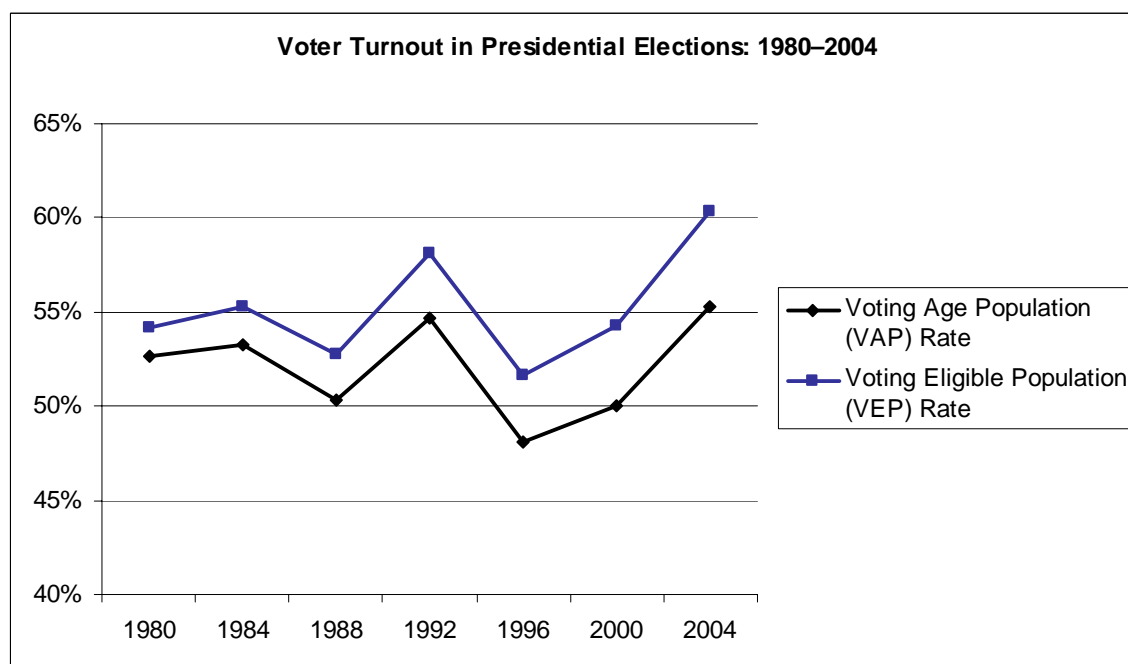


IMPROVING VOTER PARTICIPATION
BY TOVA ANDREA WANG

THE IDEA: *To encourage more Americans to vote, major reforms are needed to remove barriers to casting ballots.*

Although U.S. voter turnout went up in the highly contested 2004 presidential election—to around 55 percent of age-eligible voters (see Figure 1)—American voting rates are still far below those of most other nations.¹ Internationally, U.S. voter participation ranks 139th out of 172 countries.² (See Figure 2 for a representative sample.)

Figure 1



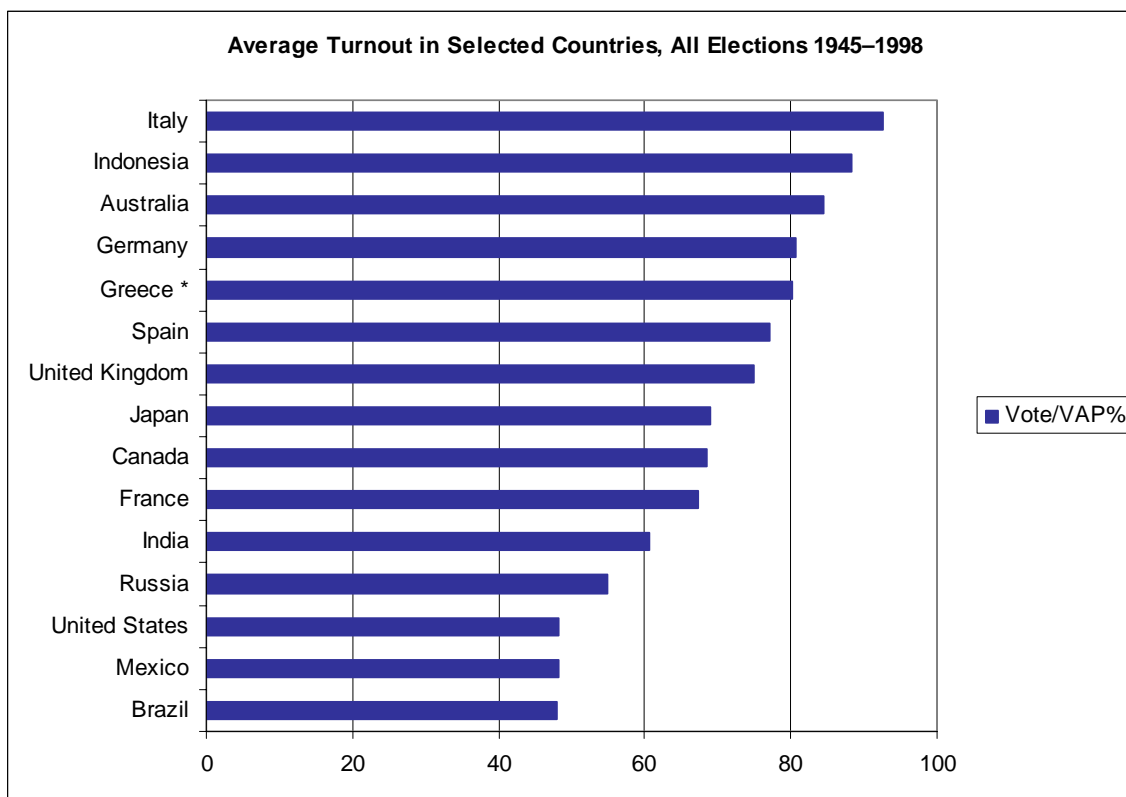
Source: “Presidential Turnout Rates for Voting-Age Population (VAP) and Eligible Population (VEP),” United States Election Project, George Mason University, available online at http://elections.gmu.edu/turnout_rates_graph.htm.

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Figure 2



Source: “Turnout in the World: Country-by-Country Performance (1945-1998),” International Institute for Democracy and Electoral Assistance, available online at http://www.idea.int/vt/survey/voter_turnout_pop2-2.cfm.

In a 1999 poll³ about citizens’ views of government, the top-ranked proposal for making government work better was simply to “have more people vote in elections” (73 percent rated that change as likely to be very effective in making government work better). A 2005 poll⁴ found 94 percent agreed that “As a society, we should do all we can to make it as convenient as possible for eligible citizens to vote.” Sixty-two percent endorsed congressional action to make that happen in federal elections.

Despite these clear and unambiguous public sentiments, the argument is commonly made that improving voter turnout is unimportant; indeed, some say lower voter turnout might be a good thing. To cite two recent newspaper columns:

If you are one of those people who normally stays home on Election Day, who doesn't really pay attention to the issues and isn't sure what anyone stands for, then by all means stay out of the voting booth on Tuesday . . . if you are too preoccupied with your own daily struggles, or too lazy to take some time to examine the candidate's platforms and make a decision, well then please don't listen to those other commentators. Stay home. Let other people who care more than you do decide.⁵

Stop talking about voter quantity and start focusing on voter quality. I know people who don't vote and, frankly, I'm glad they don't. Not because their political philosophies don't match mine, but because they don't have passion and they can't be bothered to inform themselves.⁶

While many of us instinctively recoil at such sentiments, it is important to spell out exactly why such thinking is wrong. First of all, if large segments of the population do not vote—the poor, for example—their representatives will feel little obligation to serve the needs of the greater community. Instead, they will be more likely to attend mostly to the needs of those constituencies who voted for them—groups whose interests may not coincide with those of the community as a whole. Since voter turnout rates are skewed according to income, education, and race, the very citizens who depend most on government may have their concerns neglected relative to the preferences of privileged classes and highly motivated groups, which also make sizeable campaign contributions.

For those reasons, Australia has compulsory voting—a requirement that is accepted by and large by its citizens.⁷ While that approach is highly unlikely to be adopted in the United States, and is perhaps not the most desirable remedy in any case, it does underscore the importance some societies place on strengthening the connections of elected officials to broad public concerns.

All of these concerns notwithstanding, many states are failing to implement measures that will increase political participation, and a sizeable minority has taken steps that actually will disenfranchise more voters. Most notably, several states have enacted voter identification rules that clearly will make it more difficult for citizens to vote while doing little to prevent whatever voter fraud takes place.

Some scholars believe that political participation will only change when there is a change in the culture. It is true that a great deal of nonvoting in the United States is “motivational,” that is, it is due to such factors as weak political parties, the structure of our electoral system, and the negative effects of money-driven, television-oriented campaigns on voter attitudes towards politics, politicians, and elections.

However, there is much evidence to suggest that structural barriers reduce voter participation as well, particularly among the most disadvantaged groups. There are practical measures state and federal governments can take to reduce these barriers, improve their election procedures, and encourage greater participation. While changing the culture can only happen over time and through a wider societal effort, reducing structural barriers can be readily accomplished.

This brief highlights measures to improve voter participation, starting with efforts to reduce barriers to voting, followed by some ideas for addressing motivational nonvoting.

RECOMMENDATIONS FOR REFORM

- Allow voters to register up until and on Election Day
- Make Election Day a national holiday
- As long as a voter appears at any precinct within the county in which the voter resides, the provisional ballot cast by the voter should be counted for all countywide, statewide and presidential races.
- States should not have restrictive voter identification requirements
- Social service agencies and departments of motor vehicles must comply with the National Voter Registration Act and provide citizens with an effective opportunity to register to vote.
- Take the partisan politics out of redistricting
- Extend free media time to candidates
- Parties and candidates should do more to personally engage voters

ELECTION DAY REGISTRATION (EDR)

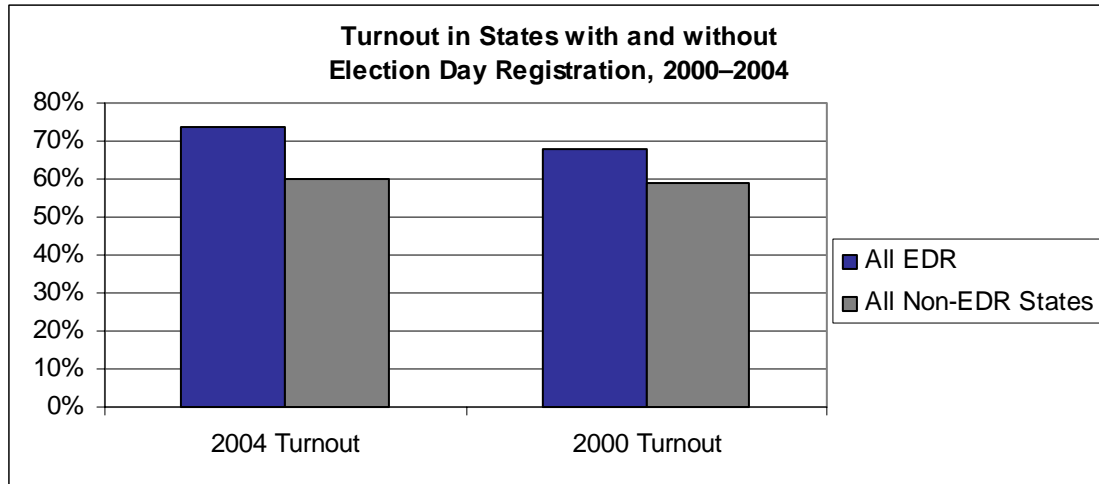
One of the reasons for low turnout is that registering to vote can be a complicated, multistep process, usually involving registration deadlines of between twenty to thirty days before Election Day.⁸ In addition to being badly publicized, these early registration deadlines pass well before many voters become interested in campaigns. They also make it difficult for highly mobile citizens—of which there are great many in the United States—to vote because they are often unaware that they must or are unable to re-register in time to vote. Census data shows that 40.1 million Americans moved just in the years 2002 and 2003.⁹

EDR simplifies the registration process by allowing voters to register to vote on Election Day when they arrive at the polls. EDR currently is offered by Maine, Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming. North Dakota does not require registration at all.

EDR has been shown to impact voter turnout significantly; in the 2000 and 2004 elections turnout in states with EDR was 8 to 15 percentage points higher than in states that did not offer EDR, and overall, in the 2004 election, turnout was 13.8 percentage points higher among voters in states that offer EDR (73.8 percent turned out) than among voters in states that do not (60.2 percent turned out). Of the five states with the highest

turnouts in 2004, four offered EDR; the only exception was Oregon, which requires all ballots to be submitted by mail.¹⁰ (See Figure 3.)

Figure 3



Source: “Election Day Registration Helps America Vote,” Demos, Summer 2005, p. 1, available online at: <http://www.demos-usa.org/pubs/EDR%20Toolkit3.pdf>.

Some critics have argued that EDR is much more susceptible to fraud than early registration systems. But there is very little evidence that voter fraud is a significant problem in the first place, and there is even less indicating that EDR is more fraud-prone than other registration systems.¹¹ In fact, EDR may decrease the likelihood of fraud, for several reasons. EDR puts registration under the oversight of election officials, rather than workers at the Department of Motor Vehicles or other agencies. Also, voters are less likely to attempt to impersonate other people if they are being watched by election officials as they register to vote. The Help America Vote Act (HAVA) mandates that all states set up statewide computerized election registration databases by early 2006; this electronic system, which will interface with databases from the Departments of Corrections and the Department of Motor Vehicles, will be up-to-date, accurate, and will enable speedy voter verification. States that implemented EDR in 2000 and 2004, according to a study by Demos, spent between \$0 and \$250 per precinct to implement it, so it is also a very affordable way of making it easier for voters to cast their ballots.¹²

EDR also addresses the problem of human error. Often mistakes are made by the workers transcribing information from mailed-in voter registration forms to computerized registration databases for verification; these errors result in registrations being erroneously rejected, and voters often do not find out that they are not registered until it is too late to re-register. Under EDR, registration information is entered and the identity of the voter is verified in person, reducing problems such as these.

ELECTION DAY HOLIDAY

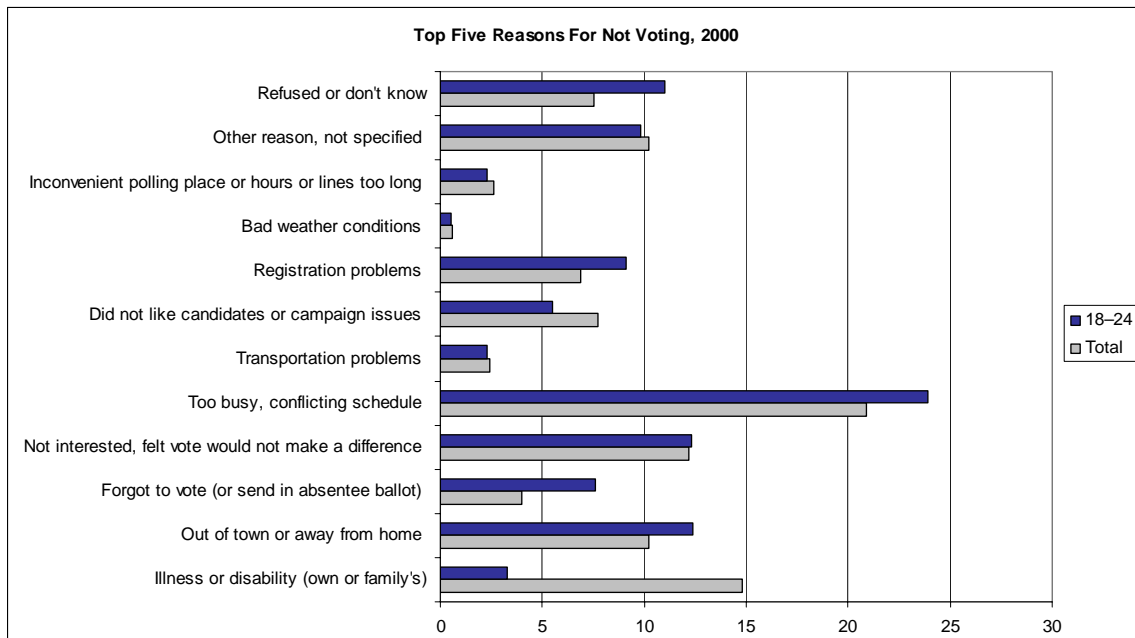
There is nothing in the Constitution that says elections have to be held on a Tuesday. In fact, it was deemed the best day in the nineteenth century because it was the day farmers could most easily reach the county seat in order to vote.¹³

The National Commission on Federal Election Reform (the Carter/Ford Commission) recommended an Election Day holiday in 2001. The commission concluded that,

One way of addressing the shortage of accessible polling places, low voter turnout, and the challenge of recruiting poll workers is to move or redefine Election Day. There are calls to establish a national holiday on Election Day . . . a national holiday . . . would help working people vote without having to hire poll workers to staff added or longer shifts. . . . More public buildings, especially schools, would be available for use as polling places. More, and better trained, poll workers might be available to staff polling places. Several encouraging programs have been created around the nation to engage civic-minded high school and college students to work at the polls on Election Day and a holiday from classes may release more students into the pool of potential candidates.¹⁴

All of these points hold truer than ever. According to the U.S. Census, 21 percent of people who did not vote in the 2000 election cited “too busy/conflicting schedule” as the reason why. The percentage was even greater for younger voters. (See Figure 4.)

Figure 4



Source: “Reasons for not Voting by Sex, Age, Race and Hispanic Origin,” U.S. Census Bureau, February 27, 2002, available online at <http://www.census.gov/population/socdemo/voting/p20-542/tab12.pdf>.

It is clear that working people, people who have more than one job, or parents of small children all confront serious logistical challenges to voting. As the *New York Times* recently editorialized, “It’s wrong for working people to be forced to choose between standing in a long line to vote and being on time for work.”¹⁵

Election administrators in every part of the country constantly bemoan the shortage of poll workers and poll site locations. Such problems contributed to the crisis of 2004 in which we witnessed millions of Americans having to wait inordinate amounts of time in order to vote, to the point where many working people had to leave without voting at all. *USA Today* reported on Election Day 2004 that “a shortage of at least 500,000 poll workers nationwide for today’s voting could contribute to long lines, cranky volunteers, late opening and closing of polling places and the chance that results won’t be known until long after the polls close.”¹⁶ With an Election Day holiday, a vast new pool of citizens would be available for this public service. In conjunction with other efforts to increase the number of poll workers—including corporate and local government programs providing incentives to employees to serve and student poll worker programs—the whole face of the poll worker community could be radically changed and expanded.

THE VOTER ID DEBATE

Laws requiring all voters to present very specific forms of identification before exercising their right to vote have become the voting rights barrier of the twenty-first century. Twenty-four states now require all voters to present identification and in six of these it must be photo identification. The voter identification requirements enacted by Georgia, Indiana, and Arizona are particularly egregious and each is being challenged in the courts.

The law in Georgia, requiring every voter to present government-issued photo identification, has gotten the most attention. Notably, a federal judge has enjoined the state from implementing the law, holding it is an unconstitutional poll tax. The case remains in the courts.

It appears it never should have come to that. Despite a thorough analysis and near-unanimous recommendation from the Department of Justice’s career staff to deny “pre-clearance” to the law because they found it would have a discriminatory effect on minority voters, political appointees unaccountably approved it anyway.

The Department of Justice also pre-cleared Arizona’s law requiring citizens to prove their citizenship before being allowed to register to vote and requiring voters to present identification. Arizonans passed this rule through a larger anti-immigrant ballot initiative, Proposition 200. Unfortunately, it is not primarily noncitizens getting caught in the web of this law—it is ordinary American citizens who are being disenfranchised.

According to the *Los Angeles Times*, “In Maricopa County, home to Phoenix, more than 10,000 people trying to register have been rejected for being unable to prove their citizenship. . . . A spokeswoman for the recorder’s office said . . . that most probably are U.S. citizens whose married names differ from their birth certificates or who have lost

documentation. In Pima County, home to Tucson, 60% of those who tried to register initially could not. Chris Roads, chief deputy recorder and registrar, said all appeared to be U.S. citizens but many had moved to Arizona recently and couldn't access birth certificates or passports."¹⁷ A coalition of organizations has filed suit challenging the law.

Finally, Indiana also passed legislation that requires all voters to present government-issued photo identification in order to vote. Legislators passed this legislation despite the fact that there has never been a case of voting fraud in Indiana that such a requirement would address, and that, as is generally the case, the law would disenfranchise predominantly the poor, elderly, disabled, and minorities. The measure was challenged by voting rights groups and the Indiana Democratic Party, but upheld by a federal judge in April. The case is being appealed.

MEANINGFUL IMPLEMENTATION OF PROVISIONAL BALLOT RULES

The 2002 election reforms under HAVA included an important new protection: the right to cast a “provisional” ballot that would be counted once elections officials could confirm its validity. This fail-safe measure was designed to avoid a repeat of 2000, when many eligible voters were turned out of polling sites because their names did not appear on the rolls. One of the most heavily litigated issues in the 2004 election was whether a provisional ballot would count if cast at the wrong precinct, at least for statewide races.

So as to maximize the rights of eligible, registered voters to be heard at the ballot box and to maintain voter confidence in the system, as long as a voter appears at any precinct within the county in which the voter resides, the provisional ballot cast by the voter should be counted for all countywide, statewide and presidential races. HAVA should be read in conformance with the National Voting Rights Act, which defines “registrar's jurisdiction” as the entity maintaining voting lists—the county, city, or town in which the voter resides.

There is also already some evidence that narrower definitions of jurisdiction for the purposes of provisional ballots resulted in disenfranchisement in 2004. In the eighteen states in which ballots were counted or partially counted if they were cast in the wrong precinct but correct jurisdiction, 70 percent of the total provisional ballots cast were counted. In the twenty-five states that did not count provisional ballots cast in the wrong precinct (two other such states did not provide data), 60 percent of the ballots counted.¹⁸ Moreover, provisional ballots are not sorted and counted at the precinct; that happens at the board of elections or elections office.

There are many legitimate reasons why a voter might appear in the wrong polling location, especially in an election like 2004 with its millions of first-time voters. Voters who have moved recently may show up at their old site, polling locations change and voters are not notified, or a voter's registration is filed in the wrong place through administrative error. Just one of the many national voter hotlines set up during the weeks before Election Day, 1-866-myvote1, received over 100,000 phone calls from people

trying to find out where they were supposed to vote.¹⁹ Sometimes poll workers will misdirect voters to the wrong location. Imagine such a voter's dismay at discovering that they were deprived of the right to vote as a result of such errors.

ENFORCEMENT OF THE NATIONAL VOTING RIGHTS ACT

Unlike many countries around the world, the government in this country does not proactively take responsibility for registering its citizens to vote. Rather, it is incumbent upon the citizen to ensure he or she is properly registered. Realizing this was a burden, Congress enacted the National Voting Rights Act of 1993, popularly referred to as the Motor Voter Law, in order to expand the opportunities to register to vote. Under the better known provisions of the law, voters can register to vote by mail and must be offered the chance to register through the Department of Motor Vehicles. Less known is Section 7 of the law, which

requires states to offer voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities. Each applicant for any of these services, renewal of services, or address changes must be provided with a voter registration form or a declination form as well as assistance in completing the form and forwarding the completed application to the appropriate state or local election official.²⁰

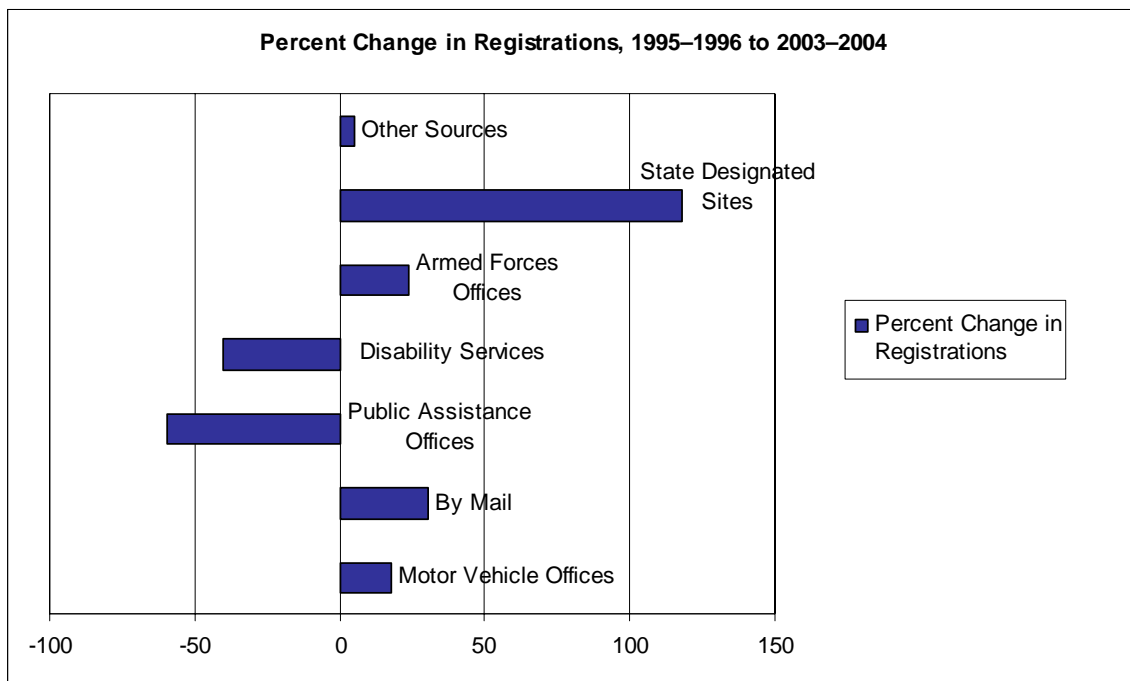
Civil rights organizations, the press, and scholars have documented that the Department of Motor Vehicles frequently fails to properly process voter registration applications and forward them to the department of elections in a timely manner.²¹ Worse, a recent study by a variety of voting rights groups, *Ten Years Later: A Promise Unfulfilled*, found that Section 7 of the law is, at times, being completely ignored. The report details the following findings, which are also reflected in figure 5:²²

- ➔ Since NVRA implementation, there has been a precipitous decline in public assistance voter registrations. In 1995–1996, agencies collected 2.6 million voter registration applications. By 2003–2004, that fell by 59.6% to one million applications.
- ➔ Voter registration applications from public assistance offices are declining while the total number of applications from all other sources is rising. Since NVRA implementation, voter registration applications from all other sources—including motor vehicle departments, mail-in registration, armed forces offices, and other Section 7 agencies—have increased by 22%. In fact, every individual source has seen an increase in registration applications *except* public assistance and disability offices.
- ➔ The decline in public assistance registrations is *despite* an increase in applicants and participants in most social services programs. While welfare (TANF) rolls

have declined in the past ten years, the number of participants in other, larger programs, including Food Stamps and Medicaid, has increased. Food Stamp participation increased 39% from 2000-2004; Medicaid enrollment increased 32.4% from June 1997 to June 2004.

- ➔ Site visits to public assistance offices conducted throughout various states revealed procedural violations of Section 7 including offices not offering voter registration at all, offices not offering voter registration at all required points of contact with clients, and offices offering voter registration services but not utilizing the language mandated by the NVRA.

Figure 5



Source: “Ten Years Later: A Promise Unfulfilled: The National Voter Registration Act in Public Assistance Agencies, 1995-2005,” Demos, ACORN, Project Vote, July 2005, p. 6, available online at: http://projectvote.org/fileadmin/PV/PDF/Tens_Years_Later_A_Promise_Unfulfilled.pdf.

Obviously, this complete flouting of the law must be investigated by the Department of Justice for possible federal action. However, officials in the states in which it is occurring must act as well. As the report recommends, states should have stronger training systems for employees of these agencies, integrate the voter registration form with the standard state forms, post signs and use personnel to actively alert clients to the opportunity to register, and take steps to ensure the timely and accurate transmittal of the applications to the department of elections.²³

REDISTRICTING REFORM

Following each census, states readjust the boundaries of their congressional districts so that they reflect current population data and comply with the standard of one person, one vote. The current controversy now facing the Supreme Court as to whether this only can be done after each census aside, the redistricting process has been transformed into a partisan political weapon. State legislatures, who in most states are responsible for redistricting, now create districts not to reflect current populations or identifiable communities, but to keep themselves and their fellow party members in power. This has led to a staggering lack of competitiveness in congressional elections in recent years.

According to Common Cause, in 2004:

- More than 85 percent of House incumbents won by landslide majorities of more than 60 percent.
- Only seven incumbents, of 399 running, lost their seats. That's a 98.2 percent reelection rate.
- Outside of Texas, where a midcycle Republican redistricting effort led to the defeat of four targeted incumbent Democrats, only three incumbents lost their seats—a greater than 99 percent incumbent reelection rate for House members in forty-nine states.²⁴

The Center for Voting and Democracy similarly reports that in “2002 fewer than one in ten races were won by less than 10% and fewer than one five races were won by less than 20%—less than half of the number of races won by those margins in 1992. Only four incumbents were defeated by non-incumbent challengers, the fewest number in history, and the average victory margin was nearly 40%.”²⁵

At the same time, it is clear that competitive elections drive up turnout and uncompetitive elections depress it. It is not an accident that the highly contentious 2004 presidential election saw turnout rates go up. Studies conducted by Mark N. Franklin of Trinity College demonstrate that highly competitive elections raise turnout, especially among newer, younger voters. As Franklin points out, a major part of this is the increase in voter turnout activity among campaigns, parties, and interest groups in closely contested elections.²⁶ Another factor is undoubtedly increased media attention. Yet it must also be a matter of voters being made aware in competitive elections that something important is at stake that they want to have a say in affecting.

This indicates that we must do something to reform our redistricting process to stop it from being a plaything of those in power to keep that power. A number of states have already instituted some form of independent or nonpartisan redistricting. The body conducting the redistricting, the process used to appoint individuals to that body, and the criteria the entity must use to make redistricting determinations vary greatly from state to state. The members are usually appointed by some formula involving the state legislature, the governor, and sometimes the judiciary.

Bills to institute redistricting reform have been introduced in state legislatures throughout the country. Both Ohio and California had proposals on the ballot in 2004 to create independent redistricting commissions. Both were defeated—perhaps for reasons having nothing to do with the substance of the reforms—but in any case, that is clearly not the end of the debate. States will and should continue to search for and find ways to take the politics and partisanship out of the redistricting process as a matter not only of fairness, but improving our participatory democracy.²⁷

MEDIA REFORM

Even if redistricting fosters increased competitiveness, however, that is not enough to guarantee higher turnout. We also need to ensure that any increase in competitiveness is accompanied by increased communication with voters. Moreover, we should seek to ensure that the quality of communication improves and that campaign communication increasingly fosters voter interest and involvement, understanding of campaign issues, knowledge of candidate and party positions, and so on.

One serious possibility here is the extension of free media time to candidates. This has many potential advantages. One is that, to the extent campaign costs are a concern, free media might reduce the costs of campaigning, which would presumably enhance the ability of challengers to run credible campaigns. Another is that the sheer volume of communication with voters should increase under a free media time system.

Perhaps most important for participation-promoting purposes, free media time could increase the quality of communication with voters taking place in campaigns. This will happen if the provision of free media time allows candidates to engage in a more substantive and extended dialogue with voters than is now the case with thirty-second attack ads and seven-to-nine-second sound bites on the evening news.

Such an outcome may be facilitated, as Paul Taylor has argued, by specifying the format within which free media time can be used.²⁸ He suggests that time be doled out in five-minute blocks and must be used in a “talking heads” format, in which the candidate personally attempts to explain issues to voters. In theory, this should ensure relatively extended and substantive communication with voters.

If so, that could reinforce another change in American politics that needs no mandate—the increased availability of political information on the Internet—and hopefully boost the average voters’ level of campaign involvement and understanding. The result should be higher voter motivation and, therefore, higher turnout.

PERSONAL VOTER CONTACT

Finally, one of the most effective ways of motivating voters is also one of the simplest: direct personal contact. Since 1988, when a landmark study was conducted by Research Strategy Management for the Republican National Committee, evidence has been

accumulating that personal contact with voters is extraordinarily effective at getting them to the polls and certainly far more effective than the various impersonal methods that are typically used. The 1988 study used two matched counties in Illinois to evaluate the effectiveness of a program of extensive personal contact (in this case, among young voters) in the target or experimental county versus the “control” county, where the program was not conducted. Since then, two Yale political scientists, Donald Green and Alan Gerber, have conducted dozens of experimental studies of actual campaigns in this spirit and have found, as summarized in their book, *Get Out the Vote: How to Increase Voter Turnout*:

A personal approach to mobilizing voters is generally more effective than an impersonal approach. That is, the more personal the interaction between campaign and potential voter, the more it raises a person’s chances of voting. Door-to-door canvassing by friends and neighbors is the gold-standard mobilization tactic; chatty, unhurried phone calls seem to work well, too. Automatically dialed, prerecorded GOTV phone calls, by contrast, are utterly impersonal and, evidently, wholly ineffective at getting people to vote.²⁹

Clearly, the more parties and politicians can be persuaded to adopt this method of voter contact, the more voters we can expect to see at the polls.

¹ For a complete bibliography of books related to voter turnout in the United States, see “Bibliography by Section for the Final Report of the National Research Commission on Elections and Voting,” available online at http://elections.ssrc.org/research/ssrc_bibliography_topic.doc.

² “Six of Ten Americans Support Congressional Action to Make Voting Easier,” Why Tuesday? Press Release, November 7, 2005, available online at <http://www.whytuesday.org/media/WhyTuesPressRelease.pdf>.

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⁴ “Six in Ten Americans Support Congressional Action to Make Voting Easier.”

⁵ Tim O’Brien, “If You Don’t Care, Then Don’t Vote,” *Albany Times Union*, November 3, 2005, p. 1.

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⁷ Interview with Julia Gillard, Minister of Parliament, Australia, January 10, 2006.

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⁹ Jason P. Schachter, “Geographical Mobility: 2002 to 2003,” Current Population Reports P20-549, U.S. Census Bureau, March 2004, available online at <http://www.census.gov/prod/2004pubs/p20-549.pdf>.

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