The Case for Automatic, Permanent Voter Registration

BRENNAN
CENTER
FOR JUSTICE
TWENTY
YEARS

at New York University School of Law

WHAT IS AUTOMATIC, PERMANENT VOTER REGISTRATION?

Automatic, permanent voter registration would add up to 50 million eligible voters to the rolls, save money, and increase accuracy while curbing the potential for fraud and protecting the integrity of our elections. It is the centerpiece of a modern voter registration system built on four components:

- **Automatic Registration:** State election officials automatically register eligible citizens using reliable information from other government lists. All would be given the chance to "opt out," or decline registration — nobody would be registered against their will.
- **Portability:** Once eligible citizens are on a state's voter rolls, they remain registered and their records move with them.
- **Online Access:** Voters can register, check, and update their registration records through a secure and accessible online portal.
- **Safety Net:** Eligible citizens can correct errors on the rolls or register before and on Election Day.

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INTRODUCTION

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 But millions of eligible citizens are blocked from the polls, most often by an outdated and error-prone voter registration system.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

The United States is on the verge of a new paradigm for registering voters. A transformative policy innovation is already gaining ground: automatic, permanent registration of eligible voters. Universal registration of all Americans is the ultimate goal of this approach, which would:

- Add up to 50 million eligible voters to the rolls, permanently;
- Save money;
- Increase accuracy; and
- Curb the potential for fraud and protect the integrity of our elections.

This reform proposal has four components:

- First, it requires states to adopt electronic systems and take responsibility for registering citizens so they are automatically added to the voter rolls when they interact with government agencies.
- Second, it makes sure that once citizens are signed up, they remain registered when they move within their states.
- Third, it allows citizens to register to vote online.
- Finally, it gives people the opportunity to register or update their information at the polls.

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

Every citizen should have a fair and equal opportunity to get, and stay, registered to vote. Citizens must take the responsibility to vote, but government should do its part by clearing bureaucratic obstacles to the ballot box. Automatic, permanent voter registration would vastly improve American democracy.

OVERVIEW

I. The Problem: A Voter Registration System Plagued With Errors

Our voter registration system has not kept pace with modern America. Still based largely on paper, the system is plagued with errors, which create needless barriers to voting, frustration, and long lines at the polls. According to the Pew Center on the States:

- One in four eligible citizens is not registered to vote.
- One in eight voter registrations in the United States is invalid or significantly inaccurate.
- One in four voters wrongly believes their voter registration is automatically updated when they change their address with the Postal Service.[1]

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

The current system fails to reflect our modern mobile society. One in nine Americans moves every year, according to the U.S. Census.[4] Because their voter registrations do not move with them, they risk falling off the rolls after a change of address, even within state lines. In 2002, a Harvard political scientist found a full one-third of unregistered voters were those "who had moved and hadn't re-registered."[5] Yet, even if every one of those voters changed their address with another government agency, that information never filters through to the registration file.

Election experts and observers of all political stripes note that inaccurate voter rolls lead to confusion, delays at the polls, and wrongful exclusion of eligible citizens on Election Day. Others worry that bloated, outdated lists create the potential for fraud and manipulation, compromising the integrity of our election system. For example, more than 2.75 million people have registrations in more than one state.[6]

And the costs of maintaining this antiquated system are substantial. According to a Pew study, Oregon's old paper-based voter registration system cost the state $7.67 per registration transaction or $4.11 per registered voter in 2008.[7] By contrast, the same study reported that Canada, which uses modern methods to register voters,[8] spent only 35 cents per active voter on maintaining and creating its lists.[9]

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

II: The Solution: A Modern System for All Americans

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

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

A. Automatic Registration

The first step to a modern voter registration system is automatic, electronic registration.

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

Moving to a paperless system for receiving and transmitting registrations is a step in the right direction. An increasing number of states have already moved toward electronic, paperless, and seamless registration at agencies and have reaped substantial benefits. These systems serve voters and election officials well and are an important foundation for automatic registration.

Automatic, electronic registration systems will be better than paper-based systems at ensuring that only eligible citizens are registered to vote. The most appropriate agencies for automatic registration already collect citizenship information and the other information needed for voter registration. It is this already-vetted information that will form the basis for voter registration records and updates. A modern system will reduce errors of all types throughout the registration process, including improper registrations. And election officials will continue to review applications for eligibility and errors.

Importantly, automatic registration systems can and should be built to enhance security. Since they are more accurate, electronic systems are less vulnerable to fraud and abuse than their paper-based counterparts. When it comes to the threat of hacking, states can take steps to increase security, like limiting authorized users, monitoring for anomalies, and designing systems to withstand potential breaches. And using a paper backup would eliminate the harm that hacking could render to a registration database. With or without these measures in place, unlike with online voting, no one attempting to hack a voter registration system can change an election's outcome.

B. Portable Registration

Once a voter is on the rolls, she should be permanently registered within a state. Every time she moves, her voter registration would move with her. Just as with automatic registration, any time a consenting citizen changes her address with a broad set of government agencies, such as state DMVs, the Social Security Administration, or the Post Office, that information would be updated in her voter file. As with any new registration, the voter can choose not to be registered, and the system would generate a notice to the voter of any change.

C. Online Voter Registration

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

D. Election Day Safety Net

Even under the best and most up-to-date list-building system, some errors are bound to happen and some voters will fall through the cracks. Any modern registration system must include fail-safe procedures to ensure that eligible citizens can correct mistakes on their voter records at the polls. One highly successful option is same-day registration, which would allow every eligible voter to register and vote on Election Day and during early voting. This protection ensures that voters do not bear the brunt of government mistakes, and it has significantly boosted turnout in every state that has adopted it. At a minimum, it is critical that every state has procedures during the voting period that permit voters to correct any error or omission on the rolls and be able to cast a ballot that counts. And in a fully modern system, this fail-safe would rarely be used because the rolls would be far more complete and accurate.

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

In the last decade, nearly every state in the country has implemented one of the core components of a modern system. Today, 31 states allow or will soon allow people to register to vote online, and 30 have nearly or completely eliminated paper from the voter registration process at motor vehicle agencies. Prior to 2010, only four states allowed citizens to register to vote online, and only 20 had made the registration process fully or partially paperless at DMVs.[10] In 2015 alone, six state legislatures passed laws modernizing registration through electronically transferring information, allowing voters to register online, and giving people the opportunity to register to vote on Election Day.[11] And once California and Oregon implement their breakthrough automatic registration laws, over 13 percent of the total United States population will live in states where government takes the responsibility for registering voters.

Other major democracies also provide encouraging examples of what happens when government assumes the responsibility of getting and keeping citizens on the voter rolls. In 2009, the Brennan Center studied voting systems in 16 democratic countries. The United States was one of only four that put the responsibility for registering solely on the voter. Great Britain, Canada, Germany, and France all boast registration rates above 90 percent.[12] In contrast, according to 2014 U.S. Census Bureau data, only 64.6 percent of Americans are registered to vote.[13]

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

A. Increased Registration Rates

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

Nearly every state agency that has moved away from paper records has increased its voter registration rate. After Kansas, Rhode Island, and Washington began to electronically send information from their motor vehicle agencies to the voter rolls, their registration rates at those agencies nearly doubled. Iowa's more than doubled. In South Dakota, within a few years, the rate increased sevenfold. Among states that do this and for which data was available, 14 out of 18 grew their registration rates at their motor vehicle agencies.[14] Notably, these are all places where people must opt into being registered to vote. Adopting a model where citizens opt out will boost the numbers even higher.

Making voter registration portable similarly expands the electorate. In one study, political scientist Michael McDonald found that making registration portable can boost turnout by more than 2 percent.[15]

Offering voters the chance to register online also increases access. Online registration is popular with voters. In the month leading up to its October 2012 registration deadline, California received more than 1 million registration applications through its new online system.[16] And it's especially helpful for reaching younger voters. After Arizona began online registration, rates for 18-24 year-olds increased from 29 percent to 48 percent in 2004, and to 53 percent in 2008.[17] Those who registered online in California in 2012 had the most diverse party affiliation of any group of registrants.[18]

A robust plan also includes an Election Day safety net, such as same-day voter registration, which may be the best tool to increase turnout. Because some states have offered the choice of same-day registration for nearly 40 years, its benefits are clear and well documented. States with this option have consistently seen higher turnout than states without. In 2012, four of the five states with the highest turnout allowed people to register to vote on Election Day.[19] Studies generally conclude that same-day registration increases turnout by 5 to 7 percent.[20] Same-day registration also provides a fail-safe for voters who discover errors on their voter records. They can simply re-register and cast a full ballot at the polls. And states that adopt automatic registration need not fear an influx of new registrations on Election Day, since the great majority of voters will already be on the rolls.

B. Increased Accuracy

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

Maricopa County, Arizona, offers an example of how this can work. In 2009, officials there took a survey of incomplete or incorrect registration forms. They found that even though paper forms made up only 15.5 percent of registrations, they made up more than half of those registrations containing incomplete, inaccurate, or illegible information. The paper forms were five times more likely to have errors than electronic files. An official who worked in Arizona at the time told us that his office received "far, far fewer calls" about registration problems after the state implemented its electronic system for processing registrations.[21] And election officials in general continue to report that modernization makes their systems more accurate.

Accurate rolls have additional benefits. They help prevent unnecessary disenfranchisement at the polls from citizens who must cast provisional ballots when their records are not clear. A former South Dakota secretary of state told us he believed that moving to a paperless system helped reduce the number of provisional ballots cast in his state.[22] And other officials report that these reforms have reduced the number of people who appear at the polls and find out that their names are not on the voter rolls.

Finally, increasing accuracy protects election integrity and curbs the potential for fraud. In 2012, the Pew Center found that more than 1.8 million deceased individuals are listed as voters.[23] In 2014, North Carolina's elections board reported finding thousands of names and birth dates on their rolls that matched those of people who voted elsewhere. Some fear that these deceased and duplicate registrations could help unscrupulous people manipulate our elections. At the very least, these concerns about fraud undermine the public's confidence in our voting system. But a modern system effectively counters the threat of fraud. Duplications and deceased registrants can be dramatically reduced if public officials are constantly updating the rolls based on automatically transmitted information. In this respect, modernizing reforms can make our elections more secure and boost voters' confidence in our system.

C. States Save Money

Modernization also cuts costs. Virtually every state to have adopted these registration reforms reports savings by spending less on staff time, paper processing, or mailing, among other expenses. In its first year of electronic registration, Delaware's State Election Commission documented $200,000 in reduced labor costs. Maricopa County, cited above for its increased accuracy, also found that processing a paper registration form costs 83 cents, compared to an average of 3 cents for applications received electronically through the DMV or online.[24] And start-up costs are modest. Some states, including Kansas and Missouri, built electronic systems wholly in-house, using existing staff and IT professionals, and used no additional funds. Others spent only tens or a few hundred thousand.[25]

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

IV: The Way Forward

The elements of a modern registration system already work in the many places that have implemented those components. But there is more work to do. A fully modern system brings these reforms together in pursuit of one clear goal: universal registration of all eligible voters.

California and Oregon took the biggest steps yet toward that goal in 2015 when their legislatures passed breakthrough laws to automatically register any eligible voter 18 and over who obtains a driver's license or other DMV ID (unless that person chooses to opt out). In California, automatic registration will reduce the ranks of its estimated 6.6 million citizens who are eligible but unregistered to vote. In Oregon, the move could bring up to 400,000 new voters on the rolls (out of a total citizen voting-age population of 3.8 million)[26] when it is implemented and end up giving the state the highest registration rate in the country. A total of 18 states and the District of Columbia introduced automatic registration legislation in 2015.

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

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

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

Automatic, permanent voter registration offers a common sense, nonpartisan opportunity to increase participation and protect election integrity. It satisfies the concerns of liberals by enfranchising more people and those of conservatives by protecting better against fraud. And everyone can agree on the benefits of saving money and reducing error.

Let's take advantage of the growing momentum for reform and get our elections to work for the 21st century. Fifty million new voters in a more reliable, cost-effective, and secure voting system are worth the effort.

ENDNOTES

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