Voter Registration - Election Day

Hundreds of thousands of Americans were unable to exercise their right to vote in the 2000 elections due to inefficient, poorly run or discriminatory voter registration systems. Election Day registration would ensure that all eligible citizens are able to exercise their right to vote.

★ 2004 POLICY SUMMARY ★

Voter Registration - Election Day

Summary:

- **Hundreds of thousands of Americans were unable to exercise their right to vote in the 2000 elections due to inefficient, poorly run, or discriminatory voter registration systems.**
- **Minority voters were disproportionately excluded from the voting process in the 2000 elections.**
- **Voter registration deadlines limit voter participation.**
- **Six states have enacted legislation allowing voters to register on Election Day.**
- **States with Election Day registration report higher turnout and few problems with fraud, administrative complexity, or excessive cost.**
- **The federal Help America Vote Act makes it easier for states to implement Election Day registration.**

Hundreds of thousands of Americans were unable to exercise their right to vote in the 2000 elections due to inefficient, poorly run, or discriminatory voter registration systems.

Between 1.5 and 3 million votes were lost or not cast in 2000 because of problems with registration processes and voting lists.[1] According to an August 2001 congressional report, eligible voters in at least 25 states arrived at the polls and were unable to vote because their names had been illegally purged from the voter rolls or not added in time for Election Day.[2]

Minority voters were disproportionately excluded from the voting process in the 2000 elections.

According to national studies, many disfranchised voters were African Americans and Latinos who registered at state agencies pursuant to the National Voter Registration Act (NRVA). In fact, the 2000 election produced a record number of complaints about the failure of new NRVA registrants to be added to voting rolls in time for Election Day, according to the Federal Election Commission.[3]

Voter registration deadlines limit voter participation.

Thirty-seven states cut off registration opportunities 20 to 30 days before Election Day. Yet many voters do not take an interest in elections until a few weeks before Election Day, when political campaigns do most of their advertising and races inevitably tighten. A series of Gallup polls in 2000 found that the proportion of Americans giving "quite a lot" of thought to the election rose from 62 percent in early October, when voter registration usually closes, to 75 percent just before Election Day.[4] The 13 percent who became more interested during the final month of the campaign generally could not vote unless they were already registered.

Six states have enacted legislation allowing voters to register on Election Day.

Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming allow eligible citizens to register to vote and cast a ballot on Election Day.[5] These states also allow voters whose names were improperly excluded from, or never added to, the rolls to correct the errors and vote.

States using Election Day registration have significantly higher voter turnout than the national average.

In 2000, when nationwide voter turnout totaled 59 percent, the six Election Day registration states had a combined turnout of 68 percent, with Maine boasting the highest voter turnout in the nation.[6] Researchers estimate that eliminating voter registration deadlines and implementing Election Day registration would produce an average seven percent rise in voter turnout.[7] In fact, according to a May 2001 poll, 64 percent of nonvoters said that Election Day registration would make them more likely to vote.[8]

States using Election Day registration report few problems with fraud or administrative complexity.

Where Election Day registration is practiced, state officials report minimal problems with fraud and no unusual administrative problems. Indeed, Election Day registration can help address one of the most frustrating administrative problems exposed during

the 2000 election: incomplete or inaccurate registration lists that result in people being barred from voting. In the states that use Election Day registration, the additional work of adding new voters has proven manageable. To accommodate the new procedures, election officials in these states educate registration clerks on how to make reasonable estimates of voter turnout, ensuring that polling places are adequately staffed.

States implementing Election Day registration do not face substantially higher costs.

The most obvious costs associated with Election Day registration relate to increasing the number of polling place workers and training them to handle new registrations on Election Day. But, as the 2000 elections demonstrated, most states need to pay for more staffing at the polls and better training for poll workers anyway.

The federal Help America Vote Act (HAVA) makes it easier for states to implement Election Day registration.

Enacted by Congress in 2002, HAVA is designed to encourage all states to reform their voting processes. It includes a requirement that states begin using statewide computerized voter registration databases by January 1, 2006. Centralized databases will enable election officials to prevent duplicate registrations in different voting precincts, eliminating one possible argument against Election Day registration. HAVA also requires states to offer provisional ballots to voters claiming to be registered but not listed on the voter rolls. Election Day registration would make provisional ballots unnecessary and would be easier for officials to administer, providing certainty to citizens that their votes would, in fact, be counted.

States are moving toward implementation of Election Day registration.

In 2003, the Connecticut legislature passed an Election Day registration statute, but the bill was ultimately vetoed by the governor. Similarly, the California legislature approved a bill authorizing an Election Day registration pilot project in Alameda County, but Governor Gray Davis vetoed it before leaving office. Officials in Massachusetts, Nevada, North Carolina, and the District of Columbia are now advocating the adoption of Election Day registration as part of the overall HAVA implementation process.

This policy summary relies in large part on information from Demos.

Endnotes

[1] Caltech-MIT Voting Technology Project, "Voting - What Is, What Could Be," July 2001.

[2] Democratic Investigative Staff, U.S. House Committee on the Judiciary, "How to Make a Million Votes Disappear: Electoral Slight of Hand in the 2000 Presidential Election," August 20, 2001.

[3] Federal Election Commission, "The Impact of The National Voter Registration Act of 1993 on the Administration of Elections for Federal Office," July 2001.

[4] "The Gallup Poll: The Nine Weeks of Election 2000."

[5] A seventh state, North Dakota, does not require voter registration.

[6] U.S. Census Bureau, "Voting and Registration in the Election of November 2000," February 2002.

[7] Craig Leonard Brians and Bernard Grofman, "Election Day Registration's Effect on U.S. Voter Turnout," *Social Science Quarterly*, Vol. 82, No. 1, March 2001.

[8] "America's No-Shows," Medill School of Journalism and Medill News Service, Northwestern University, May 2001.

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For more information...

Center for Policy Alternatives
1875 Connecticut Avenue NW, Suite 710
Washington, DC 20009
202-387-6030
www.stateaction.org

Demos
220 Fifth Avenue, 5th Floor
New York, NY 10001
212-633-1405
www.demos-usa.org

Alliance for Better Campaigns
1990 M Street NW, Suite 200
Washington, DC 20036
202-659-1300
www.bettercampaigns.org

Voter Registration - Election Day

Election Day Registration Act

Summary: The Election Day Registration Act allows qualified residents to register to vote and cast ballots on the day of a regular national, state or local election.

SECTION 1. SHORT TITLE

This Act shall be called the "[STATE] Election Day Registration Act."

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS—The legislature finds that:

1. Many individuals are unable to vote on Election Day because of inefficiencies and mistakes in the voter registration system.

2. Precincts with predominantly minority populations are most affected by inaccurate voting rolls.

3. Election Day registration would increase voter participation in elections, which strengthens our democratic institutions.

4. Election Day registration has been successfully tested in a number of states.

(B) PURPOSE—This law is enacted to improve the state's election process, enfranchise voters, and increase civic participation by [STATE] citizens.

SECTION 3. ELECTION DAY REGISTRATION

After section XXX, the following new section XXX shall be inserted:

ELECTION DAY REGISTRATION

1. An individual who is eligible to vote may register on Election Day by:

   a. Appearing in person at the polling place for the precinct in which the individual maintains residence.
   b. Providing proof of residence.
   c. Completing a registration form, and making an oath in the prescribed form.

2. An individual may prove residence for purposes of registering by showing any of the following items listing a valid address in the precinct:

   a. A [STATE] driver's license or [STATE] identification card issued by the [Department of Motor Vehicles].
   b. A residential lease or utility bill together with a photo identification card.
   c. A student identification card from a postsecondary educational institution in [STATE] accompanied by a current student fee statement.

3. Election Day registration provided in this section shall apply to all elections conducted under [cite elections code], including national, state, municipal and school district elections.

SECTION 4. EFFECTIVE DATE—This Act shall take effect on July 1, 2004.