The Case for
Voter Registration
Modernization in 2015

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at New York University School of Law

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ACKNOWLEDGEMENTS

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INTRODUCTION

We Americans are proud of our democracy. The act of voting — being able to elect our leaders and set our course as a nation — defines the United States at home and in the eyes of the world. But millions of eligible citizens are blocked from the polls, most often by an outdated and error prone voter registration system. Too many Americans go to vote on Election Day only to find their names are not on the voter rolls — often, wrongly deleted. It's time to modernize voter registration, bring our system into the 21st century, and ensure all eligible voters have a say in our democracy.

The United States is on the verge of a new paradigm for registering voters. A transformative policy innovation is already gaining ground: universal, automatic registration of eligible voters. This is the ultimate goal of Voter Registration Modernization (VRM), a powerful policy proposal that research shows could add up to 50 million eligible voters to the rolls while saving money, increasing efficiency and accuracy, and curbing the potential for fraud.

Voter Registration Modernization has four components:

- First, it requires states to adopt electronic systems and take responsibility for registering citizens so they are automatically added to the voter rolls when they interact with government agencies.

- Second, it makes sure that once citizens are signed up, they remain registered when they move within their states.

- Third, it allows citizens to register to vote online.

- Finally, it gives people the opportunity to register or update their information at the polls.

The Brennan Center first proposed this nearly a decade ago. In the years since, we have seen real progress as many states have adopted components of reform. In 2015, legislatures in three states — Oregon, New Jersey, and California — passed breakthrough laws to automatically register voters when they interact with the DMV.

Every citizen should have a fair and equal opportunity to get, and stay, registered to vote. Voter Registration Modernization offers a common sense, nonpartisan opportunity to increase participation and protect election integrity. It gives both left and right what they demand. It enfranchises more people. It saves money and reduces error. And it protects better against fraud. 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.

OVERVIEW

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, which create needless barriers to voting, frustration, and long lines at the polls. According to the Pew Center on States:

- One in four eligible citizens is not registered to vote.

- One in eight voter registrations in the United States is invalid or significantly inaccurate.

- One in four voters wrongly believes their voter registration is automatically updated when they change their address with the Postal Service.

The scale of the problem is massive. While some choose not to register to vote, many try and fail or drop off the rolls. A Caltech/MIT study found that in 2008, approximately 3 million tried to vote but could not because of registration problems, and millions were also thwarted by other issues.[1] A study only of in-person voters from the 2012 election similarly found that millions of voters experienced registration problems at the polls.[2]

The current system fails to reflect our modern and mobile society. One in nine Americans moves every year, according to the U.S. Census. Because their voter registrations do not move with them, they risk falling off the rolls after a change of address, even within state lines. In 2002, a Harvard political scientist found a full one-third of unregistered voters were those "who had moved and hadn't re-registered."[3] Yet, even if every one of those voters changed their address with another government agency, that information never filters through to the registration file.

Our current system does not just harm voters. It also creates duplicate and outdated registrations on our voter rolls. Placing the burden of registering and re-registering to vote on individual voters makes it harder to keep the 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, compromising the integrity of our election system. For example, more than 2.75 million people have registrations in more than one state.[4]

And the costs of maintaining this antiquated system are substantial. According to a Pew study, the state of Oregon alone spent nearly $9 million on paper-based voter registration in 2008, which translates to $7.67 per registration transaction or $4.11 per registered voter.[5] If these costs were extrapolated nationwide, the United States could have spent around $700 million dollars on 174 million active voter registration records — far more than it would using modern technology.

For too many citizens in 21st century America, voter registration is a 19th century relic. At a time when we deposit checks on our smartphones and push a button to start our cars, paper-based registration just does not make sense for voters, and creates headaches for election officials. Fortunately, there is a better way.

II: The Solution: A Modernized System Is Viable

The ultimate goal is to establish nationwide, universal registration of voters once they turn 18. This system would automatically register every American to vote when they become eligible, and would make sure that people stay on the voter rolls when they move. To get there, we must put in place the key components of a modern voter registration system. Here's what they look like:

- **Automatic Registration:** State election officials automatically register eligible citizens using reliable information from other government lists. All would be given the chance to "opt out," or decline registration — nobody would be registered against their will. Many states have already streamlined the process at DMVs and other government agencies by making the registration process partially or fully electronic. Automatic registration takes this one step further.

- **Portability:** Once eligible citizens are on a state's voter rolls, they remains registered and their records move with them.

- **Online Access:** Voters can register, check, and update their registration records through a secure and accessible online portal.

- **Safety Net:** Eligible citizens can correct errors on the rolls or register before and on Election Day.

For voters, the process would be seamless and paperless. Instead of the registration system acting as an obstacle, the government would ensure that citizens are registered when they interact with the government, unless they choose not to be registered. The end game is achieving full participation in our democracy — and an accurate system that is easier to administer.

A. Automatic Registration

The first step to a fully modernized voter registration system is to make government responsible for ensuring that eligible citizens are registered to vote and that the rolls are accurate and complete. Doing so requires government to presume that every eligible citizen should be registered to vote, and to make sure that no one is registered against their will. States can do this by taking advantage of information they already have and adopting electronic voter registration systems if they have not already done so.

The best version of this is automatic voter registration. Here's how it works: when an eligible citizen gives information to the government — for example, to get a driver's license, receive Social Security benefits, apply for public services, register for classes at a public university, or become a naturalized citizen — she will be automatically registered to vote unless she chooses to opt out. No separate process or paper form is required. Once the voter completes her interaction with the agency, if she doesn't decline, her information is electronically and securely sent to election officials to be added to the rolls. Once registered, election officials would send each eligible voter a confirmation that their registration has been accepted, providing a receipt and confirmation for any electronic voter transaction.

Rest assured that no one will be registered if they are determined to be ineligible. Election officials will continue to review applications for eligibility and errors. And non-citizens will not be mistakenly signed up. Many of the most appropriate agencies for automatic registration already inquire about and collect reliable citizenship information. Those agencies that do not already have accurate citizenship information need only collect that information from individuals who wish to be registered. Automatic registration does not require that agencies begin collecting any more citizenship information than they already do. It is flexible enough to enable states to assess which agencies collect and store citizenship and to adjust the agency registration process accordingly.

At the very least, states must upgrade to electronic voter registration systems that allow agencies to digitally transfer information, whether or not registration is automatic. An increasing number of states have already moved toward electronic, paperless, and seamless registration at agencies and have reaped substantial benefits. These systems serve voters and election officials well and are an important foundation for automatic registration.

Importantly, these systems can and should be built so as to enhance security. Since they are more accurate, electronic systems are less vulnerable to fraud and abuse. States can take steps to increase security, like limiting authorized users, monitoring for anomalies, designing systems to withstand potential breaches, and ensuring adequate backups. With or without these measures in place, unlike with online voting, no one attempting to hack a voter registration system can change an election's outcome.

B. Portable Registration

The second component of Voter Registration Modernization makes real something many voters believe we already have: portability. Once a voter is on the rolls, she would be permanently registered within a state. Every time she moves, her voter registration would move with her. Just as with automatic 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 her voter file. As with any new registration, the voter can choose not to be registered, and the system would generate a notice to the voter of any change.

C. Online Voter Registration

People should be able to sign up and correct their records online. Federal law should require each state to create a secure and accessible online portal that every eligible voter can access. Once registered, voters would also be able use the portal to view their registration records and polling locations, making it a full-service, one-stop shop for everything a voter needs to cast a ballot that counts. The ideal online registration system would be accessible for every eligible citizen, including those without driver's licenses or other IDs from motor vehicle offices.

D. Election Day Safety Net

Even under the best and most up-to-date 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 protection ensures that voters do not bear the brunt of government mistakes, and it has significantly boosted turnout in every state that has adopted it. At a minimum, it is critical that every state has procedures during the voting period that permit voters to correct any error or omission on the rolls and be able to cast a ballot that counts. And in a fully modernized system, this fail-safe would rarely be used because the rolls would be far more complete and accurate.

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

In the last decade, nearly every state in the country has implemented one of VRM's core components. Today, 29 states allow or will soon allow people to register to vote online, and 30 have made the voter registration process at motor vehicle agencies at least partially electronic. Prior to 2010, only four states allowed citizens to register to vote online, and only 17 were using electronic processes for agency registration.[6] In 2015 alone, six state legislatures passed laws modernizing registration through electronically transferring information, allowing voters to register online, and giving people the opportunity to register to vote on Election Day.[7] And three states — California, New Jersey, and Oregon — passed legislation to automatically register voters when they get or renew drivers' licenses. If the governors of California and New Jersey join Oregon's Gov. Kate Brown in signing these into law, 16 percent of the total United States population would live in states where government takes the responsibility for registering voters.

Other major democracies also provide encouraging examples of what happens when government assumes the responsibility of getting and keeping citizens on the voter rolls. In 2009, the Brennan Center studied voting systems in 16 democratic countries. The United States was one of only four that put the responsibility for registering solely on the voter. Great Britain, Canada, Germany, and France all boast registration rates above 90 percent.[8] In contrast, according to 2014 U.S. Census Bureau data, only 64.6 percent of Americans are registered to vote.[9]

Modernization works. Here are examples of the benefits in practice.

A. Increased Registration Rates

The experience in the states over the past decade demonstrates that modernizing voter registration increases voter registration rates and turnout.

Nearly every state agency that has moved away from paper records has increased its voter registration rate. Kansas and Washington began to electronically send information from the DMV to the voter rolls in 2008. Within a year, each state reported that the annual number of DMV voter registrations had nearly doubled. After Pennsylvania completed phasing out paper in 2005, its registration rates quadrupled, and it has largely sustained these gains. In South Dakota, DMV registration rates increased seven-fold after the state implemented electronic registration.[10] Notably, these are all states where people must opt into being registered to vote. Adopting a model where citizens opt out will boost the numbers even higher.

Making voter registration portable similarly expands the electorate. In one study, political scientist Michael McDonald found that making registration portable can boost turnout by more than 2 percent.[11]

Offering voters the chance to register online also increases access. Online registration is popular with voters. Online registrations accounted for more than 10 percent of all new registrations in 11 states between 2010 and 2012, the latter a presidential election year. In Arizona and Utah, online registrations accounted for more than 25 percent of all new registrations in that same period. Data also shows that online registration becomes more popular over time. And it's especially helpful for reaching younger voters. In California, a new online system in 2012 preceded dramatic growth in youth voter registration, and those who registered online had the most diverse party affiliation of any group of registrants.[12] After Arizona began online registration, rates for 18-24 year-olds increased from 29 percent to 48 percent in 2004, and to 53 percent in 2008.[13]

A robust plan also includes an Election Day safety net, such as same-day voter registration, which may be the best tool to increase 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 this option have consistently seen higher turnout than states without. In 2012, four of the five states with the highest turnout allowed people to register to vote on Election Day.[14] Studies generally conclude that same-day registration increases turnout by 5 to 7 percent.[15] Same-day registration also provides a fail-safe for voters who discover errors on their voter records. They can simply re-register and cast a full ballot at the polls. And states that adopt automatic registration need not fear an influx of new registrations on Election Day, since the great majority of voters will already be on the rolls.

B. Increased Accuracy

Modernization makes voter rolls more accurate and current. This happens for two reasons. First, electronic processes leave less room for human error from bad handwriting, mishandling paper forms, or manual data entry. Second, because voters are sending more real-time information to the registration system, outdated or duplicate records can be eliminated. This makes the system easier to maintain and preserves the integrity of the ballot.

Maricopa County, Arizona, offers an example of how this can work. In 2009, officials there took a survey of incomplete or incorrect registration forms. They found that even though paper forms made up only 15.5 percent of registrations, they made up more than half of those registrations containing incomplete, inaccurate, or illegible information. The paper forms were five times more likely to have errors than electronic

files. An official who worked in Arizona at the time told us that his office received "far, far fewer calls" about registration problems after the state implemented an electronic process.[16] And election officials in general continue to report that modernization makes their systems more accurate.

Accurate rolls have additional benefits. They help prevent unnecessary disenfranchisement at the polls from citizens who must cast provisional ballots when their records are not clear. A former South Dakota secretary of state told us he believed that moving to a paperless system helped reduce the number of provisional ballots cast in his state.[17] And other officials report that electronic processes have reduced the number of people who appear at the polls and find out that their names are not on the voter rolls.

Finally, increasing accuracy further protects election integrity. In 2012, the Pew Center found that more than 1.8 million deceased individuals are listed as voters.[18] In 2014, North Carolina's elections board reported finding thousands of names and birth dates on their rolls that matched those of people who voted elsewhere. These complaints and concerns about fraud are non-existent in a fully modernized system. Duplications and deceased registrants can be dramatically reduced if public officials are constantly updating the rolls based on automatically transmitted information. In this respect, modernizing reforms can address a vulnerability and increase public confidence in elections while expanding access to the ballot.

C. States Save Money

Modernization also cuts costs. Virtually every state to have adopted these registration reforms has reported cost savings. One source of these savings is time not spent laboring over paper forms. In the first year of electronic registration, Delaware's State Election Commission documented $200,000 in reduced labor costs. Election officials in Colorado, Kansas, and Maryland reported that they saved money on labor costs because fewer temporary employees needed to be hired for data entry — even when counties received a surge of registrations. Oregon reported that county election officials spend one-tenth of the time they previously did processing voter registration applications submitted online.[19] And Maricopa County, cited above for its increased accuracy, also found that processing a paper registration form costs 83 cents, compared to an average of 3 cents for applications received electronically through the DMV or online.[20]

States save money from modernization in other ways, too. North Carolina election offices saved money on electronic registration by storing registration applications electronically instead of storing paper copies, while Rhode Island reported saving money because electronic registration has eliminated the need to mail or hand-deliver paper forms from the DMV to election officials. After eliminating paper, South Dakota decreased its spending voter database maintenance.[21]

Start-up costs are also modest. Some states, including Kansas and Missouri, built electronic systems wholly in-house, using existing staff and IT professionals, and used no additional funds. Others spent only tens or a few hundred thousand. Maryland launched online registration as part of a larger package of services that also included an online polling place look-up feature, and other new voter services, at a cost of $500,000.[22]

States that modernize their elections by taking responsibility for registering voters can expect similar savings. When states automatically sign up citizens, they leverage the accuracy and savings benefits of the other components of VRM to register and serve more voters.

IV: The Way Forward

Voter Registration Modernization is already working in the many places that have implemented its components. But there is more work to do. A fully modernized system brings these reforms together in pursuit of one clear goal: universal voter registration of all eligible voters.

Oregon — and possibly California and New Jersey as well — took the biggest steps yet toward that goal in 2015 when their legislatures passed breakthrough laws to automatically register to vote anyone 18 and over who obtains a driver's license or other DMV ID (unless that person chooses to opt out). In Oregon, where automatic registration has been signed into law, the move could bring up to 400,000 new voters on the rolls (out of a total citizen voting-age population of 3.8 million[23]) when it is implemented and end up giving the state the highest registration rate in the country. If signed in California, automatic registration will reduce the ranks of its estimated 6.6 million citizens who are eligible but unregistered to vote. In New Jersey, where Christie has vowed to veto the bill, reform could help reverse a record-low voter turnout rate of 30.4 percent in 2014.

States should continue to press ahead with these reforms and move beyond the DMV to other public agencies. But our election system demands a single national standard — a mandate to ensure that all eligible voters are registered no matter where they live. Congress should pass legislation to make that mandate a reality. In 2002, the Help America Vote Act required states to adopt computerized voter rolls and upgrade their voting machines and provided federal funds to help them do it. Today, we need a similar upgrade for our registration system.

The time is right. In 2014, the bipartisan Presidential Commission on Election Administration, co-chaired by President Barack Obama and Gov. Mitt Romney's campaign attorneys, endorsed key registration reforms. As of 2015, a majority of states have implemented some modernizing reform, setting them on the pathway to universal voter registration.

The biggest reason for opposition to a proposal like this, if unstated, is the notion that maybe we don't really want everyone to be able to vote. But that idea runs afoul of our most fundamental precepts. Thomas Jefferson, in the Declaration of Independence, wrote that government is legitimate only if it rests on the "consent of the governed." That consent relies on robust voter participation but is greatly hindered when voters are thwarted by hurdles, errors, and long lines. In 2014, turnout fell to its lowest level in seven decades.

As 2016 approaches, let's take advantage of the opportunity before us and get our elections to work for the 21st century. Fifty million new voters in a more reliable, cost-effective, and secure voting system are worth the effort.

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