

**Testimony of
The Brennan Center for Justice at NYU School of Law
Regarding Amendment 2 to
House Bill 105/Senate Bill 2736
Before the House Executive Committee
May 30, 2014**

The Brennan Center for Justice at NYU School of Law¹ submits this testimony with regard to Amendment 2 to HB105 to the House Executive Committee.

Although the legislation in its current form may move Illinois' system of election administration in a positive direction, we urge the Committee to strengthen the bill by including additional provisions to modernize voter registration. Specifically, we ask that the bill:

- Provide for electronic voter registration at a broad range of agencies, including those mandated by the National Voter Registration Act (NVRA) to provide voter registration services;
- Improve access to online voter registration; and,
- Expand opportunities to register and correct the voter rolls on Election Day.

The Brennan Center is a non-partisan law and policy institute that seeks to improve our systems of democracy and justice. We work on a range of issues pertaining to voting rights and elections, including work to improve registration and the design of election materials, remove unnecessary barriers to participation, and make voting machines more secure and accessible. With respect to voter registration, in particular, we have published numerous studies and reports, and have successfully campaigned for reforms to modernize registration in states across the country.

Illinois' Election System is Behind the Curve

Illinois lags behind many states in the area of election administration. In the last presidential election year, for example, the state registered only 73% of eligible individuals, and only 62% cast ballots — below the national average.² The Committee should take this opportunity to bring

¹ This testimony has been prepared by a Center affiliated with New York University School of Law, but does not purport to present the school's institutional views, if any.

² U.S. Census Bureau, Voting and Registration in the Election of November 2012, Table 4a, <https://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html>.

Illinois' voting system into the 21st Century by amending this bill to include other components to modernize the state's voter registration processes.

The current draft legislation could improve the status quo by providing a pathway toward same day registration. Allowing eligible citizens to register and vote at designated locations in the upcoming election, in addition to last year's enactment of online voter registration, could give more people the opportunity to participate.

Modernizing Voter Registration is the Solution

The legislature should seize this moment to comprehensively modernize voter registration with the enactment of electronic registration at government agencies and an improved online voter registration system. Illinois should give eligible citizens who conduct business with government agencies the opportunity to register to vote in a seamless, paperless way, and should make registration tools available to more voters.

Electronic Registration

In accordance with federal law, Illinois already provides voter registration opportunities at the Department of Driver Services and other state agency offices. However, Illinois is in the minority of states that relies entirely on ink and paper registration forms during this process. This clunky, antiquated process leaves off millions of eligible voters, and those registered often have errors in their records — such as misspelled names or mistyped addresses — that prevent them from voting or having their votes counted. The inefficient process also wastes time and money when modern, digital alternatives are available and in use across the country.

There is no reason for the registration process to generate new paperwork when an individual has already provided the information necessary to obtain, for example, a driver's license or veteran's benefits. Instead, with the voter's consent, the agency can electronically transfer the already-collected information — much of which is the same as that needed to complete a voter registration application, along with the information specific to the registration process — directly to election officials.

Electronic registration is more efficient, saving money and freeing up resources for other election administration needs. Maricopa County found it costs only 3 cents to collect and process an electronic registration, as opposed to 83 cents per paper form.³ And other states have reported low one-time startup costs that are quickly offset by the savings — Delaware saved \$200,000 with electronic registration, and Washington's Secretary of State's Office saved \$126,000 in the first year alone, with additional savings to counties.⁴

States with electronic registration consistently find it creates more secure and accurate rolls. Electronic systems reduce problems stemming from paper forms, such as incomplete and illegible information and data entry errors. In 2009, Maricopa County, Arizona examined

³ CHRISTOPHER PONOROFF & WENDY WEISER, BRENNAN CENTER FOR JUSTICE, VOTER REGISTRATION IN A DIGITAL AGE 12 (2010), *available at* http://brennan.3cdn.net/806ab5ea23fde7c261_n1m6b1s4z.pdf.

⁴ *Id.*

registration forms containing incomplete, inaccurate, or illegible information and found that although only 15.5 percent of registrations were done on paper, these accounted for more than half the flawed forms.⁵ This means electronic records were five times less likely to contain errors.

Finally, electronic registration also increases registration rates at the agencies implementing it and facilitates compliance with federal law. Many states that have adopted electronic registration at DMVs experienced a sharp jump in voter registrations (including updates) at those agencies. For example, in South Dakota, electronic registration led to a seven-fold increase in DMV registrations between 2003 and 2008.⁶ When Kansas and Washington began electronically transferring voter information in 2008, DMV registrations nearly doubled.⁷

For all these reasons, electronic registration at voter registration agencies is increasingly popular. Even more convincing, earlier this year, the bipartisan Presidential Commission on Election Administration recommended the use of electronic registration at appropriate state agencies as a best practice in election administration.⁸ At least 27 states have (or soon will have) some form of electronic transmission of voter information at DMVs, and in some states at other voter registration agencies as well.⁹ With the enactment of online voter registration last year, Illinois already has laid the foundation to implement electronic registration, including the ability to transfer and process electronic signatures.

We urge the Committee to include electronic registration as part of this year's election bill. Specifically, we ask that this bill be revised to include electronic transfer not only at the Department of Driver Services, but also at all NVRA agencies, such as the Department of Revenue and the Department of Human Services. In doing so, Illinois could maximize the benefits of electronic registration for voters and election administrators alike, and, more importantly, be a national leader in this field.

Upgrades to Online Voter Registration

The Committee should also take this opportunity to improve the online voter registration system that it will deploy this summer. Specifically, the Committee should upgrade online registration in two key respects. First, the online system should give immediate feedback to users as to whether their registration information could be matched. That way, if there is a problem with the registration, the would-be voter will know about the problem immediately and can take corrective action. Second, the system should be designed to allow more voters to view and update their registration information. Currently, a signature on file with Driver Services is required to register, but already-registered voters should be able to use the system for updates

⁵ *Id.* at 13.

⁶ *Id.* at 15.

⁷ *Id.*

⁸ THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION 30 (2014), available at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

⁹ BRENNAN CENTER FOR JUSTICE, VOTER REGISTRATION MODERNIZATION IN THE STATES, <http://www.brennancenter.org/analysis/voter-registration-modernization-states>.

even if they do not have a signature on file.¹⁰ This will help keep the voter rolls up to date and expand the benefits of online registration to a broader population.

Expanded Election Day Options

Voter-friendly Election Day reforms will be most effective if they allow citizens the maximum opportunity to take advantage of them. When an otherwise eligible individual arrives at a polling place to find s/he is omitted from the voter rolls or that her registration contains errors, that person should be allowed to add or correct her information at the polls and vote a ballot that counts on. States with Election Day mechanisms such as same day registration have shown higher turnout.¹¹ Illinois should join this list of states — not only for 2014, but on a permanent basis.

* * *

Illinois should be commended for taking steps to improve the way it runs elections, but with this momentum in favor of reform, now is not the time to stop. We respectfully request this Committee to report a bill that will bring Illinois' voting system fully into the 21st Century by implementing electronic registration at a broad range of state agencies, by improving online voter registration, and by providing expansive Election Day safeguards. Enacting these reforms would give Illinois a comprehensive, modernized system of voter registration, with benefits to voters and election administrators alike.

¹⁰ Ideally, a signature on file with Driver Services should not be necessary to register to vote online, but the system could be made more accessible for already-registered voters even without requiring this information to register.

¹¹ SAME DAY REGISTRATION, DEMOS, 1 (2013), *available at* http://www.demos.org/sites/default/files/publications/SameDayRegistration-Explainer-Demos_0.pdf.