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IDEAS & ACTION

Hearing of the Connecticut General Assembly

Government Administration and Elections Committee

March 2, 2012

H.B. 5024, An Act Concerning Voting Rights

Testimony of Steven Carbó, Demos

Thank you Chairpersons Slossberg and Morin, and members of the Government Administration and Elections Committee, for this opportunity testify in support of H.B. 5024. My name is Steven Carbó, Senior Program Director in the Democracy Program at Demos. We are a non-partisan public policy center that works with policy makers, elections officials, and advocates in pursuit of a vibrant democracy with high levels of voting and civic engagement. Achieving this level of inclusivity requires reducing barriers that prevent all eligible citizens from exercising their right to vote.

I applaud Governor Dan Malloy, Secretary of State Denise Merrill, and members of this committee for championing H.B. 5024 and Same Day Registration (SDR) – a proven reform that can substantially increase voter turnout among eligible voters without compromising the integrity of elections or substantially increasing costs. By enacting H.B. 5024, Connecticut would become the 10th state to permit eligible citizens to both register and vote on Election Day and/or during the early voting period.¹ The District of Columbia has also enacted Same Day Registration. I will primarily address Section 1 of H.B. 5024, the portion of the legislation that pertains to Same Day Registration. I also offer support for the online voter registration provisions provided for in Section 11 of the bill.

Benefits of Same Day Registration

America is a highly mobile society. According to the US Census Bureau, over 35 million individuals changed residences in 2011.² Many of these individuals fail to register to vote before the registration deadline, and find themselves unable to cast a ballot. Others who have timely submitted their voter registration applications will find on Election Day that their names had not been added to the voter rolls and that their votes will not be counted. Same Day Registration remedies both these problems. Voters simply register to vote on Election Day or during the early voting period, and cast a ballot that will be counted.

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MEDIA CONTACT
Communications Department
Lauren Strayer
lstrayer@demos.org
(212) 389-1407

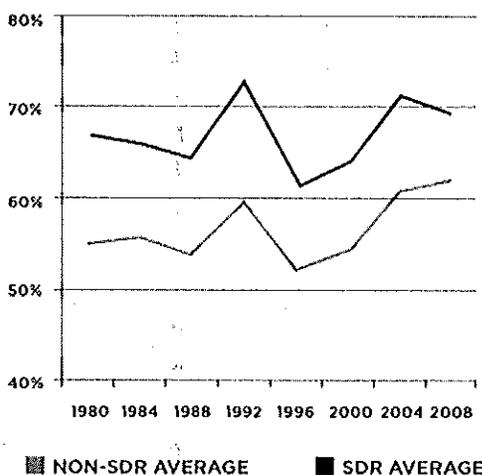
SDR Boosts Turnout

States with Same Day Registration show that the system works. SDR states as a group have historically boasted an average voter turnout rate of 10 to 12 percentage points higher than non-SDR states.³

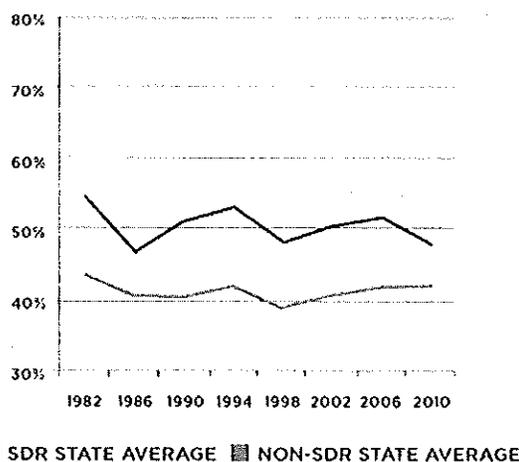
Academic studies show that a significant part of this difference is directly attributable to SDR. Experts predict that a state's adoption of SDR can increase turnout by a full three to six percentage points.⁴ And increased voter participation can be achieved without administrative burden or increased incidence of voter fraud.⁵

Over a million Americans used SDR to vote on or before November 4, 2008. Voter turnout was seven percentage points higher in the nine states that permitted registration and voting on the same day in that election.⁶ The five states with the highest turnout - Minnesota, Wisconsin, Maine, New Hampshire, and Iowa - were all SDR states.⁷ And North Carolina, after having recently adopted the reform, boasted record turnout this past presidential election, with 253,000⁸ voters using same day registration, placing that state at number 19 in the nation after having been historically ranked among the *worst* 15 states for voter participation. That figure represents the largest single increase in voter turnout of any state. Studies show that "if all states transitioned to [SDR] . . . the national registration rate would increase to almost 82%, a 6% increase over the current national voter registration rate [of 76%]."⁹

TURNOUT RATES IN SDR VS. NON-SDR STATES, 1980 - 2010, PRESIDENTIAL ELECTION YEARS



TURNOUT RATES IN SDR VS. NON-SDR STATES, 1980 - 2010, MIDTERM ELECTION YEARS



Source: United States Election Project, http://elections.psu.edu/turnout/201280_2010.cjv

SDR Eliminates Unnecessary Administrative Barriers to Voting and Reduces Need for Provisional Ballots

The requirement to register well in advance of an election is unworkable for many Americans. Many millions of individuals move to a new home or school each year. About one in eight Americans moved during the 2008 and 2010 election years, and were most likely to have registration difficulties at the polls.¹⁰ And with the national economic recession – and the skyrocketing increase in foreclosure rates – more and more Connecticut residents can expect to be displaced. When you have just moved to, or are jumping from one job to the next while raising a family, registering to vote in advance of an election may not be at the forefront of one's to-do list.

The Pew Center on the States just released a report that found that current voter registration systems “are plagued with errors and inefficiencies that waste taxpayer dollars, undermine voter confidence, and fuel partisan disputes over the integrity of our elections.”¹¹ National experts at four universities found that problems with registration resulted in 2.2 million votes lost in the 2008 general election;¹² another study showed that 5.7 million people faced a registration-related problem that needed to be resolved before voting.¹³

Administrative accidents happen. After the 2000 presidential election, in which upwards of three million Americans were turned away from the polls because of voter registration problems and registry flaws, Congress passed the Help America Vote Act, requiring non-Same Day Registration states to offer provisional ballots to those citizens who believed they had registered but whose names didn't appear on registration rolls. Use of provisional ballots, though, doesn't ensure that every vote will count. In the following presidential election, in 2004, over one third of the nearly 2 million provisional ballots cast were not counted.¹⁴ In 2008, 2 million provisional ballots were again cast; only 1.44 million were counted. Connecticut *rejected* over 62 percent of provisional ballots cast in that presidential election, a reverse of the national average (nationwide, 61.8 percent of all provisional ballots were *counted* in full).¹⁵

One can imagine the disappointment a voter feels in finding out his vote did not count. Administrative error can't be eliminated, but Same Day Registration can help correct for several common mistakes. Evidence exists that purges and failures to input voter registration information abound: during the 2008 presidential election, several states reported problems in transferring voter registration applications timely submitted to the DMV to local elections officials in time for Election Day.¹⁶ Allowing eligible

voters to register and vote on the same day would cut down on the need to vote by provisional ballot, and save voters from the fear that their votes won't count.

Iowa and North Carolina, the two states that most recently adopted Same Day Registration, saw a steep decline in provisional balloting with SDR – a potential cost savings. Iowa voters cast 15,000 provisional ballots in the 2004 presidential election, before SDR was available. Less than 5,000 provisional ballots were cast in 2008, after SDR was enacted -- a 67 percent reduction in provisional balloting. North Carolina saw 23,000 fewer provisional ballots in 2008 than in 2004, post- and pre-Same Day Registration. This trend also held in mid-term elections. Provisional balloting declined in both states by nearly 50 percent between the 2006 and 2010 election.

These two SDR states show that Same Day Registration can be a boon for Connecticut's Registrars, dramatically reducing the complicated post-election process of verifying registrations and/ or sending notifications to those whose votes were not counted – a time-consuming and expensive task. Several surveyed elections officials also claimed that Same Day Registration helped defuse confrontations with voters whose names were missing from the registration lists – the same people who would have to vote by provisional ballots.¹⁷ Without Same Day Registration, the clerk of a New Hampshire town of 30,000 said, "we'd have a lot of unhappy people" at the polls.¹⁸

SDR is a cost-effective way to increase voter participation while maintaining the integrity of the vote

Implementing SDR may require little to no additional expenditures. In the last presidential election, the state of Iowa spent less than \$40,000 to introduce Same Day Registration for its 99 counties. The single biggest cost incurred - \$26,000 – was for producing a training video used statewide by auditors and precinct officials. An additional \$9000 was spent on SDR precinct kits, including registration forms, oath forms, and instructions; and \$1568 was spent on SDR information brochures.¹⁹ All in all, SDR was implemented in a cost-effective manner – one that could easily be duplicated.

The cost of SDR implementation for Iowa's 99 counties was also minimal. In a recent Demos study, nearly half of the Iowa county respondents reported no direct costs, or only minimal costs associated with Same Day Registration.²⁰ Most of the respondent counties did not require additional staffing at the polls on Election Day. And while some counties hired additional precinct officials to handle SDR, most new expenses were associated with additional printing and mailing of SDR-related forms.²¹ North Carolina counties noted some additional staffing needs at one-stop sites as the most notable cost associated with Same Day Registration. In general, most counties that reported adding staff for SDR were unable to disaggregate Same Day Registration costs from overall early voting expenses.²²

The experience in Iowa is typical of the long-standing SDR states; one authoritative study indicates that elections are no more expensive to administer in SDR states than non-SDR states.²³ Indeed, in a telephone survey conducted by Demos of local election officials in the SDR states of Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming, most respondents described the incremental cost of SDR as "minimal."²⁴ Where costs did exist, they were used for training and employing additional staff to help with registrations and inputting data in the following days on the permanent voter registration rolls.²⁵ Note, though, that respondents stated that SDR *did not* add work or expense but instead shifted the cost burden from one time and place to another.²⁶

Elections administrators agree that SDR does not invite fraud.²⁷ In fact, the great majority of local elections officials in SDR states who participated in two Demos surveys reported that current fraud-prevention measures suffice to ensure the integrity of elections.²⁸ There's no reason to think otherwise: states impose heavy penalties for voter fraud; voters are required to show documentation for proof of residency; and they must sign an oath attesting to their identity and citizenship. And unlike registration by mail, SDR requires eligible voters to attest to their identity face-to-face before an elections official. Audits conducted after an election add an additional level of identity verification -- and those who get caught will certainly pay a penalty.

Current election procedures ensure against significant voter fraud. As a practical matter, few occurrences of voter fraud have occurred. An analysis of SDR states conducted by Lorraine Minnite, then a professor at Barnard College of Columbia University, revealed that between 2002 and 2005 *just one case of voter impersonation* occurred at the polls nationwide.²⁹ And when Attorneys General from both New Hampshire and Wisconsin investigated Election Day votes from the 2004 election, neither found any fraud attributable to SDR.

Improving H.B. 5024's Same Day Registration Provisions

Connecticut can expect to see an increase of voter participation with enactment of H.B. 5024. That said, the state will likely not see the robust impact seen in other Same Day Registration states without further improvement of the bill. The chief problem is the limited availability of SDR on Election Day. Most Same Day Registration states provide for registration and voting at every poll site.³⁰ In contrast, H.B. 5024 would only require Same Day Registration at *one* location in each town on Election Day. Many Connecticut residents simply won't have the time or means to travel to the one designated SDR site on Election Day, particularly in larger cities and among those with limited transportation options. I

therefore urge the committee to consider amending H.B. 5024 to allow for Same Day Registration at neighborhood polling places. The added costs may be minimal, or none at all.

On-Line Voter Registration

Demos supports Connecticut's efforts to increase citizen access to voter registration through online voter registration systems, as proposed in Sec. 11 of H.B. 5024. We encourage Connecticut to fully seize the authority provided there, ensuring that a multitude of state agencies are participating in the online voter registration program.

As Sec. 11 makes clear, the ability to capture and transmit an electronic copy of an individual's signature is a linchpin of the online voter registration system. No online voter registration can be effectuated without it. Regrettably, the typical signature-capture procedures in states with online voter registration systems narrowly relate to interactions between state departments of motor vehicles (DMV) and elections offices.³¹ Signatures for online voter registration can only be captured for persons with active driver's licenses or DMV-issued identification cards. Many seniors, persons with disabilities, low-income citizens, and others who do not own a motor vehicle or otherwise frequent DMVs are effectively excluded. Demos strongly recommends that multiple state agencies develop and maintain a database of electronic signatures that can be tapped for the purpose of online voter registration. Online voter registration should help to overcome rather than reinforce the current stratification of the electorate along the lines of age, ability, and income.³²

¹ SDR states are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming.

² U.S. Census Bureau, Geographical Mobility 2010-2011, Tables 1, available at <http://www.census.gov/hhes/migration/data/cps/cps2011.html>.

³ Demos, *Voters Win with Election Day Registration* (Updated January 2010), available at <http://www.demos.org/publication/voters-win-same-day-registration>.

⁴ See Stephen Knack, "Election Day Registration: The Second Wave," *American Politics Quarterly* 29(1), 65-78 (2001); Knack and White 2000; Craig L. Brians & Bernard Grofman, "Election Day Registration's Effect on U.S. Voter Turnout," *Soc. Sci. Q.* 82(1); 171-83 (March 2001); Mark J. Fenster, "The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992," *American Politics Quarterly* 22(1)(1994): 74-87.

⁵ See, for example, R. Michael Alvarez and Stephen Ansolabehere, *California Votes: The Promise of Election Day Registration*, Dēmos: A Network for Ideas and Action, 2002; R. Michael Alvarez, Jonathan Nagler and Catherine Wilson, *Making Voting Easier: Election Day Registration in New York*, Dēmos: A Network for Ideas and Action, 2004, available at <http://www.demos.org/publication/making-voting-easier-election-day-registration-new-york>; M.J. Fenster, "The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992," *American Politics Quarterly* 22(1) (1994): 74-87; B. Highton, "Easy Registration and Voter Turnout," *The Journal of Politics* 59(2), 565-575 (1997); Lorraine C. Minnite, *An Analysis of Voter Fraud in The United States*, Dēmos: A Network for Ideas and Action, 2004, available at <http://archive.Demos.org/pubs/Analysis.pdf>; Dēmos: A Network for Ideas and Action, *Election Day Registration: A Ground Level View* (2007), available at <http://www.demos.org/publication/election-day-registration-ground-level-view>; S. Knack, "Election-Day Registration: The Second Wave," *American Politics Quarterly* 29(1) (2001), 65-78.

⁶ Demos, *Voters Win With Election Day Registration*, op. cit. Note that voter turnout figures were derived by the number of votes cast for the highest office and the voting-eligible population, as reported by the United States Election Project at http://elections.gmu.edu/Turnout_2008G.html.

⁷ See http://elections.gmu.edu/Turnout_2008G.html.

⁸ About half registered and voted for the first time; the other half used SDR to change an address and then vote.

⁹ Alvarez and Ansolabehere, *California Votes: The Promise of Election Day Registration*, op. cit., at 15.

¹⁰ See, U.S. Census Bureau, "Mover Rate Reaches Record Low, Census Bureau Reports," November 15, 2011, cited in The Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade*, February 2012, at http://www.pewcenteronthestates.org/uploadedFiles/Pew_Upgrading_Voter_Registration.pdf.

¹¹ Pew Center on the States, *Inaccurate, Costly, and Inefficient*, op. cit.

¹² R. Michael Alvarez, Stephen Ansolabehere, Adam Berinsky, Gabriel Lenz, Charles Stewart III, and Thad Hall, *2008 Survey of the Performance of American Elections, Final Report* (2008). Available at <http://www.pewcenteronthestates.org/uploadedFiles/Final%20report20090218.pdf>, cited in Pew Center on the States, *Inaccurate, Costly, and Inefficient*, op. cit.

¹³ Stephen Ansolabehere, "Voting Experiences," PowerPoint presentation, July 30, 2009. This presentation reported findings originally published in the Cooperative Congressional Election Study (Cambridge, MA: Common Content, Release 1, 2009), cited in Pew Center on the States, *Inaccurate, Costly, and Inefficient*, op. cit.

¹⁴ *Id.*

¹⁵ US Election Assistance Commission, *2008 Election Administration and Voting Survey*, Table 35, available at <http://www.eac.gov/assets/1/Documents/2008%20Election%20Administration%20and%20Voting%20Survey%20EAVS%20Report.pdf>.

¹⁶ http://voices.washingtonpost.com/annapolis/2008/10/a_word_on_registering_to_vote.html

¹⁷ Id.

¹⁸ Id. at 4

¹⁹ [Former] Iowa Secretary of State Michael A. Mauro, *Iowa Secretary of State 2008 Report*, on file at Demos.

²⁰ Laura Rokoff, Emma Stokking, *Small Investments, High Yields: A Cost Study of Same Day Registration in Iowa and North Carolina*, Demos (February 2012), available at <http://www.demos.org/publication/small-investments-high-yields-cost-study-same-day-registration-ia-and-nc>.

²¹ Id.

²² Id.

²³ Alvarez, Ansolabehere, and Wilson, *Making Voting Easier: Election Day Registration in New York*, op. cit.

²⁴ Demos, *Election Day Registration: A Ground-Level View*, op. cit.

²⁵ Id.

²⁶ Id.

²⁷ Lorraine C. Minnite, *The Myth of Voter Fraud* (Ithaca, NY: Cornell University Press, 2010); Demos: A Network for Ideas & Action, *Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security*, available at <http://www.demos.org/publication/election-day-registration-study-voter-fraud-allegations-and-findings-voter-roll-security>.

²⁸ Demos, *Election Day Registration: A Ground-Level View*, op. cit.

²⁹ Lorraine C. Minnite, *The Myth of Voter Fraud* (Ithaca, NY: Cornell University Press, 2010); Demos: A Network for Ideas & Action, *Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security*, available at <http://www.demos.org/publication/election-day-registration-study-voter-fraud-allegations-and-findings-voter-roll-security>. (A 17 year-old in New Hampshire was caught casting his father's ballot in a 2004 Republican presidential primary. This fraud was unrelated to EDR because the father was already registered and on the rolls.) Additionally, an initiative by the Department of Justice in prosecuting voter fraud has resulted in only 40 prosecutions nationwide for election crimes related to illegal voting between 2002 and 2005. Id. Wisconsin was the only EDR state where a federal investigation led to any voter fraud prosecutions. Four voters were charged with double voting and 10 were charged for voting while disfranchised following a felony conviction. Charges against the "double voters" were dropped or exonerated, and only half the felon voters were convicted. Considering DOJ's otherwise 90-percent conviction rate, such failure to convict – for a minute number of cases to begin with – provides strong evidence that voter fraud simply does not attend EDR.

³⁰ Idaho, Iowa, Minnesota, New Hampshire, Wisconsin, and Wyoming all require Same Day Registration at every poll site. Maine has effectively adopted that practice since the law went into effect in 1973. North Carolina allows for Same Day Registration during the early voting period at the offices of the county clerks, and at satellite early voting sites. Only Montana restricts SDR to one location – the offices of the county clerks.

³¹ See, e.g., Cal. Elec. Code Sec. 2196 (2012); MD Code, Election Law, § 3-204.1 (2012).

³² See, e.g., Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality: Civic Voluntarism in American Politics*. Harvard University Press. 1995.