

SAME DAY VOTER REGISTRATION IN WEST VIRGINIA

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EXECUTIVE SUMMARY

We have analyzed the likely impact on voter turnout should West Virginia adopt Same Day Registration (SDR).¹ Under a system proposed² in West Virginia, eligible voters who miss the current deadline for registering may be able to register to vote during the state's 17-day early voting period.³ The availability of Same Day Registration procedures should give voters who have not previously registered the opportunity to vote. Consistent with existing research on the impact of SDR in the other states that use this process, we find that SDR would likely lead to substantial increases in voter turnout. We offer the following voter turnout estimates for West Virginia under SDR:⁴

- Overall turnout could go up by 4.1 percent.
- Turnout among those aged 18 to 25 could increase by 8.3 percent.
- Turnout for those who have moved in the last six months could increase by 6.5 percent.

INTRODUCTION

The purpose of voter registration in the United States is to make sure that only eligible citizens vote. Voter registration also provides election officials with convenient lists they can use to notify voters about upcoming elections, as well as other

information about elections and voting. Lastly, when individuals enter a polling place, a voter registration list gives poll workers the information they need to authenticate voters before they cast ballots.

At the same time, the process of voter registration imposes costs on voters—such as forcing voters to register well in advance of an election, which might involve a complicated process of determining where and how to register—and these costs have been shown in various studies to serve as barriers to many potential voters.⁵ In West Virginia, eligible citizens who wish to register must do so at least 21 days before the election. For some eligible citizens, especially those who have recently moved, requiring registration well in advance of Election Day might make it very difficult for them to cast a ballot. Given that non-registered but otherwise eligible citizens are not on the lists that election officials or other political groups use to mobilize voters, some non-registered eligible citizens may not be aware of an upcoming election or about how and when they can register to vote.

In the last few decades, the costs associated with voter registration have been the focus of significant federal legislation. In 1993, the National Voter Registration Act (NVRA) required states to provide voter registration forms in places where residents register their motor vehicles, and in other state agencies like

public assistance offices. Finally, the NVRA required that states allow for mail-in voter registration. More recently, in 2002, the Help America Vote Act (HAVA) attempted to significantly improve voter registration practices across the nation by requiring states to develop computerized, statewide voter registries, and also requiring all states to adopt provisional voting.

Currently, there are six states that have substantial experience allowing eligible citizens to register to vote on Election Day: Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming. Three other states—Iowa, Montana, and North Carolina—and the District of Columbia have more recently adopted SDR procedures.⁶ The six states with substantial experience with SDR have shown that it is an effective way to increase voter participation without complicating election administration or leading to increased voter fraud. Research regarding the experiences of these six states with SDR has shown that:

- Voter participation is somewhere between 3 and 6 percentage points higher than were SDR not used in those states;
- Citizens who have recently moved or are younger find it easier to register and vote;
- When SDR is thoughtfully implemented, election administration can be improved and SDR does not undermine the Election Day experience of poll workers or voters;
- There is no evidence that the prospects for election fraud are increased.⁷

Thus, based on the previous experience of these states, previous research that we have conducted, academic research on voter participation and Same Day Registration, and new research we present below, we believe that West Virginia will have a positive experience with Same Day Registration, provided that it is appropriately implemented. We estimate that turnout could increase in West Virginia—possibly by 4.1 percent. In West Virginia, this could result in more than 58,030 new voters in future presidential elections.⁸ Having more voters on the rolls and allowing previously-registered voters to use SDR to update their addresses will improve election administration and give election officials throughout the state better information when they want to contact voters about upcoming elections and provide them with related information. Finally, increasing voter participation should lead to a stronger democracy and a strengthened civic culture in West Virginia.⁹

The analysis in this report and its voter turnout projections are based on the assumption that West Virginia would implement SDR as it traditionally has been used, allowing eligible individuals to register and vote on Election Day. Same Day Registration systems that allow eligible individuals to register and vote only during the early voting period, the method of Same Day Registration that we understand is now under consideration in West Virginia, is a different process. It has primarily been used in one state, North Carolina, and in just a few election cycles; SDR first went into effect for the 2007 local elections. Given this very limited experience, we cannot produce a similar analysis of the likely impact of a North Carolina-style system of SDR on voter registration or turnout in West Virginia at this time. That said, SDR during an extended early voting period is very similar to traditional Same Day Registration. We think the likely impact of the West Virginia SDR proposal on voter turnout should be similar to the likely impact of SDR if it were also available on Election Day.

SDR, REGISTRATION, AND TURNOUT

Determining voters' eligibility before allowing them to cast a vote has a long history in the United States. Studies of early American political history have shown that eligibility was determined by party observers who could challenge a voter's ability to participate at the polling places in an election.¹⁰ Pre-election voter registration practices began early in American history, but became widespread in the decades after the Civil War.¹¹ In some states voter registration requirements were part of an array of measures, including poll taxes and literacy tests, that were used to disenfranchise segments of the potential electorate, including immigrants, the poor, and minorities. Early registration practices were often quite restrictive, for example, requiring annual or periodic in-person registration at a county office during week-day business hours.¹²

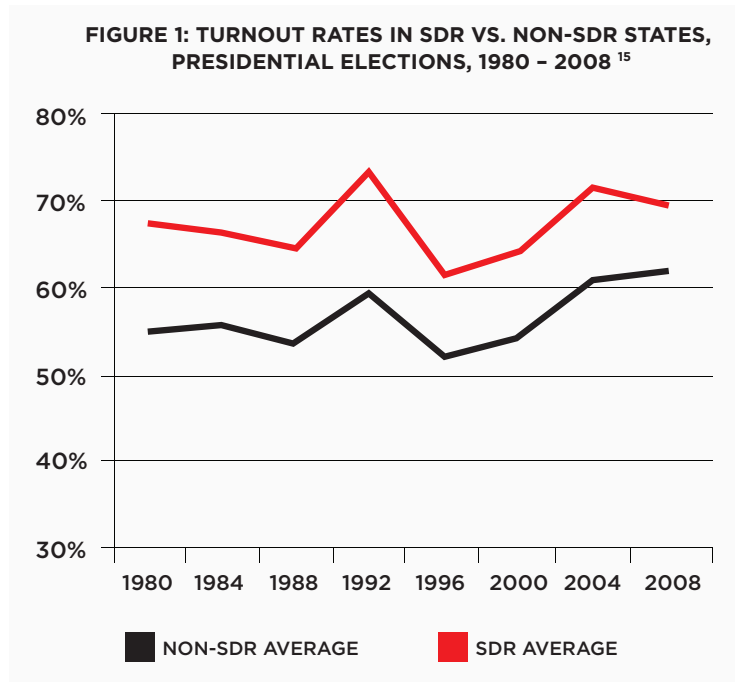
Liberalization of voter registration laws began with the civil rights movement, culminating in the passage of the Voting Rights Act (VRA) in 1965. The VRA eliminated many of the systematic barriers that made registration and voting difficult for poor and minority voters, and empowered the federal government to oversee the elimination of voting restrictions. Many states substantially reformed their registration and voting procedures after passage of the VRA.

However, many other states continued to use restrictive registration practices even after the passage of the VRA. In particular, in many places local election officials had substantial discretion regarding the implementation of registration and voting procedures, and a patchwork quilt of registration practices existed in many states and across the nation. Additionally, research by scholars showed that many voting and registration practices, particularly the practice of requiring registration well in advance of Election Day, substantially reduced voter turnout.¹³ This led to the enactment of the National Voter Registration Act (NVRA) in 1993, which sought to simplify the registration process and to improve the integrity of voter registries. Key to the NVRA was an expansion of avenues by which a citizen could register to vote, including registration by mail, in department of motor vehicles offices, and in other state public assistance offices. The NVRA also provided for new rules regarding procedures for how voters could be removed from registration rolls.

More recently, problems in the 2000 presidential election led to additional federal efforts to reform the voter registration process. In 2002 Congress passed the Help America Vote Act (HAVA). HAVA required that states centralize their voter registries, and that those voter registries be an "interactive computerized statewide voter registration list defined, maintained, and administered at the State level." (HAVA Sec. 303(a)(1)(B)). HAVA also required that states implement "fail-safe," or provisional voting procedures, if they did not already have them, so that otherwise eligible citizens could cast a ballot rather than be disenfranchised due to an error in a voter registry.

The liberalized voter registration procedures adopted in Same Day Registration states have had an impact comparable to those achieved by these federal statutes. The six longstanding SDR states have generally had higher rates of voter turnout than states that do not have SDR. In the 2004 presidential election, those six SDR states had demonstrably higher levels of voter turnout. According to the official voting statistics reported by secretaries of state

and the U.S. Census Bureau estimates of state population, SDR states had a voter turnout rate of 70.3 percent in 2004 while non-SDR states had a turnout rate of only 54.7 percent.¹⁴



In the 2008 presidential election, the number of states using SDR or similar procedures swelled to nine. Analysis of voter participation data collected and distributed by the United States Election Project has shown that participation in the nine SDR states in the 2008 presidential election averaged 69 percent, relative to an average of 62 percent participation in the non-SDR states.¹⁶ SDR States have in fact seen higher voter turnout rates for decades. (figure 1)

Were West Virginia to implement the proposed Same Day Registration plan well, and the state experienced the typical increase in voter turnout that other states have seen after implementation of SDR, voter participation could increase substantially. Furthermore, voter participation might increase noticeably among sectors of the population that typically vote at lower rates, such as newly relocated citizens or young voters. Previous research has shown that SDR often helps these voters. We return to this issue in the next section of this report and provide precise estimates of SDR’s potential impact on registration and turnout in West Virginia.

SDR IN WEST VIRGINIA

West Virginia ranked 49th in terms of voter-eligible participation in the 2008 presidential election.¹⁷ To estimate the potential impact of SDR, we turn to data from the U.S. Census Bureau’s Current Population Survey (CPS) for the presidential elections of 1996, 2000, 2004, and 2008 and use a methodology similar to one that we employed in past research on voter turnout, which is discussed in the Technical Appendix below.¹⁸ In summary, we estimate a statistical model predicting whether individual respondents in the 1996, 2000, 2004, and 2008 CPS report being registered and whether they voted. In this estimation, we control for many factors, including the voter registration process in the state. We control for the respondents’ age and level of education, whether or not respondents have moved recently, their ethnic background, and whether or not they are a native-born citizen or have been recently naturalized. We then use these estimates to simulate what turnout would have been in West Virginia if the state had used Same Day Registration in these four elections, and we compute the number of additional voters West Virginia would have had in the 2008 election with Same Day Registration.¹⁹

Estimates of SDR's potential effect on voter turnout in the presidential elections in West Virginia are provided in Table 1. The analysis presented here predicts a 4.1 percent increase in voter turnout in future presidential elections were West Virginia to adopt SDR.

Our analysis suggests other substantial increases in voter turnout for those who might be most affected by SDR:

- Turnout among those aged 18 to 25 could increase by 8.3 percent under SDR.
- Turnout for those who have moved in the last six months could increase by 6.5 percent under SDR.
- Turnout increases among voters without college degrees would be four times as great than for voters with a college education (over 48,000 additional votes by citizens who do not have college degrees, as compared to just over 10,000 new ballots by individuals with college degrees).
- A greater turnout effect among lower-income voters -- over 34,000 additional votes by citizens with incomes below \$40,000, as compared to just under 24,000 additional ballots by citizens with incomes above \$40,000.

Thus, those eligible citizens who are most typically affected by Same Day Registration in other states would also be strongly affected in West Virginia.

CONCLUSION

Over the last 35 years, one of the more consistent conclusions in the study of turnout has been that making the registration and voting process easier will increase turnout among eligible voters.²⁰ Our analysis of the impact of SDR in West Virginia provides more evidence supporting this claim. By comparing voter turnout in states with SDR and states without SDR, we have estimated the impact SDR would have in West Virginia. Adoption of SDR could increase turnout by 4.1 percent according to our estimates. It could also increase turnout substantially more among young voters, voters who have moved in the period preceding the election, and those with lower educational achievement and income levels.

The trend in the United States has been to ease the barrier that registration places on voting by moving the deadline closer to Election Day. Moving towards Same Day Registration would ease that barrier for thousands of citizens in West Virginia, and bring more participants into the democratic process.

TECHNICAL APPENDIX

To estimate the impact of Same Day Registration in West Virginia we analyzed individual survey data collected by the Census Bureau. Each month the Census Bureau surveys approximately 50,000 households in the Current Population Survey. In even numbered years the November survey includes a battery of questions asking respondents whether or not they were registered to vote, how they registered, and if they voted. The CPS is considered to be the “gold standard” of datasets for analyzing individual-level factors affecting turnout, and turnout across states. The Census Bureau has a higher response rate than any other survey and the sample size is large enough to draw statistically valid samples within a state. Whereas the typical media poll might have 1,500 respondents nationwide, the November 2008 CPS included 1,175 respondents from West Virginia. And to increase our statistical power even more, we pooled the CPS data from the presidential elections of 1996, 2000, 2004, and 2008, giving us over 5,075 respondents from West Virginia, and over 278,000 respondents in total.

Our model incorporates factors that have been shown in extensive research on voter turnout to be correlated with an individual’s decision on whether or not to vote. We utilize categorical variables to indicate whether or not the person is in one of six age groups: 18 to 25, 26 to 35, 36 to 45, 46 to 60, 61 to 75, or 76 to 84. We utilize categorical variables for education placing the respondent as having less than a high school degree, a high school degree, some college education, or a bachelor’s degree or beyond. For annual family income, we include brackets of less than \$20,000, between \$20,000 and \$40,000, between \$40,000 and \$60,000, and above \$60,000. The respondent’s ethnicity is measured as white-non hispanic, black, Latino, or other. We also included variables indicating whether or not the respondent was a naturalized citizen, and if so, whether they had come to the United States within 10 years of the election or within 16 years of the election. We also included a variable for whether the respondent lives in an urban or rural area. And we include a variable for whether or not the respondent moved in the six months prior to the election.

We include variables at the state level for the number of days before the election that registration closes and for the presence of a competitive election. We include three categorical variables indicating the presence (or absence) respectively of a senate, gubernatorial, or presidential race within the state that was decided by a margin of 5 percent or less.

To be able to determine the impact of SDR on particular groups of the population, and because we expect that SDR will have larger effects on those who have the most difficulty meeting the burden of pre-election registration, we include interaction terms between the availability of SDR, and the respondent’s age, education and income, as well as whether or not the respondent had moved previously and whether the respondent was a native born citizen or a naturalized citizen (and if so, whether recently immigrated or not).

Given these specifications, we estimated the model on all respondents in the CPS for the presidential election years of 1996, 2000, 2004, and 2008. And since we were estimating the model on multiple elections, to allow for differences in turnout across the elections, we included year-dummy variables. Estimating the model gave us estimates of the model parameters. We then compute the predicted probability of each respondent in our sample in West

Virginia voting under then current legal conditions—that is, the state’s requirement that voters register well before Election Day. We also compute the probability of each respondent in the sample in West Virginia voting under the counterfactual condition that West Virginia had Same Day Registration available. By aggregating those predicted probabilities over different sub-groups of interest, we are able to estimate the impact of SDR on any sub-group within the population, or we can estimate the impact of SDR on all voting age persons in West Virginia.

**TABLE 1:
SIMULATED TURNOUT INCREASES IN WEST VIRGINIA UNDER SDR**

	Estimated Percentage Point Increase w/ SDR	Estimated Additional Votes w/SDR
Entire State	4.1	58,030
Persons who have Moved in the last 6 months	6.5	6,828
Persons Age 18-25	8.3	13,566
Persons Age 26-35	5.5	13,198
Persons Age 36-45	3.6	9,665
Persons Age 46-60	3.1	12,468
Persons Age 61-75	2.2	5,806
Persons Age 76-84	2.8	2,543
Latinos	4.7	186
Whites (non-hispanic)	4.1	55,506
Blacks	3.9	1,689
Naturalized Citizens	4.3	316
Lower Income (\$0-\$20,000 household income)	3.7	16,601
Middle Income (\$20,000 - \$40,000)	4.1	17,495
Upper Income (\$40,000 - \$60,000)	4.2	10,483
Top Income (\$60,000 and above)	4.6	13,465
Rural	4.0	26,848
Urban	4.2	31,192
Persons with grade school education	3.1	9,185
Persons who are high school graduates	4.0	23,833
Persons with some college	4.7	15,000
College graduates	4.6	10,016

Source: Computed by authors, based on analysis of the Current Population Survey, US Bureau of the Census, various years.

ENDNOTES

1. This report is similar to an analysis we produced for Demos on the impact of Election Day Registration (EDR) in Iowa, and borrows liberally from that report in the general discussion of the impact of voter registration laws. See R. Michael Alvarez & Jonathan Nagler, *Election Day Voter Registration in Iowa*, Demos: A Network for Ideas and Action, 2007, <http://www.demos.org/pubs/updatedIOWA.pdf>.
2. See W.V. H.B. 3001, as introduced on Feb. 3, 2011
3. Current information on the process of voter registration in West Virginia can be found at <http://www.sos.wv.gov/elections/voter-information-center/voter-registration-center/Pages/VoterRegistrationFAQ.aspx>. Voters must be registered 21 days before an election in order to vote.
4. A “5 percent increase” refers to an increase of 5 *percentage points*, or 5 percent of voting age population, not 5 percent of those *already voting*. Thus, an increase from 50 percent turnout to 55 percent turnout is referred to as a 5 percent increase.
5. How voter registration imposes costs on potential voters was originally researched by Raymond E. Wolfinger and Steven J. Rosenstone, *Who Votes?*, New Haven: Yale University Press, 1980.
6. North Dakota does not currently require voter registration. Iowa and Montana recently adopted Election Day Registration. North Carolina now permits individuals to register and vote at its in-person absentee voting sites, open from the end of the regular voter registration period to three days before Election Day. The District of Columbia, the newest SDR jurisdiction, introduced Same Day Registration on Election Day and during its early voting period in 2010.
7. See, for example, R. Michael Alvarez and Stephen Ansolabehere, “California Votes: The Promise of Election Day Registration,” Demos: A Network for Ideas and Action, 2002; R. Michael Alvarez, Jonathan Nagler and Catherine Wilson, “Making Voting Easier: Election Day Registration in New York,” Demos: 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); Lorraine C. Minnite, *An Analysis of Voter Fraud in The United States*, Demos: A Network for Ideas and Action, 2004, <http://www.demos.org/pubs/Analysis.pdf>; Demos: A Network for Ideas and Action, *Election Day Registration: A Ground Level View* (2007), <http://www.demos.org/pubs/EDR%20Clerks.pdf> (1997), 565-575; S. Knack, “Election-Day Registration: The Second Wave,” *American Politics Quarterly* 29(1) (2001), 65-78.
8. We arrive at this estimate using a statistical analysis of the impact of SDR on voter turnout in each presidential election from 1996 thru 2008 using data from the U.S. Census Bureau’s Current Population Survey. See the Technical Appendix for details.
9. The analysis in this report and its voter turnout projections are based on the assumption that West Virginia would implement SDR as it traditionally has been used, allowing eligible individuals to register and vote on Election Day.
10. Richard Franklin Bense, *The American Ballot Box in the Mid-Nineteenth Century*, New York, Cambridge University Press, 2004, pages 22-30, 90.
11. Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*, New York: Basic Books, 2001.
12. J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910*, New Haven: Yale University Press, 1980.

13. Wolfinger and Rosenstone (1980).
14. Turnout figures are taken from the U.S. Census Bureau, 2007 *Statistical Abstract of the United States*, Table 408, available at <http://www.census.gov/prod/2006pubs/07statab/election.pdf>. These data are in turn based on reports of secretaries of states on votes cast for president and on Census Bureau estimates of state voting age population.
15. Figure from Regina Eaton and Steven Carbó, "Voters Win with Election Day Registration," Demos, 2010, http://www.demos.org/pubs/voterswin_feb032010.pdf
16. The data are from http://elections.gmu.edu/voter_turnout.htm; the calculations of average turnout in each set of states (excluding North Dakota) comes from Regina Eaton and Steven Carbó, "Voters Win With Election Day Registration," Demos, 2010, http://www.demos.org/pubs/voterswin_feb032010.pdf.
17. Data from http://elections.gmu.edu/voter_turnout.htm. All states were ranked by voting-eligible participation, computed as number of votes cast for president divided by number of citizens eligible to vote.
18. The analysis here differs from past reports we have done on the effects of Same Day Registration in that here we utilize data from the four most recent presidential elections — 1996 through 2008 — rather than data only from the most recent presidential election.
19. The reported registration and turnout rates in the CPS data differ from those found in the EAC's Election Day Survey. The CPS data are based on surveys of households, and thus are affected by both sampling error and response error.
20. R.E. Wolfinger and S. J. Rosenstone, *Who Votes?* (New Haven: Yale University Press, 1980); J.E. Leighley and J. Nagler, "Individual and Systemic Influences on Turnout: Who Votes? 1984," *Journal of Politics*, 54 (1992): 718-740.

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