

**RESPONSE TO APRIL 18 MEMORANDUM  
OF SEAN McELWEE OF AVR NOW**

On April 18th, 2019, Sean McElwee of AVR NOW released a memorandum “[RE: AVR Impact on State Voter Registration](#)” criticizing the Brennan Center’s recent report, [AVR Impact on State Voter Registration](#). This report was reviewed by academics and praised in the field. The McElwee memo gets key aspects of our report wrong, as we explain below.

The central conclusion of our report is that automatic voter registration (“AVR”) significantly increased voter registration everywhere the policy has been implemented. We found those increases in big and small states, and in states with different partisan makeups. We also found that AVR increased registration regardless of whether the AVR design provided the opt-out opportunity at the point-of-service (sometimes called “front-end”) or after-the-fact (sometimes called “back-end”). We did not set out to prove whether one design of AVR increased registration more than another design of AVR. In fact, the available data precludes that kind of study.

If, however, one design were substantially more effective at getting voters on the rolls, we would expect to see categorically larger increases in jurisdictions that had adopted that design. We did not observe such differences. Moreover, there are numerous reasons aside from registration increases why policymakers might prefer one design of AVR over another. For example, front-end AVR systems can better protect ineligible voters, such as non-citizens, from being inadvertently registered.

In the face of our findings, McElwee’s memo (“the memo”) attempts to bolster support for a back-end design by criticizing the Brennan Center report. The memo, however, contains basic factual errors regarding the Brennan Center’s methodology and employs faulty arguments to support its points.

Below, we highlight some of the inaccuracies in the memo.

*Factual Errors:*

Three of the memo’s main claims suffer from factual errors regarding the Brennan Center’s methodology and findings.

- *“The [Brennan Center’s] study may underestimate Oregon’s increased registration... The study makes comparisons between increased registration in Georgia and Oregon during the early months of 2017 [ ] a full year after Oregon implemented its back-end system, meaning the first year of registration gains through Oregon’s AVR program are incorporated into the baseline for comparing registration growth.”*

This claim is incorrect. Our methodology does not use any registration data from 2016 in either the baseline or the test period. Rather, as explained on page 6 of the report, we measure growth by comparing 2013 registration rates to 2017 registration rates.

- *“There are several factors that could influence registration trends that the study does not adequately control for. State registration trends before AVR may be different across individual states using different front- and back-end systems, potentially biasing results... These levels are not considered in the analysis. Matching is only done on the weekly rate of registration.”*

This claim is, likewise, untrue. As noted in every place we report matching results, as well as footnote 42 of the report, we matched census tracts based on both the number of weekly registrations prior to AVR *and* the share of the population that was registered before the policy change.<sup>1</sup>

- *“Georgia’s dramatic increase in registration could be accounted for by highly competitive Georgia 6th special election, which occurred during the time in question and attracted \$50 million in spending, and the work of New Georgia Project, whose primary goal is to register minority voters.”*

As stated in our report, in footnote 29, we closely evaluated the potential impact of this race to determine if it would affect our results: “However, our statistical analysis showed that the leadup to the April special election did not materially influence statewide voter registration rates.” To point out a potential problem without acknowledging our addressal of it is misleading.

#### Flawed Arguments:

Beyond these basic factual errors, the memo presents inaccurate assessments of both the methodology and scope of the report. For instance, the memo argues that our study should not be used to “judge the efficacy of program models across states” because it “examines the rate of new registrations relative to the previous rate of registrations,” and previous levels can “matter massively.”

This is an illogical conclusion. The only appropriate way to compare the impact of AVR in each state is to scale each state’s increase by the number of registrations prior to implementation. In other words, our methodology is sound precisely because it compares statewide registration numbers before and after the implementation of AVR.

More broadly, we did not study (nor claim to study) whether there is any difference in efficacy between different systems of AVR. Indeed, no one has. It is not possible to do so based on currently available data. Our basic point is narrower. If there were substantial differences in efficacy between these types of systems, we would expect to see categorically higher increases in registration rates in back-end jurisdictions compared to front-end jurisdictions. As we explained in our report, when we analyzed the data, we did not find such categorical differences.

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<sup>1</sup> As we note in the report, registration rates are not available at the census tract level. As such, each census tract is assigned the pre-AVR registration rate of its county.

Instead of engaging with our report’s findings, the memo argues that a “key number of interest” in designing an AVR system is how many people decline registration. And the memo claims that significantly more people decline registration in front-end systems like California as compared to a back-end system like Oregon.<sup>2</sup>

This conclusion, however, compares apples to oranges. Declination rates are calculated differently in Oregon than in California.<sup>3</sup> After relying on these same faulty figures on declination rates, Daily Kos [issued a correction](#) and removed their reference to AVR NOW’s analysis. Even if an apples-to-apples comparison were available, the opt-out rate in each state would need to be compared to its pre-AVR opt-in rate to understand the impact of the program.

Finally, the memo repeatedly makes unsubstantiated claims about the efficacy of front-end versus back-end based on the absence of applicable research. For example, the memo claims that only back-end systems have been proven to increase the diversity of the voting pool – but fails to explain that only Oregon’s system has been studied for this feature. After Oregon became the first state in the nation to implement AVR, many researchers used this opportunity to investigate many aspects of the policy.<sup>4</sup>

The memo uses the availability of research on Oregon AVR as definitive proof that a back-end system is more effective than front-end in a variety of metrics. However, the memo does not mention that no research has found that back-end AVR registers more than front-end when directly compared. Indeed, one of the conclusions of the Brennan Center report was that neither front-end nor back-end AVR led to categorically higher registration rates.

The memo relies on the Oregon example to make a policy recommendation to lawmakers in every state in the nation, arguing that the “core question” is the “share of the unregistered population that becomes registered.” Unsurprisingly, this disregards any discussion of other factors – such as protection for noncitizens – that policymakers should consider when designing a voter registration system. This represents a significant omission in a memo that ostensibly offers a blanket policy prescription to lawmakers across the country.

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<sup>2</sup> See: “The Brennan Center study does not address several important questions related to policy design that are of interest to policymakers, including declinations at point of service... Declination rates vary enormously between [front-end and back-end] systems” (page 2).

<sup>3</sup> The declination rate in Oregon is calculated after the state has filtered out all currently registered voters. The declination rates in California, in contrast, includes voters who are currently registered.

<sup>4</sup> Reports on Oregon’s AVR were issued by organizations such as the Center for American Progress and Demos.