

ELECTION DAY REGISTRATION: STRENGTHENING DEMOCRACY

A Policy Brief by the Center for State Innovation

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DISCUSSION

Minorities, the poor, the young, the less educated, and the geographically mobile are disproportionately less likely to register to vote for a variety of reasons, including a lack of knowledge about registration deadlines.

Most states require voters to register three to four weeks before an election. This requirement conflicts with the political reality that voter interest peaks in the final weeks of any given campaign. As a result, new voters mobilized at the end of a campaign are effectively prevented from voting as a result of restrictive registration laws.

Some voters are made ineligible to vote due to human error. For example, a municipal official dealing with mail-in registrations could make a mistake while transferring the registration information to a computer. In a case such as this, the person trying to register would be ineligible to vote, but would not know it until Election Day, at which point it would be too late to register.

EDR allows eligible voters to register to vote on the same day that they cast their ballot. This eliminates several structural barriers to voter participation.

EDR also reduces the incidence of human error. With EDR, the voter is present when the registration information is recorded, ensuring that accurate information is used.

Finally, Election Day registration will benefit the constituencies that have the lowest participation levels. Election Day registration makes it easier to participate in elections, thereby helping to increase voter turnout among underserved populations.

COSTS

Implementing EDR creates no significant cost for states, and local costs associated with the heavier turnout are also relatively small. Even these minimal costs would be minimized, however, as state and local governments computerize voting lists and registration becomes correspondingly easier.

There is no precise estimate of the cost to local governments of employing additional poll workers to accommodate same day registrations. This is primarily because the number of new registrants would vary widely depending on the particular election, the population of the municipality where the polling place is located, and the percentage of the eligible population that is already registered.

In 2006 Demos estimated that the cost of implementing Election Day registration would be between zero and 250 dollars per precinct.

Even if states did not provide funding for implementation of EDR, they could avoid saddling municipalities with an unfunded mandate by helping local governments receive federal grants that can be used to cover the costs of registration.

About CSI

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A non-partisan, not-for-profit institution, CSI provides many types of assistance to state executives interested in implementing progressive policies.

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PUBLIC PERCEPTION

In general terms, there is widespread support for increasing participation at the polls. According to a report by The Century Foundation, 73 percent of the individuals surveyed in a 1999 poll agreed that government would be likely to work better if more people voted. Similarly, 94 percent of individuals responding to a 2005 poll agreed that, “As a society, we should do all we can to make it as convenient as possible for eligible citizens to vote.”

According to a briefing by electionline.org, a 2001 poll on the topic of Election Day registration found that 64 percent of non-voters said that they would be more likely to vote if they were allowed to both register and vote on Election Day. Conversely, in 2002, voters in both California and Colorado voted against the adoption of Election Day registration in their states. In California, Proposition 52 failed by a margin of 20%. Voters were amenable to the opposition’s argument that EDR would “make it easier for criminals and non-citizens to vote.” This common misconception is addressed in the next section.

The impact of EDR on voter turnout has been significant. According to The Century Foundation, voter turnout in states with EDR was 9.6% higher (at 70.1% turnout) in the 2004 election than in states without EDR (at 60.5% turnout). In 2008, states with EDR maintained a 70% voter turnout rate, which was 7.9% higher than states without EDR (See chart below).

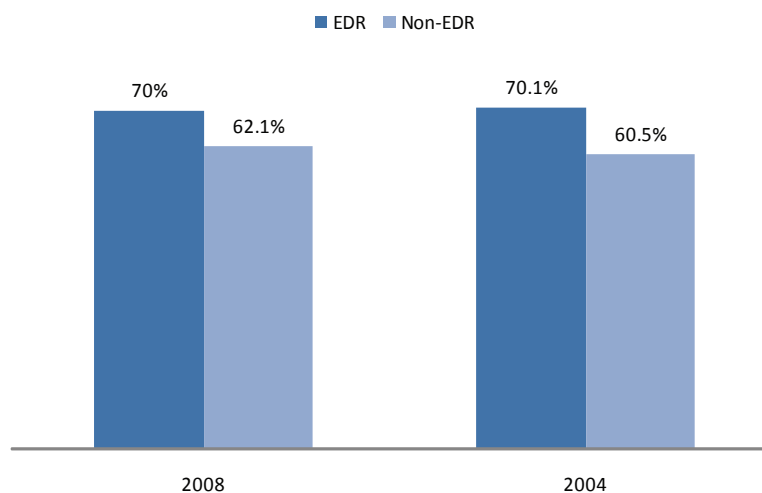
EDR Facts

- Turnout rates in EDR states are significantly higher than the national average.
- The top four states for turnout in 2004 and 2008 – Minnesota, Wisconsin, Maine, and New Hampshire – were all EDR states.
- Implementing EDR nationwide could increase turnout by as much as 7 percent in the average state.

Source: United States Election Project and “Expanding the Vote: The Practice and Promise of Election Day Registration”

CHART

Voter Turnout in EDR and Non-EDR States



Source: United States Election Project

TALKING POINTS

Won't EDR make it easier to commit voter fraud?

There is no evidence that easier registration procedures facilitate voter fraud. Moreover, there is good reason to believe that EDR may actually deter fraud. First, EDR allows election officials to oversee directly the registration process, as opposed to registrations that may take place in other government offices like a department of motor vehicles. Second, the requirements for registering to vote on Election Day are the same as the requirements for registering to vote before the election. New voters must still provide proof of residency and identity. Some states even require proof that the registrant has resided in the state for a given length of time. Third, voting more than once is a crime in most states, so individuals trying to vote multiple times are subject to prosecution. The use of statewide-computerized voter databases will deter multiple voting, since such databases make it more likely for a cheater to be caught. Finally, states can use post-election audits to check for any irregularities associated with voters who register on Election Day.

Isn't EDR difficult to administer?

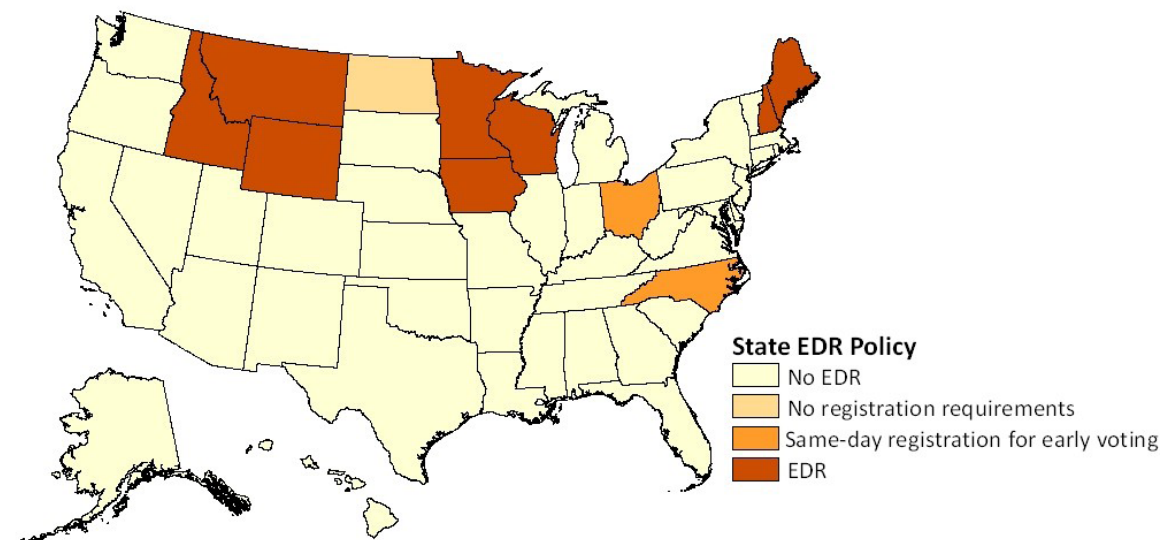
EDR does increase the amount of work that is needed to be done at the polling place, but states that allow EDR show this work to be a manageable burden. In most elections, where turnout regrettably falls below 50%, polling officials will often already have the time needed to register new voters. Only in the occasional high turnout election does the issue of burden

even arise. And even when EDR does impose additional work on polling officials, computerization of voter lists can offset the impact by reducing overall administrative difficulties.

Some states with same-day registration have attempted to avoid congested polling places by separating new registrants from already registered voters. Administrative difficulties can also be avoided by trying to predict turnout beforehand, encouraging voters to cast their ballots during off-peak hours (typically, from mid-morning through mid-afternoon), and ensuring that there are adequate numbers of well-trained staff on hand. Finally, EDR actually helps to remedy some of the unanticipated administrative difficulties associated with the implementation of the Help Americans Vote Act of 2002. One intent of this legislation was to safeguard voter rights by guaranteeing that all potentially eligible voters have an opportunity to cast a ballot. Many of these were provisional ballots, but in practice, provisional ballot systems exacerbate the problem of procedural disenfranchisement by throwing out a significant number of provisional ballots after the election. Allowing voters to register on Election Day eliminates the need for provisional ballots.

WHO ELSE IS DOING IT?

Eight states currently offer same-day registration: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming, according to Demos. In addition, North Dakota has no formal registration requirements and North Carolina and Ohio allow same-day registration for early voting.



SPOTLIGHT ON INNOVATION

Ohio: Ohioans may register and vote on the same day due to a five-day overlap between the absentee voting period and the 30-day registration deadline. Secretary of State Jennifer Brunner issued a directive that Ohioans may register and vote absentee on the same day during this period. The Ohio GOP and a Republican lawmaker filed a federal suit challenging Brunner's directive. The Ohio Supreme Court decided in favor of the same-day registration in *State ex rel. Colvin v. Brunner*.

North Carolina: Although not technically an EDR state, North Carolina is a recent addition to the growing number of states attempting to eliminate the hurdles voters face when seeking to register and vote. On July 20, 2007, Governor Mike Easley signed a bill allowing same-day registration during North Carolina's early voting period (19 to 3 days before the election).

Iowa: Following up on efforts that began when he was Secretary of State, Governor Chet Culver signed a bill in 2007 that allows voters in Iowa to register and vote on election day. A recent Demos study indicates that the implementation of EDR in Iowa will likely increase turnout in Iowa by nearly 5 percentage points.

WHAT CAN YOU DO?

Switching to EDR requires legislative action. One way in which state executives can facilitate this process is by forming an elections reform task force or study commission. This proved to be a popular policy option in the wake of the 2000 election crisis when a number of states began to undertake a variety of widespread election reforms. For state executives interested in pursuing legislation, recent examples suggest that there are several ways of implementing an EDR or EDR-type plan:

- **North Carolina** allows same-day registration during its early voting period on the condition that these voters vote at a one-stop site, such as a county board of elections office, using a retrievable absentee ballot.
- **Iowa** allows EDR on the condition that voters show photo ID, provide proof of residency, and sign an oath.
- **Montana** allows EDR on the condition that EDR voters register and vote at their local county election administrator's office.

The recent experience in Iowa suggests passing EDR legislation requires strategic organizing and lobbying, positive media coverage, and effective public education and communication. The success of the EDR bill can also be attributed to proponents' ability to work with state election officials – namely, the Secretary of State – and avoid generating opposition amongst county elections administrators. The lack of opposition from election officials was due in part to the decision to proactively address the types of administrative concerns discussed above in the Talking Points section.

RESOURCES

Policy Reports

The Century Foundation

- "Improving Voter Participation"
www.tcf.org/Publications/electionreform/wangsoa6-29-06.pdf
- "Reforming the Voter Registration System"
www.tcf.org/Publications/Electionreform/voterregbrief-072302.pdf

Demos

- “A Fallible ‘Fail Safe’: An Analysis of Provisional Balloting Problems in the 2006 Election”
www.demos.org/pubs/failsafereport.pdf
- “Anatomy of a Successful Campaign for Election Day Registration in Iowa”
www.demos.org/pubs/iowaanatomy.pdf
- EDR Toolkit
archive.demos.org/pubs/EDR%20Toolkit%20070506.pdf
- “Election Day Voter Registration in Iowa”
archive.demos.org/pubs/updatedIOWA.pdf
- “Expanding the Vote: The Practice and Promise of Election Day Registration”
archive.demos.org/pubs/EDR_-_Expanding_the_Vote.pdf
- “Ohio to Have Version of ‘Same Day Registration’ for Early Voting”
www.demos.org/press.cfm?currentarticleID=B95C17D3%2D3FF4%2D6C82%2D5DDFC069E507AFA4
- “Same Day Registration in North Carolina”
archive.demos.org/pubs/%20updated%20NC.pdf
- State ex rel. Colvin v. Brunner, Slip Opinion No. 2008-Ohio-5041
www.sconet.state.oh.us/rod/docs/pdf/o/2008/2008-ohio-5041.pdf
- “Testimony on Election Day Voter Registration”
archive.demos.org/pubs/Rapoport%20EDR%20testimony%20-%2011-09-07-%20FINAL.pdf

electionline.org

- “Election-Day Registration: A Case Study”
www.pewcenteronthestates.org/uploadedFiles/Election%20Reform%20Briefing%2016;%20Election-Day%20Registration%20A%20Case%20Study.pdf

United States Election Project

- 2008 General Election Turnout Rates
elections.gmu.edu/Turnout_2008G.html

State Programs

Iowa

- Election Day Registration
www.sos.state.ia.us/pdfs/elections/EDRbrochure.pdf

Montana

- Secretary of State
sos.mt.gov/elb/voter_information.asp

North Carolina

- Voter Registration Information
www.sboe.state.nc.us/content.aspx?id=23