

Automatic Voter Registration

What is Automatic Voter Registration?

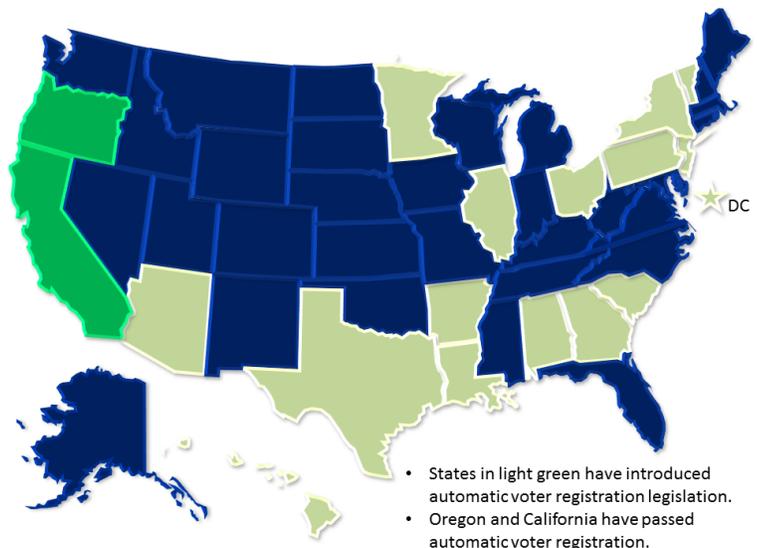
Automatic voter registration occurs when a government agency – usually a highly frequented one such as the Department of Motor Vehicles (DMV) – registers all eligible voters in its computerized system to vote unless they choose to opt out. The agency transfers their information directly to the voter rolls using a secure electronic connection. No one in the agency's database has to go through additional steps to register and they are able to participate in the upcoming election. The U.S. is one of the few democracies in the world where the government does not play an active role in registering voters.¹ By shifting the burden of registering from the individual citizen to the government, automatic registration is a cutting-edge policy that has become increasingly appealing among voters, election officials, and politicians.

Where and How is it Being Implemented?

Oregon became the first state to enact automatic voter registration legislation when Governor Kate Brown signed HB 2177 into law in 2015.² While Oregon is still in the rulemaking process to implement the new reform, it has paved the way for other states considering ways to improve their voter registration procedures.

The Oregon Department of Transportation (ODOT) will electronically transfer its computerized data for each visitor who is also an eligible voter to the Secretary of State, which will then add eligible voters to the voter rolls. Individuals who are added to the voter rolls through this process will be sent notices of their voter registration and given a specified time within which to opt out of the voter registration process.³ The state currently uses an entirely vote-by-mail system whereby it mails all registered voters, now including those who will be automatically registered through ODOT, ballots approximately two weeks prior to election, which they can mail back to the Secretary of State.⁴

In October 2015 California passed automatic voter registration and will implement the system in 2016. Sixteen other states and the District of Columbia introduced bills that would automatically register citizens who interact with motor vehicle offices and ensure voter information is electronically sent to the agencies charged with updating the voter rolls. These states include Alabama, Arizona, Arkansas, Georgia, Hawaii, Illinois, Louisiana, Minnesota, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Texas, Vermont, and Washington.⁵ Legislation proposed in Georgia, Illinois, Oregon, and Pennsylvania expands automatic registration to not only motor vehicle offices, but social service agencies as well.⁶ In addition, several members of the U.S. Congress introduced the "Automatic Voter Registration Act" (HR 2694), which provides for automatic registration at motor vehicle offices.⁷



Benefits of Automatic Voter Registration

Convenience and Security Most states have strict registration deadlines, usually between 10 and 30 days prior to Election Day. Unfortunately many citizens do not get interested in the candidates and political issues until deadlines have passed, so by the time they want to exercise their right to vote, they cannot. By enabling voters to bypass the additional step of registering before an election, automatic registration makes voting for eligible voters more convenient, and is likely to increase voter participation.

Even among those who plan to register before the deadlines, unforeseen obstacles related to health, mobility, and taking time off work can limit their ability to do so. By eliminating the need for an extra step to register, automatic registration greatly benefits segments of the voting population who face these barriers, such as the elderly, individuals with disabilities, and low-income communities. Thus, automatic registration makes the voting process more accessible to traditionally underrepresented groups.

In addition to broadening the electorate through its convenience, automatic registration protects voters' personal information. Currently registrants' private information usually sits on paper registration forms until they are transferred to the voter rolls. Automatic registration mitigates voters' concerns about such data being readily accessible by paper forms, and instead relies on a secure electronic portal between the agency's database and the voter rolls.

Easier to Administer In most states, when voters think they are registered to vote, but their names do not appear on the voter rolls, they must cast a provisional ballot. These voters confront often lengthy procedures at polling places and must be evaluated one-by-one. Election officials also face the additional step of notifying the voter whether his or her provisional ballot was counted. After all that, many ballots end up not being counted. For example, of 892,202 total provisional ballots cast in 2014, less than 25% were counted in both Kentucky and Delaware, and less than 50% were counted in 15 other states.⁸ By definition, every eligible voter who visits the agency providing automatic registration is "on the rolls," making provisional ballots less necessary. Additionally, election workers sometimes have difficulty deciphering handwriting on voter registration forms and transfer that information inaccurately to the rolls. Automatic registration eliminates the need for them to do so in that all the voters' information is computerized. Thus, it improves accuracy on the rolls while also reducing administrative burdens.

Economical Administrative steps related to provisional ballots can also be costly, requiring extra help to count them one-by-one and notification to voters about their ballots' status. Printing and mailing voter registration forms to every eligible voter in the state can also be expensive. By reducing the need for provisional ballots as well as expenses associated with the additional step to register, automatic registration can reduce costs.

Helps Modernize the Electoral Process Efforts to modernize and electronically streamline the voting process have become increasingly popular and enjoy bipartisan support. For example, as of August 2015, 28 states and the District of Columbia have passed online voter registration.⁹ States have also become increasingly interested in subscribing to the Electronic Registration Information Center (ERIC), which electronically matches potential voters' information from various government databases to ensure more accurate voter rolls.¹⁰ Similarly, automatic registration electronically transfers information and it advances the larger movement to modernize the voting process.

Sources and Additional Reading

¹Eve Robert, *Voter Registration: An International Perspective*, (FairVote Research Report, April 2009), available at <http://archive.fairvote.org/rtv/Universal%20Voter%20Registration-4-21-09.pdf>.

²Maria L. La Ganga, *Under New Oregon Law, All Eligible Voters Are Registered Unless They Opt Out*, L.A. Times, Mar. 17, 2015, available at <http://www.latimes.com/nation/la-na-oregon-automatic-voter-registration-20150317-story.html>.

³*Id.* See also OR HB 2177, available at <https://legiscan.com/OR/text/HB2177/2015>.

⁴*Id.*

⁵The Brennan Center for Justice at New York University School of Law, "Automatic Voter Registration", July 6, 2015, available at <https://www.brennancenter.org/analysis/automatic-voter-registration>.

⁶*Id.* See also Georgia SB 31, available at <https://legiscan.com/GA/text/SB31/2015>; Illinois HB 4208, available at <https://legiscan.com/IL/text/HB4208/2015>; Oregon HB 2059, available at <https://legiscan.com/OR/text/HB2059/2015>; and Pennsylvania HB 1306, available at <https://legiscan.com/PA/text/HB1306/id/1245738>.

⁷HR 2694 is available at <https://www.govtrack.us/congress/bills/114/hr2694/text>.

⁸U.S. Election Assistance Commission, *The 2014 EAC Election Administration and Voting Survey Comprehensive Report, A Report to the 114th Congress*, June 30, 2015, at 14-16, available at http://www.eac.gov/assets/1/Page/2014_EAC_EAVS_Comprehensive_Report_508_Compliant.pdf.

⁹Fair Elections Legal Network, *Online Voter Registration*, April 14, 2015, available at <http://fairelectionsnetwork.com/wp-content/uploads/2015/06/Online-Voter-Registration-Brief.pdf>.

¹⁰Electronic Registration Information Center, assisted by Pew Charitable Trusts, "FAQ", available at <http://www.ericstates.org/faq>, (last visited July 20, 2015).

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