

# Voter Registration

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## 1. Introduction

A simple story best motivates many of the problems with existing systems of voter registration and how problems in the current registration system impact on the ability of Americans to participate in the political process by voting.

On April 17, 2001, I went to vote in the Pasadena Unified School District's general election runoff, involving candidates for two school board seats. I stood in line behind a man, in his mid 30's. This man approached the polling place workers, who asking for his name. After checking in their voter registration paper list, they said they could not find his name in that list. He said he had recently moved from West Los Angeles, and gave the address of the house he had just purchased. The polling place workers than thought that perhaps he was in the incorrect polling place, and suggested that he go to the local public library or elementary school to see if he was registered there (neither of these polling places was actually open for this election). But, after consulting their map of the registration precinct, they agreed that the address he provided was within the precinct. At that point, the person who I took to be the polling place chief inspector said simply that he could not vote.

Standing next in line, I said that I thought that he was eligible to cast a provisional ballot.<sup>2</sup> The polling place chief said that he could not. I reiterated my belief that he was eligible to vote provisionally. She disagreed and said he could not vote. He then left the polling place.<sup>3</sup>

What might have been the problem?

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<sup>2</sup> States differ in their laws regarding the possibility and practice of provisional balloting. In California, voters not on the registration rolls are eligible to cast a provisional ballot, whereby they provide their name and address. If a subsequent check with the current voter registration database indicates that the voter is indeed registered and should have been allowed to participate, then his or her vote can be included in the final tally. If the check indicates that the voter is not registered, then the ballot is not included in the final tally.

<sup>3</sup> Once I got to a telephone, I called the Pasadena City Clerk's office about this problem and they claimed they would go to the polling place to check on this complaint. I also contacted the Los Angeles County Registrar-Recorder's office, because I believed these polling place workers are also used by the County in County-run elections. Officials at the City Clerk and County offices all agreed that under my version of the story, this man should have been allowed to cast a provisional ballot.

1. He might not have actually been registered at his new address.
2. He might have recently tried to register at his new address using a third-party registration system, but the third-party did not forward the registration form to the Los Angeles County Registrar-Recorder (or did not forward it before the 10-day deadline).
3. He might have recently registered, using a third-party or governmental system, but his status as a newly registered voter was not included in the paper voter list sent to the polling place.
4. He might have made a mistake in his voter registration form, like not completing the form correctly or providing some incorrect information, that invalidated the registration attempt.
5. His registration information might have been lost, misplaced, or was incorrectly entered by Los Angeles County personnel.
6. His registration information might have been lost in the mail.

No matter what the cause, it is distressing to see citizens denied their right to vote at the polling place.

Voter registration systems in the United States vary greatly across the states, thus it is difficult to make general statements about voter registration practices across the states. But there are three important facts about voter registration systems that underscore the importance of voter registration systems in the United States.

1. Voter registration in the United States has been identified as one of the important impediments of voter turnout.
2. Voter registration practices impact election outcomes.
3. Voter registration is a complex system in every state.

I discuss these important facts in the next section.

## **2. Voter Registration in the United States**

There are three basic types of voter registration systems: the periodic list, the continuous register, and the civil registry. The periodic list is a voter list that is constructed from scratch before every election, and is used only for the purposes of a single election. The continuous register, on the other hand, is a voter list that is constantly maintained and updated by elections officials; the continuous register is a voter list that evolves over time and is used in every successive election. The third type of voter registration system is the civil registry. This is a voter list that integrates information about all citizens, ranging from geographic location to other types of information that the government might collect about citizens; under the civil registry system voters typically are automatically registered to vote, and changes in residence are usually reflected in voting registration status without any necessary action by the citizen.

In the United States, the voting registration system most closely approximates the continuous register. Many other democratic nations, including most of the nations in Europe and Latin America, use some form of civil registry for voter registration. Conventional wisdom about civil registry systems is that they are relatively efficient and inexpensive, as costs of keeping the voter list up-to-date are shared across government

agencies.<sup>4</sup> The major drawback with the civil registry system is the potential loss of privacy, as citizens might be concerned about the sharing of information about themselves between government agencies.

Formal voter registration laws in the United States have been in existence for most of the history of the country. Massachusetts was the first state to require citizen registration before an election, putting a voter registration system in place in 1800. It was not until Reconstruction, however, that most states turned to formal voter registration systems. After the Civil War, most of the urban industrial states in the Midwest and Northeast imposed voter registration requirements in response to the flood of immigrants and the rise of political machines in many of the major urban areas. Scholarly research has argued that voter registration requirements were imposed to reduce or eliminate voter fraud and the growing power of political machines.<sup>5</sup>

Academic research has demonstrated that voter registration requirements impede voter participation, especially among certain demographic groups.<sup>6</sup> Rosenstone and Hansen (1993) summarized their research regarding one important registration requirement, the closing date of voter registration in the particular state:

The longer before an election people must act to ensure their eligibility to vote, the more likely they will fail to do so. Compared to citizens who live in states that allow registration right up to election day, citizens who live in states with thirty-day closing dates are 3.0 percent less likely to vote, and citizens who live in states with sixty-day closing dates are 5.6 percent less likely to vote. Early closing dates, by requiring people to register long before campaigns have reached their climax and mobilization efforts have entered high gear, depress voter participation in American elections.

Early closing dates have their greatest impact on the people who are least likely to vote anyway: Given that they lack the resources to overcome the costs of turning out, it is surely no surprise that they also lack the resources to offset the additional burdens of registration. Sixty-day closing

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<sup>4</sup> An excellent discussion of the relative merits of the three voter registration systems is in The ACE Project's "Administration and Cost of Election", Version 0.1, January 2000.

<sup>5</sup> Joseph P. Harris, *Registration of Voters in the United States*, (Washington, D.C.: Brookings Institution, 1929); Kevin P. Phillips and Paul H. Blackman, *Electoral Reform and Voter Participation*, (Washington, D.C.: American Enterprise Institute, 1975); Richard Hofstadter, *The Age of Reform*, (New York: Random House, 1955); William J. Crotty, *Political Reform and the American Experiment*, (New York: Thomas Y. Crowell Co., 1977); Frances Fox Piven and Richard A. Cloward, *Why Americans Don't Vote*, (New York: Pantheon Books, 1988); Steven J. Rosenstone and John Mark Hansen, *Mobilization, Participation and Democracy in America*, (New York: Macmillan Publishing Company, 1993); Alexander Keyssar, *The Right to Vote*, (New York: Basic Books, 2001).

<sup>6</sup> Steven J. Rosenstone and Raymond E. Wolfinger, "The Effect of Registration Laws on Voter Turnout," *American Political Science Review* 72 (March 1978).

dates reduce the turnout of the poorest Americans by 6 percent by depress the turnout of the wealthiest Americans by only 3 percent. They diminish the turnout of the grade-school educated by 6 percent but lessen the turnout of the college educated by only 4 percent. Early closing dates, finally, inhibit African-Americans, Mexican-Americans, and Puerto Ricans slightly more than other citizens.<sup>7</sup>

Thus, voter registration requirements are important because they fundamentally impact voter turnout and therefore election outcomes.

In fact, data from the 1998 election provided by the Federal Election Commission, show the ways in which voter registration requirements do impact the demographic attributes of the American electorate.<sup>8</sup> 44% of 18-24 year old voting age citizens were registered and 19% turned out to vote; 78% of 65 or older voting age citizens were registered and 61% of them turned out to vote. 69% of white voting age citizens, 64% of black voting age citizens, 55% of Hispanic voting age citizens, and 49% of Asian/Pacific Islander voting age citizens were registered in 1998; 47%, 42%, 33%, and 32% of each racial or ethnic group turned out to vote in the 1998 election, respectively.

But, voter registration is a very complex system for election officials to maintain and innovate. According to the Federal Election Commission, during 1997 and 1998 there were 35,372,213 registration applications or transactions processed nationwide. Of these, almost half (17,613,211) represented new registrations --- new registrations in the local jurisdiction or registration across jurisdictions. 6.46% of the new registrations were duplicate registrations, and 43.7% were changes of name and address. During this same period of time, 9,063,326 names were deleted from voter lists under the procedures allowed by the National Voter Registration Act of 1993 (NVRA), and another 14,640,557 names on voter lists were declared inactive and will be removed unless they have responded to inquiries or have voted in the 2000 election.<sup>9</sup>

Clearly, in terms of the sheer numbers of new registration requests, voter registration is a complicated process for voters and elections officials. Processing new registration requests, checking for their validity, adding or deleting names from the voter lists, and providing voter registration information to polling place workers in time for each election, represent critical and complex tasks for elections officials. Developing criteria for optimal registration system performance and proposals for innovation are in the next two sections of this memorandum.

### **3. An Analytical Approach to Registration Systems**

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<sup>7</sup> Rosenstone and Hansen (1993), page 208. The effects of closing date on registration and turnout are from a statistical model presented on pages 130-133 of their book.

<sup>8</sup> We provide national voter registration and turnout data in the Appendix; this data is from the FEC.

<sup>9</sup> Federal Election Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 1997-1998*.

## *A. Criteria for Voter Registration Systems*

Regarding voter registration systems, they generally should seek to fulfill the following criteria:

**First, a registration system should be accurate and complete.** It should provide accurate information about whether a voter is registered or not, as well as accurate information about the voter's address and any other relevant information for authentication and appropriate ballot form provision. All voters who have registered should be included in the registration databases, and voters should not be excluded by administrative mistakes or problems. Registered voters should not be incorrectly removed from the registration database, and all alterations of registration status must be conducted accurately.

**Second, a registration system should be timely.** Voters registering for the first time should be quickly included into the registration database, and voters re-registering after a residential move should be quickly included in the registration database in their new location as well as quickly delisted from the registration database in their former location. This implies that a registration system should receive the registration request in a timely manner no matter whether the request is provided through the local or state election offices, other governmental offices, or by third parties. A registration system must quickly authenticate and validate the registration request. And last, a registration system must quickly update the voter registration database.

**Third, a registration system should be current.** In many jurisdictions, there is only a very short time period between the date that the voter registration closes and the date of the next election. A registration system should, by election day, include information about all registered voters.

**Fourth, a registration system should be accessible.** All eligible voters should have equal opportunity to register, so registration systems should be widely available, easily accessible to eligible voters despite physical or other handicaps, language differences, geographic location, or any social or economic differences between eligible voters. From the voter's perspective, registration systems should be approachable, easy to understand, and simple to operate.

**Fifth, a registration should be fraud-proof.** A voter registration system should make it impossible for voter registration fraud to occur. There should be no opportunity for multiple voter registrations within or across voting jurisdictions to occur, for non-eligible individuals to register to vote, nor for any other type of fraudulent voter registrations to occur.

**Sixth, a registration system should be responsive to local conditions.** A voter registration system must be flexible, as an appropriate registration system for one state may not be appropriate in another state; the same holds true for registration systems within states, across local voting jurisdictions. Registration systems must of course be

designed within the context of the available resources for registering voters, and must be consistent with local and state laws regarding voter registration.

Thus, the goal should be registration systems that seek to maximize these five criteria. An idea voter registration should be accurate and complete, timely, current, accessible, fraud-proof, and responsive to local conditions and requirements. Clearly, these criteria do overlap in some ways, and may be difficult to achieve. But any voter registration system that is seen as deficient in one or more of these dimensions should be critically evaluated and redesigned to better meet these general criteria.

#### **4. Proposals for Registration System Reform**

There are many different proposals improvements to the voter registration process in the United States. Many of these proposals are low-cost, high-return strategies that can be easily and quickly implemented in many voter jurisdictions. Some of these innovations are being developed and implemented in states and local voting jurisdictions (we provide some examples in our best-practice section below). These proposals are not in any particular order.

- A. Voter Registration Database Integration with Other Databases, Especially Those of Public Agencies Relevant Under the National Voter Registration Act of 1993.*
- B. Integrated Computer Systems for Voter Registration, Election Administration and Vote Counting.*
- C. Strict Scrutiny over Third-Party Voter Registration Practices.*
- D. Computerization of Voter Registration Information and Processes State and Local Election Offices.*
- E. Pre-election Availability of Voter Registration Information to Voters.*
- F. Electronic Access and Authentication of Voter Registration at Polling Places.*
- G. Computerized Voter Registration Fraud Detection Systems.*

#### **5. Best-Practice Examples**

What follows are four examples of best-practices and important innovations we have examined. We are continuing to examine voter registration systems and innovations, and will provide more examples in future revisions of this research report.

- A. The Michigan Qualified Voter File.*

The Michigan Qualified Voter File (QVF) provides electronic linkage of elections officials throughout the State of Michigan to an automated and integrated statewide voter registration database (<http://www.sos.state.mi.us/election/qvf/index.html>). Several other states have successfully been implementing similar systems, (for example Kentucky, Maryland and Oklahoma) and as we learn more about these other state systems we will likely include them as additional examples of best-practice examples.

### ***B. California “on-line” Voter Registration.***

California’s “on-line” voter registration process allow for easy distribution of the voter registration forms. The system does not allow for truly “on-line” voter registration, as a paper-based signature is still required. When an eligible voter goes to the California “on-line” voter registration page (<http://sosdev3.ss.ca.gov/votereg/OnlineVoterReg>), they are presented with a form that can be filled out and submitted to a central server. After filling in the form and a secondary on-line affidavit, the information submitted by the voter is printed and mailed to them on a return postage-paid card; the voter signs the card and sends the card to their county elections office. From July 2, 2000 through October 2, 2000, 38,331 forms were submitted through this system; after the November 2000 elections (November 8, 2000) 7,013 forms have been submitted through April 25, 2001.<sup>10</sup>

### ***C. Orange County, Florida: 2000 Presidential Election***

County workers with laptop computers assisted with voter authentication in the polling places; the laptops had voter registration databases on cd-rom.

### ***D. Federal Voting Assistance Program, 2000 Voting Over the Internet Pilot Program***

The FVAP’s 2000 VOI program developed an on-line voter registration process, which involved a high degree of computer security as it relied upon the Defense Department’s public key infrastructure. Details of the FVAP system are to be released to the public shortly.

## **Appendix: Voter Registration and Turnout, 1980-1998**

Year	VAP	Registered	%Registered of VAP	Turnout	% Turnout of VAP	% Turnout of Registered
1998	200929000	141850558	0.71	79117022	0.39	0.56
1996	196511000	146211960	0.74	96456345	0.49	0.66
1994	193650000	130292822	0.67	75105860	0.39	0.58
1992	189529000	133821178	0.71	104405155	0.55	0.78
1990	185812000	121105630	0.65	67859189	0.37	0.56
1988	182778000	126379638	0.69	91594693	0.50	0.72

<sup>10</sup> Dierdre Avent and John Mott Smith, personal communication, April 25, 2001.

1986	178566000	118399984	0.66	64991128	0.36	0.55
1984	174466000	124150614	0.71	92652680	0.53	0.75
1982	169938000	110671225	0.65	67615576	0.40	0.61
1980	164597000	113043734	0.69	86515221	0.53	0.77