

# FAIR ELECTIONS LEGAL NETWORK

## ELECTION ADMINISTRATION: POLICY CONSIDERATIONS FOR A MOBILE ELECTORATE

U.S. citizens are increasingly mobile: 12.5% of households move every year. Movers include college students, job seekers, members of the military, and foreclosure victims. Some of our most mobile citizenry – young people – are also the very people we need to encourage to register in greater numbers. Yet many of the basic rules governing our voting processes have not modernized along with our electorate. The practices highlighted below can help states meet the needs of today’s mobile voters.

### Common Problems Faced by Mobile Voters

- ◆ **Address Updating Rules are Confusing and Outdated:** Movers often have to submit an address update – or an entirely new registration form – by a deadline that could be as much as a month before Election Day. In some states, movers may vote from a new address using a provisional ballot; in others, they retain the right to vote from an old address one last time. These various rules are confusing and burdensome to voters. What’s more, they do not reflect modern administrative capacity.
- ◆ **Victims of Foreclosure Lack Special Protections:** Voters may move out of a foreclosed property temporarily but retain the intent to return to that property (by avoiding foreclosure or exercising a right of redemption). Or, they may be living in a temporary situation (for example, with family) but retain the intent to live in the same jurisdiction as the foreclosed property. These unique circumstances are a reality of current times, and require special recognition in state law and policy.

### Practices that Reflect a Mobile Electorate

- ◆ **Allowing Voters to Retain Domicile until a New Domicile is Established:** In California, for example, a voter does not lose the right to vote using a former address until the voter establishes a new domicile. In 2010, thirteen states took steps to protect foreclosure victims by publishing information about their voting rights. Where state law does not offer adequate protections, executive, administrative, or legislative fixes may be necessary.
- ◆ **Statewide Election Day Address Updates – by Regular Ballot:** With statewide, computerized voter registration databases, it is now possible to confirm a voter’s in-state registration status from the polling place. As a result, it is unnecessary to require a mover to travel back to an old address to vote, or to vote by provisional ballot when using a new address. In Florida, for example, a registered voter who moves anywhere in the state can update his or her address after the registration deadline – including at the polls on Election Day – and vote a regular ballot.
- ◆ **Election Day Access to the Statewide Database:** Expanding capacity so that poll workers can confirm a voter’s registration by accessing the statewide database will reduce the number of provisional ballots cast. Even in Florida, where voters can update their address on Election Day, precinct-level access to the statewide database would make the verification process more efficient.
- ◆ **Online Voter Registration – for all Eligible Voters:** Eight states currently offer online voter registration, which is a convenient option for voters negotiating the many details of a move. However, these states limit online registration to voters with a valid, in-state driver’s license or ID card, which excludes many recent movers. By providing for electronic signatures, online registration can be opened to all eligible voters.
- ◆ **Flexible Proof of Residency Requirements:** Where voters are required to demonstrate their address at the polls, a wide range of proof should be permissible to account for the fact that movers may face challenges securing certain types of ID with a current address in time for Election Day. Other options include: affirming the current address under penalty of perjury (preferable), or providing one of many possible documents reflecting a current address, such as: a student or employee ID, utility bill, bank statement, rental or lease agreement, or other official correspondence or document.
- ◆ **Counting a “Wrong Precinct Provisional”:** Rigid precinct-level distinctions simply do not work for a mobile society. New Mexico and Pennsylvania are examples of states that count provisional ballots cast in the wrong precinct so long as a voter is properly registered in the county. The ballots are counted for all issues and candidates that appear on the voter’s own precinct ballot. This minimizes disenfranchisement due to artificial precinct distinctions.
- ◆ **Other Practices that Reflect a Mobile Electorate:** Same Day Registration, Election Day Registration, and No Excuse Absentee Voting make registration and voting more convenient and accessible for eligible voters on the move.



For more information, please see FELN’s reports on *Foreclosure and Mobile Voter Registration*, available at [www.fairelectionsnetwork.com](http://www.fairelectionsnetwork.com).