

The Case for Voter Registration Modernization

BRENNAN
CENTER
FOR JUSTICE

at New York University School of Law

WHAT IS VOTER REGISTRATION MODERNIZATION?

In the wake of Election 2012, we need basic national standards to minimize long lines at the polls and ensure that every eligible American who takes responsibility to vote is properly registered and can cast a ballot that counts. Voter Registration Modernization is a key reform to achieve these goals.

- It establishes voluntary, automated registration of all consenting citizens when they interact with a wide range of government agencies.
- It makes registration portable, keeping voters on the rolls even when they move.
- It provides fail-safe procedures to ensure that eligible voters whose information is not on the rolls or not up to date can correct the information online or at the polls.
- It offers states federal funding to make necessary technological upgrades.

The benefits are substantial:

- It boosts election integrity, providing safeguards against hacking and curbing the potential for fraud.
- It could help bring up to 50 million eligible voters into the political process.
- It costs less than the current paper-based system.

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INTRODUCTION

This nation was founded, in the Declaration of Independence, with the proclamation that we are all “created equal.” Civic equality is at the core of the American creed. On Election Day 2012, the world’s greatest democracy once again showed its power. But Election Day was marred. Citizens who took the responsibility to vote had to stand in lines as long as seven hours. For far too many voters, these delays happened because of problems with the voter registration system. In our national elections, *millions* of eligible citizens arrive at the polls each election only to find their names are not on the voter rolls — often, wrongly deleted.

Today, the greatest barrier to free, fair, and accessible elections is our ramshackle voter registration system. The current system is based on a blizzard of paper records. Rife with errors, it causes disenfranchisement, confusion, bloated rolls, and long lines on Election Day. It is unacceptable for America to rely on an outdated system that prevents millions of eligible voters from casting a ballot that counts.

The United States needs a new paradigm for how we register voters. Fortunately, a nonpartisan, common-sense solution is within our grasp: Congress should enact basic national standards to ensure that every citizen who takes responsibility to register and vote can actually vote. **Voter Registration Modernization (VRM)**, at the heart of such reforms, would help give Americans the election system they deserve.

Voter Registration Modernization requires the government to take responsibility for ensuring that every eligible voter can become and stay a registered voter, using digital technology to pass names of consenting citizens from state agencies to election officials. Citizens would also have the choice to register or update their registration online or at the polls.

VRM would cost less, because computerized records are far easier to keep than today’s chaotic piles of paper. And by increasing the accuracy of our rolls, it would also curb the potential for fraud. VRM provides flexible and secure options for voters from all walks of life to get and stay registered: at government agencies, by mail, or online. And it does so in a way that largely eliminates the errors, frustrations, shenanigans, and bureaucratic snafus that plague the current system.

- Up to 50 million eligible American citizens would be added to the rolls permanently.
- States would save money on election administration.
- The accuracy of our voter rolls would be increased, curbing opportunities for fraud.

Our election system should offer the convenience, flexibility, and security that Americans demand from their banks and their retirement accounts. Every American citizen — whether retired in rural America, living in a high-tech city, studying on campus, or stationed in Afghanistan — should have a fair and equal opportunity to get, and stay, registered to vote. When you move, your registration should move with you. If you're an eligible voter you should be a registered voter — period.

Voter Registration Modernization offers a common-sense, non-partisan opportunity to increase both civic participation and election integrity. It embodies the best of American values: choice, freedom, opportunity, and mutual responsibility. Citizens must take the responsibility to vote, but government should do its part by clearing bureaucratic obstacles to the ballot box. Voter Registration Modernization would vastly improve American democracy.

I. The Problem: A Voter Registration System Plagued With Errors

Our voter registration system has not kept pace with modern America. Still based largely on paper, the system is plagued with errors. These errors create needless barriers to voting, frustration, and long lines at the polls. They also give rise to fears about the system's security. According to the Pew Center on States:

- One in four eligible citizens is not registered to vote.
- One in eight registrations in the United States is invalid or significantly inaccurate.
- One in four voters wrongly believe their registration is automatically updated when they change their address with the Postal Service.¹

The voter registration system is the largest single obstacle to full participation in American democracy. A 2001 task force chaired by former Presidents Jimmy Carter and Gerald Ford concluded, “The registration laws in force throughout the United States are among the world’s most demanding...[and are] one reason why voter turnout in the United States is near the bottom of the developed world.”² American voters fall off, or are pushed off, the rolls. They fail to meet the specific rules or deadlines of their particular state. And they drift further away from electoral participation.

The scale of the problem is enormous. More than 50 million Americans — about one in four eligible citizens — are not registered. While some choose not to, many more try and fail or drop off the rolls. In 2008, according to Harvard political scientist Stephen Ansolabehere, up to 3 million voters who *thought* they were registered showed up to the polls, only to be turned away or told their votes would not count because of registration problems.³

The current system fails to reflect our modern and mobile society. One in six Americans moves every year. Because their registrations do not move with them, voters risk falling off the rolls after a change of address, even within state lines. A study by Harvard’s Thomas Patterson noted a full one-third of unregistered voters were those “who had moved and hadn’t re-registered.”⁴ Yet, even if every one of those voters changed their address with another government agency, that information never filters through to the registration file.

The lack of portability doesn't just harm voters. It also creates duplicate registrations on our rolls, with opportunities for fraud and error. Placing the burden of registering and re-registering on individual citizens makes it harder to keep lists accurate. Election experts and observers of all political stripes note that voter roll errors lead to confusion, delays at the polls, and wrongful exclusion of eligible citizens on Election Day. Others worry that bloated, outdated lists create the potential for fraud and manipulation. "The inability of this paper-based process to keep up with voters as they move or die," the Pew Center found, "can lead to problems with the rolls, including the perception that they lack integrity or could be susceptible to fraud."⁵ For example, Pew found that there were approximately 2.75 million people who have registrations in more than one state.

And the costs of maintaining this antiquated system are substantial. Election administrators must process each paper form manually. The volume is massive: Between 2006 and 2008, states received more than 60 million registration forms, most on paper.

According to a Pew study, Oregon alone spent nearly \$9 million on paper-based registration in 2008, which translates to \$7.67 per registration and \$4.11 per registered voter.⁶ Were these costs extrapolated nationwide, the United States may have spent around \$700 million on 174 million active voter registration records. At a time when states face financial crises, we should not be spending 12 times what Canada spends per voter on registration — getting far inferior results.

Voter registration in 21st century America is a 19th century relic. At a time when smart phones and online banking are commonplace, a paper-based system just does not make sense for voters, and creates headaches for election officials. Perhaps no other government system is so antiquated, so bureaucratic, and so rife with error. Fortunately, there is a better way.

II: The Solution: A Modern System for All Americans

To strengthen voting and modernize registration, we need a fundamental change: More responsibility for voter registration must be shared by the government. It should be the obligation of the government to ensure that all eligible Americans are registered and able to cast a vote on Election Day if they take the responsibility to do so. This would be vastly beneficial for voters and election officials alike. Registration and participation rates will rise, and the rolls will be more accurate.

Here's what Voter Registration Modernization looks like:

- It establishes voluntary, automated registration of all consenting citizens when they interact with a wide range of government agencies.
- It makes registration portable, keeping voters on the rolls even when they move.
- It provides fail-safe procedures to ensure that eligible voters whose information is not on the rolls or not up to date can correct the information online or at the polls.
- It offers states federal funding to make necessary technological upgrades.

The benefits are substantial:

- It boosts election integrity, providing safeguards against hacking and curbing the potential for fraud.
- It could help bring up to 50 million eligible voters into the political process.
- It costs less than the current paper-based system.

For voters, the process would be seamless. Instead of the system acting as an obstacle, the government would seize every opportunity to ensure that consenting citizens are registered whenever they interact with government. The goal is to achieve fuller participation in our democracy — and an accurate system that is easier to administer.

A. Automated Registration

The first step to a modern system is providing for automated, electronic registration in the states. A federal bill should create a system in which all citizens will be offered the opportunity to update their voter information whenever they visit the offices of state or federal government agencies. When an eligible voter gives information — for example, to get a driver's license, receive Social Security benefits, apply for public services, register for classes, or become a naturalized citizen — the transaction will offer each individual the choice to provide this information for registration purposes. No separate process or paper form is required. Once a voter confirms she is an eligible

citizen, and wishes to be registered, all the information already given to the agency will double as a voter registration update. Under this new system, registration is still entirely voluntary — no citizen will be added to the rolls without her consent. Local election officials will continue to police applications for eligibility and error — no one will be registered if a local election official determines she is ineligible.

Once a voter consents, the necessary information would then be securely and confidentially transmitted to election officials to add to the statewide voter database. Election officials would send eligible citizens a notice that their registration has been accepted, providing a receipt and confirmation for any electronic transaction. Under this system, every American who would like to be registered will have the opportunity to do so, every voter who thinks she has registered will actually become registered, and every voter will be able to count on registration records that are accurate and error-free.

B. Portable Registration

The second component of Voter Registration Modernization really brings the system into the modern age: portability. Once a voter is on the rolls, she would be permanently registered. Every time she moves, her registration would move with her. As with automated registration, any time a consenting citizen changes her address with a broad set of government agencies, such as state DMVs, the Social Security Administration, or the Post Office, that information would be updated in a voter file. As with any new registration, this update is entirely voluntary, and the system would generate a notice to the voter of any change.

In this day and age, we have the technology to ensure that no voter loses the right to vote just because she moves. Once a citizen is registered, she stays registered. And we can all be confident in voter rolls that are far more accurate and up to date.

C. Online Voter Registration and Correction System

A modern election system offers every citizen the choice to register and make updates online. Federal law should require each state to create a secure and accessible online portal that every eligible voter can access. If the voter is not yet registered, the online system would prompt all information needed to complete a registration, just as voters currently do on paper. If the online system finds a match, the system would prompt the voter to enter any address change, correction, or missing information, such as party affiliation. Registered voters could also use the portal to view their records and

polling locations, making it a full-service, one-stop shop for everything a citizen needs to cast a ballot that counts.

Voters deserve convenience, flexibility, and choice. Consumers routinely shop, bank, change their address, and renew licenses online. And we regularly use online systems to ensure our information is accurate and up to date. Americans should demand no less for the fundamental right to vote.

D. Fail-Safe Registration and Correction to the Voter Rolls

Even under the best and most modern list-building system, some errors are bound to happen, and some voters will fall through the cracks. Any modern registration system must include fail-safe procedures to ensure that eligible citizens can correct mistakes on their voter records at the polls. One highly successful option is same-day registration, which would allow every eligible voter to register and vote on Election Day and during early voting. This ensures that voters do not bear the brunt of government mistakes, and it has significantly boosted turnout in every state that has adopted it. With Voter Registration Modernization, this fail-safe would rarely be used, because the rolls would be far more complete and accurate than today.

No eligible American should lose the right to vote because of errors or omissions on the rolls. These fail-safes provide a corrective to problems with the registration system and ensure that citizens who take the responsibility to vote can do so.

E. Federal Investment in Voter Registration

Voter Registration Modernization requires a national mandate to ensure basic national standards for our registration system and to protect every American's right to vote. Congress should provide sufficient national resources to help states complete the transition to a modern system. Much of the work is already done: With federal support, all states now have (or will soon have) the primary technological building block of a modern system — a computerized voter registration database. Federal support for modernization should cover all elements of the reform, including upgrades for automated and portable registration, a full-service online voter portal, and fail-safe procedures at the polling place. And it should cover ongoing maintenance and support for new technologies.

A small investment of resources will yield ongoing savings to the states that will outstrip the costs in a very short time. Rarely are such dramatic benefits available from such a modest investment in our democracy.

III: The Benefits: Modernized Voter Systems Work, and Work Well

Elements of Voter Registration Modernization are already in place throughout the nation. They have produced dramatic benefits for voters, election officials, and the system itself.

Twenty-two states have already automated the transmission of voter registrations at state DMVs. In many of these states, the entire process is paperless, so that all information election officials need is transmitted electronically and uploaded into their databases, saving personnel costs and preventing human error. Eight states have systems of portable registration that allow voters who move to cast valid ballots even if they do not update their records before Election Day. Ten states have enacted laws providing for Election Day registration, allowing eligible citizens to register or update their records on Election Day. Sixteen states now offer online registration or will soon do so. And most states (34) allow citizens to access their registration information online.

Combined, these states account for the vast majority of the U.S. population. These systems already serve more than half of the country — registering both Republicans and Democrats, and serving voters living in urban and rural areas alike. Other major democracies also provide encouraging examples of what happens when government assumes the responsibility of getting and keeping citizens on the rolls. Canada, which shares our decentralized federal system, provides the most relevant analog: 93 percent of eligible citizens are registered to vote, compared to 68 percent of Americans as of the last Census report. Great Britain, France, Australia, and other democracies also enlist the government to ensure that eligible citizens are registered.

Voter Registration Modernization works. Here are examples of the benefits of modernization in practice.

A. Increased Registration Rates

VRM could add millions of eligible Americans to the rolls. Existing models in the states demonstrate that each element of VRM — automated and portable registration, same-day registration, and online access — increases registration rates.

Automating the transfer of digital voter data at government agencies at least doubles registration rates at those agencies. For example, Kansas and Washington began automatically sending information from the DMV to election officials in 2008. Within a year, DMV registrations nearly doubled. Rhode Island and South Dakota produced even more dramatic results. The Ocean State automated its system in August 2005. Previously, it had averaged 906 registrations per month. In the first full year of the automated system, registrations jumped to a monthly average of 2,004 — a 221 percent increase. In South Dakota, DMV registrations grew at least seven-fold from the pre-automation year of 2003 to the post-automation year of 2008.

Making registration portable produces similar benefits. Studies by political scientist Michael McDonald determined that if we allowed registration to follow voters when they move, turnout would increase by as many as 2 million.⁷

A robust VRM plan also includes full same-day voter registration, which has markedly boosted turnout. Because some states have offered the choice of same-day registration for nearly 40 years, its benefits are clear and well-documented. States with same-day registration have consistently seen higher turnout than states without: Same-day registration states in 2004 averaged a 12 percent higher turnout rate than non-same-day registration states, and 7 percent higher turnout in 2008.⁸ It also provides a fail-safe for voters who discover errors on their records — they can simply re-register and cast a full ballot at the polls.

Finally, letting citizens register online increases access and expands the electorate. Online registration is critically important for reaching 18-24 year-olds, who typically sign up at substantially lower rates than older adults. Arizona began online registration in 2002. Registration rates for 18-24 year-olds doubled from 29 percent to 48 percent in 2004, and 53 percent in 2008. In California, where a new online system preceded an all-time high voter registration rate in the state, those who signed up online had the most diverse party affiliation of any group of registrants.⁹

Increasing registration rates and improving the accuracy of records will help boost civic participation. A citizen who is not registered — or whose name has fallen off the voter rolls — cannot participate in elections. Campaigns and community groups typically reach out to newly registered voters. Such outreach has been proven to increase civic participation. Improving the process also protects against wrongful disenfranchisement. We know 2 to 3 million Americans tried to vote in the 2008 presidential election but could not due to registration problems. Under VRM, every single one of those millions of voters who showed up to the polls would have been able to cast a ballot that counts.

B. Accuracy Increases

Voter Registration Modernization makes voter rolls more accurate and current. Digital systems vastly improve on the ramshackle paper process that has created 24 million flawed registrations.

The benefits happen for two key reasons. First, automated processes leave less room for human error — whether due to bad handwriting, the mishandling of paper forms, or manual data entry. Second, with voters constantly sending more real-time information and address changes to the system, outdated or duplicate registration records can be found and eliminated.

State officials found that the accuracy of their rolls has gone up significantly since taking steps to modernize. In 2009, officials in Maricopa County, Arizona, took a survey of incomplete or incorrect registration forms. Even though only 15.5 percent of registration was done through paper forms, more than half of those containing incomplete, inaccurate, or illegible information were paper forms. This means that paper registrations are *five times* more likely to have errors than electronic files. Craig Stender, who formerly worked in the Arizona Secretary of State’s office on information technology, said that, as a result of automation, his office received “far, far fewer calls” in 2008 than it had in previous presidential election years. Every state to have taken key steps to modernize has reported benefits for voters and election processes alike.

The benefits of more accurate rolls are hard to overstate. Accurate rolls help election officials administer elections with confidence, and critically, prevent unnecessary disenfranchisement at the polls. Chris Nelson, South Dakota’s former secretary of state, said he believed automated DMV registration helped reduce the number of provisional ballots cast. Additionally, officials report that automation has reduced the number of people who show up on Election Day to find their names are not on the rolls.

Finally, increasing accuracy means decreasing opportunities for fraud in our election system. With voter rolls constantly updated by public agencies, there is no need for partisan election officials to undertake controversial purges. Further, getting rid of bloated voter lists that may contain deceased or ineligible individuals will curb fears of the potential for election fraud.

C. States Save Money

Modernizing also cuts costs. Election officials say it takes half the time or less to process electronic forms instead of paper. In addition, digital registration saves on printing and

mailing costs, and allows election officials to automate voter verification processes like address confirmation. Real-time updates from voters also allow elections officials to create and review records on a regular timetable — in stark contrast to the tidal wave of paper forms that is now commonplace in the weeks before an election. All of these benefits lead to more sensible election administration, reduced personnel costs, and savings on printing, mailing, and lost paper.

Maricopa County, Arizona’s modernized registration system, which includes fully-automated transmission of voter registration at its DMVs, has produced significant cost savings. The county, with a population larger than 23 states, spends only 3 cents to process an electronic registration, compared with 83 cents for a paper form. The county estimates it saved more than \$450,000 in registration costs in 2008 alone. Other states are seeing similar savings — immediately. Delaware saved more than \$200,000 in the first year it fully automated DMV registration. Washington’s State Board of Elections saved more than \$126,000 in 2008 alone, and its counties saved even more.

Start-up costs are relatively small. It typically takes a state one year to implement a paperless system. It cost Arizona \$130,000. Washington, which has an unusually decentralized voter database, spent a total of \$279,000, including all costs at the county-level. Oregon spent \$200,000 for online registration — the same amount it formerly spent in one election cycle to print paper forms. These are costs that can and should be offset by modest grants from the federal government.

Each element of Voter Registration Modernization already has begun to work for more than half of the country. VRM increases registration rates, cuts costs, and increases accuracy. It is time for the government to take the responsibility to implement a fair, cost-saving, and accurate system that benefits *all* American voters.

IV: Congress Can Act

The good news is that Congress already has a clear path forward to Voter Registration Modernization. VRM is the core policy reform of the Voter Empowerment Act, introduced by Reps. John Lewis (D-Ga.), James Clyburn (D-S.C.), and Steny Hoyer (D-Md.) in the House, and Sen. Kirsten Gillibrand (D-N.Y.) in the Senate. The legislation is a comprehensive approach to bringing the voter system into the 21st century.

States that have modernized their systems in the past decade did so with bipartisan and non-partisan support, and politicians of all stripes have sung its praises. Congress should follow in these footsteps and act — now — to offer all eligible American voters the election system they deserve. The Voter Empowerment Act offers a common-sense opportunity to improve our elections, increasing both voter participation and the integrity of our election system.

- ¹ PEW CENTER ON THE STATES, *INACCURATE, COSTLY AND INEFFICIENT: EVIDENCE THAT AMERICA'S VOTER REGISTRATION SYSTEM NEEDS AN UPGRADE* 7 (2012), *available at* http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Election_reform/Pew_Upgrading_Voter_Registration.pdf.
- ² NATIONAL COMMISSION ON ELECTION REFORM, TASK FORCE ON THE FEDERAL ELECTION SYSTEM, *TO ASSURE PRIDE AND CONFIDENCE IN THE ELECTORAL PROCESS* 3 (2001), *available at* <http://election2000.stanford.edu/task.force.report.8.2001.pdf>.
- ³ Stephen Ansolabehere, *Testimony before the U.S. Senate Rules Committee* (March 11, 2009), *available at* http://vote.caltech.edu/sites/default/files/03112009Ansolabehere_Testimony.pdf.
- ⁴ THOMAS PATTERSON, *THE VANISHING VOTER: PUBLIC INVOLVEMENT IN AN AGE OF UNCERTAINTY* 178 (2002).
- ⁵ *INACCURATE, COSTLY AND INEFFICIENT*, *supra* note 1, at 3.
- ⁶ PEW CENTER ON THE STATES, *THE REAL COST OF VOTER REGISTRATION: AN OREGON CASE STUDY 1* (2010), *available at* http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Election_reform/The_Real_Cost_of_Voter_Registration.pdf?n=9257.
- ⁷ Michael P. McDonald, *Portable Voter Registration*, 20 *POLITICAL BEHAVIOR* 499 (2008).
- ⁸ DEMOS, *VOTERS WIN WITH SAME DAY REGISTRATION* (2010), *available at* http://www.demos.org/sites/default/files/publications/VotersWinSDR_2010_Demos.pdf.
- ⁹ UC DAVIS CALIFORNIA CIVIC ENGAGEMENT PROJECT, *CALIFORNIA'S 2012 ELECTORATE: THE IMPACT OF YOUTH AND ONLINE VOTER REGISTRATION* (2012), *available at* http://regionalchange.ucdavis.edu/projects/ccep-policy-briefs/UCDavis_CCEP_Brief_-3_Youth_Online_Voter_Reg_Final_Dec_26.pdf.

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LEARN MORE ABOUT VOTER REGISTRATION MODERNIZATION

To learn more about Voter Registration Modernization, please visit the Brennan Center’s website: www.brennancenter.org.

Please learn more in these publications:

Voter Registration in a Digital Age

By Christopher Ponoroff, edited by Wendy Weiser (7/10)

This report is the first in-depth survey of these registration innovations — “automated” voter registration, in which government offices like DMVs collect and transfer voter registrations electronically, and online voter registration, in which citizens submit voter registration applications over the Internet. Based on documentary research and interviews with election officials in 15 states, this report explains how paperless voter registration works, reviews its development, and assesses its impact.

Available at: http://www.brennancenter.org/content/resource/voter_registration_in_a_digital_age/

Expanding Democracy: Voter Registration Around the World

By Jennifer Rosenberg with Margaret Chen (6/09)

This report examines voter registration systems in Canada and its provinces, France, Great Britain, Argentina, Australia, Mexico, and other nations. In all, it examines how 16 countries create and keep voter lists. Many of the nations studied are similar to ours in diverse populations, cultural values, and government structures. Their experiences show the clear benefits to voters, overall taxpayer savings, and best practices that can be employed in the United States as Congress drafts reform legislation (and some pitfalls) of concerted reform.

Available at: http://www.brennancenter.org/content/resource/expanding_democracy_voter_registration_around_the_world/

Voter Registration Modernization: Collected Reports and Papers

By Wendy Weiser (10/09)

This compendium presents a sampling of 10 of the Brennan Center's recent publications, which contribute intellectual ballast to the bipartisan movement to modernize voter registration. The papers expose problems and offer solutions, identify real-world models, and offer tangible next steps to improve our registration system for both voters and election officials.

Voter Registration Modernization

By Wendy Weiser, Michael Waldman & Renee Paradis (01/09)

This original proposal set out the contours of Voter Registration Modernization.

Available at: http://brennan.3cdn.net/b75f13413388b2fcc_ynm6bn1l2.pdf

Voting Law Changes: Election 2012 Update

By Wendy Weiser and Diana Kasdan (10/12)

The dramatic national effort to restrict Americans' voting rights was met this year with an equally dramatic pushback by courts, citizens, the Department of Justice, and farsighted public officials. What does a survey of the landscape one week before Election Day 2012 now show? Strikingly, nearly all the worst new laws to cut back on voting have been blocked, blunted, repealed, or postponed. Laws in 14 states were reversed or weakened. As a result, new restrictions will affect far fewer than the 5 million citizens we predicted last year. For the overwhelming majority of those whose rights were most at risk, the ability to vote will not be at issue on November 6th.

Available at: http://www.brennancenter.org/content/resource/voting_law_changes_election_update/

Return to Common Sense: Seven Bold Ways to Revitalize Democracy

By Michael Waldman (Sourcebooks: 2008)

This Brennan Center book first launched the discussion of modernizing voter registration. Doris Kearns Goodwin called the book “a call to arms, which everyone who cares about our democratic system should read, absorb, debate, and then use as a signpost for change.” Jonathan Alter wrote, “With Thomas Paine’s gift for brilliant brevity, Michael Waldman tells us exactly what’s wrong with our democracy and exactly how to fix it in the time it takes to watch a movie.”

Available at: <http://www.amazon.com/Return-Common-Sense-Revitalize-ebook/dp/B0024CEZSK>

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