



The Vermont Legislative Research Service

Contact: Professor Jack (Anthony) Gierzynski

517 Old Mill, Burlington, VT 05405-4110, Telephone (802) 656-7973, Fax (802) 656-0758

<http://www.uvm.edu/~vlrs/> • E-mail: Anthony.Gierzynski@uvm.edu



Election Day Registration

Election Day Registration (EDR) provides eligible voters the opportunity to both register and cast a ballot on Election Day. This type of registration is an innovation in the political system that has the potential to open the polls to more voting citizens as it expands the convenience to voters. The 2002 Help America Vote Act (HAVA) made sweeping reforms in the administration of elections in the USA. HAVA established minimum standards for states and units of local government to attempt to correct for voting irregularities.¹

Same day registration does more than just register previously unregistered voters. It allows people who have moved recently, or whose information otherwise needs to be updated, the ability to vote by providing them the opportunity to update their registration status with their current information.²

Even with this HAVA in place, there has been much debate in recent years over EDR because some maintain the belief that it could give one party an advantage in election. There are also questions of voter fraud. Proof of residency is a key requirement in all states that offer EDR and the voter must also provide identification.

Turnout Effects

In a study published in *Political Analysis*, the authors looked at web searches of “voter registration” both before and after registration deadlines in various states.³ This study equated these web searches to interest into voting in the following election, the 2012

¹ “Help America Vote Act,” Election Assistance Commission, 2010, accessed April 15, 2015, http://www.eac.gov/about_the_eac/help_america_vote_act.aspx.

² Government Accountability Board staff, “Final Report on the Impacts and Costs of Eliminating Same Day Registration in Wisconsin,” February 18, 2013, accessed April 17, 2015, http://www.gab.wi.gov/sites/default/files/publication/65/final_edr_report_02_18_2013_pdf_86368.pdf

³ Alex Street et. al, “Estimating Voter Registration Deadline Effects with Web Search Data,” *Political Analysis*, March 2015, Volume 23 no 2, p 225-241, accessed April 22, 2015, <http://pan.oxfordjournals.org/content/23/2/225>.

Presidential election. The results of this study showed that if EDR was available in all states for the 2012 election, then voter turnout would have increased by roughly three to four million voters.⁴ This result was based on interest in voting, internet searches, in the days following the deadline to register to vote. It also considered the websites that most searchers clicked on following their search, which were mostly official government sites.

A study conducted by Barry Burden and Jacob Neiheisel, professors in the University of Wisconsin-Madison Political Science Department, revealed that studies have often overstated the effect of Election Day Registration on voter turnout.⁵ They say that the usual range for percent increase in turnout is three to six percent. The results of this more sophisticated statistical study, a regression using instrumental variables to control for state fixed effects, show that the true effect of same day registration is at the lower end of the range generated by other studies. The reason studies often overstate the effect of SDR lies in the characteristics of the states that have it. Many states with EDR, like Wisconsin where this study took place, have traditionally had higher rates of voter turnout relative to other states. This result could be due to any number of differences with these states. This study sought to control these differences in states by not looking at all states together but instead looking at the in state effect of implementing EDR.⁶

The Burden and Neiheisel study is complemented by another study conducted by Professor Mary Fitzgerald, of James Madison University, in 2005. This report looks at comprehensive voting reform, including Election Day Registration. Fitzgerald looked at turnout rates from 1972 to 2002 and matched them up against changes in voting and registration laws to try to find a link. The findings of this report indicate that Election Day Registration does have an effect on voter turnout rates, albeit a small effect: about a 1% increase in Presidential elections and a 3% increase in midterm election.⁷

The fact that EDR has only a marginal effect on voter turnout is not surprising given the magnitude of other problems that plague the U.S. electoral system—low levels of knowledge (especially with regard to the choice offered by the two major parties), high levels of cynicism, lopsided electoral districts, imbalances in campaign finance, and media coverage lacking in substance.⁸

⁴ Alex Street et al, "Estimating Voter Registration Deadline Effects with Web Search Data," April 14, 2015.

⁵ Barry Burden, Jacob Neiheisel, "The Impact of Election Day Registration on Voter Turnout and Election Outcomes," *American Politics Research*, July 2012 vol. 40 no. 4 636-664.

⁶ Burden and Neiheisel, "The Impact of Election Day Registration on Voter Turnout and Election Outcomes."

⁷ Mary Fitzgerald, "Greater Convenience but not Greater Turnout: The Impact of Alternative Voting Methods on Electoral Participation in the United States," *American Politics Research*, November 6, 2005, accessed April 22, 2015, <http://apr.sagepub.com/content/33/6/842.full.pdf>

⁸ Anthony Gierzynski, *Saving American Elections: A Diagnosis and Prescription for a Healthier Democracy*, New York, Cambria Press, 2011.

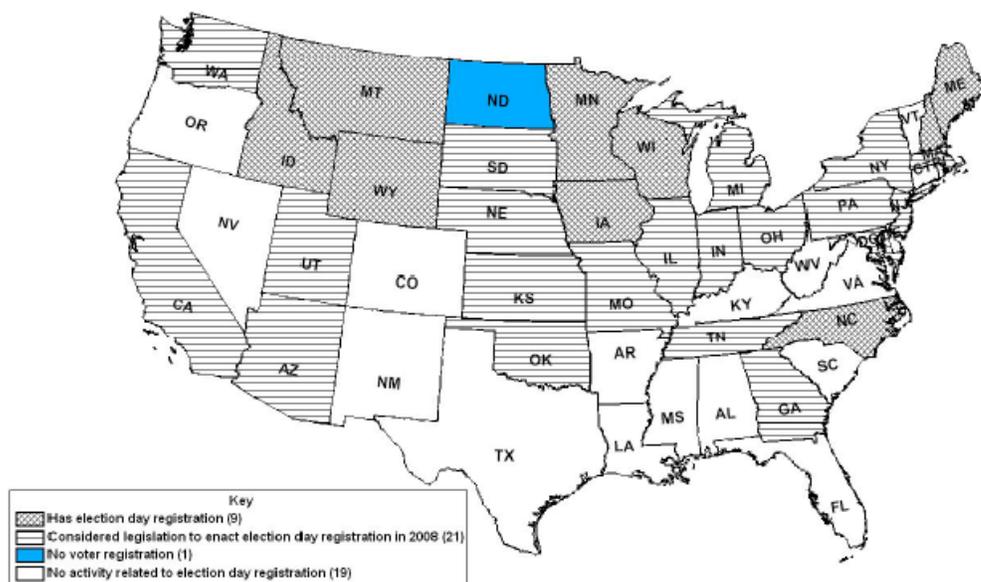
The Variable Effects of EDR

The study by Burden and Neiheisel at the University of Wisconsin looked at demographics and partisanship of voters using SDR. Traditionally, it has been thought that EDR would increase voter turnout in favor of the Democratic Party. Burden and Neiheisel, however, find that due to the way EDR mobilized voters, the voter bias is slightly in favor of the Republican Party, at least in the case of the 1976 Presidential election. This result is due to a key characteristic of unregistered voters, in that they do not have a party allegiance, thus making their votes more uncertain.⁹

EDR in the States

Figure 1 shows the states that have EDR and the states that considered enacting EDR legislation for the 2008 election. There are 9 states that had EDR in 2008, and 21 others that considered legislation. Only 19 states did not have any activity related to EDR for this election.

Election Day Registration Activity in 2008



Notes: North Carolina allows election day registration only during its early voting period. Hawaii considered legislation to enact election day registration in 2008. Alaska had no activity related to election day registration.

Source: Stanford Ward and Theodore King, "Election Day Registration," Maryland Department of Legislative Services Office of Policy Analysis, December 12, 2008, accessed 20, 2015, p.2, http://dls.state.md.us/data/polanasubare/polanasubare_intmatnpubadm/Election-Day-Registration.pdf

⁹ Burden and Neiheisel, "The Impact of Election Day Registration on Voter Turnout and Election Outcomes."

Currently, 11 states have legalized same day registration (SDR): Colorado, Connecticut, District of Columbia, Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. California, Hawaii, and Illinois are all working towards enacting Election Day Registration.¹⁰

Vermont

Senate Bill 29 proposes a change in Election Day policy that would allow voters to register on the day of an election. If an individual fails to register before Election Day, they can fill out a “voter registration application” and must present “one of the following to the elections official: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a paycheck a government check, or another other government document that shows the current name and address of the voter.”¹¹ If the voter is unable to present this documentation, the individual will be allowed to cast a provisional ballot.

Connecticut

As of 2012, Connecticut offers Election Day Registration. EDR was first introduced 25 years ago in the general assembly and eventually went through in 2012. All first time voters are required to present a valid form of identification: a photo-ID, a current utility bill, government check, paycheck, etc., or the individual can cast a provisional ballot. If the individual has previously voted he or she may present a social security card or a preprinted form of identification. The individual also can “sign a statement under penalty of false statement on Form ED-681 entitled, "Signatures of Electors Who Did Not Present ID", provided by the Secretary of the State that the elector whose name appears on the official check list is the same person who is signing the form.”¹² The state has what is known as a “non-strict” non-photo-ID policy.¹³ Registration is not available at polling locations but rather at EDR locations in each town beginning at 6am Election Day.¹⁴

Maine

In 1973, Maine passed a voting registration law that allowed individuals to register on the day that they were voting. In June of 2011 the law was changed to dictate that an

¹⁰ National Conference of State Legislatures, “Same Day Voter Registration.”

¹¹ Senator Polina, “ An Act Relating to Election Day Registration: S.29,” Vermont Legislature, 2015 accessed April 26, 2015, <http://legislature.vermont.gov/assets/Documents/2016/Docs/BILLS/S-0029/S-0029%20As%20Introduced.pdf>.

¹² CT.gov, “FAQ: Voter ID,” Connecticut Secretary of the State, October 4, 2012, accessed April 21, 2015, <http://www.sots.ct.gov/sots/cwp/view.asp?a=3179&q=511132>.

¹³ National Conference of State Legislatures, “Same Day Voter Registration.”

¹⁴ CT.gov, “Election Day Registration,” Connecticut Secretary of the State, October 21, 2014, accessed, April 27, 2015, <http://www.sots.ct.gov/sots/cwp/view.asp?a=3179&q=534366>.

individual must register at least two business days prior to an election.¹⁵ Supporters of this change believed that it would help cut down registration fraud and Election Day mistakes. The other faction says that it is a “blatant” attempt to prevent citizens from voting.¹⁶ The change in the Election Day registration law that required registration 2 days in advance was overturned by a poll question in 2011 elections. Maine was the first state to legalize SDR and in 2008 and 2010 November elections 70,000 citizens registered on election days.¹⁷ This is around 5 percent of the population of the state. You are eligible to vote in Maine if you are a resident and are of at least 18 years of age. Individuals must be able to prove residency and provide identification at voting sites. In order to prevent voting fraud the state has implemented a system of “challenged ballots” which are provisional ballots whose validity will not be determined unless it affects the results of an election.¹⁸

New Hampshire

In 1996 New Hampshire enacted legislation that legalized same day voter registration. Voters must live in the state and be of at least 18 years of age or older on Election Day.¹⁹ In 2012 the state’s voter ID laws were changed to limit the IDs an individual could present, along with additional requirements for those without a photo idea such as an affidavit to allow the registration center to take photos of individual voters. In 2013 the law was revised and the new photo-taking requirement was postponed until 2015 along with reinstating the validity of student IDs and voters over 65 are allowed to use expired driver’s licenses.²⁰ To prevent fraud, “a non-forwardable mailing is sent to each election day registrant.” If the first letter is returned, then a second is sent. If neither letter is returned or marked as undeliverable then the case is forwarded to the authorities to investigate voter fraud.

Wisconsin

In Wisconsin, Same Day Registration has been practiced since 1976. Same day registration allows citizens of this state to register and vote at a polling post the day of an election.²¹

¹⁵ First Regular Session- 125th Maine Legislature, “An Act to Preserve the Integrity of the Voter Registration and Election Process,” December 11, 2011, accessed April 28, 2015,

http://www.mainelegislature.org/legis/bills/bills_125th/billtexts/HP101501.asp.

¹⁶ Eric Russell, “Fate of Election Day voter registration at stake with Question 1,” Bangor Daily News, October 19, 2011, accessed April 22, 2015, <http://bangordailynews.com/2011/10/19/politics/fate-of-election-day-voter-registration-at-stake-with-question-1/?ref=inline>.

¹⁷ Eric Russell, “Fate of Election Day voter registration at stake with Question 1.”

¹⁸ Maine Revised Statutes, “Title 21-A Elections: Chapter 9: Conduction of Elections; Subchapter 2: Election Procedure; Article 5: Marking, Counting and Handling of Ballots,” Office of the Revisor of Statutes, January 5, 2015, accessed April 30, 2015 <http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec696.html>.

¹⁹ Vote Smart: Just the Facts, “Voter Registration,” Vote Smart, accessed April 25, 2015, <https://votesmart.org/elections/voter-registration/NH#.VUJ8niHBzGd>.

²⁰ Ben Leubsdorf, “Legislature okays changes to N.H.’s voter ID law despite opposition from conservatives,” Concord Monitor, June 26, 2013, accessed April 30, 2015, <http://www.concordmonitor.com/home/7149595-95/legislature-okays-changes-to-nhs-voter-id-law-despite-opposition-from-conservatives>.

²¹ Government Accountability Board staff, “Final Report on the Impacts and Costs of Eliminating Same Day Registration in Wisconsin.”

Wisconsin has three different times when a person can register: up to 20 days before an election through a number of methods, 19 days until the day before the election through a clerk's office, and Election Day through same day registration. This process has allowed Wisconsin to have one of the highest rates of voter participation in the country.²² According to the Wisconsin Government Accountability Board, 15.3% of voters in the state made use of EDR in order to either register, or to update their registration in the last presidential election.²³

Minnesota

In the 1998 Gubernatorial Election, EDR had a profound impact on voter turnout. The winner of the election, Jesse Ventura, "was able to stage a last-minute surge in support as people who typically vote at low rates...were able to register on Election Day." Dean Lacy and Quin Monson found that EDR accounted for a full 7 percent increase in voter turnout. They suggest that the reason for this large increase was a result in this surge of support for Ventura close to Election Day. It is believed that Ventura would have won the election without the individuals that registered on election day, however, the increase in voter turnout due to his campaigning is significant and provides reason to believe that EDR can have a major impact on election day outcomes.²⁴

Voter Fraud

"Voter fraud occurs when individuals cast ballots despite knowing that they are ineligible to vote, in an attempt to defraud the election system."²⁵ No state or federal agency compiles comprehensive statistics on reported voter fraud cases. Academic research as a whole estimates the number of the voter fraud cases as not large enough to affect election results. Maryland's Office of Policy Analysis says, "elections officials in states with [Election Day registration] report that incidents of fraud are very rare, according to the 2006 report of the Attorney General and State Administrator of Elections. For example, the New Hampshire Attorney General reported after making "a major effort" to investigate allegations of voter fraud cases in the 2004 general election that "there are very few instances of wrongful voting" in New Hampshire EDR state."²⁶

²² Government Accountability Board staff, "Final Report on the Impacts and Costs of Eliminating Same Day Registration in Wisconsin," February 18, 2013.

²³ Government Accountability Board staff, "Final Report on the Impacts and Costs of Eliminating Same Day Registration in Wisconsin," February 18, 2013.

²⁴ Dean Lacy and Quin Monson, "Anatomy of a Third-Party Victory: Electoral Support for Jesse Ventura in the 1998 Minnesota Gubernatorial Election," Ohio State University Department of Political Science, April 28, 2000, accessed May 8, 2015, <http://www.polmeth.wustl.edu/media/Paper/lacy00b.pdf>

²⁵ Justin Levitt, "Truth About Voter Fraud," Brennan Center For Justice, November 2007, accessed April 20, 2015, <https://www.brennancenter.org/sites/default/files/analysis/The%20Truth%20About%20Voter%20Fraud.pdf>.

²⁶ Stanford Ward and Theodore King, "Election Day Registration," Maryland Department of Legislative Services Office of Policy Analysis, December 12, 2008, accessed 20, 2015, http://dls.state.md.us/data/polanasubare/polanasubare_intmatnpubadm/Election-Day-Registration.pdf.

States that have Election Day Registration have created steps to better insure that people using EDR are not committing voter fraud. The possibility of non-citizen voting, doubling voting, under-age voting, and felony convicts voting are all worries that some states have with Election Day registration. Various states use different regulation to help prevent voter fraud associated with Election Day registration.²⁷

All EDR states require some form of identification. Some states have additional provisions including:

Iowa and New Hampshire

These states send to each Election Day registrant a non-forwardable mailing. If the first mailing is returned, a second mailing is sent. If the second mailing is also returned as undeliverable, the vote is investigated for voter fraud by law enforcement.

Montana

Election Day registrants who do not have a photo-ID can complete a provisional ballot. They must then return within three days to provide proof of identity to have the vote counted. Montana also sends confirmation cards to new registrants after the election, following a procedure similar to Iowa as outlined above.²⁸

Minnesota

The information provided is verified with the Division of Vehicle Services and/or the Social Security Administration, the Department of Corrections, and the Department of Public Safety.²⁹

Costs

The largest cost in creating an Election Day Registration system is the need for additional staff at polling places. It is hard to know how many extra polling officials would be required at each different polling station. States that already have EDR report that election sites in larger cities required additional staff, while smaller election sites did not require additional staff. California Institute of Technology Professor argues that, "election day registration simply moves much of the pre-election burden of registration tasks to the post-election period; that is, rather than having to expend resources in the registration period before the election to update databases, most of this work can occur after the election."³⁰ EDR could save the state money by removing the need for provisional ballots.

²⁷ National Conference of State Legislatures, "Same Day Voter Registration."

²⁸ National Conference of State Legislatures, "Same Day Voter Registration."

²⁹ National Conference of State Legislatures, "Same Day Voter Registration."

³⁰ R. Michael Alvarez, Stephen Ansolabehere, and Catherine H. Wilson, "Election Day Voter Registration in the United States: How One-Step Voting Can Change the Composition of the American Electorate," California Institute of Technology and Massachusetts Institute of Technology, June 2002, accessed April 17, 2014, http://vote.caltech.edu/sites/default/files/vtp_wp5.pdf.

Conclusion

In conclusion, same day registration has the potential to slightly increase voter turnout (around 3 percentage points). This is not surprising given the magnitude of the other problems with the U.S. electoral system.³¹ In recent years, many states have enacted legislation to allow same day registration. Identification is required by all states; however, the form of ID varies state to state. No state has reported high incidence of Voter Fraud that would impact the outcome of elections.

This report was completed on May 11, 2015 by Becka Brolinson, Matthew Donovan and Jonathan Gonin under the supervision of Professors Jack Gierzynski, Robert Bartlett and Eileen Burgin.

Contact: Professor Jack (Anthony) Gierzynski, 517 Old Mill, The University of Vermont, Burlington, VT 05405, phone 802-656-7973, email agierzyn@uvm.edu.

Disclaimer: This report has been compiled by undergraduate students at the University of Vermont under the supervision of Professor Anthony Jack Gierzynski, Professor Robert Bartlett and Professor Eileen Burgin. The material contained in the report does not reflect the official policy of the University of Vermont.

³¹ Gierzynski, *Saving American Elections*.