



## VPIRG Testimony on S.29 –An Act Relating to Election Day Registration January 30, 2015

Good afternoon. My name is Julia Michel, and I am the Energy and Democracy Advocate at VPIRG, the Vermont Public Interest Research Group. As you may know, VPIRG is the largest consumer and environmental advocacy group in the state. I thank you for this opportunity to share our views on S.29.

I'm sure we can all agree that our democracy is best served when more people participate. VPIRG has a long history supporting measures designed to boost voter participation in elections. We support S.29 because Election Day Registration is a time-tested, low-cost and efficient program for increasing voter participation and streamlining the voting process.

### **What is Different about Election Day Registration?**

Currently, there are 4 requirements Vermonters must meet in order to register to vote in the town where they live.

1. You must be a citizen of the United States;
2. You must be a resident of the state of Vermont (and a resident of the town for which one is applying to be added to the checklist);
3. You must have taken the Voter's Oath (formerly called the "Freeman's Oath"); and
4. You must be 18 years of age (or more) on the day of the election.

As a matter of public policy, our Constitution, our laws and our court precedents all essentially say, if you meet those four requirements, you are entitled to vote. We want you to vote. You don't have to pass a test. You don't have to pay a tax. In fact, we should do everything we can to eliminate other barriers that may discourage you from voting.

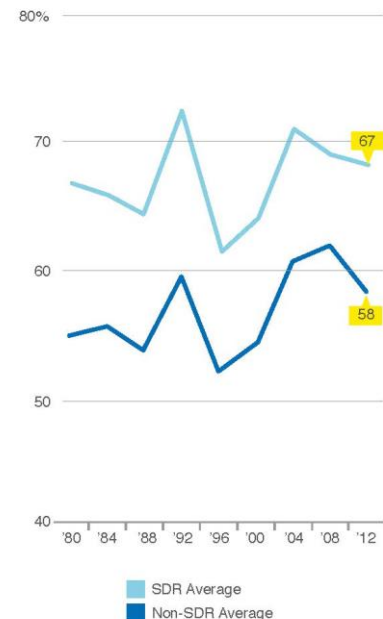
Allowing Vermonters to both register and vote on Election Day would not alter these four requirements. What it would do is eliminate one of the last hurdles in Vermont state policy to voting. It's not a hurdle that applies to everyone. Most people are registered well before an election. But unquestionably, there are those who wait until the last minute, or they might have other circumstances that caused them to miss the registration deadline. Regardless, if they meet the four criteria and show an interest in casting a ballot on Election Day, we should do all that we can to make that vote count. Election Day Registration is already the norm in ten states, from our neighbors Maine and New Hampshire to North Dakota and Wyoming, with an additional two states implementing the program before the next election.

### **Why Election Day Registration is Good for Democracy**

Experts predict that adoption of EDR can increase turnout by three to six percentage points.<sup>1</sup> Average voter turnout in states that allow their residents to register and vote on Election Day today is generally 10 percentage points higher than in states without EDR.<sup>2</sup>

Election Day Registration also helps capture the votes of people who are unregistered but become interested in voting as Election Day approaches. During the final weeks of a campaign, press coverage increases, candidates (and others) advertise vigorously to get their messages across, and races inevitably

Turnout Rates in SDR vs. Non-SDR States, '80-'12, Presidential Election Years



<sup>1</sup> See Knack, "Election Day Registration: The Second Wave," *American Politics Quarterly* 29(1), 65---78 (2001); KCraig L. Brians & Bernard Grofman, "Election Day Registration's Effect on U.S. Voter Turnout," *Soc. Sci. Q.* 82(1); 171---83 (March 2001); Mark J. Fenster, "The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992," *American Politics Quarterly* 22(1) (1994): 74---87.

<sup>2</sup> Dēmos: A Network for Ideas and Action, [Same Day Registration: An Explainer \(2012\)](#)

tighten. Vermont's pre-election day deadline for voter registration could unfortunately deny the opportunity to vote to unregistered citizens whose interest in an election is piqued in the frenzied period just before the election. No matter how much outreach is done informing people of the voter registration deadline, some people don't realize they have to register to vote (or update current registration records, if they've moved) in advance. We believe that there is no need to penalize the first-time voter who forgets to pre-register, the busy mother who doesn't discover a problem with her registration problems prior to Election Day, or the grandfather who forgets to update his address after moving into a retirement facility.

It may be interesting to note that those who have studied the use of Election Day Registration believe that there is no partisan advantage to this reform. Christian Potholm, a Republican pollster and political science professor at Bowdoin College, said "contrary to common perception, there's no evidence that people who don't vote -- or register late -- hold different political preferences from those who do."

### **Understanding and Overcoming Concerns about Fraud**

According to independent academic studies and state-led investigations where eligible citizens are currently allowed to register to vote or update their registration on Election Day, there is no evidence to support the claim that Election Day Registration results in mass voter fraud or unnecessary difficulties for administrators.

In fact, a landmark study involving review of 4,000 news reports in six EDR states over three federal election cycles (1999-2005) found only 10 discrete incidents of voter fraud or alleged voter fraud that appeared to have some merit.<sup>3</sup> Consider how former Secretaries of State Ben Yursa of Idaho (a Republican) and Matthew Dunlap of Maine (a Democrat), described the crime of voter fraud: "...exceedingly rare or nonexistent in states that offer Election Day registration. Citizens of Maine, for instance, have benefited from same-day registration since the early 1970s and no case of voter fraud has ever been attributed to the policy."<sup>4</sup>

It's worth pointing out that the most egregious (though rare) types of election fraud—like vote-buying or absentee ballot fraud—occur before Election Day and away from the polling place, meaning they are not directly affected by EDR procedures. Moreover, another massive investigation of voter impersonation-- which involved tracking every specific, credible allegation that someone may have pretended to be someone else at the polls since 2000—found only 31 credible incidents out of a total of 1 billion votes cast.<sup>5</sup>

While the body of credible research indicates voter fraud as a general matter is incredibly unlikely to decide the outcome of an election, it is nevertheless a crime and it should be. Voter fraud should not be tolerated and if this Committee believes that penalties against the practice need to be strengthened, you would likely have VPIRG's support. But to be clear, there is virtually no credible evidence that implementing Election Day Registration in Vermont would increase the prevalence of in-person voter impersonation or fraud of any kind.

### **The Bottom Line**

Throughout our nation's history, Americans have faced legal and procedural barriers to the exercise of our fundamental democratic rights. These barriers have for the most part, been eliminated over time. With this bill, you all have an opportunity to remove one more obstacle in order to make it just a little bit easier for eligible Vermonters to exercise their right to vote. Election Day Registration is a proven and popular program that has a track record of success around the country. VPIRG supports S.29, and urge this Committee to give its approval to this important elections reform.

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<sup>3</sup> Lorraine Minnite, "[Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security](#)" (2007)

<sup>4</sup> Maine Secretary of State Matt Dunlap and Idaho Secretary of State Ben Yursa, [The New York Times](#) (May 11 2007)

<sup>5</sup> Justin Levitt, "A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast," [The Washington Post](#) (August 6, 2014)