

VOTER REGISTRATION IN A DIGITAL AGE: SOUTH DAKOTA

BACKGROUND

South Dakota officials began electronically transmitting voter registrations in PDF format from the Department of Public Safety (DPS) to county election officials in January 2006.¹ As in North Carolina, South Dakota election officials had decided to adopt such an automated system years before and lacked only the money to proceed; this the Help America Vote Act of 2002 finally provided.² Development took about twelve to eighteen months, and the total cost was approximately \$60,000.³

OUTCOMES

Voter Registration

South Dakota has seen a truly striking increase in voter registrations at the DPS. Their number rose from 4755 in 2001-02 and 5670 in 2003-04 to 19,710 in 2005-06, and 39,371 in 2007-08.⁴ In relative terms the DPS has gone from accounting for one in twenty-five registrations to more than one in three.⁵ The effect of this shift on total registration rates, however, is not yet clear.⁶

Efficiency

County officials must still copy the registration data from PDF files into their computer systems, and so still incur data entry costs.⁷ However, Secretary of State Chris Nelson believes that errors have decreased with the elimination of legibility problems, and that the accuracy of the new system has contributed to a drop in the use of provisional ballots.⁸

Track Record & Future Plans

DPS employees occasionally failed to copy registration data into their computers during the automated system's first year, but this problem has since been resolved.⁹ Otherwise there have been no problems with the new system. Currently the DPS is working to improve its system for collecting digitized signatures.¹⁰

HOW PAPERLESS REGISTRATION WORKS IN SOUTH DAKOTA

1. For Visitors

Visitors do business with the DPS by filling out an application form, which now includes a voter registration section where applicants may indicate if they would like to register or update a registration, as well as provide their party affiliation and information about any previous registration. Before 2006, the DPS made voter registration available to visitors by placing stacks of voter registration forms alongside its own applications.¹¹

2. For Motor Vehicle and Election Officials

DPS employees copy completed application forms into their computers, including any registration information.¹² When they have flagged a record for voter registration, a program automatically retrieves the record's digitized signature and registration data that night, batches them into a PDF file, and stores the file on a secure site.¹³

The program then sends county officials an e-mail with a link they can follow to pull up and print their applications. The statewide voter registration system directs an application to a particular county based on the county of residence it lists, which customers provide at the DPS. If the county listed is incorrect, officials can redirect the application electronically.¹⁴ Officials copy the data they receive into their own computer systems and review them in the same way they would paper forms.¹⁵

ENDNOTES

¹ Telephone Interview with Chris Nelson, Sec’y of State; Kea Warne, Elections Supervisor & Jennifer Headlee, HAVA Program Manager, S.D. Sec’y of State (Dec. 15 2009) [hereinafter Chris Nelson et al.].

² *Id.* The legislature authorized the electronic transmission of voter registrations from the DPS in 1994. *See* 1994 S.D. Sess. Laws Ch. 107 (S.B. 17), amending S.D. CODIFIED LAWS § 12-4-5.

³ Chris Nelson et al., *supra* note 1; E-mail from Jennifer Headlee, HAVA Program Manager, S.D. Sec’y of State (Jan. 11, 2010); E-mail from Chris Nelson, Sec’y of State, S.D. (Apr. 7, 2010).

⁴ Some of these totals are incomplete, and may be significantly understated for 2007-08 especially. The 2001-02 report notes that some counties did not provide all requested data elements, though it does not state which elements or how many counties failed to report them. Data for 2003-04 are apparently complete, but seven election jurisdictions (out of 66) did not report motor vehicle registration numbers for the 2005-06 Report, while seventeen jurisdictions—more than one in four—failed to do so in the 2007-08 report. *See* FED. ELECTION COMM’N, THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 2001-2002, at 48 [hereinafter 2001-02 NVRA REPORT]; U.S. ELECTION ASSISTANCE COMM’N, THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 2003-2004, at 25, Table 2; U.S. ELECTION ASSISTANCE COMM’N, THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 2005-06, at 30, 34; U.S. ELECTION ASSISTANCE COMM’N, THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 2007-08, at 38-9 [hereinafter 2007-08 NVRA REPORT]; *available at* <http://www.eac.gov/program-areas/research-resources-and-reports/completed-research-and-reports/national-voter-registration-act-studies> (includes a link to reports released by the FEC).

⁵ As a percentage of all registrations reported in the NVRA Reports, motor vehicle transactions rose from 3.8 percent in 2001-02 to 35.6 percent in 2007-08. Again, note that some of the underlying data are incomplete. 2001-02 NVRA REPORT, *supra* note 4; 2007-08 NVRA REPORT, *supra* note 4.

⁶ Total registration grew by 0.1 percent from the 2004 to the 2008 general elections. More data are needed to determine whether and to what extent rates might have differed without automation. U.S. CENSUS BUREAU, REPORTED VOTING AND REGISTRATION BY RACE, HISPANIC ORIGIN, SEX, AND AGE GROUPS: NOVEMBER 1964 TO 2008, *available at* <http://www.census.gov/hhes/www/socdemo/voting/publications/historical/index.html>, Table 4c.

⁷ Chris Nelson et al., *supra* note 1.

⁸ *Id.* 325 provisional ballots were cast in 2008, compared to 533 in 2004. S.D. SEC’Y OF STATE, 2004 VOTER TURNOUT BY COUNTY, *available at* http://www.sdsos.gov/electionsvoteregistration/pastelections_electioninfo04.shtm; S.D. SEC’Y OF STATE, 2008 GENERAL ELECTION – TURNOUT (STATE, COUNTY, AND PRECINCT), *available at* http://www.sdsos.gov/electionsvoteregistration/pastelections_electioninfo08.shtm. Overall voter turnout in 2004 was slightly higher, at 394,930, compared to 387,355 in 2008. *Id.*

⁹ Further training and experience have helped DMV employees adapt to the new system, and in addition they now count the number of applications marked for registration and compare this at the end of the day with the number of electronic transactions posted. Chris Nelson et al., *supra* note 1.

¹⁰ *Id.*

¹¹ *Id.*

¹² The DPS will not process unsigned forms. However, visitors submit applications by handing them directly to employees, who examine the forms to ensure a signature has been provided. E-mail from Chris Nelson, *supra* note 1.

¹³ State officials considered establishing direct data transfers with county offices, but found that county officials were not very interested in this. *Id.*; Telephone Interview with Kea Warne, Elections Supervisor, S.D. Sec’y of State (Mar. 10, 2010).

¹⁴ Errors stem from the fact that the DPS relies on customers to correctly identify their county. According to Ms. Warne, however, they are relatively uncommon. Telephone Interview with Kea Warne, *supra* note 13.

¹⁵ *Id.*