (in the event that frustrated voters choose to persevere through the process altogether).

Montanans Like Their Current Elections Procedures—SDR Included

Montanans are by-and-large satisfied with the state's electoral system in its current form. In recent polling, 70 percent of respondents—irrespective of political orientation—believe that SDR is necessary to protect voter participation, and thereby, the state's democracy overall.¹¹ To this effect they also believe that SDR protects the state's democracy overall, by a 66-to-31 percent margin.¹² For these and other reasons, nearly three-quarters of respondents believe that Montana's SDR system works well. Among all respondents, 89 percent of Democrats, 69 percent of Independents and 66 percent of Republicans believe that Montana's election system is fair, working well, and something to be proud of.¹³

Conclusion

LR 126 places an undue burden on Montana voters that will unravel an electoral tool that they clearly favor. If enacted, both the monetary and procedural costs of repealing SDR far outweigh any potential benefits, and are in fact more likely to exacerbate the problems that LR 126 is ostensibly designed to fix. Neither election administrators nor voters emerge as winners under any scenario that eliminates SDR from the menu of provoter options that are currently at Montanans' disposal. Simply put, eliminating SDR as through LR 126 is a losing proposition for election administrators, voters, and democracy in Montana. ■

Endnotes

1. Dēmos, “What is Same Day Registration? Where is Available?” available at <http://www.demos.org/publication/what-same-day-registration-where-it-available>.
2. These states include: Colorado, Connecticut, Idaho, Iowa, Maine, Maryland, Minnesota, New Hampshire, Wisconsin and Wyoming; North Carolina repealed its SDR system, known as One-Stop Voting, in 2013. California passed Same-Day Registration in 2012 and is in the process of implementation by 2016. Also see: National Conference of State Legislatures (NCSL), SameDay Registration (last updated November 14, 2013), available at <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>; Lee Davidson, “Utah Lawmakers Approve Election Day Voter Registration Bill,” The Salt Lake Tribune (last updated March 19, 2014), available at <http://www.sltrib.com/sltrib/politics/57676823-90/allow-approve-bill-election.html.csp>;
3. Ibid.
4. Montana Legislature, SB 405 - Referendum to Revise Close of Late Voter Registration (introduced March 26, 2013), available at [http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20131&P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=L-C0113&P_CHPT_NO=&Z_ACTION=Find&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20131&P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=L-C0113&P_CHPT_NO=&Z_ACTION=Find&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=).
5. Ibid.
6. Laura Rokoff, Emma Stokking, Small Investments, High Yields: A Cost Study of Same Day Registration in Iowa and North Carolina (February 2012), available at <http://www.demos.org/sites/default/files/publications/SDR-CostStudy-Final.pdf>.
7. R. Michael Alvarez and Stephen Ansolabehere, Same-Day Registration in the United States: How One Stop Voting Can Change the Composition of the American Electorate (June 2002), available at http://vote.caltech.edu/sites/default/files/vtp_wp5.pdf.
8. Wisconsin Government Accountability Board (GAO), Final Report on the Impacts and Costs of Eliminating Election Day Registration in Wisconsin (February 18, 2013), available at http://gab.wi.gov/sites/default/files/publication/65/final_edr_report_02_18_2013_pdf_86368.pdf.
9. Ibid.
10. Patinkin Research Strategies, Defeating Legislative Referendums 126 and 127 in Montana (January 2014), on file with Dēmos.
11. Ibid.
12. Ibid.
13. Ibid.

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