VOTER REGISTRATION MODERNIZATION

COLLECTED BRENNAN CENTER REPORTS AND PAPERS

Edited by Wendy Weiser

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Introduction

The 2008 election exposed fissures in our outdated voter registration system. Developed in the nineteenth century, the system is ill-equipped to keep pace with twenty-first century political engagement. At the same time, the election sparked an eruption of civic energy. Together, these developments provide a perfect impetus for a long-needed structural upgrade to our voting system.

There is an emerging bipartisan consensus on the best approach to modernization. Experts, election officials, and policy-makers are urging a common-sense, cost-efficient way to update our outmoded, voter-initiated, paper-based registration system. The proposed plan would simplify the registration process and bring as many as 65 million eligible Americans into the electoral process. At the same time, it would ease burdens on election officials and make our voting system less susceptible to fraud and less expensive for taxpayers.

DEVELOPED IN THE NINETEENTH CENTURY, OUR VOTER REGISTRATION SYSTEM IS ILL-EQUIPPED TO KEEP PACE WITH TWENTY-FIRST CENTURY POLITICAL ENGAGEMENT.

This compendium presents a sampling of ten 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.

Several critical conclusions:

- In other major democracies, the government takes on the responsibility of compiling and keeping an accurate list of eligible voters.

- Such systems cost less and are far less susceptible to error and abuse.

- Fortunately, already-existing government databases in every state could easily be the basis for compiling a complete and accurate list of eligible adult citizens. Under the Help America Vote Act (HAVA) of 2002, states already have computerized voter lists. Other agencies are able to provide data to be shared with voter registration lists.

- In a modern system, registration would be permanent – voters would not fall off the rolls simply by moving. In fact, eight states already have permanent registration, and this reform works well.

- A modernized system would avoid bloated rolls and many problems of the existing approach – for example, problems from unaccountable backroom purges of lists.

We trust that these publications will prove useful to policymakers, advocates, learned observers, and citizens who believe that we can continue to do better.

The full array of Brennan Center materials on voter registration is available at www.brennancenter.org/content/pages/voter_registration_modernization.

Table of Contents:

I. Fixing the Vote: What's Wrong with America's Voter Registration System and How Can We Bring it up to Date?

In April 2008, the Brennan Center outlined a policy proposal that argued for a modernized voter registration system. Based on years of research on voter registration, the proposed system would better serve the needs of voters and election administrators and would reduce cost, error, and unwarranted disenfranchisement. The publication describes the broad contours of a voter registration modernization policy.

Voter Registration Modernization: Policy Summary

by Wendy Weiser, Michael Waldman, and Renée Paradis *(April 2008)*

Since the Florida election debacle in 2000 laid bare the way Americans cast and count votes, lawmakers and officials at federal, state, and local levels have made fitful progress toward building a modern and democratically inclusive election system. But the promise of a renewed democratic system has not been fully realized. Too often, when it comes to our election system, policymaking has devolved into partisan wrangling or become bogged down in arcane technicalities.

NEW ELECTION TECHNOLOGY AND THE IMPLEMENTATION OF A RECENT FEDERAL LAW MAKE IT POSSIBLE TO OVERCOME THE CHALLENGES WITH OUR VOTER REGISTRATION SYSTEM – THE SINGLE GREATEST CAUSE OF VOTING PROBLEMS IN THE UNITED STATES.

Today we have the opportunity for a major breakthrough for effective democracy. The 2008 election saw a record number of new voters. New election technology and the implementation of a recent federal law in the states make it possible to overcome the challenges with our voter registration system – the single greatest cause of voting problems in the United States. We can now truly modernize the voter registration process by upgrading to a system of voter registration modernization – a system where all eligible citizens are able to vote because the government has taken the steps to make it possible for them to be on the voter rolls, permanently. Citizens must take responsibility to vote, but government should do its part by clearing away obstacles to their full participation. The current voter registration system – which is governed by a dizzying array of rules and is susceptible to error and manipulation – is the largest source of such obstacles.

In 2001, a task force for a commission 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." Currently, eligible voters are not placed on electoral rolls unless they first take the initiative to register and satisfy state-imposed requirements for voter registration. State officials must expend substantial resources manually processing each voter registration form, one-by-one, applying rules and procedures that vary from jurisdiction to jurisdiction. Eligible citizens' voter registrations may be rejected if technical requirements are not met or canceled without notice. Political operatives may attempt to block certain citizens from the voter rolls by challenging their registrations or seeking to impose new technical hurdles to registration. Once they have registered, voters must start the process all over again virtually every time they move. The result is a system in which many eligible citizens are unable to vote.

They fall off the rolls; they never sign up in the first place; they drift further away from

electoral participation. Some 50-65 million eligible American citizens are not registered to vote. Most Americans take this system for granted, but it was not always this way, and it does not have to be this way forever.

The United States is one of the few industrialized democracies that place the onus of registration on the voter. In other democracies, the government facilitates voting by taking upon itself the responsibility to build voter rolls of all eligible citizens. Even in the United States, voter-initiated registration did not exist until the late nineteenth century.

Despite advances in federal law over the past few decades, our voter-initiated registration system continues to impose significant administrative costs and costs on voters. As long as the government continues to rely on citizens to register themselves, opening up access means ceding more control to voters and those who assist them to determine when and how they register. Elections officials may be overwhelmed by the dual demands of processing the typical surge of registrations that come in at the last minute and planning for elections. If the system cannot keep up, votes inevitably will be lost. The patchwork of state rules and practices that serve a gatekeeping function to registration also keeps out eligible voters and makes the system vulnerable to partisan manipulation and error. Our current voter registration system is the single greatest source of disputes and litigation over election administration rules and practices. Finally, the current system is needlessly costly and inefficient, relying on paper forms and manual data entry of information already in other government databases.

This year, when surging citizen participation underscores the deep desire for a change in national direction, we see with renewed urgency the value in building a modern and fully participatory electoral system. Voter registration modernization creates voter rolls that are as comprehensive as possible well in advance of Election Day and provides a fail-safe mechanism if an eligible voter shows up at the polls but cannot be found on the list. Such a system is routine in other countries, and because of the recent legal and technological advances in voter registration, it is now achievable here.

Federal action can begin to move the country toward this goal. A system of modernized registration would build on existing policies and innovations undertaken by state and local officials. Congress can substantially speed up the process by:

- Establishing a national mandate for voter registration modernization within each state and providing federal funds for states to implement that mandate;

- Requiring automatic registration of all eligible citizens on other government lists;

- Requiring permanent voter registration, so that once voters are registered, they will stay on the rolls when they move; and

- Requiring fail-safe procedures, so that eligible voters whose names do not appear on the voter rolls or whose information is not up to date can correct the rolls and vote on the same day.

Voter Registration Today

Our democracy is a source of pride and strength, and our election system typically works reasonably well in determining outcomes. Even so, the election system is marred by gaps and prone to error and manipulation. Nearly a third of eligible citizens are not registered. Officials, in turn, face a biennial or quadrennial crush of new registrants, with attendant problems of list maintenance, political pressure and general confusion. Voters bear the brunt of these challenges.

A. Registration is a Bureaucratic Obstacle to Voting

Today, the voter registration system is a significant barrier to voting in the United States. In the November 2004 presidential election, fully 28% of eligible Americans simply were not registered to vote. That's over 50 million citizens who were not on the electoral rolls and could not vote on Election Day. In November 2006, 32% of eligible Americans, or more than 65 million citizens, were not registered to vote.

Registration requirements are a barrier to voting for a number of reasons. The current system simply is not designed for a mobile society. In a country where one in six Americans moves in a year, the government does not routinely keep such people registered to vote, even if they stay in their own state. Harvard political scientist Thomas Patterson notes that two-thirds of non-voters in 2000 were ineligible to vote because they hadn't registered. "Of these, one in three was a former registered voter who had moved and hadn't re-registered."

TODAY, THE VOTER REGISTRATION SYSTEM IS A SIGNIFICANT BARRIER TO VOTING IN THE UNITED STATES.

The current system is also prone to error, which can lead to disenfranchisement. For example, in the past few years, some states adopted policies requiring a perfect match between information on a voter registration form and information in other government databases, such as those maintained by motor vehicle authorities or the Social Security Administration, before registering the voter. If a state official made a data entry error, the voter would be disenfranchised by a typo. In jurisdictions with this policy, failures to match information typically barred about 20% of eligible registrants because of typos and similar errors. Typos can also make it difficult to find registered voters on the poll books, which also could lead to mistaken disenfranchisement. Errors in registration processes will not be eliminated by a modernized registration system, but that system will substantially reduce errors and will ensure that the burden of those errors do not fall on voters. In a modernized registration system, states will have greater ability to ensure more accurate voter rolls since they will be able to regularize their updates to the rolls using more advanced technology instead of processing hundreds of thousands of individual voter registration forms in the weeks before an election. Such a system would also have fail-safe procedures like the ability to correct the rolls on Election Day, which means that if the government makes a mistake, it will not become the voter's problem. This will increase the incentive for states not to knock eligible voters off the rolls, because otherwise they will see increased use of fail-safe procedures, which will require greater resources than just getting it right in the first place.

Placing the burden of registration on the voter also leaves our registration systems open to manipulation. Over the past few election cycles, there have been increased efforts to impose new restrictions on voter registration that fall more harshly on certain groups of voters. The "no match, no vote" rule in some states is one example that especially harms Latinos, Asian Americans, and married women, among others. Several states enacted cumbersome restrictions on voter registration drives, which typically target low-income, minority, and young voters, effectively stopping those drives. In Florida, the risk of huge fines for failure to meet short deadlines long before an election shut down registration efforts by the state League of Women Voters for the first time in 70 years. Several states refuse to register voters who make technical errors on registration paperwork, like failure to check redundant boxes. Purges of the voter rolls, which are meant to remove people

who have died, moved, or otherwise become ineligible, are typically done without standards or oversight, using error-prone processes that are vulnerable to manipulation by unscrupulous officials. A number of states have proposed, and one has enacted, documentation requirements for registering that many otherwise qualified registrants are unable to meet. Many of these barriers to registration can also emerge as misguided attempts to respond to surges in registration and bloated voter rolls. With modernized registration, officials can respond to these issues without disenfranchising voters.

The inadequacies of voter-initiated registration hit hardest when voters who thought that they successfully navigated the shoals turn up at the polls and find their names missing from the list. In most states, the only remedy is the opportunity to vote a provisional ballot. If the voter is not registered, her provisional ballot will not count. Even when voters submitted their registrations on time, many provisional ballots are not counted. Once again, the brunt of system failure falls on the voter.

To make matters worse, the burdens of registration do not fall equally on all Americans. Voter-initiated registration has a disproportionate impact on low-income citizens and those who are less educated. Such individuals are more likely to move frequently and have to re-register with every move, to have unconventional living situations that do not easily meet residency requirements (such as temporary shelters), to lack access to the Internet with its information on how to register and its easily accessible forms, to lack dependable transportation for registering in person or at a motor vehicle office, and to lack substantial leisure time in which to figure out registration requirements in their state and to fulfill them. They should not be prevented by a bureaucratic requirement from exercising their most fundamental civic right.

Not getting on the voter rolls is an obvious barrier to voting – registration is a necessary prerequisite to voting. But not being on the voter rolls in advance of an election also has repercussions that make it less likely an eligible citizen will vote. Such a citizen will not receive a sample ballot, or the location of their polling place, or other official notice from the state than an election is imminent. They will not receive mailings from candidates or be canvassed by volunteers. They will not be called by pollsters or contacted by nonpartisan groups doing voter education. In short, they will not receive any of the individualized contact that we know is the most important spur to voter turnout. Requiring government officials to create a complete list of eligible voters draws disenfranchised citizens into the body politic in multiple ways.

B. Voter-Initiated Registration Impedes Election Administration

When voters are required to register themselves, they may make mistakes, including unnecessarily submitting multiple forms. They may not understand how to complete the forms or may inadvertently leave off information. They may use a different form of their name than appears in motor vehicle or Social Security databases, making it more difficult to verify their information. They may submit new registration forms when they move instead of filing changes of address. They may believe that they need to re-register for each election. Correcting these mistakes adds time to the official processing of forms; refusing to make corrections – or to allow registrants to make them – bars the voter from the polls for errors that have nothing to do with eligibility.

Leaving registration up to individual voters also makes it harder to keep the lists current. Voters rarely cancel their registration when they move. The names of voters who are no longer qualified to vote in a particular location remain on the list, along with those

of voters who have died. Although federal law recognizes the need to clean registration rolls, officials first must complete procedures designed to ensure that they do not delete eligible voters from the rolls. In the meantime, bloated rolls fuel fear-mongering about the potential for fraud, which in turn serves as an excuse for voter suppressive legislation or unlawful purges of the voter rolls.

THE CURRENT VOTER REGISTRATION SYSTEM IS COSTLY AND INEFFICIENT.

A voter-initiated or "bottom up" registration system creates special difficulties for administrators in the month before Election Day. They may find it difficult to process the large numbers of forms that invariably are submitted at the close of the registration period. The last-minute rush is wholly predictable – the IRS estimates that more than 20% of taxpayers wait until the last minute to file their taxes – but it nevertheless strains the resources of local officials. They may not be able to process all the forms in time for Election Day. Moreover, not knowing well in advance how many forms will come in makes it difficult rationally to allocate among precincts the necessary voting machines, paper ballots, and poll workers. Long lines and disenfranchised voters are the predictable result.

Currently, voter registration drives by civic groups play a vital role in making sure citizens are registered, especially in low-income, minority, and student communities. Yet a system that depends upon millions of applications, on paper, submitted by individuals or community groups is susceptible to error. In the recent election, some expressed strong concern at reports that individuals attempted to register false names. Those problems would be eliminated if the government created and maintained the voter registration list in the first place.

The current voter registration system is costly and inefficient. Although updating the system will take some time and money, once upgraded, a system of modernized voter registration will be more efficient and less costly to administer. This will free up resources for states to better manage elections in other respects.

A Modernized Registration System

New technologies, new understanding of election administration, and a surge in political interest all create an opportunity for reform the likes of which we have not seen for a long time.

A. The Moment for Reform

A move to significant national voter registration legislation makes sense now, for several reasons. Most importantly, the remedy is available, and the potential for political will is strong. Thanks to the Help America Vote Act of 2002, states now maintain computerized statewide voter registration lists. The new databases make it far easier to manage information about voters, including name or address changes that do not affect eligibility. When a person moves within a state, for example, officials can transfer the voter's registration to the appropriate new location with a click of a button. There is no excuse for burdening the voter with responsibility for re-registration, as most states now do.

NEW TECHNOLOGIES, NEW UNDERSTANDING OF ELECTION ADMINISTRATION, AND A SURGE IN POLITICAL INTEREST ALL CREATE AN OPPORTUNITY FOR REFORM, THE LIKES OF WHICH WE HAVE NOT SEEN FOR A LONG TIME.

To strengthen voting and modernize our current voter registration system, we need one fundamental change: responsibility for voter registration must be transferred to the government. That shift would produce two clear improvements over the current process:

(1) more eligible citizens would be properly registered and able to vote on Election Day, and (2) election officials could organize the process to avoid last-minute crunches and misallocation of resources. But the shift would have another effect, perhaps less concrete or immediate, but ultimately just as important: because the responsibility would lie with the government, the valence of voter registration would change. It would be the obligation of the government to ensure that every eligible American is able to cast a vote on Election Day if they take responsibility to do so. Rather than a problem the voter herself must solve, the government's obligation to ensure that all eligible voters are registered would become part of the way we think about the right to vote itself.

B. A Federal Voter Registration Modernization Act

To move the nation toward voter registration modernization, federal legislation will most likely be necessary. Such a system, to achieve genuine universality, will need to have several key elements. It would have as its core a national requirement that states take responsibility for registering all eligible citizens, with some flexibility for states to innovate, and the federal financial support necessary to enable states to achieve the goal of modernized registration. But there will be manifest complexities. To cite a single example, states will need to ensure that citizens with more than one residence are registered at the correct one for voting purposes.

The new Congress should be prepared to enact a federal bill that phases in voter registration modernization. The bill should have four main components: (1) a mandate for states to enact systems of automatic or affirmative voter registration designed to capture all eligible citizens; (2) a requirement that registration be permanent as long as a voter remains resident within the same state; (3) fail-safe mechanisms for eligible citizens whose names are missing from the voter rolls or whose registration information is inaccurate or out of date to correct these errors or omissions before and on Election Day and to vote; and (4) sufficient funding to enable states to transition effectively to voter registration modernization.

1. Automatic or Affirmative Registration

Federal law should require states to establish a program of automatic or affirmative registration of all eligible citizens, phased in over a number of years. While the mandate could be flexible to enable states to experiment with new ways of registering voters, it should ensure that the government assumes the responsibility for building a complete and accurate voter list so that every eligible citizen is able to vote and to have her vote counted. Unless a state devises an alternative program that meets federal standards, the law should require states automatically to include on the voter rolls all eligible citizens found on other selected government lists. Government lists appropriate for automatic registration include the databases maintained by motor vehicle authorities, public assistance agencies, disability agencies, and state tax authorities, as well as lists of newly eligible citizens provided by schools, the U.S. Bureau of Citizenship and Immigration Services, and corrections authorities. Voters should have the ability to opt-out of the system, but opt-in should not be required. Because the list would be automatically generated from a variety of sources, there should be a robust process for purging duplicate records, along with robust protections against erroneous purges.

2. Permanent Registration

The second component of a voter registration reform bill is a requirement that states institute statewide permanent registration. Under such a system, once a voter is on the rolls, she would be permanently registered within the state and

able to vote without re-registering even if she moved within the state or changed her name. This could be accomplished by automatic address updates using changes of address filed with the Post Office and other government agencies, as is currently done in some form in a number of states. Special registration and address update procedures would be available for military and overseas voters, students, and others whose voting residence may be different from their mailing address. If the state has not tracked the address or name change in the statewide voter registration database before Election Day, the voter would be able to update her registration record at the polling place associated with her current address when she goes to vote. One in six Americans moves every year, most within the state, and now that voter registration databases are maintained at the state level, there is no reason to require voters to re-register every time they cross county or other internal lines.

3. Fail-Safe Correction of the Voter Rolls
Even under the most aggressive list-building and address update systems administered with the best care, some voters are bound to fall through the cracks. To ensure that eligible voters are not deprived of the franchise simply because of government mistakes, any system of modernized registration must include fail-safe procedures to ensure that eligible citizens can correct the voter rolls both before and on Election Day. Allowing registration and voting on the same day, as nine states already do, ensures that voters do not bear the brunt of government mistakes and significantly boosts turnout without imposing major costs. A state with a well-functioning system of automatic and permanent registration will see little use of these fail-safe mechanisms. Because these fail-safes provide a corrective to problems with any voter registration system, they should be implemented immediately.

4. Federal Funding for Voter Registration
Such a bold national goal must be accompanied by sufficient national resources to help states complete the transition. Congress provided funds to help states make the technological improvements required under the Help America Vote Act, and a generous federal investment also is essential to the success of voter registration reform.

Fortunately, the cost of voter registration modernization is relatively moderate — only a small fraction of the cost of the Help America Vote Act — and it will be recouped by commensurate savings in just a few federal elections. Canada spent less than $14 million Canadian ($17.6 million in current U.S. dollars) a decade ago to implement a fully modernized registration system along these lines, and a significant portion of that expenditure was to cover costs — like the construction of a computerized voter registration database — that would not be necessary here. Canada recouped its costs in just one federal election, and it continues to reap savings.

Given the clear benefits of reform to democracy and to efficient, accurate, and cost-effective election administration, and given the lack of any significant drawbacks, Congress should move quickly to pass federal voter registration modernization legislation.

II. Existing Models and Resources for Voter Registration Modernization

The problems with our current — paper-based, voter-initiated — registration system are well known. The system is costly, inefficient, rife with error, and prone to erroneous exclusion of eligible voters. Is there a better way? To help answer the question, the Brennan Center studied voter registration systems around the globe. The following article is excerpted from the first comprehensive report on voter registration systems in sixteen countries and four Canadian provinces. It places particular emphasis on techniques that could be adapted to the American system. The full report is available on-line at www.brennancenter.org/content/resource/expanding_democracy_voter_registration_around_the_world/.

Expanding Democracy: Voter Registration Around the World

by Jennifer S. Rosenberg with Margaret Chen *(June 2009)*

The United States is one of few democratic nations that place the entire burden of registering to vote on individual citizens. Today, one-quarter to one-third of all eligible Americans remain unregistered — and thus are unable to cast ballots that will count. Even Americans who are registered risk being blocked from casting a ballot because of problems with our voter registration system — unprocessed registrations, inaccurate purges of names from the voter rolls, and other administrative and human errors. The registration system is as much a problem for the dedicated civil servants who administer our elections as it is for voters. It is costly, inefficient, and insufficiently accurate.

Now, after a decade of controversy over election and voting problems, the United States is poised to reform voter registration. For the first time, the Congress is considering voter registration modernization that would empower state governments to assure that all eligible voters, and only eligible voters, are on the rolls. Such a step would add tens of millions to the rolls, and better ensure that the information on the rolls stays accurate and up-to-date. As this report demonstrates, the systems in a number of the world's major democracies prove this can be done.

Canada shares our decentralized federal system. There, provinces create and maintain their own voter rolls, and a federal election authority builds a separate voter roll for use in federal elections that is based in part on the provincial rolls and in part on other government lists. When an individual turns eighteen or becomes a citizen he or she is added to the rolls. A voter who moves remains on the rolls. The system works efficiently and with no allegations of fraud. An overwhelming 93% of eligible citizens are registered to vote, compared to 68% of Americans who were registered to vote as of the last Census report.

THE UNITED STATES IS ONE OF FEW DEMOCRATIC NATIONS THAT PLACE THE ENTIRE BURDEN OF REGISTERING TO VOTE ON INDIVIDUAL CITIZENS.

The experience of these other democracies suggests building a modern voter registration system is a surprisingly straightforward task. In recent years, several democracies have moved to take advantage of new technologies to help build more complete and accurate voter lists. Their experiences are encouraging. These restructured systems reduce administrative costs and improve the accuracy of voter rolls. This report is a multi-nation examination of the details of voter registration systems. It examines the way sixteen other 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.

The Brennan Center surveyed the voter registration systems in sixteen countries and four Canadian provinces. We chose these countries and provinces based on a variety of factors, including high voter turnout rates and accessibility of information. We selected jurisdictions that employ various registration systems, to broaden our assessment of how different techniques work and which ones work best.

Some of the techniques and approaches described in this report are better suited than others for implementation in the United States. Accordingly, some emphasis is placed on nations like Canada, whose technological advancement and democratic traditions are similar to our own.

Because all democracies face the same fundamental challenges in maintaining accurate voter rolls, we organize our discussion according to the following four basic components of registration systems:

- Adding voters to the voter rolls
- Updating existing voter registrations
- Identifying gaps and correcting inaccuracies in the voter rolls
- Protecting the privacy of voters' information

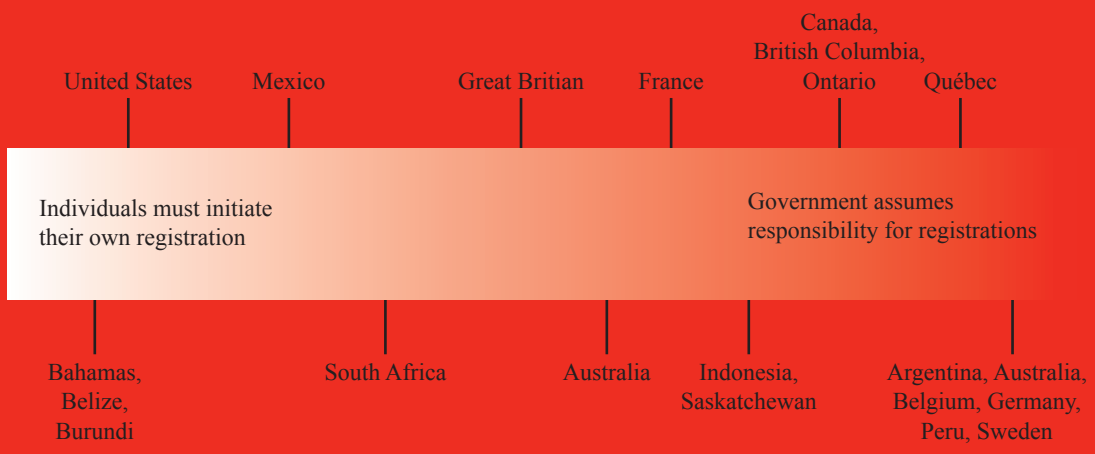
Of the countries and provinces we studied, only four place the onus of voter registration entirely on the individual, as in the United States. These countries are the Bahamas, Belize, Burundi, and Mexico. In the remaining countries and all four provinces, election authorities assume some degree of responsibility for building comprehensive and accurate voter rolls. While voter registration is mandatory in some of these countries, such as Australia, their governments nonetheless take proactive steps to register every eligible voter.

All of the countries in which the government takes an active role in registering voters have much higher voter registration rates than the United States. For example, Canada's federal voter roll includes 93% of eligible voters. France and British Columbia have voter rolls that include 90% of eligible voters. Australia, Great Britain, and Mexico have registration rates between 92% and 96%.

One modern feature is integral to how several of these countries achieve such comprehensive and accurate voter rolls: carefully regulated data-sharing between government agencies. Data-sharing allows election officials to update the voter rolls continuously, using information that already exists on other government lists. Seven countries and provinces rely heavily on data-sharing between government agencies to populate their voter rolls and/or update voters' registration information. Development of a similar data-sharing program is also underway in Great Britain.

In these places — Argentina, Australia, Canada, France, and the Canadian provinces of British Columbia, Ontario, and Québec — voter registration is virtually automatic. Election officials routinely add new voters to the rolls based on information that other government agencies provide on a regular basis; there is no need for these voters to interact with election officials directly and no corresponding mountain of paperwork. In France, for instance, every 18 year old who signs up for the mandatory military or national service draft — like Selective Service registration for young men in the United States — will have her information forwarded to local election officials, who then add her to the voter rolls. In Argentina, the federal agency responsible for maintaining the national population register and issuing national ID cards routinely sends local election authorities

Whose Responsibility is It?: A Spectrum of How Countries Build Voter Rolls



Bahamas, Belize, Burundi

South Africa

Australia

Indonesia, Saskatchewan

Argentina, Australia, Belgium, Germany, Peru, Sweden

*These countries are: Argentina, Australia, Austria, Bahamas, Belgium, Belize, Burundi, Canada, France, Germany, Great Britain, Indonesia, Mexico, Peru, South Africa, and Sweden. Canadian provinces administer elections separate from the federal level of government, and maintain their own voter rolls for use in provincial and local elections. We surveyed British Columbia, Ontario, Saskatchewan, and Québec

Voter Registration Rates

Argentina (2007)	100%
Belize (2008)	97%
Saskatchewan* (2008)	97%
Great Britain (2008)	97%
Mexico (2005)	95%
Peru (2006)	95%
Sweden (2006)	95%
Belgium (2007)	94%
Indonesia (2004)	94%
Ontario* (2008)	94%
Austria (2008)	93%
Canada (2008)	93%
Germany (2005)	93%
Australia (2008)	92%
Québec* (2008)	92%
Burundi (2005)	91%
France (2007)	91%
British Columbia* (2008)	90%
South Africa (2009)	77%
Bahamas (2007)	75%
United States[4] (2006)	68%

* These jurisdictions are Canadian provinces.

[4] Citizen voting age population used.

Country/Province	Primary Method(s) of Registered Voters
Argentina*	Local election officials add eligible citizens to the voter rolls from a national list of all citizens maintained by a federal agency.
Australia*	Election officials gather information from other government agencies to identify voting eligible individuals who are unregistered, and mail these individuals registration materials.
Austria	Local election officials automatically generate voter lists from larger population databases maintained at the municipal level. Inclusion on the municipal database is mandatory.
Bahamas	Eligible individuals must initiate their own voter registrations in-person at a local election office.
Belgium*	Local election officials automatically generate voter lists from larger population databases maintained at the municipal level. Inclusion on the municipal database is mandatory.
Belize	Eligible individuals must initiate their own voter registrations in-person at a local election office.
Burundi	Eligible individuals must initiate their own voter registrations in-person at a local election office.
Canada	Election officials use information collected from other government agencies to add eligible citizens to the rolls. If more information is required, election officials mail individuals pre-printed registration forms, with postage-paid return envelopes.
Canada: British Columbia	Election authorities automatically add voters to the rolls from motor vehicle agency records and the federal voter rolls. Voters may also register online and at the polls.
Canada: Ontario	Election authorities automatically add voters to the rolls from provincial property tax lists and the federal voter rolls. Voters may also register at the polls.
Canada: Québec	Election authorities automatically add voters to the rolls when they turn 18 years old, based primarily on information from the provincial health insurance agency. Voters may opt out of registration after receiving notice, and may also register at the polls.
Canada: Saskatchewan	Election officials go door-to-door registering eligible voters before each general election. Voters may also register at the polls.
France	Election officials automatically register 18-year-olds using information compiled by the department of defense for military conscription purposes.
Germany	Local election officials automatically generate voter lists from larger population databases maintained on the municipal level. Inclusion on the municipal database is mandatory.
Great Britain	The government seeks out every eligible voter through an annual nationwide “canvass,” during which local officials mail or hand-deliver a form used for voter registration to each household.
Indonesia	The government conducts a nationwide enumeration by hiring temporary workers to go door-to-door, registering every eligible voter.
Mexico	Although most voters are required to register in-person at local election offices, the government deploys mobile units to register voters in rural areas and other places with historically low registration rates.
Peru*	The government registers all eligible voters using information from the national population database.
South Africa	Each voter must register in-person at a local election office or voting station. To facilitate registration, the government hires thousands of temporary workers to register voters out of temporary stations that will be used as polling places.
Sweden	The government automatically registers all eligible voters using information contained in the national population database.

the names of 16 year old citizens who reside within their voting districts. The local election authorities place these individuals on provisional voter lists to ensure they are added to official voter rolls on their 18th birthdays.

Moreover, the number of countries relying on data-sharing to keep their voter rolls current is increasing, as governments re-evaluate and overhaul their approach to voter registration. For example, as technological capacity increased and costs decreased in the 1990s, Australia and Canada began to rely more heavily on data-sharing to keep their rolls current. Reform was phased in, with election agencies phasing in partnership arrangements with various other government agencies over the course of a few years. These countries also built on each others' techniques. For instance, Australia sent a delegation of election officials to Canada in 1999 to study how aspects of Canada's new voter database could be adapted to the Australia context. Their experiences demonstrate that it is feasible to modernize outmoded voter registration systems, that countries can learn best practices from one other, and that doing so can result in the creation of more comprehensive and accurate rolls with substantial cost-savings.

Canada: A Potential Model for Modernizing Voter Registration

Canada presents the most instructive model for modernizing voter registration in the United States. First, strong political and cultural parallels link the two nations. Canada is a longstanding representative democracy with a decentralized government. Neither Canada nor the United States has mandatory voting or voter registration, reflecting shared libertarian values. Both countries lack comprehensive civil registries, and both extend the franchise to virtually all citizens ages 18 and older. Canadians are as mobile as Americans, with about 14% of the population moving each year, and so Canada confronts a similar challenge of tracking and updating voters' address information.

Here, the similarities end. Canada boasts a successful voter registration system that captures almost all eligible citizens, is highly accurate, and is cost-efficient. Canada's voter database, known as the National Register of Electors, includes 93% of eligible voters. Of these registered voters, 84% are registered at their current addresses before any election period, many more addresses are updated during a revision period, before Election Day, and the remainder may correct their address information at the polls.

The centerpiece of Canada's system is a voter database that is updated continuously, based on information that 40 different government agencies routinely provide to Elections Canada, the federal election authority. Provincial and territorial departments of motor vehicles, the national postal service, provincial and territorial electoral agencies, and the federal tax authority all provide data.

The voter database contains only basic information about each eligible voter — name, sex, birth date, and address — as well as an identifying number that is used solely to facilitate record keeping within the voter database. The secure database has four key elements:

- **Data provided by other government agencies to add new voters to the database.** Elections Canada identifies unregistered voters and newly eligible voters — including 18 year olds — using information that other government agencies provide to the election agency on a monthly basis.

Some government agencies capture and transmit all the information necessary to enable Elections Canada to add the individual to the voter list. Thus, once a citizen interacts with these agencies, she typically appears on

the voter rolls without having to interact with an election official. Where the information transmitted by an agency is insufficient to establish a voter's eligibility, such as her citizenship status, election officials do additional research to ascertain the missing information.

For instance, Elections Canada uses a "family matching" program to determine whether young voters identified through the federal tax agency are citizens. The program searches existing voter information to determine whether a newly identified voter lives in the same residence and shares the same last name as someone who is already registered to vote. If a match is found, Elections Canada assumes with confidence that the younger person is a relative of the elder and also a citizen; she is then added to the rolls. Tens of thousands of newly eligible voters are registered every year through this program. In other cases, Elections Canada sends voters pre-printed registration forms, requesting affirmations of citizenship.

• **Data provided by other agencies to update existing voter records.** Information provided by other government agencies also facilitates updates to voters' registration information, most of which are address changes. Multiple agencies, including provincial and territorial departments of motor vehicles, provide the election agency with monthly address updates. As a result, addresses are kept current without voters having to interface with election officials directly.

Purges of deceased voters are similarly automatic. Election officials remove deceased individuals from the voter lists based on information routinely provided by agencies that collect vital statistics.

• **Individual consent.** Canada's federal election agency does not currently register a new voter without her consent. However, many voters indicate consent by checking an optional checkbox that exists on standard government forms, and thus their consent is already on file by the time their information is shared with federal election authorities.

For example, someone filling out a federal income tax form can mark one checkbox to affirm her citizenship and another to consent to have her basic information shared with the federal election agency so that she can be added to the voter database. By marking these checkboxes, a person will have all of her voter eligibility information transferred to the federal election authority.

Whenever the federal election agency identifies a newly eligible voter whose consent is not yet on file, the agency mails that individual a registration consent form, pre-printed with her name and address information, along with a pre-paid return envelope.

• **Election Day corrections.** Any eligible voter whose name does not appear on the voter rolls, or whose name appears with inaccurate information, may register at the polls and still cast a regular ballot. Federal elections in Canada take place over the course of several days, and "same day" registration is available throughout the voting period.

In moving to its current system, Canada substantially reduced its annual voter registration costs. Canada premiered its new voter database during the 2000 federal election, and since then has saved over $30 million Canadian dollars each election cycle, as compared to the costs of its previous registration system. Indeed, Canada more than recouped its initial investment after the 2000 general election, when the database was used for the first time.

Canada's transition costs were relatively low. Canada built its current registration system over the course of several years, phasing in data-sharing arrangements between election authorities and other government agencies. The start-up costs for developing

each arrangement varied by agency. For instance, Canada spent $116,000 Canadian dollars over the 1997-1999 tax years developing protocols for acquiring information from federal citizenship and immigration authorities. The most expensive data-sharing arrangement to develop was with the federal tax agency, which cost $3 million Canadian dollars. Canada spent $19.2 million Canadian dollars developing its data-sharing procedures, most of which was spent on computer hardware and software.

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Conclusion

American democracy is at a turning point. Structurally, our registration system is in a position similar to that of Canada and Australia in the late 1990s: the country is increasingly frustrated with the status quo, and poised to take advantage of enhanced technical capacity to modernize the way we do business. We, too, can capitalize on 21st century technology to automatically register voters and update their registration information, without any need for the outmoded bureaucracy that strains to keep pace with our unusual demand that individuals initiate the registration process. Such a change would add millions of eligible voters to the rolls, reduce deadwood on the rolls, and save states millions of dollars in administrative costs.

Other countries demonstrate that this bold reform is feasible. Canada, Australia, and a number of Canadian provinces all overhauled their registration systems in the late 1990s. Over the course of several years, they introduced voter databases that stay current using a basic structure prevalent in other advanced democracies as well: processing data that is continuously provided by other government agencies. Their experiences demonstrate that, with the proper safeguards, data-sharing can make the rolls more accurate. This is true not only because other agencies have more up-to-date information — including data on address changes — but also because eliminating the need for voters to submit paperwork to election officials drastically reduces the risk of inaccuracies on the voter rolls due to clerical error or mail problems.

Canada's experience also demonstrates that the cost of transitioning to a system that relies on data-sharing with other government agencies would be relatively low. Canada estimates that the total cost of developing its federal voter database and its data-sharing system, which includes over 23 million voters, was $19.2 million Canadian dollars. In the United States, every state already has statewide voter registration databases with data-sharing capabilities, and so the primary cost of modernization would be the cost of setting up secure partnerships with other agencies. Figures from both Canada and Australia suggest that routine data-sharing would also be relatively inexpensive to maintain.

As this report shows, there are many different ways to design a registration system. Some rely on structures, like national civil registries, that may not be feasible or desirable to mimic here in the United States. Others, however, offer successful and transferable models that we would be wise to consider, as we improve the accuracy and reduce the cost of our own systems. These countries have already designed, tested, and refined their methods of voter registration. We can and should leverage their experiences.

A modern system that uses existing databases to automatically register eligible citizens would save time, money, and aggravation. It is entirely feasible, right now. Building on its existing statewide database, Delaware launched automatic voter registration at its motor vehicle agencies this year. Thanks to recent federal reforms, every state has a similar statewide database that could be used in the move toward an automatic voter registration system. In fact, many government agencies already participate in another automatic registration system — registration of men aged 18 to 25 for the Selective Service. The following is excerpted from a report on the Selective Service, showing how it builds and updates its registry using information from other government lists. Conclusion: the tools needed for automatic registration are already effectively used throughout the United States. The full text of our report is available at www.brennancenter.org/content/resource/automatic_registration_in_the_united_states_the_selective_service_example/.

Automatic Registration in the United States: The Selective Service Example

by Laura Seago *(July 2009)*

For decades, federal law required men to register with the Selective Service when they turn 18 and to keep their registrations current through the age of 25. Enforceable law helped encourage registration; so did the agency's efforts to make registration materials available in post offices, schools, and other public places.

Recently, however, the Selective Service System has taken a more pro-active role in registration and has deployed a range of technological resources that make registration easier and more efficient. Automatic registration programs and data-sharing arrangements with other government agencies — including state departments of motor vehicles, the Department of Education, and the Department of Labor's Job Corps Program — significantly help the Selective Service to register members of the target population and to keep registrations current.

The Selective Service maintains records for about 16.5 million individuals in its target population — or about 95% of the approximately 17 million males between 18 and 25 living in the United States. It also reports that technological resources have significantly reduced the costs involved in building and maintaining registration lists.

This report explains how technology helps the Selective Service and partner agencies register and maintain current records on the majority of the agency's target population — with little or no effort on the part of registrants themselves.

THE SELECTIVE SERVICE'S TECHNOLOGICALLY ADVANCED REGISTRATION SYSTEM MAY PROVIDE A USEFUL MODEL FOR THOSE WHO WOULD LIKE TO MODERNIZE OUR VOTER REGISTRATION SYSTEM. THE SELECTIVE SERVICE'S EXPERIENCE SHOWS THAT AUTOMATIC VOTER REGISTRATION IS FEASIBLE. IT ALSO SHOWS THAT THE GOVERNMENT AGENCIES THAT COULD HELP EXPAND AND IMPROVE OUR VOTER ROLLS ALREADY HAVE THE NECESSARY INFRASTRUCTURE, TECHNOLOGY, AND EXPERIENCE TO DO SO.

We gathered the information in this report primarily from information the Selective Service reported to Congress and from interviews with Selective Service officials.

The Brennan Center makes no claims about the quality of the Selective Service's files — there has been no independent audit of the Selective Service since 1982; however, available evidence suggests that the automatic registration methods described in this report enhance the effectiveness and efficiency of Selective Service registration.

The Selective Service's technologically advanced registration system may provide a useful model for those who would like to modernize our voter registration system. The Selective Service's experience shows that automatic voter registration is feasible. It also shows that the government agencies that could help expand and improve our voter rolls already have the necessary infrastructure, technology, and experience to do so.

It is not surprising that the Selective Service has deployed technology and other resources to identify and automatically register young men for the draft; the government has an obvious, central interest in its ability to mobilize an expanded military in time of crisis. The ability to participate in the electoral process is surely just as central to democracy. It is disconcerting that the government has not availed itself of the same technology and commitment to improve our voter registration system. The government has shown it can effectively and automatically register eligible men for the draft. It should now use the same tools to automatically register eligible citizens to vote.

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Lessons for voter registration modernization

The methods by which the Selective Service registers young men may be instructive to those contemplating the modernization of our voter registration system. Just as the Selective Service acknowledges the government's role in helping its target population fulfill its registration obligations, election officials acknowledge that through partnerships with other government agencies, there may be a better way to help citizens register to vote.

The Help America Vote Act of 2002 ("HAVA") provides the basic infrastructure on which to build a comprehensive database of voting-eligible citizens. HAVA requires all states to institute statewide voter registration databases that can share data with departments of motor vehicles and the Social Security Administration. These databases provide a basic infrastructure for a system of automatic voter registration. The Selective Service model illustrates how states might take the next step to affirmatively and automatically register voters by using information from existing government lists.

While the Selective Service model is not identical to that contemplated by proposals for a modernized voter registration system, the size of the Selective Service's target population of registration-age men — approximately 17 million individuals — is comparable to the voting-eligible population in the largest U.S. states. Only California's 2008 voting-eligible population is larger.

Each aspect of the Selective Service's registration system detailed in this report has implications for a modernized voter registration system.

A. Building the List

Using data transfer methods similar to those used by the Selective Service, election officials could build a single, comprehensive list of voting-eligible citizens who would have to do nothing more than show up at the polls on Election Day in order to cast a valid ballot.

The automatic registration program that the Selective Service undertakes in partnership with state departments of motor vehicles and the American Association of Motor Vehicle Administrators (AAMVA) shows particular promise in the context of voter registration. Under the auspices of the National Voter Registration Act of 1993 (NVRA), which

provides for simultaneous voter registration when citizens apply for a driver's license, state departments of motor vehicles already process voter registration applications with the assistance of AAMVA. Not all states fully comply with the NVRA, but the law provides that individuals need only sign an additional field affirming voting eligibility and authorizing their registration in order to vote. AAMVA's Help America Vote Verification software already allows departments of motor vehicles to share information with the Social Security Administration and with state election officials in order to verify voter identity.

Other registration models also show promise. Information on all registration-age men who submit the Free Application for Federal Student Aid (FAFSA) is electronically transferred to the Selective Service registrant file through leased lines, a model that allows for both automatic registration (for men who elect to be registered on the application) and data sharing (for men who claim to already be registered). Other agencies, like the Department of Labor, send encrypted, password-protected files containing registrant information to the Selective Service for incorporation into its registrant file. The Selective Service model shows not only that it is possible for one government agency to transfer information to another, but also that states have a variety of methods from which to choose in undertaking this task.

B. Maintaining the List

Just as the Selective Service must update registrant records in order to ensure its ability to contact registrants in the event of a draft, election officials must keep voter information up to date to ensure that voters are assigned to the proper voting precinct.

As the Selective Service model demonstrates, departments of motor vehicles can communicate address updates to election officials — as they are required to do by the NVRA — through an automated system that is integrated with the registration model and that requires no extra effort on the part of citizens or administrators.

Suppression files like those used in the military's recruitment database may also prove useful in maintaining voter registration lists. Some citizens may wish to "opt out" of the voter registration system, and so-called suppression files are the best way to ensure that elections officials do not inadvertently add those individuals back onto the list when they collect new information. States may also choose to add individuals who are temporarily ineligible to vote to a special file of individuals who should not be included in the registrant list in order to avoid inadvertent registration. Election officials could simply remove these individuals from the special file when they become eligible.

C. Privacy, Security, and Cost

Voter registration systems face many of the same privacy and security concerns as the Selective Service. Like the Selective Service, election officials must maintain data systems that protect voter privacy and withstand unauthorized access or other attacks, and like all government agencies, election authorities must fulfill their mission in a cost-effective manner. The Selective Service model shows that increased investments in registration technology can help to achieve all of these goals.

Conclusion

The notion that a government agency with an interest in building a comprehensive list of a target population might rely on other government agencies and modern data sharing technology to build this list is far from revolutionary. If it is worth enacting such a system to ensure the robustness of our nation's defense, surely it is worth doing so to nurture the democratic process at the heart of our nation's character.

Which existing government lists could best be adapted for use in modernizing the system? How much work would it take to adapt them for this purpose? The Brennan Center examined a range of existing government data sources. The full text of this report is available at www.brennancenter.org/content/pages/voter_registration_modernization_government_lists.

Government Lists: How Ready Are They for Automatic Registration?

by Laura Seago *(May 2009)*

This paper provides information on five categories of government lists that may be used for the purpose of automatically registering eligible citizens to vote: (1) state department of motor vehicles databases; (2) state social service databases covering, at minimum, Temporary Assistance for Needy Families, food stamps, and Medicaid; (3) other state lists covering low-income citizens; (4) lists of recipients of state and federal disability benefits; and (5) federal government lists.

This report assesses the data elements, database architecture, and sharing capabilities of databases maintained by state departments of motor vehicles and state social service agencies, which are already required to provide voter registration services under the National Voter Registration Act. Many of the elements necessary to streamline compliance with this law through automatic registration are already in place. All state departments of motor vehicles and social service databases contain the name, date of birth, residential and/or mailing address, and social security number for each constituent. In addition, all social service agencies and the majority of departments of motor vehicles collect an affirmation or proof of citizenship. All departments of motor vehicles and all but one of the state social service agencies also have the demonstrated capacity to share information electronically with other government databases, though these databases' interoperability with existing voter registration databases is unknown.

This report also provides a brief assessment of other databases that should be considered as sources of voter information. Because the goal of voter registration modernization is to reach the greatest possible number of voting-eligible citizens, the demographic coverage of programs serving those who may not be included in driver's license or major social service databases receives special attention. The databases maintained by these programs cover millions of Americans who are all too frequently shut out of the democratic process, and who could be reached by modernizing voter registration.

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Any automatic voter registration system must account for party affiliation information where state primaries require it. This excerpt examines the party affiliation systems in all fifty states and the District of Columbia. In thirty-four states, existing practices can smoothly transition to a modernized voter registration system; only sixteen states would have to adjust the way they collect party information under a system of automatic registration. The full report is available at www.brennancenter.org/content/pages/vrm_party_affiliation.

Party Affiliation in a System of Automatic Voter Registration

by Renée Paradis *(May 2009)*

Currently, thirty states and the District of Columbia actively track a voter's affiliation with a political party. Voters have the option to declare an affiliation when they register to vote, by checking a box or writing in a party name on their voter registration form. In a system where, instead of filling out a form on their own, voters are automatically registered to vote, what should states do about party affiliation?

This short paper sets out the different ways states currently track party affiliation, and then discusses the different ways states could adapt their party affiliation systems to function in an automatic system. Two appendices discuss the constitutional constraints on states' choices about party affiliation and political primaries and detail how the states track party affiliation and what primary systems they use.

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Conclusion

Ultimately, party affiliation or enrollment presents a much less significant difficulty for an automatic registration system than may seem on first glance. Thirty-four states currently have affiliation systems that would require no change in a system of automatic registration. And the sixteen states (and the District of Columbia) that would require some change can choose one or both of two simple solutions to ensure voters are able to effectively affiliate with political parties. They could allow unaffiliated voters to participate in a primary election on Election Day (either by allowing unaffiliated voters to vote in primary elections of their choice or by allowing them to affiliate with a party on Election Day), or they could provide voters who are automatically registered without party affiliation notice and opportunity to affiliate with a party, by postage paid return postcard. In short, the current system of party affiliation in the states presents no bar to a system of automatic voter registration.

Permanent registration is critical to any modernization plan. If voters could stay registered when they move within a state, rolls would be more accurate and cost less to maintain. Moreover, voters would not be disenfranchised when they change address. Every key element of such an approach is already used in several states – and could easily spread across the country. The following article is excerpted from a report that examines the permanent registration programs currently in place in the states and shows how these states confirm registrations, prevent double voting, correct voter rolls, and ensure that voters know where to cast ballots. The full report is available at www.brennancenter.org/content/resource/permanent_voter_registration/.

Permanent Voter Registration

by Adam Skaggs and Jonathan Blitzer *(June 2009)*

Tens of millions of Americans — as many as one in six — change their address every year. In any five-year period, approximately 45% of the U.S. population moves. All this moving poses big challenges for election administrators — and voters.

Election officials process millions of change-of-address cards each year to keep voter registration lists up to date. This involves deciphering information written on millions of paper forms and laboriously inputting data. The administrative headache is hardly trivial: between 2004 and 2006, election officials in 35 states processed nearly 11 million forms submitted by already-registered voters to report address or name changes or updates to party affiliation. These updates accounted for at least 30% of all voter registration transactions during that period. Not surprisingly, election officials report that dealing with address changes is the most challenging aspect of voter list maintenance.

Americans' seemingly constant motion — and the paper they generate as they change addresses — has a real impact on our democracy. Millions of Americans who move can't vote unless they re-register at their new address shortly after they've moved there. This is true even when a registered voter relocates *within* the state in which he or she is already registered. Accordingly, the longer a citizen lives in the same address, the more likely he or she is to be registered — and to vote. And a citizen is less likely to vote if she has moved shortly before election. Political scientists conclude that Americans' mobility plays a substantial role in our comparatively low voter turnout. Indeed, political scientist Michael McDonald determined that if we allowed voters who move within a state to vote at their new addresses *without submitting a new registration form* — if, that is, we made registration "portable" — turnout would increase by as many as two million additional voters.

PERMANENT REGISTRATION ISN'T JUST GOOD POLICY AND PRACTICE. IT IS ALSO EASILY ACHIEVABLE ACROSS THE COUNTRY.

But not every registered voter who moves will be unable to vote if she does not re-register before Election Day. Several states have established systems of portable or "permanent" registration under which registered voters who move within a state can cast ballots that count on Election Day — even if they don't submit new registration forms at their new address before the voter registration deadline. Permanent registration systems increase electoral participation; in fact, states with permanent registration systems had some of the highest voter turnout rates in the 2008 election.

Permanent registration systems offer additional advantages. They help elections run more smoothly and reduce burdens on election officials. They create a cost-effective means of ensuring more accurate voter rolls. And they reduce duplicate registrations that bloat voter rolls and may raise suspicions of voter fraud. Under a permanent registration system, voters' addresses are more accurately reflected on the voter rolls come Election Day, making it easier for election officials to plan elections. For example, with accurate voter rolls, officials can more accurately predict how many ballots or voting machines should be allocated to a particular polling place. When voter rolls more accurately reflect voters' addresses, voters are less vulnerable to challenge at the polls. And accurate registration records decrease the odds that particular voters will have to vote on a provisional, rather than a regular ballot.

Permanent registration isn't just good policy and practice. It is also easily achievable across the country. Some system of permanent registration currently exists in 16 states. Eight states rely on systems that allow registered voters to update their addresses and vote on Election Day. Eight additional states have Election Day registration systems, under which already-registered voters who have moved can update their addresses at the polls at the same time they vote (along with first-time, previously unregistered voters who can also register and vote on Election Day).

Other states also already have the building blocks of permanent registration in place. Federal law requires all states to provide a type of permanent registration for that subset of voters who move within the same congressional district and election "jurisdiction" — usually, within the same county or city. And every state has the technology to extend statewide the protections that apply to in-county movers. All states now have statewide voter registration databases — centralized and interactive electronic voter lists covering all registered voters within the state. With these databases, states have the means to account for voters before and after they move anywhere within the state.

UNDER A STATEWIDE PERMANENT REGISTRATION SYSTEM, ONCE A VOTER REGISTERS IN A STATE, SHE CAN MOVE TO A NEW ADDRESS WITHIN THE STATE OR CHANGE HER NAME AND VOTE A BALLOT THAT COUNTS IN A SUBSEQUENT ELECTION — WITHOUT HAVING TO RE-REGISTER EACH TIME SHE MOVES OR TAKE AFFIRMATIVE STEPS TO CHANGE HER REGISTRATION INFORMATION. SIMPLY PUT, WITH PERMANENT REGISTRATION, ONCE A VOTER REGISTERS, SHE STAYS REGISTERED.

To assist states in bringing their voter registration systems into the twenty-first century, this report examines the permanent registration systems and the associated tools already in place across the country. First we define permanent registration and describe the elements of a system of permanent registration. Next, we lay out the technological and policy tools that facilitate permanent registration, noting the states in which these tools are already employed. We then describe the three basic models states have adopted to achieve permanent registration using Election Day tools. We also describe the techniques that some states employ to automatically update voters' addresses to move closer to permanent registration and achieve more accurate voter rolls on Election Day. Because of the substantial benefits to voters and election officials, we recommend that all states establish permanent registration. We conclude with recommendations for developing effective systems of permanent registration.

What is Permanent Registration?

Under a statewide permanent registration system, once a voter registers in a state, she can move to a new address within the state or change her name and vote a ballot that counts

in a subsequent election — without having to re-register each time she moves or takes affirmative steps to change her registration information. Simply put, with permanent registration, once a voter registers, she stays registered.

Permanent registration systems can update voter addresses or names at two basic stages.

First, permanent registration systems can capture address or name changes through list maintenance procedures that automatically update voters' information on a regular basis before Election Day. Election officials can use other government records, so that if a voter updates her address with one government agency — say, the department of motor vehicles — the update is automatically shared with election officials, and the voter rolls are updated. Election officials can also use change of address data maintained by the U.S. Postal Service to update the voter registration rolls. Many state statutes specifically authorize this procedure, and it works reasonably well in the states that actually put it into practice. When election officials proactively update the voter rolls in this way, voters' registration records will reflect their proper addresses before Election Day; voters will receive pre-election mailings and notices of their proper polling place, and voters will be entitled to cast regular ballots on Election Day.

Second, a permanent registration system must have some mechanism in place to update voters' addresses on Election Day. Any registration list will inevitably have some errors. Some voters may not report address or name changes to other government agencies, and even the most robust program for automatic address updates will miss some voters' address changes or mistakenly catch some voters who do not move. Therefore, permanent registration states must have some safety net in place for voters whose addresses are not accurately reflected on the voter rolls come Election Day. Indeed, a state could effectively achieve permanent registration — even if it had no program for automatic address updates — if it had an effective stand-alone program for Election Day address or name changes.

Every state to have achieved permanent registration to date has implemented such a program of Election Day updates, although they have chosen different approaches to doing so. Some require voters who have moved to return to their old polling place and vote, while some permit voters to change their address information and cast a regular ballot at their new polling place. As we will detail in the pages that follow, this practice of allowing a voter to cast a regular ballot at the new polling place is the most effective means to ensure that a voter's ballot will count and that she can vote in all races for which she is eligible to vote, and to eliminate needless administrative hold-ups. Other states permit voting at the new polling place, but use provisional rather than regular ballots. Whatever the specific policy prescription employed, each permanent registration state described in this report has put in place an effective safety net that guarantees no registered voter will be denied the right to cast a ballot that counts simply because she moved.

Based on our survey of state election administration practices, there are currently sixteen states that have statewide permanent registration. These states all accomplish permanent registration using Election Day procedures that follow four basic models:

Three states allow voters who have moved anywhere within the state and have not updated their addresses to vote a regular ballot on Election Day from their new address.

- In Delaware and Florida, voters present themselves at their new polling places, where they simultaneously vote a regular ballot and update their registration information.

• Oregon has a system of voting by mail, so voters do not travel to any new polling place. Rather, they can report an address change and request a ballot for their new address at any time through Election Day. Oregon voters who report address changes with sufficient time for a ballot to be mailed to them will receive, by mail, a regular ballot corresponding to their new address. If there is not sufficient time for a ballot to be mailed — usually, within five days of the election — a voter may pick up (and cast) a regular ballot at the county election office for her new residence. The voter may do this through 8 p.m. on Election Day.

Three states allow voters who have moved anywhere within the state and have not updated their addresses to vote a provisional ballot from their new address.

• In Maryland and Ohio, voters who have moved present themselves at their new polling place on Election Day, and simultaneously update their address information and vote a provisional ballot. These provisional ballots will count as long as the voter is otherwise eligible and has not also cast a ballot from her old address.

• In Colorado, voters can follow the same procedure, but they also have a second alternative. Colorado voters can also travel to the central election office for their new county, fill out an "emergency" registration affidavit listing their new address, and then, after taking the emergency registration affidavit to the polling place for their new address, they may cast a regular ballot.

Two states allow voters who have moved but have not updated their addresses with election officials to vote regular ballots from their old addresses.

• In South Dakota, voters who have moved may cast a regular ballot at their old polling place. Because these voters cast ballots corresponding to their old addresses, they can vote not only in federal and statewide races, but also in local races — even if they no longer reside in the relevant locality.

• In Washington, voters who have moved can cast a regular ballot corresponding to their old address — either when voting in person or, in the majority of Washington counties, when voting by mail. As in South Dakota, Washington voters can vote in local races for localities in which they no longer live.

Eight states have achieved permanent registration through Election Day registration procedures by which voters may update their registration information when voting — or register for the first time.

• Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming currently offer full systems of Election Day registration. In these states, if a voter has not registered, or if the voter has moved and not submitted a change of address update, the voter may register and vote simultaneously, ordinarily after providing documentation of her identity and residence. In six of the states (and in several Maine jurisdictions), voters may register and vote at the polling place. In Maine and Montana, voters may register on Election Day at the registrar's office.

• Two additional states offer a more limited form of same-day registration. North Carolina offers same-day registration and voting during a period of early voting, but does not permit registration on Election Day itself. Ohio currently offers same-day registration during a five-day period just before the registration deadline, when voters may register and simultaneously cast an in-person absentee ballot. (As detailed above, Ohio also allows address updates on Election Day for already-registered voters.)

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Updating Voters' Addresses on Election Day
Every state that has implemented a permanent registration system to date has put in place some mechanism for citizens whose addresses are not accurately reflected on the voter rolls to correct their addresses on Election Day. In permanent registration states, these voters may simultaneously correct their addresses and cast a ballot that counts.

Besides the states that permit Election Day registration, eight additional states have established effective forms of permanent registration. These states follow one of three basic protocols, under which voters can either:
(1) cast a regular ballot in the jurisdiction corresponding to their new address;
(2) cast a provisional (or special) ballot in the Jurisdiction corresponding to their new address; or
(3) cast a regular ballot in the jurisdiction corresponding to their old address.

We outline these three protocols below, giving particular attention to how each treats the following four concerns:

• **Confirming a Voter's Registration**
Officials need to be able to confirm the voter's existing registration before issuing a ballot. If the voter is voting at her old polling place, she will appear in the poll book, and confirming her registration will be routine (though additional steps will have to be taken to ensure her address information is updated). If the voter is voting at her new polling place, officials can confirm the registration by accessing the statewide voter registration database. If the voter is voting by mail, officials confirm her registration before issuing a mail-in ballot.

• **Preventing Double Voting**
Though double voting — when a voter casts more than one ballot from different addresses — has not been proven to occur with any frequency, any system of permanent registration should provide safeguards to deter and prevent it.

• **Ensuring that a Voter Knows Where to Vote**
If a voter who has moved is voting at her former polling place, presumably she will know where the polling place is located. If a state directs voters who have moved to vote at their new polling places, however, the voters will have to be able to find out where to vote — usually either by calling an election hotline or information line, or by accessing an Internet voter portal operated by the state or a third party.

• **Updating the Voter's Registration Record in the Voter Registration Database**
Enabling a voter whose address is not accurately reflected in the statewide voter registration database to vote on Election Day is only half the challenge facing election officials; they must also update the address for subsequent elections. Generally, states with permanent registration have the voters complete a new registration application, change of address form or affidavit at the same time they cast a ballot, and process the change of address after Election Day, although in vote-by-mail systems, the voter's address is updated in the voter registration database before a new ballot is issued.

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III. The Trouble with America's Voter Registration System: Challenges to Voting Access and Voter List Accuracy

In 1952, President Truman called on Congress to ensure that members of the United States Armed Forces had a meaningful right to vote. More than a half-century later, intolerable burdens still make it difficult for members of the military — as well as American citizens who live overseas — to vote. The following is excerpted from a policy brief that explains how voter registration modernization would improve military and overseas voters' access to the franchise. The full report is available at www.brennancenter.org/content/resource/registering_overseas_and_military_citizens_to_vote/.

Registering Military and Overseas Citizens to Vote

by Adam Skaggs *(July 2009)*

Members of the United States armed forces and their families face unique challenges to participating in our elections. If their votes are to count and their voices are to be heard, these citizens must overcome hurdles not faced by most Americans. They deserve better: the nation should make it a priority to remove barriers to political participation for those who dedicate themselves to defending our democracy.

Two aspects of the election system create problems for military voters and their families. First, many of these citizens have difficulty with voter registration: earlier this year, the recently appointed Director of the Federal Voting Assistance Program in the Department of Defense, Bob Carey, testified before the United States Senate that the registration rate for military voters is almost 20 percentage points lower than that for all Americans. Carey explained that "[t]he military voter registration process is exceptionally complex, varies in its deadlines from State to State, is tied in with the absentee ballot application process, and is subject to exceptional opportunities for errors."

MILITARY VOTERS ARE MUCH LESS LIKELY THAN OTHER AMERICANS TO CAST BALLOTS AND TO HAVE THEIR BALLOTS COUNTED.

Additional problems spring from absentee ballots and the often logistically tricky questions of how to get these to — and collect them from — military personnel and overseas voters who are away from their permanent voting addresses on Election Day. In the 2006 election, the U.S. Election Assistance Commission ("EAC") reported that of almost 1 million absentee ballots requested by military and overseas voters, only about a third were ever counted; two thirds of the uncounted ballots were returned by the postal service without reaching the voters who requested them; another 10% arrived too late to be counted. Many of the problems with absentee ballots themselves trace back to problems with registration records, because when registration information contains out-of-date or inaccurate mailing address data, delivering absentee ballots is difficult or impossible.

The results are predictable — and disheartening: military voters are much less likely than other Americans to cast ballots and to have their ballots counted. According to the 2008 Cooperative Congressional Election Survey, servicemen and women who live in the United States vote at a rate 10% lower than the general population — and military personnel stationed overseas face additional hurdles to voting. The Pew Center on the States found that overall, in the 2006 federal elections, "voter turnout was only 20.4% for the military population, compared to 39.8% of the general population which voted . . .

[because of] a fractured system of voting for our military." The EAC found that in 2006, less than 16.5% of approximately 6 million eligible military and overseas voters even requested absentee ballots.

Fortunately, there is a way to modernize the voter registration system that will solve these problems.

This policy paper focuses on the voter registration problems facing military voters — and on solutions to these problems. In particular, it explains how modernization of the voter registration process would significantly decrease the registration problems military voters face — while simultaneously reducing some of the problems associated with absentee balloting. Voter registration modernization would increase the rate and accuracy of registration for military voters and their families. It would also ameliorate problems experienced by veterans and other U.S. citizens.

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Conclusion

Most of the problems that impede military and overseas citizens from voting stem from the voter registration system and, in particular, the inability of the current system to handle a highly mobile population located far from home. The flaws in our current registration system mean that these voters are registered at significantly lower levels than other Americans — and that their ballots count much less frequently. This is simply unacceptable.

Fortunately, despite the logistical challenges facing military and overseas voters, a solution is close at hand. Modernizing the voter registration system by automatically registering voters based on the data maintained by the Department of Defense's Defense Manpower Data Center will guarantee that American citizens fighting to defend our democracy will not be disenfranchised because of bureaucratic inefficiencies.

MODERNIZING THE VOTER REGISTRATION SYSTEM BY AUTOMATICALLY REGISTERING VOTERS BASED ON THE DATA MAINTAINED BY THE DEPARTMENT OF DEFENSE'S DEFENSE MANPOWER DATA CENTER WILL GUARANTEE THAT AMERICAN CITIZENS FIGHTING TO DEFEND OUR DEMOCRACY WILL NOT BE DISENFRANCHISED BECAUSE OF BUREAUCRATIC INEFFICIENCIES.

This can be done securely, without compromising private or sensitive information; indeed, this data is already shared with other government agencies for the purpose of administering benefits and entitlements. Technical solutions to the problems that keep military voters from participating in our political system are readily accessible and should be adopted quickly. We must reform the voter registration system so that our men and women in uniform are guaranteed the right to participate in our elections. We owe them no less.

A modernized voter registration system would largely eliminate the many problems associated with changes of address. The following is an excerpt from a report that examines the rules and practices in all fifty states with respect to registered voters who move, but whose current information has not yet been updated on the rolls. To read the full report, go to www.brennancenter.org/content/resource/when_voters_move/.

When Voters Move

by Myrna Pérez *(June 2009)*

In the United States, 90 million eligible voters — 45% of the population — move every five years. When Americans register to vote, their voter registrations are linked to their residential address. This connection between a voter's registration and residence is intended to ensure reliable and accurate voter lists and that voters only vote for races and ballot questions that affect the communities in which they live. However, in America's increasingly mobile society — a society in which an estimated 29 million voting-age Americans move each year — a fixed link between voter registration and a voter's residential address can prove to be complicated and confusing — and for many, ultimately disenfranchising. Evidence suggests that voters who move have a harder time staying on registration rolls and, more saliently, casting votes which will count.

If voters do not their registration record to reflect a change of address in advance of state voter registration deadlines, they are at risk of being shut out of upcoming elections. While the exact number of voters prevented from voting because of a move is unknown, we do know that registration problems are widespread. Election Protection, the nation's largest non-partisan voter protection effort, reported that 34% of all calls to its toll-free hotline reporting problems during the 2008 general election were categorized as "registration problems." We also know that the "most obvious and observable problems" with maintaining accurate registration lists — a task which can swallow up to a third of the budget of local election offices — have been attributed to the mobility of our society. Indeed, the relationship between mobility and re-registration requirements has led some scholars to conclude that "[t]he requirement that citizens must register anew after each change in residence constitutes the key stumbling block in the trip to the polls."

There are a number of state and federal laws to protect voters who move, including voters who have not notified election officials of their address changes before Election Day. But not all movers enjoy the same protections because not all movers are similarly situated. States differ in their policies regarding movers. Some offer no more protections than those provided by federal law, but others have established systems of portable or "permanent" registration under which registered voters who move within the state can cast a ballot that counts on Election Day — even if they did not submit a new registration at their new address before the voter registration deadline. Movers also differ in where and how they move. Some movers move across state lines, some move within the same state, some move within the same county, and some move just across the street or to another apartment in the same building. Federal and state laws often treat these movers differently. And while state and federal laws protect some voters, they do not protect all voters who move, leaving some movers at risk

of being disenfranchised. The existing voter protections for each state are described in the attached Voter Guide.

The diverse patchwork of laws governing voters who move means such voters are treated differently depending on where they live. Differing treatment also results from inconsistent enforcement: election officials and poll workers do not always properly implement legal protections for voters who move. The complex regime governing the rights and responsibilities of voters who move ultimately creates confusion for voters and election workers alike.

This report catalogues state rules and practices for dealing with voters who move and describes several ways in which otherwise registered, eligible voters can be disenfranchised because they moved without updating their registration records. The report finds that current federal and state law protections are too limited, are applied inconsistently, and cause confusion among voters and election officials. Additionally, this report provides a guide to voters which explains the procedures for voting upon moving within the state.

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At the time of the passage of the NVRA, the House Committee Report noted that:

Enactment of the Voting Rights Act of 1965 eliminated the more obvious impediments to registration, but left a complicated maze of local laws and procedures, in some cases as restrictive as the outlawed practices, through which eligible citizens had to navigate in order to exercise their right to vote. The unfinished business of registration reform is to reduce these obstacles to voting to the absolute minimum while maintaining the integrity of the electoral process.

Sixteen years later, much of the business of registration reform remains unfinished.

Section II of this report showed that under the current system of voter protections in many states, voters are often disenfranchised because of limited protections, inconsistent implementation, and confusion on the parts of voters and election officials. Some states have taken steps to implement statutes and best practices that correct some of these shortcomings. It is time to take the next step in registration reform to further minimize the barriers to registration.

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In early 2006, the Brennan Center released the first national study of the policies and practices states planned to use in rolling out new statewide voter registration databases. The full report is available at www.brennancenter.org/content/resource/making_the_list_database_matching_and_verification_processes_for_voter_regi/. The report identifies flaws in various state policies and practices, many of which lead to voter disenfranchisement. Voter registration modernization would eliminate these problems.

Making the List: Database Matching and Verfication Processes for Voter Registration

by Justin Levitt, Wendy R. Weiser, and Ana Muñoz *(March 2006)*

In 2006, virtually every state will experience serious changes in its voter registration process. The Help America Vote Act of 2002 (known as "HAVA") now requires that states create and maintain statewide databases to serve as the central source of voter registration information. Citizens' ability to get on the rolls — and thus their ability to vote and have their votes counted — now depend on the policies governing the use of these databases in the voter registration process. While good policy choices could help the voter registration process run more smoothly than ever, poor policy choices could result in the unwarranted disenfranchisement of millions of eligible citizens attempting to register to vote.

After an extensive national survey, the Brennan Center for Justice at NYU School of Law presents the first comprehensive catalog of the widely varying state database practices that will now govern how individuals get onto the voter rolls. Our survey found that:

• A few states plan to implement voter registration databases for their intended purposes: to help clean the registration rolls, to provide those new voters who are subject to identification requirements with a convenient alternative means to confirm their identity, and to promote the smooth administration of a process that enables every eligible citizen to vote. States like Minnesota and Wisconsin go further, offering Election Day registration as an additional safeguard for citizens who have encountered unforeseen problems in the registration process.

• In contrast, some states have adopted database policies that create unwarranted barriers to the franchise. Several states, for example, report that they will reject the application of citizens whose information cannot be matched to the state's motor vehicles database or the database of the Social Security Administration, barring the applicant entirely from the polls. And others will reject such applicants unless they provide certain identification documents by the registration deadline. A 2004 trial run in New York City showed that up to 20% of eligible new applicants could have been rejected under such a rule solely because of data entry errors by election officials, and the Social Security Administration is now showing a 28.5% failed "match" rate nationwide.

• In the rest of the country, implementation of HAVA's database provisions seems to be mixed: some state policies are good, fulfilling the intent of the law while minimizing the burdens on eligible citizens, and others create unnecessary hurdles for eligible voters.

Fortunately, most state policies are not yet either codified or hardwired. Indeed, some may have changed since this report was issued. This report is intended not only to shed light on states' plans, but also to encourage them to bring their policies in line with best practice. To that end, the Brennan Center offers recommendations for the proper implementation of HAVA's database provisions. These include recommendations that states enact:

- Policies to account for the wide variety of common database matching errors by ensuring that the match process will not bar registration of an eligible voter.

- Reasonable guidelines for matching voter information to other government databases, with built-in flexibility and ample opportunity to correct the mistakes that arise.

- Standards for clarifying registration forms, for ensuring accurate data entry from the forms into registration databases, and for keeping database information updated.

- Clear, transparent, and voter-protective procedures for database maintenance and purging, to ensure that eligible voters are able to get on — and stay on — the voter rolls.

Brennan Center staff are available to discuss these recommendations in more detail, and to assist officials, advocates, and interested citizens more generally in implementing the new statewide voter registration databases in a voter-protective manner. For additional materials, including the state-by-state analyses of the policies and procedures summarized here, please see www.brennancenter.org

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Modernizing the voter registration system would solve the problem of inaccurate backroom purges of voter rolls. Voters could review their records year-round, and those mistakenly removed from the rolls could correct errors, even on Election Day. A modernized system is designed to update, rather than delete, outdated or inaccurate information. And because of its fail-safe procedures for voters, it would enable election officials to use more thorough list maintenance techniques. The following article is excerpted from a report on voter purge practices. The full report is available at www.brennancenter.org/content/resource/voter_purges.

Voter Purges

by Myrna Pérez *(October 2008)*

Voter registration lists, also called voter rolls, are the gateway to voting. A citizen typically cannot cast a vote that will count unless her name appears on the voter registration rolls. Yet state and local officials regularly remove — or "purge" — citizens from voter rolls. In fact, thirty-nine states and the District of Columbia reported purging more than 13 million voters from registration rolls between 2004 and 2006. Purges, if done properly, are an important way to ensure that voter rolls are dependable, accurate, and up-to-date. Precise and carefully conducted purges can remove duplicate names, and people who have moved, died, or are otherwise ineligible.

Far too frequently, however, eligible, registered citizens show up to vote and discover their names have been removed from the voter lists. States maintain voter rolls in an inconsistent and unaccountable manner. Officials strike voters from the rolls through a process that is shrouded in secrecy, prone to error, and vulnerable to manipulation.

While the lack of transparency in purge practices precludes a precise figure of the number of those erroneously purged, we do know that purges have been conducted improperly before. Over the past several years, every single purge list the Brennan Center has reviewed has been flawed. In 2004, for example, Florida planned to remove 48,000 "suspected felons" from its voter rolls. Many of those identified were in fact eligible to vote. The flawed process generated a list of 22,000 African Americans to be purged, but only 61 voters with Hispanic surnames, notwithstanding Florida's sizable Hispanic population. To compound the problem, the purge list over-represented African Americans and mistakenly included thousands who had their voting rights restored under Florida law. Under pressure from voting rights groups, Florida ordered officials to stop using the purge list.

IN 2006, A SECRETARY OF STATE ATTEMPTED TO PURGE THE STATE'S ROLLS BASED ON A FLAWED ATTEMPT TO IDENTIFY VOTERS WHO HAD MOVED FROM THE STATE TO NEIGHBORING SOUTH CAROLINA AND TENNESSEE.

In New Jersey in 2005, the Brennan Center worked with a political science professor to analyze a purge list prepared by a political party using "matching" techniques. We found that the list was compiled using a number of faulty assumptions and that it would have harmed eligible voters if used as the basis for a purge. In 2006, the Secretary of State of Kentucky attempted to purge the state's rolls based on a flawed attempt to identify voters who had moved from Kentucky to neighboring South Carolina and Tennessee. A resulting lawsuit uncovered the fact that eligible voters who had not, in fact, moved out

of the state of Kentucky were caught up in the purge; a state court ordered the state to reverse the purge.

The purges reviewed for this report give no greater grounds for comfort. While the reasons vary from state to state, no state reviewed in this report uses purge practices or procedures that are free from risk of error or manipulation, that have sufficient voter protections, or that have adequate procedures to catch and correct errors.

The secret and inconsistent manner in which purges are conducted make it difficult, if not impossible, to know exactly how many voters are stricken from voting lists erroneously. And when purges are made public, they often reveal serious problems. Here are a few examples recent examples:

- In Mississippi earlier this year, a local election official discovered that another official had wrongly purged 10,000 voters from her home computer just a week before the presidential primary.

- In Muscogee, Georgia this year, a county official purged 700 people from the voter lists, supposedly because they were ineligible to vote due to criminal convictions. The list included people who had never even received a parking ticket.

- In Louisiana, including areas hit hard by hurricanes, officials purged approximately 21,000 voters, ostensibly for registering to vote in another state. A voter could avoid removal if she provided proof that the registration was cancelled in the other state, documentation not available to voters who never actually registered anywhere else.

Findings

This report provides one of the first systematic examinations of the chaotic and largely unseen world of voter purges. In a detailed study focusing on twelve states, we identified four problematic practices with voter purges across the country:

Purges rely on error-ridden lists. States regularly attempt to purge voter lists of ineligible voters or duplicate registration records, but the lists that states use as the basis for purging are often riddled with errors. For example, some states purge their voter lists based on the Social Security Administration's Death Master File, a database that even the Social Security Administration admits includes people who are still alive. Even though Hilde Stafford, a Wappinger Falls, NY resident, was still alive and voted, the master death index lists her date of death as June 15, 1997. As another example, when a member of a household files a change of address for herself in the United States Postal Service's National Change of Address database, it sometimes has the effect of changing the addresses of all members of that household. Voters who are eligible to vote are wrongly stricken from the rolls because of problems with underlying source lists.

Voters are purged secretly and without notice. None of the states investigated in this report statutorily require election officials to provide public notice of a systematic purge or even individual notice to those voters whose names are removed from the rolls as part of the purge. Additionally, with the exception of registrants believed to have changed addresses, many states do not notify individual voters before purging them. In large part, states that do provide individualized notice do not provide such notice for all classes of purge candidates. For example, our research revealed that it is rare for states to provide notice when a registrant is believed to be deceased. Without proper notice to affected individuals, an erroneously purged voter will likely not be able to correct the error before Election Day. Without public notice of an impending purge, the public will not be able to detect

improper purges or to hold their election officials accountable for more accurate voter list maintenance.

Bad "matching" criteria leave voters vulnerable to manipulated purges. Many voter purges are conducted with problematic techniques that leave ample room for abuse and manipulation. State statutes rely on the discretion of election officials to identify registrants for removal. Far too often, election officials believe they have "matched" two voters, when they are actually looking at the records of two distinct individuals with similar identifying information. These cases of mistaken identity cause eligible voters to be wrongly removed from the rolls. The infamous Florida purge of 2000 — conservative estimates place the number of wrongfully purged voters close to 12,000 — was generated in part by bad matching criteria. Florida registrants were purged from the rolls in part if 80% of the letters of their last names were the same as those of persons with criminal convictions. Those wrongly purged included Reverend Willie D. Whiting Jr., who, under the matching criteria, was considered the same person as Willie J. Whiting. Without specific guidelines for or limitations on the authority of election officials conducting purges, eligible voters are regularly made unnecessarily vulnerable.

Insufficient oversight leaves voters vulnerable to manipulated purges. Insufficient oversight permeates the purge process beyond just the issue of matching. For example, state statutes often rely on the discretion of election officials to identify registrants for removal and to initiate removal procedures. In Washington, the failure to deliver a number of delineated mailings, including precinct reassignment notices, ballot applications, and registration acknowledgment notices, triggers the mailing of address confirmation notices, which then sets in motion the process for removal on account of change of address. Two Washington counties and the Secretary of State, however, reported that address confirmation notices were sent when any mail was returned as undeliverable, not just those delineated in state statute. Since these statutes rarely tend to specify limitations on the authority of election officials to purge registrants, insufficient oversight leaves room for election officials to deviate from what the state law provides and may make voters vulnerable to poor, lax, or irresponsible decision-making.

Policy Recommendations

No effective national standard governs voter purges; in fact, methods vary from state to state and even from county to county. A voter's risk of being purged depends in part on where in the state he or she lives. The lack of consistent rules and procedures means that this risk is unpredictable and difficult to guard against. While some variation is inevitable, every American should benefit from basic protections against erroneous purges.

Based on our review of purge practices and statutes in a number of jurisdictions, we make policy recommendations to reduce the occurrence of erroneous purges and protect eligible voters from erroneous purges. Our recommendations are designed to ensure

- Transparency and accountability for purges;

- Strict criteria for the development of purge lists to reduce errors;

- "Fail-safe" provisions to protect voters so that those whose valid registrations are removed in error can still cast ballots that count; and, ultimately, to move toward

- Universal voter registration.

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