

HEARING OF THE MARYLAND SENATE

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

February 16, 2012

Elective Franchise—Registration and Voting at Early Voting Polling Places

Thank you Chairman Carter-Conway, and all of the members of the Senate Judicial Proceedings Committee, for the opportunity to submit testimony in support of S.B. 339, which would submit an amendment to the voters of the State to provide a process to allow a qualified voter to register and vote on certain days before election day at certain polling places.

Dēmos is a non-partisan public policy center, founded in 2000, that works with policy makers, elections officials, and advocates in pursuit of a vibrant democracy with high levels of voting and civic engagement. Achieving this level of inclusivity requires reducing barriers – such as arbitrary registration cut-off deadlines—that prevent all eligible citizens from exercising their right to vote. To this end, Dēmos’ Democracy Program is engaged in a long-term campaign to support enactment of Same Day Registration (SDR) – a proven reform to substantially increase voter turnout among eligible voters without compromising the integrity of elections or substantially increasing costs.

By passing this proposed constitutional amendment, and laying the groundwork to enact SDR, Maryland would become the 10th state to permit eligible citizens to both register and vote on the same day.¹ The District of Columbia also enacted Same Day Registration in 2010. SDR is available there on Election Day and/or the early voting period. One state has no statewide registration requirement at all.² All these states have shown increased voter turnout, with minimal costs and no compromise to the electoral system.

Same Day Registration unquestionably boosts overall voter turnout. Further, evidence suggests that it especially does so for traditionally low-turnout groups. If Maryland were to adopt an SDR system similar to that which exists elsewhere,

- Overall turnout could go up by 4.3 percent,³
- 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.⁴

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 Many voting rights experts agree that pre-Election Day registration deadlines have contributed to lower turnout among eligible voters in the United States.⁶

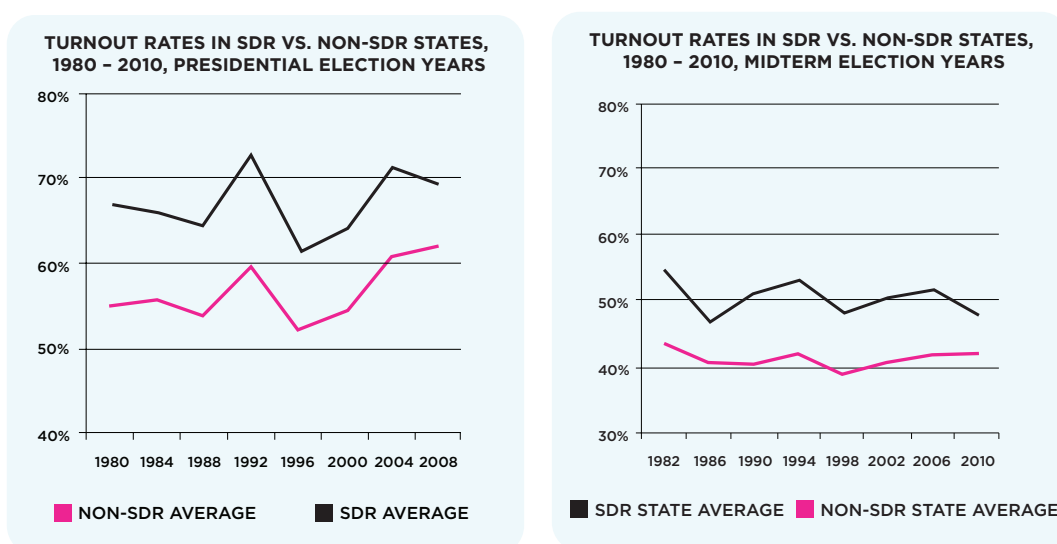
BENEFITS OF SAME DAY REGISTRATION

America is a highly mobile society. According to the US Census Bureau, over 35 million individuals changed residences in 2011.⁷ Many of these individuals fail to register to vote before the registration deadline, and find themselves unable to cast a ballot. Others who have timely submitted their voter registration applications will find on Election Day that their names had not been added to the voter rolls and that their votes will not be counted. Same Day Registration remedies both these problems. Voters simply register to vote on Election Day or during the early voting period, and cast a ballot that will be counted.

States with Same Day Registration show that the system works. SDR states as a group have historically boasted an average voter turnout rate of 10 to 12 percentage points higher than non-SDR states.⁸ Academic studies show that a significant part of this difference is directly attributable to SDR. Experts predict that adoption of SDR can increase turnout by a full three to six percentage points.⁹ And increased voter participation can be achieved without administrative burden or increased incidence of voter fraud.¹⁰

SDR BOOSTS TURNOUT

Over a million Americans used SDR to vote on or before November 4, 2008. Voter turnout was seven percentage points higher in the nine states that permitted registration and voting on the same day in that election.¹¹ The five states with the highest turnout - Minnesota, Wisconsin, Maine, New Hampshire, and Iowa – were all SDR states.¹² And North Carolina, after having recently adopted the reform, boasted record turnout this past presidential election, with 253,000¹³ voters using same day registration, placing that



Source: United States Election Project, <http://elections.gmu.edu/Turnout%201980-2010.xls>.

state at number 19 in the nation after having been historically ranked among the *worst* 15 states for voter participation. That figure represents the biggest increase in voter turnout over all other states. Studies show that “if all states transitioned to [SDR] . . . the national registration rate would increase to almost 82%, a 6% increase over the current national voter registration rate [of 76%].”¹⁴

SDR ELIMINATES UNNECESSARY ADMINISTRATIVE BARRIERS TO VOTING AND REDUCES NEED FOR PROVISIONAL BALLOTS

The requirement to register well in advance of an election is unworkable for many Americans. Many millions of individuals move to a new home or school each year. About one in eight Americans moved during the 2008 and 2010 election years, and were most likely to have registration difficulties at the polls.¹⁶ And with the national economic recession – and the skyrocketing increase in foreclosure rates – more and more Marylanders can expect to be displaced. When you have just moved to, or are jumping from one job to the next while raising a family, registering to vote a month in advance of an election may not be at the forefront of one’s 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 no longer is possible in approximately half the states.”¹⁷

The Pew Center on the States just released a report that 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.”¹⁸ MIT researchers found that problems with registration resulted in 2.2 million votes lost in the 2008 general election¹⁹; another study showed that 5.7 million people faced a registration-related problem that needed to be resolved before voting.²⁰

Administrative accidents happen. After the 2000 presidential election, in which upwards of three million Americans were turned away from the polls because of voter registration problems and registry flaws, the U.S. Congress passed the Help America Vote Act, requiring non-Election Day Registration states to offer provisional ballots to those citizens who believed they had registered but whose names didn’t appear on registration rolls. Use of provisional ballots, though, doesn’t ensure that every vote will count. In the following presidential election, in 2004, over one third of the nearly 2 million provisional ballots cast were not counted.²¹ In 2008, 2 million provisional ballots were again cast; only 1.44 million were counted. And in Maryland in 2008, only 33,311 of 51,163 provision ballots were accepted in full.²²

One can imagine the disappointment a voter feels in finding out his vote did not count. Administrative error can’t be eliminated, but Same Day Registration can help correct for several common mistakes. Evidence exists that purges and failures to input voter registration information abound: during the 2008 presidential election, several states – including Maryland – reported problems in transferring voter registration applications timely submitted to the MVA to local elections officials in time for Election Day.²³ Allowing eligible voters to register and vote on the same day would cut down on the need to vote by provisional ballot, and save voters from the fear that their votes won’t count.

Iowa and North Carolina, the two states that most recently adopted Same Day Registration, saw a steep decline in provisional balloting with SDR – a potential cost savings. Iowa voters cast 15,000 provisional ballots in the 2004, presidential election, before SDR was available. Less than 5,000 provisional ballots were cast in 2008, after SDR was enacted -- a 67% reduction in provisional balloting. 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. Several elections officials also claimed that Same Day Registration helped defuse confrontations with voters whose names were missing from the registration lists – the same people who would have to vote by provisional ballots.²⁴ Without Same Day Registration, the clerk of a New Hampshire town of 30,000 said, “we’d have a lot of unhappy people” at the polls.²⁵

SDR IS A COST-EFFECTIVE WAY TO INCREASE VOTER PARTICIPATION WITH INTEGRITY

Implementing SDR may require little to no additional expenditures. In the last presidential election, the state of Iowa spent less than \$40,000 to introduce Same Day Registration for 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 \$9000 was spent on SDR precinct kits, including registration forms, oath forms, and instructions; and \$1568 was spent on SDR information brochures.²⁶ 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. In a recent Dēmos study, nearly half of the Iowa county respondents reported no direct costs, or only minimal costs associated with Same Day Registration.²⁷ On Election Day, most of the respondent 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.²⁸ 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.²⁹

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.³⁰ Indeed, in a telephone survey conducted by Dēmos 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.”³¹ Where costs did exist, they were used for training and employing additional staff to help with registrations and inputting data in the following days on the permanent voter registration rolls.³² 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.³³

Elections administrators agree that SDR does not invite fraud.³⁴ In fact, the great majority of local elections officials in SDR states who participated in two Dēmos surveys reported that current fraud-prevention measures suffice to ensure the integrity of elections.³⁵ 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 – and those who get caught will certainly pay a penalty.

Current election procedures ensure against significant voter fraud. As a practical matter, few occurrences of voter fraud have occurred. 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.³⁶ And when Attorneys General from both New Hampshire and Wisconsin investigated Election Day votes from the 2004 election, neither found any 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. And the states that have already enacted Same Day Registration are a testament to its benefits. The ease of Same Day Registration increases voters' confidence in the electoral system and makes it more likely that they will vote in future elections.

ENDNOTES

1. SDR states are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming.
2. North Dakota has no statewide voter registration requirement.
3. 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.
4. *Id.*
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. See Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000). See also Frances Fox Piven and Richard A. Cloward, *Why Americans Don't Vote* (New York: Pantheon, 1988).
7. U.S. Census Bureau, Geographical Mobility 2010-2011, Tables 1, available at <http://www.census.gov/hhes/migration/data/cps/cps2011.html>.
8. *Demos: A Network of Ideas and Action*, Voters Win With Election Day Registration (Updated January 2010), available at http://www.Demos.org/pubs/voterswin_feb032010.pdf.
9. See Stephen Knack, "Election Day Registration: The Second Wave," *American Politics Quarterly* 29(1), 65-78 (2001); Knack and White 2000; Craig L. Brians & 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.
10. 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), 565-575 (1997); Lorraine C. Minnite, *An Analysis of Voter Fraud in The United States*, *Demos: A Network for Ideas and Action*, 2004, <http://archive.Demos.org/pubs/Analysis.pdf>; *Demos: 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.
11. *Demos: A Network of Ideas and Action*, Voters Win With Election Day Registration (Updated January 2010), available at http://www.Demos.org/pubs/voterswin_feb032010.pdf. 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_2008G.html.
12. See http://elections.gmu.edu/Turnout_2008G.html.
13. About half registered and voted for the first time; the other half used SDR to change an address and then vote.
14. *Supra*, Alvarez, Ansolabehere, and Wilson, at 15.
15. *Demos: A Network of Ideas and Action*, Voters Win With Election Day Registration (Updated January 2010), available at http://www.Demos.org/pubs/voterswin_feb032010.pdf. 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_2008G.html.
16. 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.
17. 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*).
18. 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.
19. R. Michael Alvarez, Stephen Ansolabehere; Adam Berinsky; Gabriel Lenz; Charles Stewart III and Thad
20. 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.20 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.
21. *Id.*
22. 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.
23. http://voices.washingtonpost.com/annapolis/2008/10/a_word_on_registering_to_vote.html

24. *Id.*
25. *Id.* at 4
26. [Former] Iowa Secretary of State Michael A. Mauro, "Iowa Secretary of State 2008 Report," on file at Dēmos.
27. Laura Rokoff, Emma Stokking, Small Investments, High Yields: A Cost Study of Same Day Registration in Iowa and North Carolina, Dēmos: A Network for Ideas & Action (forthcoming February 2012).
28. *Id.*
29. *Id.*
30. *Supra*, Alvarez, Ansolabehere, and Wilson.
31. Dēmos: A Network for Ideas and Action, Election Day Registration: A Ground-Level View, available at http://www.Dēmos.org/pubs/EDR_Clerks.pdf
32. *Id.*
33. *Id.*
34. Lorraine C. Minnite, *The Myth of Voter Fraud* (Ithaca, NY: Cornell University Press, 2010); Dēmos: A Network for Ideas & Action, Election Day Registration: "A Study of Voter Fraud Allegations and Findings on Voter Roll Security," available at <http://www.Dēmos.org/publication/election-day-registration-study-voter-fraud-allegations-and-findings-voter-roll-security>.
35. Dēmos: A Network for Ideas and Action, Election Day Registration: A Ground-Level View, available at http://www.Dēmos.org/sites/default/files/publications/EDR_Clerks.pdf.
36. Lorraine C. Minnite, *The Myth of Voter Fraud* (Ithaca, NY: Cornell University Press, 2010); Dēmos: A Network for Ideas & Action, Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security, available at <http://www.Dēmos.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.

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