

Modernizing Elections

By Wendy Weiser and Vishal Agraharkar

America's system of election administration is, in many ways, inefficient, unnecessarily expensive to administer and does not work as well as it can for the population it is intended to serve. To bring our elections into the 21st century, states should modernize how we register to vote, when we vote and how we manage the voting process.

In the November 2012 elections, many Americans across the country waited in long lines—stretching in some places for hours—to vote. The nation saw images of citizens waiting determinedly to cast their ballots even after the Presidential election had been decided. These images received significant media attention on Election Day, so much so that on Election Night President Obama issued a call to “fix that.” During his State of the Union address, the president announced the creation of a bipartisan commission to address long lines to vote.

Long lines at the polls are not new—voters waited just as long in the 2004 and 2008 elections as they did in 2012¹—and their causes are largely understood.² What is harder to understand is the persistence of lines when cost-effective solutions are readily available. In an era when businesses and governments are innovating to make private and public services more convenient, efficient and accessible for their customers, we do not have to settle for an election administration system that has not kept pace with life in 21st century America.

The good news is that America's election administration challenges are eminently solvable. Although the federal government has yet to act, states across the country have been innovating with policies to ensure elections are more convenient for voters, easily administered by election officials, secure, free of error and cost-efficient. The most successful reforms modernize our elections in three principal ways: They modernize how we register to vote, when we vote and how we manage the voting process. If adopted, these best practices should ensure that we do not experience another national election marred by long lines and the underlying problems those lines reflect.

States Should Modernize How We Register to Vote

A significant contributor to long lines at the polls is our error-prone voter registration system. Each election year, millions of citizens show up at the

polls only to find their names missing from the voter rolls or recorded in the wrong place. When poll workers have to search through poll books and then process voters whose information cannot be found, everyone must wait. The more the problems with the voter rolls, the longer the lines.

Today, at least 51 million voting-age U.S. citizens—or one in four eligible Americans—are not registered to vote. One in eight registrations is either invalid or contains significant inaccuracies, according to a recent study by the Pew Center on the States.³ And in 2008, a Harvard/MIT study found as many as 3 million voters who showed up to vote were turned away or told their votes would not count because of registration problems.⁴ These problems are, in significant part, the result of an outdated, paper-based voter registration system. Technological advances have revolutionized how businesses and governments collect and store data and how they interact with customers and citizens. But most states have yet to realize the enormous potential of modern technology in the field of election administration. Modernizing voter registration is a common-sense reform that could significantly increase participation in our democracy, make voter rolls more accurate, reduce the potential for fraud and decrease costs.

The Problem

America's voter rolls are rife with errors; millions of voter records are outdated, filled with typos, lost, or missing key information. These errors are the predictable result of a system that relies on millions of individuals to properly fill out and submit paper voter registration forms when they first register and every time they move, and on election officials to keep track of those forms, accurately decipher voters' handwriting, assess their eligibility and manually enter their information into a computer database. Given the vast numbers of registrations each year, it is no wonder that even the most meticulous officials introduce mistakes into the rolls.

Errors on the registration rolls harm voters, election officials and citizens' confidence in the integrity of elections. Far too many voters show up at the polls on Election Day only to discover they are unable to cast a ballot that will count because their names are not on the rolls. Even voters who have filled out voter registration applications and have sent them to the appropriate offices can be prevented from casting a ballot that will count because of a failure to meet a technical requirement or deadline or due to minor errors in their registration records.

Further compounding the problem, most jurisdictions place the burden on voters to reregister or update their registration when they change their residence or name. Because Americans are so mobile—between one in six and one in nine moves each year—this requirement inevitably results in many voters falling off the rolls.⁵ Indeed, a Harvard study in 2002 found that a full third of nonregistered citizens were once registered but fell off the rolls after moving.⁶

The requirement of registration and reregistration, although relatively painless for most voters, has a significant cumulative effect on the breadth of participation in our democracy. In Canada, where provincial governments take a more proactive approach to registering citizens, registration rates are significantly higher than in the United States.⁷

From the perspective of election officials, paper-based registration is expensive to administer because election officials must process a large volume of paper forms manually and spend a substantial amount of time correcting errors. Often, election officials must manually enter data that previously was entered in another government database but transmitted to them on paper rather than electronically. In addition, every time voters update their registrations after a move, election officials must repeat the manual registration process, introducing the possibility of duplicate records and additional errors. Near the close of registration deadlines, election officials often must hire temporary workers to process the volume of last-minute registrations.

These costs add up. In Los Angeles County, managing voter registration takes up about 55 percent of the county's election budget; it spent \$6.5 million on voter registration quality control alone in 2008.⁸ A study by the Pew Center on the States estimated that Oregon spent nearly \$9 million—or \$4.11 per registered voter—on its paper-based registration system in 2008.⁹ Canada, which uses modern technology to help administer its registration system, was able to administer its federal elections at a cost of 26 cents per voter.¹⁰

Inaccurate voter rolls make it more costly and difficult to administer elections in other ways as well. They make it more difficult to predict how many people will turn out to vote, complicating efforts to efficiently allocate resources and staff among election precincts on Election Day. They raise fears of the potential for voter fraud. And they increase the time it takes to check in and process voters, contributing to long lines at the polls.

The Solution: Modernize Voter Registration

As many states are discovering, these problems can be solved or greatly mitigated by upgrading voter registration systems so they make better use of modern technology and methods of collecting and sharing data; in other words, by making registration smarter. Modernization reduces the effort required—on the part of both voters and election officials—to ensure eligible voters are registered and stay registered, provide voters with control over their own registration records, and decrease the number of errors in the voter rolls. The central components of a modernized voter registration system that accomplishes these goals are (1) automated registration when people interact with government agencies; (2) portable registration; (3) online voter registration and correction tools; and (4) fail-safe registration and correction at the polls.

1. Automated Registration

The first component is automated registration, which involves using technology to enhance the process for registering to vote when citizens interact with a wide range of government agencies. Automation works in the following way: Citizens who provide information to any government agency—for example, when they obtain a driver's license, apply for state veterans' benefits or register for classes at their university—are given the choice to register to vote in the same transaction.¹¹ If they wish to be registered and confirm their eligibility to vote, their information is securely and electronically submitted to the appropriate voter registration agency to be added to the statewide voter database. No additional forms are needed. Under an automated registration system, local election officials continue to ensure that registered voters are eligible and their records are accurate, but they no longer must keep track of and transcribe information contained on paper forms. At least 12 states already have fully automated voter registration at their state departments of motor vehicles, and 11 more have partially automated the process.¹²

2. Portable Registration

The second component is portability, so when any registered voter moves within a state, her voter registration record moves with her. Federal law protects voters who move within the same registrar's jurisdiction but not those who move across county or municipal lines. Automating transmission of voter registration information would not only enable a greater portion of the electorate to register for the first time, but it also would allow for automatic updates of registration records. Thus, every time citizens change their addresses and interact with agencies in a new jurisdiction, the information they submit would be treated as an update to their existing voter registration records.

By ensuring state computers are effectively communicating with one another, states could eliminate the hassle and expense of requiring voters to reregister. Fail-safe procedures at the polls also would ensure portability for voters who do not update their addresses with other government agencies. Portable registration protects voters who move and improves the accuracy of voter rolls by ensuring they are up to date and eliminates the duplicate records that are typically created when voters reregister at new addresses. At least seven states have adopted statewide portable registration,¹³ and a dozen more accomplish portability through same-day registration procedures.

3. Online Voter Registration and Correction Tools

Americans routinely take advantage of the flexibility and convenience of the Internet in nearly every aspect of modern life, including shopping, banking and routine government interactions such as license renewal. A rapidly growing number of states are extending that convenience and flexibility to voter registration through the establishment of a secure online portal on which voters can register and make changes to their registration records. Voters are in the best position to know when their own registration records need to be updated or contain inaccuracies. Online registration reduces inaccuracies by enabling voters to directly access, review and update their records. The online platform also enables states to catch errors or omissions in a voter registration application at the moment at which they are made, and prompt users accordingly. This saves officials the time and expense to manually follow up with voters whose applications are inaccurate or incomplete. At least 17 states offer, or will soon offer, online registration, and at least 34 states allow voters to look up their registration information online.¹⁴

4. Fail-safe Registration and Correction at the Polls

Automated, portable and online registration systems are effective at ensuring that nearly all voters who show up to vote at the polls will be registered at the appropriate location. But a fully modern registration system also should ensure the availability of fail-safe procedures to give voters who have fallen through the cracks an opportunity to correct their registration or submit a complete, accurate registration at the polls. Election Day registration and record correction ensures that no voters are turned away at the polls because of inaccuracies in their records, or a recent change of address that the state has not otherwise detected. At least 10 states have passed laws providing for registration and record correction on Election Day, and three others offer, or will soon offer, same-day registration procedures prior to Election Day.¹⁵ Under a fully modern system, those procedures rarely would be used since most voters would be accurately registered in advance of Election Day.

Benefits of Modernized Voter Registration

States that have modernized their voter registration systems have realized significant benefits—increased rates of registration and participation in elections, more accurate voter rolls and significant cost savings. It is not surprising that the number of states adopting these common-sense reforms has been increasing steadily.¹⁶ Nor is it surprising that Republicans and Democrats alike have championed them.

1. Increased Registration and Participation

States that have implemented automated registration at motor vehicle agencies have seen dramatic increases in the rates of registration at those agencies. In Kansas and Washington, for example, registration rates at the DMV nearly doubled in the year following the adoption of fully automated registration in 2008.¹⁷ Rhode Island saw DMV registration rates increase fourfold and South Dakota saw a sevenfold increase after automation.¹⁸ Of the few states that did not see significant increases in registration rates after full automation, most already had partially automated systems in place.¹⁹

Online registration also has increased registration rates, particularly among young voters. In Arizona, registration rates for voters aged 18 to 24 doubled from 29 to 48 percent after the state adopted online registration in 2002.²⁰ In California, online registration had a substantial effect on youth registration

ELECTIONS

in the 2012 election even though it was in existence for only one month preceding the election.²¹ During that month, online registration immediately became the most common method of registration among all California voters.²²

Portable registration, and the ability to correct an address on Election Day, would enable increased participation in elections by allowing Americans who have recently moved to vote. One study that analyzed Election Day change-of-address procedures found that if voters were permitted to change their address at the polls in every state that does not already permit them to do so, national turnout would increase by at least 2 million voters.²³

2. Increased Accuracy

States that have modernized voter registration processes also have seen significant gains in the accuracy of voting rolls, which in turn reduces the potential for fraud. Election officials routinely report that electronic registration processes have led to fewer errors in their rolls and fewer reports of registration problems,²⁴ and the numbers bear them out. In 2009, officials in Maricopa County, Ariz., discovered that, even though only 15.5 percent of the total registration was done through paper forms, such forms included more than 50 percent of the records that contained incomplete, inaccurate or illegible information, such that more input was required before they could be counted as valid.²⁵ Electronic registration greatly reduces the quantity of incomplete forms because computers are capable of prompting users to complete a missing or incomplete field and because it eliminates the problem of illegible handwriting.

Paperless registration also increases accuracy by permitting states to better compare the data received from various sources in order to determine whether a voter has moved, died or has duplicate records. This process has proved effective at maintaining the integrity of voter rolls, not only within states, but also among them. Several states have signed on to an initiative known as the Electronic Registration Information Center that allows participating states to share data sources, further improving the quality of voter rolls.²⁶

3. Decreased Cost

States that have modernized their voter registration systems have saved money. Paperless registration systems eliminate duplicate data entry, reduce the amount of labor required to correct errors, and lower the costs of paper, printing and postage.²⁷ As

a result of such savings, Maricopa County, Ariz., saved more than \$450,000 in 2008, lowering its per-registration cost nearly thirtyfold from 83 cents to 3 cents.²⁸ Other jurisdictions have reported similarly large savings.²⁹

Further, the one-time costs of implementing automated systems are relatively small and easily recouped. Arizona spent \$130,000 to implement online and automated registration and spends an estimated \$125,000 annually for operation and upkeep of those systems, which together account for more than 70 percent of registration in the state.³⁰ Oregon spent about \$200,000 on online voter registration, which was equivalent to just its printing costs in one election cycle.³¹ These implementation costs typically have been recouped by the states in one election cycle and have been further justified by ongoing annual savings.

States Should Modernize When We Vote

The registration system is not the only aspect of our elections system that creates unnecessary problems and lines at the polls. Holding elections on a single day—and a weekday, at that—makes little sense for either voters or election officials. Over the past decade, states have been expanding opportunities for early in-person voting to make it more convenient and to ease the stresses that single-day elections impose on election officials. Lengthening the in-person voting period helps reduce congestion and long lines on Election Day while offering voters greater flexibility to vote at a time that does not conflict with work or other obligations. While mail-in absentee voting also offers voters a degree of flexibility, early voting preserves the element of community that comes from casting a ballot in person and avoids some of the security concerns of absentee ballots.

Early voting also can help mitigate the impact of last-minute emergencies or natural disasters on elections. After a fire destroyed thousands of voting machines just weeks before the 2010 midterm elections in Harris County, Texas, election officials urged voters to vote early so they could avoid long lines on Election Day.³² On the other hand, the lack of early voting during the 2012 elections made it impossible for voters in New York and New Jersey to cast in-person ballots in anticipation of Hurricane Sandy, which ultimately wreaked havoc throughout the region and greatly disrupted the 2012 election by, among other things, making it impossible for many voters to travel to their polling place on Election Day.³³

Nationwide, the use of early voting has increased considerably over the past decade, and it has proved hugely popular among voters. Today, at least 32 states and the District of Columbia have some form of early voting. In 2008, nearly a third of all ballots were cast early, and in four states—Nevada, North Carolina, Tennessee and Texas—more than half of all voters voted early.³⁴ By and large, early voting has been embraced by both Democrats and Republicans and receives strong support from local election officials. Although early voting policies vary significantly from state to state, the most successful practices contain some common elements:

- At least two weeks of early voting, concluding at the end of the Sunday before Election Day, and inclusive of two weekends.
- Full-day voting on weekdays, with at least some nonbusiness weekday hours.
- A uniform formula for the number and placement of early voting locations that is based on the type of election, the voting-eligible population, and population density and geography.
- The establishment of centralized voting centers where all voters from a county may go to vote early.

By allowing people to vote at times and in locations that are convenient to them, these policies tend to lead to higher rates of early voting and enjoy broad support where implemented.

States Should Modernize *How We Vote*

Far too many Americans encounter long lines on Election Day because of understaffed and under-equipped polling places. These problems are not new and they are not universal. In 2012, voters waited an average of only 13 minutes to vote on Election Day.³⁵ But voter experiences vary widely from one polling place to another, and in certain areas of the country—particularly urban areas and areas with large minority populations—voters routinely experience excessively long lines.³⁶ A modern election management system anticipates and accounts for the differences among polling places—in the size and the nature of the population they serve and in their need for resources and poll workers—and allocates resources intelligently and efficiently based on those differences.

Several states have taken steps to ensure their counties and localities provide a degree of uniformity in the experience of voters at the polls by developing minimum standards for resource allocation among precincts and polling places.³⁷ Such minimum standards should take into account a variety of factors

that predict Election Day traffic, including, among other things, voting-age population, registered voters, past turnout, the type of voting system used, the needs of voters with disabilities and limited English proficiency, and the length and complexity of the ballots. Standards should be developed with an eye toward keeping lines short or nonexistent, and states should develop enforcement mechanisms for voters or state officials to seek penalties or institute a remedial plan when wait times are excessive.

Modernizing voter registration, expanding early voting and implementing minimum standards for election administration expands democratic participation and improves the efficiency and integrity of elections. States would benefit by enacting these common-sense reforms to improve the Election Day experience for voters and election officials, and bring the nation's outdated elections systems into the 21st century.

Notes

¹ See Charles Stewart III, *Waiting to Vote in 2012*, *Journal of Law & Politics* 2, 13–14 (April 2013).

² See, e.g., Justin Levitt, “Fixing That”: *Lines at the Polling Place*, __ J. L. & Pol. __ (forthcoming 2013) (noting that queuing theory establishes three basic factors that influence the length of a line: the number of people arriving for a transaction within a given window of time, the number of points of service, and the length of each transaction); Lawrence Norden, *How to Fix Long Lines*, Brennan Center for Justice 1 (2013), available at http://www.brennancenter.org/sites/default/files/publications/How_to_Fix_Long_Lines.pdf.

³ Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade 1,3* (2012), available at http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Election_reform/Pew_Upgrading_Voter_Registration.pdf.

⁴ Steven Ansolabehere, *Testimony before the U.S. Senate Rules Committee* (Mar. 11, 2009), available at http://vote.caltech.edu/sites/default/files/03112009Ansolabehere_Testimony.pdf.

⁵ <http://www.census.gov/newsroom/Releases/archives/mobilityofthepopulation/cb11-193.html>.

⁶ Thomas Patterson, *The Vanishing Voter: Public Involvement in an Age of Uncertainty* 178 (2002).

⁷ Jennifer Rosenberg, *Voter Registration Around the World*, Brennan Center for Justice (2009); Pew Center on the States, *supra* note 3, at 2 (In 2009, Canada's registration rate was 93 percent).

⁸ At the other end of the spectrum, Franklin County, Ohio, spends about a third of its election budget on voter registration; in 2008, the county spent over \$1 million on voter registration personnel alone.

⁹ Pew Center on the States, *The Real Cost of Voter Registration: An Oregon Case Study* 5 (2010), available at <http://>

ELECTIONS

www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Election_reform/The_Real_Cost_of_Voter_Registration.pdf?n=9257.

¹⁰ *Id.* at 6.

¹¹ States that adopt fully automated registration systems adopt various methods of collecting that information at their agencies. For example, in some states, customers interact with employees, who ask them questions and enter their information into computers accordingly; in others, customers enter their own information directly into self-service computer terminals.

¹² *Voter Registration Modernization in the States*, Brennan Center for Justice (Jan. 29, 2013), <http://www.brennancenter.org/analysis/voter-registration-modernization-states>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ For an analysis of bills that have passed or were considered during the 2013 state legislative session, see *Voting Laws Roundup 2013*, Brennan Center for Justice (2013), available at <http://www.brennancenter.org/analysis/election-2013-voting-laws-roundup>.

¹⁷ Christopher Ponoroff & Wendy Weiser, *Voter Registration in a Digital Age*, Brennan Center for Justice 15 (2010), available at http://www.brennancenter.org/sites/default/files/legacy/Democracy/Paperless_Registration_FINAL.pdf.

¹⁸ *Id.* at 15.

¹⁹ See *Id.* at 15–17.

²⁰ *The Case for Voter Registration Modernization*, Brennan Center for Justice 12 (2013), <http://www.brennancenter.org/analysis/voter-registration-modernization-states>.

²¹ UC Davis California Civic Engagement Project, California's 2012 Electorate: The Impact of Youth and Online Voter Registration (2012), available at http://regionalchange.ucdavis.edu/projects/ccep-policy-briefs/UCDavis_CCEP_Brief_-3_Youth_Online_Voter_Reg_Final_Dec_26.pdf.

²² *Id.*

²³ Michael P. McDonald, Portable Voter Registration, 20 *Political Behavior* 499 (2008).

²⁴ Ponoroff & Weiser, *supra* note 14, at 13.

²⁵ *Id.*

²⁶ See Electronic Registration Information Center (ERIC), <http://www.pewstates.org/research/featured-collections/electronic-registration-information-center-eric-85899426022>.

²⁷ See Ponoroff & Weiser, *supra* note 14, at 12.

²⁸ *Id.* at 12.

²⁹ *Id.* (noting that several Washington counties reported saving between \$0.50 and \$2.00 for each registration that is received electronically; the office of the Washington Secretary of State reported saving \$126,000 because of online and automated registration in 2008; and Delaware saved \$200,000 in its first year of full automation).

³⁰ *Id.* at 11.

³¹ *Id.*

³² Chris Moran, Harris County Officials Scramble After Voting Machine Fire, *Houston Chronicle*, Aug. 27, 2010, <http://www.chron.com/news/houston-texas/article/Harris-County-officials-scramble-after-voting-1695734.php>.

³³ *Id.* at 2.

³⁴ Ballots Cast Before Election Day Expected to Increase as Early Voting Trend Continues, U.S. Election Assistance Commission, Sept. 30, 2010, http://www.eac.gov/ballots_cast_before_election_day_expected_to_increase_as_early_voting_trend_continues/.

³⁵ Charles Stewart III, *supra* note 1 at 13.

³⁶ *Id.* at 23.

³⁷ See, e.g., N.Y. Elec. Law § 6210.19 (requiring counties to deploy sufficient voting equipment, election workers, and other resources so that voter waiting time does not exceed 30 minutes); Ariz. Rev. Stat. § 16-411(I) (requiring the Secretary of State to provide a maximum allowable wait time and provide a method to reduce voter wait time, taking into account factors such as the number of votes in prior elections and the number of registered voters who voted early in prior elections).

About the Authors

Wendy Weiser directs the Democracy Program at the Brennan Center for Justice at NYU School of Law.

Vishal Agraharkar serves as counsel for the Brennan Center's Democracy Program.

The Brennan Center is a nonpartisan think tank and public interest law center that focuses on fundamental issues of democracy and justice.