

# **To Assure Pride and Confidence** *in the Electoral Process*

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August 2001

## **Task Force Reports**

*To accompany the Report of  
the National Commission on Election Reform*

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Dr. John Mark Hansen, Coordinator

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**Reports of**  
**The Task Force on the Federal Election System**

**Mark Hansen, Coordinator**

## **Preface to the Reports of the Task Force on the Federal Election System**

The National Commission on Federal Election Reform charged the Task Force on the Federal Election System with two responsibilities, first to provide information about current practices in federal elections and second to analyze the effects of current practices and the possibilities for reform. With a substantive mandate that ranged from voter registration to polling hours, the work of the Task Force seemed best divided into a series of reports on discrete topics. Accordingly, the final product of the Task Force comprises nine reports. The longest address voter registration and early, mail, and unrestricted absentee voting; the shortest consider felony disfranchisement and verification of voter identity in polling places. All of the reports combine a description of current practice with an overview of the best scholarly research into election systems and voter behavior.

The Task Force enjoyed the cooperation of numerous scholars, analysts, and election officials who took our phone calls, answered our e-mails, and in some cases plied us with data. Often they did not realize that in so doing they became Task Force participants. Raymond E. Wolfinger of the University of California at Berkeley, Stephen Ansolabehere of the Massachusetts Institute of Technology, Tracy Warren of the Constitution Project, and Conny McCormack, the Registrar-Recorder and County Clerk of Los Angeles County, made sustained contributions to our work. We especially thank about 20 people who took time from busy schedules on short notice to participate in a critically informative conference on voter registration, conducted jointly with the Task Force on Election Administration. Nothing has been more valuable in this work than to see elections from the vantage point of the people who administer them. We have emerged with a new appreciation of their talents, and their patience.

The staff of the Task Force on the Federal Election System tracked and compiled and culled and summarized and helped to figure it all out. The chief responsibilities for implementing our inquiry fell to Michael A. Neblo, now a Robert Wood Johnson Fellow in Health at the University of Michigan and Assistant Professor at the Ohio State University. Neblo helped to shape every Task Force report with his research and his critical eye, and he authored one himself. Meredith Rolfe and Nealon Scoones provided careful and timely assistance with the research. Thad Hall and Tova Wang of the Century Foundation and Leonard Shambon of Wilmer, Cutler & Pickering contributed significant help and insight.

Finally, the University of Chicago and especially its Provost, Geoffrey R. Stone, allowed us the time to contribute to an effort that will, we hope, make elections work a little better.

John Mark Hansen,  
*Coordinator*

John Mark Hansen is now Professor of Government at Harvard University. Until 2001, he was the William R. Kenan Jr. Professor in Political Science and the College at the University of Chicago, where he also served as Associate Provost for Research and Education. Hansen studies interest group politics, legislative politics, public opinion, and political participation. He is the author of two books, *Gaining access: Congress and the farm lobby, 1919-1981*, and *Mobilization, participation, and democracy in America* (with Steven J. Rosenstone), and numerous articles. He is also a member of the Board of Overseers of the American National Election Studies. Hansen received his B.A. in Political Science and Economics at the University of Kansas in 1981 and his Ph.D. in Political Science from Yale University in 1987.

## **I. Sizing the Problem**

# Sizing the Problem

Task Force on the Federal Election System

John Mark Hansen

July 2001

## *Summary of conclusions*

1. If an election for which the margin of victory is less than a percentage point is within the current technological margin of error, then elections within the error margin are common occurrences. In an average presidential election, the results in two or three states are within the margin of error. Razor-close races for the Senate are just as common, and extremely close contests for governor are even more common. In the last half century, every state but two has had at least one federal or gubernatorial election that was within the one-percent margin of error.
2. Elections that are within the margin of error tax the legitimacy of the federal election system. Overall, Americans express levels of satisfaction with the conduct of democracy that are among the highest in the democratic world. Americans are much less convinced, however, that elections in the United States are conducted fairly. In 2000, in fact, Americans' rating of the fairness of the election was nearly the lowest in all the democratic countries. Unsurprisingly, the perceived fairness of the election is influenced by partisanship. But substantial numbers of Republicans questioned the fairness of the 2000 election, as did women and a majority of blacks. Large margins of error in close elections put a strain on the electoral system that undermines public confidence in the electoral process.

## *The frequency of close federal and statewide elections*

The 2000 presidential election exposed to the nation what local election administrators have long known, that the process of casting and counting ballots is riddled with error. In most circumstances, the error is inconsequential because it is too small to have any plausible effect on the outcome. Most elections in the United States are simply not very close. In a very tight election, however, even a small margin of error in the balloting can mean the difference between winning and losing, as it was in Florida in the 2000 presidential contest.

In Florida and after, the nation learned that a voter's choice cannot readily be determined from something between 1.5 and 2.5 percent of the ballots cast in federal elections. The technical problems involve choices that did not register—the “undervote”—and multiple choices that did—the “overvote.” As a matter of determining the election outcome, neither problem would be very worrisome if the candidate preferences of voters ensnared by technical problems in the balloting simply paralleled

the preferences of all the other voters.<sup>1</sup> But the events in Florida and other analyses suggest otherwise. No matter what the method of balloting, less educated voters will find it harder to cast a ballot correctly than better educated voters. Moreover, depending upon the type of balloting and the availability of assistance, marking a ballot correctly will present special problems for language minorities, the elderly, and persons with physical disabilities.

As a way to size the problem of Election Day mistakes in casting and counting ballots, let us adopt one percent as the level of error that might be consequential in federal elections. If the true “residual vote” (undervote plus overvote) is 1.5 percent, a one percent margin of victory might produce an incorrect outcome if the people whose votes were not counted preferred one candidate over the other by a ratio of five to one. If the true residual vote is 2.5 percent, a one percent margin of victory might produce an incorrect outcome if people affected by the undervote and overvote preferred one candidate over the other by a ratio of 3 to 2. Supposing, then, that an election decided by less than one percent of the votes cast is within the technical margin of error, how widespread is the potential problem?

As the table following shows, the incidence of federal elections decided by less than a percentage point is far more widespread than Florida in 2000. Since 1948, elections for presidential electors have been decided by less than one percent of votes cast 31 times (and by less than two percent 70 times). In 1968, 1972, and 1988, presidential electors were chosen in no states by a margin of less than one percent, but in 1960 six were and in 1948 and 2000 five were. In the 14 presidential elections since 1948, 22 states have seen presidential contests decided within a percentage point (and 40 states have had presidential contests within two points). In a given year, there is a 90 percent likelihood that at least one state will have a presidential election within the one-percent technical margin of error. Presidential elections within the one-percent technical margin of error occur all the time.

**Federal and statewide elections decided by less than two percent and less than one percent (bold) of votes cast, 1948–2000**

State	Presidential	Senatorial	Congressional	Gubernatorial
Alabama	1980	1962, <b>1986</b>	<b>5, 6</b>	<b>1994</b>
Alaska	1960		<b>0, 0</b>	1960, <b>1974</b>
Arizona	<b>1964</b> , 1992	1980	<b>2, 1</b>	1950, 1970, <b>1974</b> , <b>1990, 1994</b>
Arkansas	<b>1980</b>		<b>0, 0</b>	
California	<b>1948, 1960</b> , 1976	1986	<b>9, 20</b>	1982
Colorado	1996	<b>1956</b> , 1972, 1980, 1986	<b>5, 3</b>	<b>1998</b>
Connecticut	1948	<b>1988</b>	<b>10, 7</b>	<b>1948</b> , 1950, <b>1952</b>
Delaware	1948, 1960	1960, 1972	<b>2, 1</b>	1968
Florida	1992, <b>2000</b>	<b>1988</b>	<b>2, 5</b>	1994
Georgia	<b>1992</b> , 1996	1980, 1986, 1992, 1996	<b>3, 1</b>	<b>1966</b>

<sup>1</sup> As a matter of public satisfaction with the electoral process, even randomly distributed errors in the balloting may be consequential. People who have gone to the trouble of voting do not like to hear that their votes may not have been counted.

Hawaii	<b>1960, 1980</b>		<b>2, 0</b>	1998
Idaho	1964	1948, <b>1980</b>	<b>3, 1</b>	1958, 1982, <b>1986</b>
Illinois	<b>1948, 1960, 1976</b>	1984	<b>11, 8</b>	<b>1956, 1972, 1982</b>
Indiana	<b>1948</b>	<b>1962, 1970</b>	<b>13, 7</b>	1960
Iowa	1976, <b>2000</b>	<b>1968</b>	<b>4, 6</b>	
Kansas		1974	<b>1, 4</b>	1974
Kentucky	<b>1952, 1980, 1996</b>	<b>1956, 1984</b>	<b>5, 3</b>	1963
Louisiana		<b>1996</b>	<b>0, 1</b>	
Maine	<b>1976</b>		<b>3, 0</b>	<b>1962, 1970</b>
Maryland	1948, 1968	1958	<b>3, 2</b>	<b>1994</b>
Massachusetts	<b>1980</b>	1954	<b>4, 2</b>	<b>1952, 1962, 1964</b>
Michigan	1948	1952, 1954, 2000	<b>7, 6</b>	<b>1950, 1952, 1960, 1970, 1990</b>
Minnesota	1960, <b>1984</b>		<b>6, 6</b>	1960, <b>1962</b>
Mississippi	1976, 1980		<b>0, 2</b>	
Missouri	1952, <b>1956, 1960, 1968</b>	1982	<b>4, 4</b>	<b>1976, 2000</b>
Montana		<b>1954, 1960</b>	<b>1, 5</b>	1952
Nebraska			<b>2, 1</b>	<b>1958, 1982, 1990</b>
Nevada	1996	<b>1964, 1974, 1998</b>	<b>2, 1</b>	
New Hampshire	1992, 2000	<b>1974</b>	<b>2, 0</b>	1970
New Jersey	<b>1960</b>	<b>1954</b>	<b>2, 5</b>	1961, <b>1981, 1993, 1997</b>
New Mexico	<b>1960, 2000</b>		<b>6, 2</b>	<b>1958, 1960, 1968, 1974, 1978</b>
New York	<b>1948</b>	1970, 1980, 1992	<b>11, 9</b>	
North Carolina	1956, <b>1992</b>	<b>1980</b>	<b>7, 7</b>	
North Dakota		<b>1974, 1986</b>	<b>2, 4</b>	<b>1962</b>
Ohio	<b>1948, 1976, 1992</b>	<b>1964</b>	<b>4, 10</b>	<b>1974, 1978</b>
Oklahoma	1976	<b>1974</b>	<b>2, 1</b>	<b>1970</b>
Oregon	<b>1976, 2000</b>	<b>1954, 1968</b>	<b>2, 2</b>	
Pennsylvania		<b>1956, 1964</b>	<b>15, 11</b>	1958
Rhode Island	1952		<b>0, 2</b>	<b>1956, 1962, 1970</b>
South Carolina	1952, 1980		<b>0, 0</b>	
South Dakota	1976	1956, <b>1962</b>	<b>1, 0</b>	1960
Tennessee	<b>1952, 1956, 1980</b>		<b>1, 4</b>	
Texas	1968	<b>1978</b>	<b>2, 2</b>	<b>1978</b>
Utah		<b>1978</b>	<b>2, 2</b>	1988
Vermont		1980	<b>0, 0</b>	<b>1958, 1984</b>
Virginia	1976, 1996	<b>1978</b>	<b>5, 9</b>	1973
Washington	1988	1986, <b>2000</b>	<b>6, 4</b>	1960
West Virginia		<b>1978</b>	<b>2, 0</b>	1968
Wisconsin	1976, <b>2000</b>	1980	<b>0, 5</b>	<b>1962, 1964</b>
Wyoming		1958, <b>1988</b>	<b>1, 1</b>	<b>1954, 1978</b>
Total				
Less than 1% margin	<b>31</b> elections in 22 states	<b>32</b> elections in 26 states	<b>182</b>	<b>41</b> elections in 25 states
Less than 2% margin	70 elections in 40 states	63 elections in 40 states	365	75 elections in 40 states

Razor-close elections are no less common in elections for other federal offices or for governor. Over 50 years, about 4 percent of all senatorial elections, and about 2 percent of all congressional elections, have been decided by less than one percent of the

popular vote.<sup>2</sup> Over 50 years, about 5 percent of gubernatorial elections have had victory margins below one percent. In any given election year, the likelihood that there is at least one election within the one-percent technical margin of error is 71 percent for senatorial elections and more than 99 percent for congressional elections. In the last half century, only two states, Mississippi and South Carolina, have not had a federal or gubernatorial election decided by less than one percent of ballots cast. It is frequently the case in federal and statewide elections that technical problems in the balloting could be consequential to the outcome.

*The effect of close elections on the legitimacy of the federal election process*

Of course, what was unusual in the 2000 presidential election was not only that the contest in Florida was so excruciatingly close but also that the 2000 election pivoted on Florida and its 25 electoral votes. The 2000 presidential election revealed nearly every imperfection in the federal election system to the nation. What effect did the news have on the American people and their confidence in the democratic process in the United States?

As it happens, Americans as a people express an unusual level of satisfaction with the conduct of their democratic government. As the following table shows, Americans stand near the top of the world’s democracies in the pleasure they express in the way their government works. Although the less fortunate tend to feel less satisfaction with American democracy than the most fortunate, Americans nonetheless express high levels of satisfaction across class, race, and gender lines. The difficulties of the 2000 election had no real effect on Americans’ attitudes toward their democratic system as a whole. Events such as occurred in Florida seem not to have had any bearing on the American people’s regard for the democratic system, at least in the short run.

Satisfaction with the democratic process in 19 democracies

Nation	Percent Satisfied or Fairly Satisfied	Percent Satisfied
Norway	90.3	28.2
Netherlands	88.3	13.0
<b>United States, 2000</b>	80.7	32.1
<b>United States, 1996</b>	80.5	27.7
Australia	78.0	30.9
Great Britain	74.8	16.4
New Zealand	68.5	19.3
Japan	63.5	5.3
Germany	63.4	6.4

<sup>2</sup> The counts for senatorial, congressional, and gubernatorial elections do not include special elections, which tend to be more competitive than scheduled elections because they almost never involve an incumbent.

Poland	63.1	5.8
Spain	62.8	13.9
Czech Republic	61.1	3.7
Israel	53.4	26.8
Republic of China	46.9	36.7
Romania	43.9	20.4
Argentina	42.4	10.1
Hungary	42.2	1.4
Mexico	41.6	9.7
Lithuania	34.5	12.9
Ukraine	9.2	2.2

Source: Comparative Study of Electoral Systems and American National Election Studies, 1996 and 2000.

Americans' confidence in the electoral process is a different matter. In 1996, three quarters of the public expressed confidence that the last election was conducted "fairly," and only 10 percent described it as having been "unfair." In 2000, on the other hand, barely a majority of the electorate concluded that the election had been very fair, and 37 percent decided that it had been unfair.<sup>3</sup> The events in Florida had a clear impact on the faith Americans have in the electoral process.

Was the last election in the United States conducted fairly?

	1996	2000
Very fair	49.3	22.7
Somewhat fair	26.0	29.3
Neither fair or unfair	15.0	10.9
Somewhat unfair	6.1	21.8
Very unfair	3.6	15.3
Total	100.0%	100.0%
(N)	(1513)	(1418)

Source: American National Election Study, 1996 and 2000.

To be sure, one part of people's perception of fairness was agreement with the outcome. In 1996, Democrats were about nine percentage points more likely to conclude that the election was fair than Republicans, presumably because the Democratic candidate had won. In 2000, the partisan divisions turned the other direction, but much more sharply, with Republicans 24 percentage points more likely to think the election fair than Democrats. But Republicans had their qualms about the fairness of the process in 2000 also. In 1996, just 12 percent of Republicans branded the election unfair; in 2000, nearly twice as many did.<sup>4</sup> Among Independents, concerns about fairness increased more than threefold.

Fairness of the last United States election, by partisanship

<sup>3</sup> The questions were asked as part of the 1996 and 2000 American National Election Studies, a nationwide sample of eligible voters. In both years, the interviews were completed in November and December.

<sup>4</sup> We do not know, however, whether Republicans, Democrats, and Independents all thought that the election was unfair in the same way.

	1996			2000		
	Democrats	Independents	Republicans	Democrats	Independents	Republicans
Very fair	55.5	44.0	47.3	15.7	20.2	37.0
Somewhat fair	26.1	26.3	25.6	29.8	26.7	32.9
Neither fair or unfair	12.0	18.3	15.2	9.9	12.3	9.3
Somewhat unfair	4.2	7.3	7.0	24.5	25.1	12.9
Very unfair	2.2	4.2	4.9	20.1	15.8	8.0
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
(N)	(593)	(480)	(429)	(477)	(551)	(365)

Source: American National Election Studies, 1996 and 2000.

But questions about the legitimacy of the federal election process in the wake of the 2000 campaign were not only, or even primarily, partisan sour grapes. In 1996, the most prominent difference between people who believed the election fair and people who did not was not partisanship (which had only a small effect on beliefs) but participation in the electoral system. Voters were more satisfied with the process than non-voters.<sup>5</sup>

In 2000, partisanship still had only a small effect on beliefs, and voters were still more convinced than non-voters that the process was fair. But women and blacks in 2000 found the process deeply suspect. As the tables following show, in 1996 there were virtually no differences between women and men and blacks and whites in their assessments of the fairness of the election. In 2000 the differences were dramatic. Women were about 14 percent more likely than men to conclude that the process was unfair. Blacks were 22 percent more likely than whites to question the fairness of the process. In fact, as one of the latest instances of the perceptual divide between blacks and whites in America, beliefs about the fairness of the 2000 election were perfectly symmetric: 55 percent of whites believed that the 2000 election was conducted fairly and 56 percent of blacks believed that it was conducted unfairly. The 2000 election undermined the public's faith in the electoral process, at least temporarily, and especially within the more disadvantaged segments of American society.<sup>6</sup>

Fairness of the last United States election, by gender

	1996		2000	
	Men	Women	Men	Women
Very fair	49.8	48.9	29.7	17.3
Somewhat fair	25.8	26.3	31.3	27.7
Neither fair or unfair	14.6	15.4	9.2	12.3
Somewhat unfair	6.6	5.6	16.3	26.0
Very unfair	3.2	3.8	13.4	16.8
Total	100.0%	100.0%	100.0%	100.0%
(N)	(679)	(834)	(619)	(799)

<sup>5</sup> This paragraph and the next report results from an analysis that takes into account the other characteristics of individuals, such as their partisanship. In 1996, and again in 2000, people with higher incomes and higher levels of education also professed more faith in the fairness of the electoral process than people with lower levels. Society's haves find more to like in the electoral process than society's have-nots.

<sup>6</sup> Latinos were also less convinced that the election was fair, but the divisions were not as dramatic.

Source: American National Election Studies, 1996 and 2000.

Fairness of the last United States election, by race

	1996		2000	
	Whites	Blacks	Whites	Blacks
Very fair	48.6	54.8	24.8	8.3
Somewhat fair	26.9	19.6	30.5	24.8
Neither fair or unfair	14.8	16.0	11.1	11.0
Somewhat unfair	6.2	5.4	21.6	21.4
Very unfair	3.5	4.2	12.0	34.5
Total	100.0%	100.0%	100.0%	100.0%
(N)	(1302)	(168)	(1132)	(145)

Source: American National Election Studies, 1996 and 2000.

Already in 1996, the United States was only in the middle among democracies in the faith of its citizens in the fairness of its elections. But in 2000, the United States dropped nearly to the bottom, the dissatisfaction of its citizenry exceeded only by the monumentally disgruntled citizens of Israel.

The public's view of the fairness of the most recent election in 18 democracies

Nation	Percent who say Somewhat Unfair or Very Unfair	Percent who say Very Fair or Somewhat Fair
Netherlands	1.9	91.7
Germany	2.0	90.6
Norway	3.1	93.2
Great Britain	4.2	80.5
Czech Republic	4.6	79.8
Hungary	4.9	81.9
New Zealand	6.7	76.9
Romania	9.2	81.6
<b>United States, 1996</b>	9.7	75.3
Poland	9.7	72.0
Spain	11.2	80.0
Republic of China	14.0	62.2
Argentina	17.4	48.8
Mexico	23.0	56.1
Lithuania	26.7	55.3
Japan	27.2	42.3
Ukraine	34.8	37.0
<b>United States, 2000</b>	37.1	52.0
Israel	62.6	19.7

Source: Comparative Study of Electoral Systems and American National Election Studies, 1996 and 2000.

Americans' faith in the electoral process will surely survive the 2000 election. But 2000 also makes clear just how much the public legitimacy of the process depends upon the circumstances of the election, and in particular, upon how well federal elections appear to be conducted.

## **II. Voter Registration**

# Voter registration

Task Force on the Federal Election System  
John Mark Hansen  
July 2001

## *Summary of conclusions*

1. Registration to vote is widespread but far from universal. In 1996, seventy-one percent of voting age citizens were registered to vote.
2. Voter registration is the mechanism of balance between two types of errors: the inclusion in the electorate of people who are not eligible to vote and the exclusion from the electorate of people who are. The trend since enactment of voter registration has been to scale back restrictions on access. Even so, the registration laws in the United States are among the most demanding in the democratic world.
3. Voter registration laws depress voter turnout by raising the cost of the exercise of the franchise. The National Voter Registration Act has mitigated many of the most restrictive voter registration practices. The most significant restriction that remains is the lengthy closing period, although it too has been capped, at 30 days.
4. The primary sufferers of voter registration are migrants and the less educated. Sixteen percent of the population changes residence each year, and the registrants among them must reregister at new addresses. The young, the poor, and renters are more likely to move and less likely to register. The less educated are less likely to be motivated to register and less likely to have the skills to manage it, giving rise to sizable differences in voter registration by education.
5. The National Voter Registration Act has complicated voter list management. In response, states have taken administrative steps to deter registration by non-citizens, to overcome the problems caused by delegation of voter registration responsibilities to driver's license bureaus, government service agencies, and third-party registrars, and to eliminate duplicate and lapsed registrations. The measures include the incorporation of separate check-offs for citizenship on voter registration applications, the adoption of statewide voter registration systems, and the use of numeric identifiers for voter registration.

Registration as a voter is the first step toward the exercise of the franchise, in every state except North Dakota. Participation in that first step is broad, but far from universal. In November 1996, 71.0 percent of American citizens of voting age reported that they were currently registered to vote. Of registrants, 82.3 percent reported that they had voted in the 1996 presidential elections.<sup>1</sup> Together with voter turnout, rates of reported voter registration have fallen steadily since 1968.

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<sup>1</sup> Survey self-reports of voter registration exhibit the same sawtooth pattern as voter turnout: higher in presidential election years and lower in midterm election years. In 1998, 67.1 percent of the voting age citizen population reported registration. Sixty-eight percent of the registrants reported voting.

Voter registration and voter turnout vary markedly across states. Registration tops 80 percent in Maine, Minnesota, and Wisconsin, all of which have Election Day registration.<sup>2</sup> Less than 65 percent of voting age citizens are registered to vote in Hawaii and Arkansas.<sup>3</sup>

### *A brief history*

Voter registration has a long history in the United States. Massachusetts in 1800 was the first state to require registration of voters, but the idea did not spread very far or very fast. Until 1860, voter registration was found almost exclusively in New England. Starting after the Civil War, and accelerating after the end of Reconstruction in 1877, voter registration spread rapidly. Between 1876 and 1912, nearly half of the northern states wrote registration requirements into their constitutions, and many more adopted it by statute. By 1929, only three states, Arkansas, Indiana, and Texas, lacked any form of voter registration, although eleven others limited its application to cities above a specified size.<sup>4</sup>

In the North and West, voter registration was typically a “progressive” measure, promoted as an antidote to the corrupt practices of urban political machines. It was an important piece of a larger set of progressive governmental and electoral reforms, which also included the civil service, direct primaries, and the secret ballot (often called the “Australian” ballot, after the country of origin). In the South, registration became part of the far-reaching system of electoral Jim Crow that included the white primary, literacy tests, and the poll tax.

The effect of the set of electoral reforms on voter turnout in the United States was dramatic. In the South, where registration was one of the milder restrictions on the exercise of the franchise, voter participation dropped from 64.2 percent of the adult male population in 1888 to 29.0 percent in 1904.<sup>5</sup> Outside the South, where registration was the major new burden on voters, turnout fell from

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<sup>2</sup> North Dakota respondents report 91.0 percent registration, even though North Dakota does not have voter registration. Either 9 percent do not realize this, or the question is confusing in a state with no voter registration.

<sup>3</sup> The rates of registration and turnout reported in the text come from the Current Population Survey 1996 Voter Supplement. Based on people’s self-reports to Census interviewers, the CPS estimates of both registration and turnout are probably inflated slightly. Tables at the end of this report also calculate registration and turnout from official statistics reported to the FEC by the states. For reasons discussed later, rates of registration calculated from official statistics are probably significantly inflated. Turnout rates calculated from official statistics, on the other hand, are probably deflated. First, voter turnout is usually calculated on the denominator of voting age population, which includes non-citizens who are not eligible to vote. Second, voter turnout is usually calculated on the basis of votes cast for president, but not everybody who turns out at the polls in fact casts a vote in the presidential contest. In the state estimates reported in the table, the numerator is the larger of the vote for president, the vote for senator, or the vote for U.S. representative. In 1996, more votes were cast for senator than for president in eight states (Delaware, Idaho, Kansas, Maine, Montana, North Carolina, South Carolina, and South Dakota); more votes were cast in total for U.S. representative than for president in one state, Missouri.

<sup>4</sup> Application of voter registration only to urban areas was common in the earliest legislation. The first registration law in Pennsylvania, for example, applied only to Philadelphia. In 1929, the last states that limited registration to urban areas were predominantly agricultural and midwestern: Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Tennessee, Wisconsin, and Wyoming.

<sup>5</sup> Turnout in the South was even more dismal in some of the individual states. Between 1920 and 1944, on average, less than 25 percent of the voting age population participated in presidential elections in Alabama, Arkansas, Georgia, Mississippi, South Carolina, and Virginia. South Carolina’s voter turnout was the lowest in the nation: just under 10 percent. During this period, of course, the greatest part of the African American population was denied the franchise, but turnout calculated on the base of the voting age white population was little better.

86.2 percent in 1888 to 67.7 percent in 1912. Nationwide, voter participation in presidential elections fell from its historic peak of 82.6 percent in 1876 to its historic low of 48.9 percent in 1924.

The effect of the electoral reforms on the incidence of vote fraud is the subject of a lively debate among historians and political scientists. One side argues that voter registration lowered voter turnout in part by excluding ineligible and phantoms from illegal participation in elections. The other side counters that voter registration lowered voter turnout by deterring the legitimate participation of voters deemed by the middle-class progressive reformers of the era to be ignorant and manipulable. Nobody has a very good method for assessing the extent of vote fraud either before or after the reforms, but the cleverest inquiry into the issue suggests that both sides may be right. Using stories from upstate New York newspapers from 1870 to 1916, Gary W. Cox and J. Morgan Kousser found that the electoral reforms—in particular, they say, the Australian ballot—changed the mode of electoral corruption but not the fact. Before the reforms, they argue, parties engaged in “inflationary” corruption—they bought votes and recycled voters. After the reforms, however, parties pursued “deflationary” corruption—they either paid opponents to stay home or they kept opponents away from the polls. Voter registration was just as much a weapon in partisan electoral conflict as vote fraud.

Throughout the last century, voter registration laws have been mechanism of balance between two kinds of errors: the inclusion in the electorate of people who are not eligible to vote and the exclusion from the electorate of people who are. The earliest registration laws were so restrictive that they seem decidedly draconian viewed from 2001. In 1929, 18 states still required voters to reregister periodically, typically every one, two, or four years. In 1962, 38 states required at least one year of residency in the state as a condition of voter registration. In 1972, 17 states purged voters from the registration rolls if they had not voted within the last two years, and 23 others purged voters if they had not voted within a period ranging from two and one half to eight years. Finally, in 1960, 23 states with 40 percent of the eligible electorate required voters to register more than 30 days before the election, and no states had yet adopted Election Day registration.

Through time, the trend has been to scale back restrictions on access to voter registration. By 1972, periodic registration had nearly disappeared—only two states, Arizona and South Carolina, still mandated it, every ten years—and now every state makes registration permanent. The Voting Rights Act Amendments (VRAA) of 1970 and a succeeding decision of the Supreme Court effectively mandated a maximum thirty-day residency requirement for participation in federal elections in the fifty states. The National Voter Registration Act (NVRA) of 1993, better known as “Motor Voter,” prevented states from purging voters from the rolls for not voting. The 1970 VRAA mandated a registration closing date no more than 30 days before Election Day, and the 1993 NVRA prompted three more states to adopt same-day voter registration (to gain exemption from the provisions of the Act), bringing the total to six: Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming. Access to voter registration is now more liberal than it has been since registration’s wide-scale adoption a century or more ago.

Still, the registration laws in force throughout the United States are among the world’s most demanding. In the United States, the burdens of voter registration fall primarily on the voters themselves. In most of the rest of the democratic world, the government takes responsibility for the creation of voter rolls. In the United Kingdom, registration officers either send a form to every residential address or conduct a door-to-door canvass. In most of continental Europe, governments require citizens to register their addresses, from which information they generate voter rolls. The restrictiveness of American voter registration is one reason why voter turnout in the United States is near the bottom of the developed world. The turnout rate for registrants in the United States, about 80 percent, is just about average for the world’s established democracies. The turnout rate for eligible citizens, about 55 percent, is well below.

### *The effect of voter registration on voter turnout*

Social scientists who have examined the relationship between registration requirements and voter participation agree that registration depresses turnout. Registration depresses turnout because it imposes a cost on voters. Before the NVRA expanded the availability of voter registration sites, registration required a special trip to the registrar's office, often during business hours only. It often required the completion of a complicated form and the presentation of proof of identity and residence. Finally, it had to be—and still must be—accomplished well before Election Day. Writing in 1978, the authors of the pioneering study of the effects of voter registration, Steven J. Rosenstone and Raymond E. Wolfinger, put it this way: "Registration is often more difficult than voting. It may require a longer journey, at a less convenient hour, to complete a more complicated procedure—and at a time when interest in the [election] campaign is far from its peak."

Rosenstone and Wolfinger examined a variety of voter registration requirements for their effect on voter participation, employing survey data gathered by the Current Population Survey in its 1972 Voter Supplement. They found that regular registrar's office hours, evening and Saturday registrar's office hours, and the availability of absentee registration each contributed a small but discernable amount—2 to 5 percentage points—to the likelihood of voter turnout. Consistent with findings from other studies, they found that the single most important impact on voter turnout was the length of the closing period. By their estimates, residents of states with 30-day closing periods were between 3 and 9 percentage points less likely to vote than people who could register on Election Day. Taking all the registration requirements in effect in 1972 together, they estimated that voter turnout nationwide was about 9 percentage points lower than it could have been had all the states adopted the most generous voter registration provisions. Registration laws, they found, were especially burdensome for voters with less education, who had less interest in participation and smaller stores of skills and knowledge with which to negotiate the bureaucratic task of registration.

Since 1972, the legal structure of voter registration has changed markedly, particularly owing to the implementation of the National Voter Registration Act. NVRA broadened access to voter registration by

1. Requiring states to make voter registration applications available in driver's license bureaus and social service agencies;
2. Requiring states to design procedures for registration by mail, either by allowing application by mail or by allowing requests for applications by mail;

which, taken together, essentially solve the problems of availability—of office hours, of office locations, and of absentee registration—that Rosenstone and Wolfinger found to discourage voter turnout. Indeed, of the 41.5 million applications for voter registration reported by the 43 states affected by the provisions of NVRA in 1995–96, 33.1 percent originated in motor vehicle offices and 29.7 arrived by mail.<sup>6</sup> Voter registration has risen by about 4 percentage points because of greater access under NVRA, according to the Committee for the Study of the American Electorate.

NVRA left the patchwork of state closing periods largely unchanged. It caused three additional states to adopt same-day voter registration, bringing to seven the total number of states which do not require voters to take action before Election Day. The six states with Election Day registration—and the one state, North Dakota, without voter registration—are smaller, more rural northern tier states with histories of clean elections. Residents of the seven states are 5.6 percent of the voting age citizen population.

Voter registration closing period, by state

State	Days before election	State	Days before election
Alabama	10	Nebraska	28
Alaska	30	Nevada	31
Arizona	29	New Hampshire	0
Arkansas	30	New Jersey	29
California	15	New Mexico	28
Colorado	29	New York	25
Connecticut	14	North Carolina	25
Delaware	20	North Dakota	No registration
D.C.	30	Ohio	30
Florida	29	Oklahoma	25
Georgia	29	Oregon	21
Hawaii	30	Pennsylvania	30
Idaho	0	Rhode Island	30
Illinois	28	South Carolina	30
Indiana	29	South Dakota	15
Iowa	10	Tennessee	30
Kansas	15	Texas	30
Kentucky	28	Utah	20
Louisiana	30	Vermont	10
Maine	0	Virginia	29
Maryland	29	Washington	30

<sup>6</sup> The 1998 Current Population Survey found that 35.6 percent of new registrants said they had registered at motor vehicle agencies. Another 10.0 percent registered by mail. About 16 percent registered at an official registrar's office.

Massachusetts	20	West Virginia	30
Michigan	30	Wisconsin	0
Minnesota	0	Wyoming	0
Mississippi	30		
Missouri	28	U.S. Average	22.1
Montana	30	U.S. Median	28

Source: Democratic National Committee

In the 43 other states, closing periods range from 10 days in Alabama, Iowa, and Vermont to 31 days in Nevada. Thirty states with 63.3 percent of the eligible population have closing periods of four weeks or more. On the other end of the scale, seven states with 15.7 percent of the eligible population require closing periods of 15 days or less. On the whole, closing periods have shortened over the last 25 years, but not dramatically. Twenty-three states have reduced their registration closing periods, most notably by 21 days in Arizona and Georgia and by 15 days, just this year, in California.<sup>7</sup> But in the same period, ten states have moved up the date by which citizens must register to vote.

### ***Voter registration and residential mobility***

By its nature, because voter registration is linked to residence, it has its greatest impact upon people who have moved. In the United States, that is a substantial number. Between March 1999 and March 2000, 16.1 percent of the population over the age of 1, or 43.4 million people, changed residences.

Before NVRA, in most states, the voting age citizens among the migrants would have needed to reregister in order to vote in their new jurisdictions of residence. (Under the 1970 Voting Rights Act Amendments, movers could still vote by absentee ballot at former addresses.) NVRA required states to devise “fail-safe” procedures to accommodate registrants who had moved within county but who had not yet reregistered at new addresses. States were required to issue a full ballot, whether regular or provisional, to registrants who had moved within the same precinct. For registrants who had moved within county but to new precincts, states had to allow voting either in new precincts or in old precincts or give voters the option of voting in some combination of old precinct, new precinct, or central location. For the 2000 election, 15 states allowed voting only at the old polling place, 16 allowed voting at the new polling place, and 10 gave voters options for where to vote.<sup>8</sup> NVRA’s fail-safe provisions cover the majority of movers. In 1999–2000, 56.2 percent of all migrants, or 24.4 million people, relocated to new homes within the same county.

The National Voter Registration Act did nothing, however, to back up registrants who move out of county or out of state. The eligible voters among the 20.3 percent of migrants who move into a new county in the same state (8.8 million people) and the 19.4 percent who move out of state (8.4 million people) must still reregister before they can vote.<sup>9</sup> Because of the availability of registration

<sup>7</sup> California’s county registrars opposed the shortening of the closing period on the grounds that 15 days left too little time to enter new registrants on the rolls and to generate accurate registrations lists for Election Day. As one registrar told us, to shorten the closing period will necessarily be to make greater use of provisional ballots.

<sup>8</sup> The remaining states are the six exempted from NVRA—Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming—two states that did not respond to the FEC survey, and Oregon, which votes by mail.

<sup>9</sup> The remainder is 4 percent of migrants who move abroad.

in government service agencies and registration by mail, reregistration is easier since NVRA than it was before. But it is still a step that citizens must take in order to exercise the franchise.

The difficulty of reregistration is distinctly more acute for citizens who relocate to new counties and new states within the registration closing period. The median state has a closing period of 28 days, and 63.3 percent of electorate cannot register for at least the 28 days before the election. Because Election Day must be no earlier than November 2 and no later than November 8, the people who are blocked from reregistration by the closing period are predominantly people who relocate in October, when 10.4 percent of all moves occur. In 1993, the year from which these data derive, 485,000 citizens of voting age moved to a new county during October, and 535,000 eligible citizens moved to a new state during October. Therefore, a reasonable estimate of the number of eligible voters who are not accommodated by fail-safe and who cannot reregister at their new address because of moves during the closing period is a little over one million, or about 0.6 percent of the voting age citizen population.<sup>10</sup>

Everybody who moves into a new county or into a new state may vote in person or by absentee at her former address, as specified under the 1970 Voting Rights Act Amendments. The logistical difficulties of obtaining an absentee ballot from afar during the chaos of a move probably mean that relatively few migrants who are blocked from registration by the closing period actually vote. Two other legal provisions go further in accommodating citizens caught in this predicament. The first is Election Day registration, which removes the impediment of the closing period for both inter-county and inter-state migrants. The second, which helps in-state migrants alone, is an expanded use of provisional ballots. Under Washington law, registrants who move to a new county within Washington may cast a provisional ballot. Election officials send the provisionals to the jurisdictions of most recent registration, which accept votes cast for offices in common.

***The characteristics of movers and registrants***

The complications of voter registration affect people differently. As we will see, some of the demographic differences between people who are registered and people who are not trace to differences in interest in the electoral process and differences in the possession of the skills necessary to complete the task. But some of the differences trace as well to the characteristics of people who move and people who stay put.

First, residential mobility is greatest for young adults. One third of people in their twenties, but only one twentieth of people in and beyond their sixties, move in a year. Voter registration, accordingly, affects the young more than the old. Barely more than half of young adults were registered to vote in 1996, versus nearly 80 percent of adults over 65 years of age. Residential mobility is one of the most important factors in the low rates of voter participation among young adults.

**Percent of people who moved within the year,  
by age, race, and home ownership**

	Percent
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<sup>10</sup> Another population that is ensnared by registration closing periods is members of the armed forces who are discharged within the closing period. We have been unable to find data on either the number of annual discharges from active duty or their distribution through the year. But the number of people affected is certainly much smaller. In 1998, only about 1.4 million Americans were on active duty in the armed forces, 1.1 million of whom were posted stateside.

	movers
<i>Age</i>	
20-24	35.2
25-29	32.4
30-44	22.0
45-54	9.3
55-64	7.0
65-84	4.3
85 +	4.7
<i>Race and ethnicity</i>	
White	15.3
Black	19.2
Hispanic	21.0
<i>Ownership</i>	
Homeowners	9.1
Renters	32.5

Source: Current Population Survey, 2000

Second, people who rent their homes are vastly more likely to move than people who own their homes. Nearly a third of renters move in a year, versus only a tenth of owners. The greater mobility of renters makes a dramatic difference in voter registration. Nearly three quarters of people who live in owner-occupied housing, but not even half of people who live in rental housing, are registered to vote.

### Voter registration, by age, race, education, and home ownership

	Percent registrants of voting age citizen population
<i>Age</i>	
18 – 24	53.5
25 – 44	68.1
45 – 64	77.8
65 +	79.5
<i>Race and ethnicity</i>	
White	72.0
Black	66.4
Hispanic	58.6
	Percent registrants of voting age population
<i>Education</i>	
Less than 5 years	28.4
5 to 8 years	44.2
9 to 12 years	47.9
High school graduate	62.2
Some college	72.9
Bachelor's degree	78.9
Advanced degree	83.7
<i>Home ownership</i>	
Reside in owner-occupied unit	73.0
Reside in rental unit	49.2

Source: Current Population Survey Voter Supplement, 1996

Not every demographic difference in voter registration traces to mobility, however. People with advanced degrees are 20 percentage points more likely than people educated through high school and 50 percentage points more likely than people educated into grammar school to be registered to vote. To be sure, the better educated enjoy greater residential stability than the less educated. But the better educated are also better equipped to take on the task of voter registration. After years in a classroom, they are more likely to know that they must register to vote. They are more likely to know how, when, and where to register. They are more likely to be interested in politics, more likely to feel effective in politics, and more likely to be part of groups that encourage them to take part in the electoral process. In short, they are more likely to be motivated to register and more likely to have the skills to manage it.

Because of the mix of circumstances, motivation, and skills that go into decisions to register to vote, voter registration is skewed modestly toward the more advantaged parts of American society, overrepresenting older, wealthier, better educated, residentially stable whites and underrepresenting younger, poorer, less educated, residentially mobile blacks and Latinos.

#### *Administration of voter registration*

The successes of the National Voter Registration Act in easing access to voter registration have come at a definite cost: by their own testimony, NVRA has complicated the professional lives of elections officers. Some worry that NVRA has made it easier both for people who are eligible to vote to register legally and for people who are ineligible to vote to register illegally, increasing the risk of election fraud. More voice the concern that NVRA has put a large part of administration of voter registration in the hands of agencies that are not responsible for conducting it conscientiously and correctly. Finally, many contend that NVRA has complicated voter list management, making it more difficult to eliminate duplicates and to delete the records of people who have left the jurisdiction by migration or by death.

During the congressional debate over NVRA, critics charged that the Act increased the probability of election fraud, and especially the probability of illegal registration and voting by people who are not citizens of the United States. None of the election administrators with whom the Commission has spoken seems preoccupied with non-citizen registrants, but they freely admit the likelihood that non-citizens appear on registration lists, albeit, in their judgment, in small numbers. Voter registration has been made easier just as the immigrant population has soared. The foreign-born population of the United States rose from 6.2 percent in 1980 to 7.9 percent in 1990 to 10.4 percent in 2000, the largest proportion since 1930. The foreign-born make up 24.9 percent of the population of California and 19.6 percent of the population of New York.

To require proof of citizenship for voter registration would raise objections from civil libertarians and advocates for ethnic communities, especially the fastest-growing, Latin American and Asian. It would also be notably burdensome for the vast majority of Americans who are either native or naturalized citizens. None of the most common forms of identification, such as driver's licenses and Social Security cards, are restricted to U.S. citizens. Definite proof of citizenship requires certified birth certificate or naturalization papers, neither of which is necessarily close at the registrant's hand. In fact, given the relative difficulty of access, proof of citizenship would probably be more easily accomplished by naturalized citizens than by native-born citizens, many of whom would need to obtain a certified birth certificate from the county of their nativity.

Twelve states have recently taken less burdensome steps to deter registration by non-citizens. In every state, applications for voter registration include the applicant's signed affirmation of qualification for voter registration under the laws of the state. The attestation of a false affidavit is a felony and a deportable offense. But the twelve states go further, requiring applicants to check a separate box to indicate whether they are a citizen of the United States or not.<sup>11</sup> (Most warn applicants to proceed no further if they checked "No.") Significantly, the twelve states that require a citizenship check-off include the six with the largest percentages of non-citizens in the nation.<sup>12</sup>

#### States with citizenship check-off for voter registration

State	Percent non-citizens of voting age population, 1996	Percent foreign born, 1997
Alabama	1.4	1.3
Arizona	12.9	14.4
California	20.9	24.9
Connecticut	6.1	7.5
Florida	10.2	16.4

<sup>11</sup> Nine of the twelve, however, also accept the national mail-in voter registration form, available from the Federal Election Commission. The national form does not include a check-off for citizenship status.

<sup>12</sup> Four of the states that have a permanent bar on felons' voting rights include such a check-off on voter registration applications: Alabama, Florida, Tennessee, and Virginia.

Maryland	4.8	8.6
Michigan	3.0	4.5
New York	13.2	19.6
Texas	10.3	11.3
Utah	4.5	5.9
Vermont	1.6	3.0
Virginia	3.4	6.6

Source: Offices of the Secretary of State, individual states; U. S Census Bureau, “Profile of the foreign-born population in the United States, 1997,” Current Population Report Special Studies, Series P23-195; 1996 Current Population Survey Voter Supplement

The delegation of voter registration responsibilities to agencies other than registrars has been a more active concern among election administrators. They cite an array of problems. Motor vehicle bureaus and public service agencies fail to forward applications in time for them to be entered onto the public registry.<sup>13</sup> Third-party registrars—political parties, advocacy groups, and citizens’ groups that conduct registration drives—delay to send applications or fail to send them at all, sometimes inadvertently and sometimes deliberately. Agencies and third-party registrars take applications that are incomplete or inadmissible: applications with postal box addresses rather than street addresses, applications that are unsigned. Finally, election officials cite public confusion. People arrive at the polls convinced that they are registered to vote by virtue of having obtained a driver’s license.

A number of states have adopted measures to meet these administrative challenges. Closer integration of voter registration with other government records is one solution. In the late 1990s, for example, Michigan created its Qualified Voter File (QVF), which is so closely linked to motor vehicle records that the driver’s license number became the registration ID number and the voter registration address became the driver’s license address. Changes to one record automatically cause changes to the other. In other states, broader use of provisional ballots creates an audit trail for problem points.

Finally, election officials contend that NVRA has created new problems of voter list maintenance. NVRA set new and stricter standards for purging voter registration rolls. It allowed registrars to remove registrants from the rolls (subject to particular safeguards) only at their own request, because of criminal convictions, death, or mental incapacity, or because of a change of address. It prohibited registrars from deleting registrations on the sole basis of extended non-participation in elections or on the basis of relocation within jurisdiction. It required registrars to retain registrants who did not vote and did not respond to mailed inquiries on the list, but as “inactive” registrants, for a period of two general elections.

Because of these stricter list maintenance provisions, NVRA by all accounts has caused voter registration rolls to swell. The official number of registrants, active and inactive, exceeds the voting age population of numerous counties and two states, Alaska and Maine.<sup>14</sup> To be sure, registration rolls have never been lean: most jurisdictions purged their lists less frequently and less completely

<sup>13</sup> The most recent FEC report to Congress on the implementation of NVRA noted that the incidence of such problems had increased three-fold since the Commission’s last survey.

<sup>14</sup> After a recent purge, registration in Maine is now below 100 percent of voting age population.

than they could.<sup>15</sup> But where informed estimates placed lapsed registrations at 15 percent of total registrations before NVRA, they now place lapsed registrations at 25 percent of the total.<sup>16</sup>

The list maintenance provisions of NVRA have given a substantial boost to efforts to create statewide voter registration lists, which have doubled in number since 1993. Statewide lists permit election officials better to eliminate duplicate registrations, in that 76.5 percent of residential relocations occur within the same state. They also enable better integration of voter lists with other governmental databases, such as motor vehicle registrations, vital records, and corrections records.

According to officials who administer voter registration, however, the greatest current impediment to efficient list management is the lack of a unique numeric identifier for each registrant. Names, addresses, and dates of birth of the same people listed in two different sources frequently do not match because of alternative forms, abbreviations, similarities to others' names, or simple data reporting or data entry errors. (Death records, for instance, originate in hospitals, where hospital staff take reports from family members in a time of bereavement.) While still subject to mistakes in data reporting and data entry, numeric identifiers would vastly reduce the number of ambiguous matches and simplify list maintenance.

The most obvious numeric identifier, the Social Security number (SSN), is prohibited from new use in voter registration by the Privacy Act of 1974. The eight states that currently require Social Security numbers for registration adopted them for use before the passage of the Act. Four additional states require the last four digits of the Social Security number. Sixteen states, in New England, the Upper Midwest, and the Pacific Northwest, do not use numeric identifiers.<sup>17</sup> Of the rest, 16 request full SSNs, three request the last four digits, and five request driver's license or state ID numbers. Although large numbers of registrants comply with the request for an identifying number, provision of the information is not universal.<sup>18</sup>

Previous proposals to allow broader use of Social Security numbers for purposes of identification have met strong opposition. On the grounds of an abstract right to privacy, civil libertarians have resisted turning the Social Security number into a national identity number. Many citizens would be uneasy about broader and more public use of a number that is already linked to financial and credit records.

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<sup>15</sup> According to Election Data Services, 218 counties reported registrations in excess of 100 percent of county population in 1992. Two hundred nineteen reported the same in 1996. Federal Election Commission, "Implementing the National Voter Registration Act," March 1998: 5-15.

<sup>16</sup> The problem of over-subscribed lists is not peculiar to voter registration. Thirty states currently have more driver's licenses on issue than they have population over the age of 16. The largest overage is Wyoming's, where licensed drivers are 158 percent of population.

<sup>17</sup> This list includes five of the six states with Election Day registration. The exception is Idaho.

<sup>18</sup> Moreover, most states have only recently begun to request numeric identifiers, and they lack them for nearly everybody who registered prior to the request.

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**Rates of voter registration and turnout, by state,  
from survey self-reports, 1996**

State	Percent registered of eligible	Percent turnout of registrants	Percent turnout of eligible
Alabama	74.9	75.2	56.3
Alaska	76.8	79.0	60.7
Arizona	67.2	80.8	54.3
Arkansas	64.9	80.0	53.1
California	70.9	86.4	61.3
Colorado	72.7	84.1	61.1
Connecticut	74.5	83.7	62.3
Delaware	65.6	85.4	56.1
D.C.	77.8	81.6	63.5
Florida	68.8	82.0	56.4
Georgia	67.8	75.1	50.9
Hawaii	60.8	78.2	47.5
Idaho	70.5	87.9	62.0
Illinois	72.0	82.1	59.1
Indiana	69.3	81.5	56.5
Iowa	75.3	83.7	63.0
Kansas	70.5	89.9	63.4
Kentucky	69.7	76.0	53.0
Louisiana	74.5	84.2	62.7
Maine	83.6	82.9	69.3
Maryland	69.2	85.3	57.2
Massachusetts	71.9	84.5	60.8
Michigan	74.2	80.8	59.9
Minnesota	80.7	85.4	69.0
Mississippi	72.2	77.0	55.6
Missouri	76.2	80.8	61.6
Montana	75.9	89.7	68.1
Nebraska	67.1	82.3	62.6
Nevada	65.8	81.0	53.3
New Hampshire	78.2	83.8	61.0
New Jersey	70.1	86.4	60.6
New Mexico	68.9	80.5	55.5
New York	70.2	83.5	58.7
North Carolina	70.3	78.9	55.5
North Dakota	91.0	72.8	66.2
Ohio	69.5	85.8	59.6
Oklahoma	70.9	83.5	59.2
Oregon	76.0	83.7	63.6
Pennsylvania	67.2	83.9	56.4
Rhode Island	76.1	84.4	64.3
South Carolina	68.4	79.9	54.7

South Dakota	75.1	86.2	64.7
Tennessee	66.5	80.5	53.6
Texas	69.0	74.7	51.5
Utah	67.6	82.1	55.5
Vermont	73.1	82.8	60.5
Virginia	68.8	84.9	58.4
Washington	72.6	85.8	62.3
West Virginia	65.2	77.5	50.6
Wisconsin	80.6	80.4	64.8
Wyoming	71.9	92.7	66.7
United States	71.0	82.3	58.4

Source: Current Population Survey, 1996 Voter Supplement

**Rates of voter registration, by state, from state reports, 1996**

State	Percent of voting age population		Percent of voting age citizen population	
	On register	On register as active	On register	On register as active
Alabama	84.9	76.9	88.3	80.0
Alaska	110.4	97.6	118.1	104.5
Arizona	79.6	71.5	91.2	81.9
Arkansas	73.1	73.1	74.9	74.9
California	73.1	68.6	92.3	86.6
Colorado	82.0	66.8	85.2	69.5
Connecticut	79.7	75.9	87.4	83.2
Delaware	76.6	73.2	80.3	76.7
District of Columbia	93.8	85.6	104.8	95.5
Florida	73.2	67.9	82.6	76.5
Georgia	70.3	70.3	73.6	73.6
Hawaii	63.2	61.2	73.7	71.5
Idaho	81.6	81.6	86.4	86.4
Illinois	85.2	76.1	92.3	82.4
Indiana	79.8	79.8	83.3	83.3
Iowa	83.1	81.5	86.6	85.0
Kansas	75.9	75.9	80.7	80.7
Kentucky	81.8	81.7	82.8	82.6
Louisiana	81.7	79.2	83.8	81.2
Maine	106.0	106.0	110.9	110.9
Maryland	70.4	67.5	75.0	71.9
Massachusetts	82.3	75.2	90.5	82.6
Michigan	94.4	94.4	98.1	98.1
Minnesota	89.7	89.7	93.7	93.7
Mississippi	92.8	88.1	94.8	89.9
Missouri	83.7	83.7	86.0	86.0
Montana	90.1	90.1	92.1	92.1
Nebraska	83.8	83.8	88.3	88.3
Nevada	64.3	59.6	73.8	68.5
New Hampshire	86.7	86.7	88.9	88.9
New Jersey	71.4	68.1	80.3	76.6
New Mexico	68.5	60.3	74.2	65.4
New York	74.9	70.5	87.3	82.2
North Carolina	78.2	76.6	82.7	80.9
North Dakota	No voter registration			
Ohio	82.0	82.0	84.8	84.8
Oklahoma	81.8	81.8	85.2	85.2
Oregon	87.2	81.4	91.5	85.3
Pennsylvania	74.0	73.4	77.5	76.9
Rhode Island	80.3	80.3	88.3	88.3
South Carolina	73.2	65.5	75.0	67.1
South Dakota	89.5	86.5	92.3	89.2
Tennessee	76.7	74.6	77.8	75.6
Texas	77.5	70.2	87.5	79.3

Utah	80.3	80.3	84.1	84.1
Vermont	86.6	86.6	90.0	90.0
Virginia	65.4	62.6	69.4	66.5
Washington	78.4	74.8	82.5	78.7
West Virginia	68.5	67.1	68.8	67.4
Wisconsin	Registration not reported to FEC			
Wyoming	67.6	67.6	69.9	69.9
United States	76.3	72.8	83.3	79.5

Source: Federal Election Commission, Implementing the National Voter Registration Act, March 1998, Appendix A; Bureau of the Census, Reported Voting and Registration among Citizens, by Gender, for States, August 1998.

**Rates of voter turnout, by state, from state reports and election returns, 1996**

State	As percent of voting age population	As percent of voting age citizen population	As percent of registrants	As percent of active registrants
Alabama	47.7	49.6	56.2	61.9
Alaska	56.9	61.0	51.5	58.3
Arizona	44.7	51.2	56.1	62.5
Arkansas	47.2	48.3	64.6	64.6
California	43.9	55.4	60.0	64.0
Colorado	52.8	54.9	64.4	79.0
Connecticut	56.2	61.6	70.5	74.0
Delaware	50.4	52.8	65.7	68.8
District of Columbia	44.0	49.2	46.9	51.4
Florida	48.1	54.2	65.7	70.9
Georgia	42.4	44.4	60.3	60.3
Hawaii	40.5	47.2	64.1	66.1
Idaho	57.9	61.4	71.0	71.0
Illinois	49.3	53.3	57.8	64.7
Indiana	48.8	51.0	61.2	61.2
Iowa	57.7	60.2	69.5	70.8
Kansas	58.9	62.6	77.6	77.6
Kentucky	47.4	48.0	58.0	58.1
Louisiana	57.1	58.4	69.7	71.9
Maine	64.1	67.1	60.5	60.5
Maryland	46.6	49.7	66.3	69.1
Massachusetts	55.0	60.5	66.9	73.2
Michigan	54.4	56.5	57.6	57.6
Minnesota	64.1	66.9	71.5	71.5
Mississippi	45.4	46.4	49.0	51.6
Missouri	58.2	59.8	69.6	69.6
Montana	62.1	63.4	68.9	68.9
Nebraska	55.9	58.9	66.7	66.7
Nevada	38.3	44.0	59.6	64.3
New Hampshire	57.1	58.8	66.1	66.1
New Jersey	51.0	57.3	71.4	74.8
New Mexico	45.4	49.2	66.4	75.3
New York	46.6	54.3	62.2	66.0
North Carolina	46.3	48.9	59.2	60.5
North Dakota	57.7	58.7	No voter registration	
Ohio	54.3	56.2	66.3	66.3
Oklahoma	49.7	51.8	60.8	60.8
Oregon	57.1	59.5	65.5	70.2
Pennsylvania	49.0	51.3	66.2	66.8
Rhode Island	52.0	57.1	64.8	64.8
South Carolina	41.9	42.9	57.3	64.0
South Dakota	60.5	62.4	67.6	70.0
Tennessee	46.9	47.6	61.2	62.9
Texas	41.3	46.6	53.2	58.8

Utah	49.9	52.3	62.2	62.2
Vermont	58.1	60.3	67.1	67.1
Virginia	47.5	50.5	72.8	76.0
Washington	54.8	57.6	69.9	73.2
West Virginia	44.9	45.0	65.6	66.9
Wisconsin	57.4	61.1	Registration not reported to FEC	
Wyoming	59.4	61.5	87.9	87.9
United States	49.1	53.7	64.4	67.5

Source: Federal Election Commission, Implementing the National Voter Registration Act, March 1998, Appendix A; Federal Election Commission, 1996 General Election Votes Cast for President, Senate, and House, October 1997; Bureau of the Census, Reported Voting and Registration among Citizens, by Gender, for States, August 1998.

**Numeric identifiers for voter registration, by state**

State	Request			Require	
	Full Social Security Number	Last 4 digits of Social Security Number	Driver's license number	Full Social Security Number	Last 4 digits of Social Security Number
Alabama	•				
Alaska	•				
Arizona		•			
Arkansas	•				
California			•		
Colorado	•				
Connecticut					
Delaware	•				
D.C.	•				
Florida					•
Georgia				•	
Hawaii				•	
Idaho	•				
Illinois	•				•
Indiana	•				
Iowa	•				
Kansas	•				
Kentucky				•	
Louisiana	•				
Maine					
Maryland	•				
Massachusetts					
Michigan			•		
Minnesota					
Mississippi	•				
Missouri					•
Montana					
Nebraska					
Nevada				•†	
New Hampshire					
New Jersey					
New Mexico				•	
New York					
North Carolina			•		
North Dakota	No voter registration				
Ohio	•				
Oklahoma					•
Oregon					
Pennsylvania					

Rhode Island					
South Carolina				•	
South Dakota	•				
Tennessee				•	
Texas	•		•		
Utah		•	•		
Vermont					
Virginia				•	
Washington					
West Virginia		•			
Wisconsin					
Wyoming					
United States	16 states + DC	3 states	5 states	8 states	4 states

†Nevada allows use of a driver's license number or state-issued voter ID number as an alternative.

Source: Federal Election Commission, National Voter Mail-In Registration Instructions.

### **III. Statewide Voter Registration Systems**

## **IV. Civic Education Programs**

# Civic Education Programs

Task Force on the Federal Election System

Michael A. Neblo

July 2001

## *Summary of conclusions*

1. Americans' engagement in civic affairs is low and declining. Voter turnout dropped 15 percentage points between 1964 and 1996. The lowest levels of engagement are found among the youngest voters. Over two thirds of voters over 45, but only a third of voters under 25, cast ballots in 1996.
2. Scholars find only a small and indirect effect of participation in a civics curriculum on political involvement later in life. The possibility that exposure to civic education is elective, either by students or by school districts, complicates the assessment of its effect.
3. Several recent civic education curricula seem to hold promise. The most successful programs involve students—and occasionally their parents—directly in governmental processes, either through participation in mock elections or through cooperation and debate. So far, the evidence of their long-term impact on civic engagement in adulthood is limited. None appears likely to restore civic participation to the levels achieved a generation ago, but they may produce modest improvement.

By a variety of measures, the engagement of the American public in government and elections is low and declining. Public interest in public affairs “most of the time” averaged 35 percent from 1964 to 1976 but has not exceeded 30 percent even once ever since. Likewise, “very much” public interest in the current election campaign hovered around 36 percent from 1952 to 1976 but since has dropped under 30 percent, with the singular exception of 1996 (when it was 39 percent). Finally, as is well known, voter turnout has declined from 69.3 percent of the voting age population in 1964 to 54.2 percent in 1996.<sup>1</sup>

The lowest levels of engagement are found among the youngest voters. In 1996, the percentage of voters 70 and over who were interested in public affairs “most of the time,” at 30 percent, was double the percentage of voters 37 and under who were interested most of the time, 14 percent. The percentage of the most senior voters who had “very much” interest in the current campaign, 38 percent, was more than double the percentage of the most junior voters who were very interested, 17 percent. Voter turnout among citizens aged 65 and over was 69.1 percent, but voter turnout among citizens 24 and younger was just 35.6 percent.

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<sup>1</sup> The source for interest in public affairs and interest in the current campaign is the 1952 through 1996 American National Election Studies. The source for voter turnout is the U.S. Census Bureau, Current Population Report, Series P20-504, July 1998.

### Voter turnout, by age, 1996

Age	Percent turnout of voting age citizen population
18 to 24 years	35.6
25 to 44 years	54.2
45 to 64 years	68.2
65 years or more	69.1

Source: Current Population Survey 1996 Voter Supplement

The two observations are connected. Interest in public affairs, interest in elections, and voter turnout have been lowest among young adults throughout postwar American history. Accordingly, a substantial part of the decline in interest and turnout in the electorate from the 1960s to the 1980s occurred because of the movement of the enormous postwar Baby Boom generation through the electorate (in Raymond Wolfinger's vivid phrase) "like a pig through a boa constrictor."<sup>2</sup> The connection may be still deeper. Several scholars have argued that civic engagement among the most recent generations is lower than civic engagement among older generations even at the same point in the life cycle, although others have disputed the claim.

Concern over low and declining civic participation in America has created a strong interest in civic education as a means of reversal. Advocates for greater civic education contend that basic civic knowledge is a precondition for effective participation, and that early practical experiences in civic life whet the appetite for sustained engagement into adulthood.

The best and largest study to date on civic engagement, by Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, finds that formal instruction in civics plays, at best, a small and indirect role in fostering active citizenship. The effect of exposure to civics courses is dwarfed by the impact of educational attainment in general, and dwarfed as well by the effect of other demographic characteristics and other life experiences. Exposure to civics education does seem to foster attitudes that later promote political involvement, but civics education does not contribute directly to greater civic engagement in adulthood.

Even with this evidence, it is difficult to tell whether civics instruction per se contributes to greater political engagement in adulthood. If civics courses are optional, they will be taken as electives mostly by students who are already more interested in government and therefore already more likely to participate upon achieving the age of suffrage. Moreover, if civics curricula are offered by some school districts but not by others, the relationship between civics education and civic engagement may not reflect the impact of the curricula themselves but rather the effect of other characteristics of the communities that adopt them. Civics curricula, that is, may be just one manifestation of the community's broader interest in promoting the civic engagement of its young people. In this and other studies, the possibility that exposure to civic education is elective (either by school districts or by students themselves) complicates the assessment of the program's effect on civic engagement.

The Verba, Schlozman, and Brady study interviewed thousands of people who were exposed to hundreds of different kinds of civic education. A few recent studies have focused on particular civic education curricula. They suggest that three recent initiatives may hold particular promise.

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<sup>2</sup> Using survey data from 1952 to 1996, Rosenstone and Hansen estimated that the younger electorate accounted for 2.7 percentage points of the 11.3 percentage point decline in voter turnout from the 1960s to the 1980s.

The “Kids Voting USA” curriculum originated in Arizona, and several communities across the nation have adapted it to their needs as well. Students research and discuss the issues and candidates leading up to an election, and then, on Election Day, actually cast replica ballots, oftentimes in real booths alongside the adults in the precincts serviced by their schools. One study on a diverse population in California found that the short and medium (6 month) term effects on political knowledge, interest, and motivation were quite substantial, and held across demographic groups.<sup>3</sup> Even more remarkable, the curriculum had a significant and positive effect on the attitudes and behavior of the students’ *parents*, particularly among Latinos. One activity in the curriculum had students pose questions to their parents about their own views on political issues and their own experiences with politics. Parents’ engagement with the curriculum through their children may well have raised their interest in politics and increased their knowledge of election practices.

The Center for Civic Education has developed another promising curriculum, “Project Citizen,” which is based on ideas offered originally by John Dewey. In many ways it is similar to “Kids Voting USA.” “Project Citizen,” however, places more emphasis on engaging ongoing public policy questions, as opposed to getting ready for periodic elections. In addition, the general approach emphasizes cooperation and group involvement, rather than the friendly debate and individual decision making that is the focus of “Kids Voting USA.” Research on the effectiveness of the curriculum is encouraging, demonstrating improvements in political knowledge, interest, and sense of effectiveness in politics.

Finally, some evidence suggests that well designed civic education courses that incorporate sustained and substantial amounts of “service learning” can significantly reinforce classroom based civics. Service learning is a form of community service that is designed to work in tandem with classroom work in furthering various learning objectives, for example, understanding the process of public administration. In addition to making book learning more vivid and relevant, students gain concrete skills to serve them later in life. What is more, advocates claim that service learning adds to the community’s stock of “social capital.” Since private forms of community service are one of the few types of social capital to have increased over the last several decades, advocates see integrated civics and service learning programs as an exciting opportunity to redirect such activities in an explicitly civic direction.

Unfortunately, the evidence on service learning suggests that short term and small scale programs have no effect. Participation must be sustained and substantial in addition to being tightly integrated with classroom activity. Thus, effective programs are resource intensive, and under current funding conditions are probably not practical as a widespread remedy for the decline in civic engagement. Nonetheless, where resources are available, service learning might be a valuable adjunct to traditional classroom-based civics.

Many more educators and scholars have put forth interesting programs and proposals to improve civic education. They have less empirical research to support them than those discussed above. In general, there is a dearth of reliable knowledge to indicate what works and what does not in civic education. While researchers and educators have collected the data, much of it cannot speak to the question of what actually causes increased civic engagement, and therefore, what would happen if we redirected resources and implemented policy changes. Many service learning courses, for example, are electives, making it difficult to tell whether the course had a real effect, or whether

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<sup>3</sup> Martin Wattenberg tells us that his data show that young people who register to vote immediately upon turning 18 are more likely to turn out and remain registered than people who wait to register until later. Wattenberg’s finding may suggest that programs to enroll high school students as voters at the time of graduation may be worthwhile. Or the finding may indicate that young people who are very interested in civic affairs just cannot wait to become registrants.

instead the students who enrolled were those who were going to become more engaged in politics anyway. If we changed the elective into a required course, we may see no change among the new, less motivated students.

Even more important, there currently is only thin evidence to assess the effects of civic education initiatives on civic involvement in adulthood. Given their recent vintage, very few programs have produced evidence of long term efficacy, which is the ultimate question of interest. Even the three programs discussed above cannot claim that when the students who participated in them become adults they will behave any differently from those of their peers who did not participate. Of course, such research takes time and it may prove that modern “best practices” are quite effective and will contribute to a resurgence of civic participation. Certainly it is worth the effort and resources to conduct such research on a large scale and in a rigorous way. For now, however, we should probably moderate our expectations. Better civic education may help to promote greater civic involvement, but it is unlikely to erase the decline in civic engagement that has occurred over the last generation.

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# Statewide Voter Registration Systems

Task Force on the Federal Election System

John Mark Hansen

July 2001

## *Summary of conclusions*

1. Twenty states currently have statewide voter registration systems in place in or process, and all but eleven states now have some form of periodic centralized statewide voter list.
2. Improved computing and data networking capabilities have made statewide registration systems possible, but the most important impetus to the adoption of statewide systems was the National Voter Registration Act (NVRA). NVRA made voter registration available through driver's license bureaus and other government offices, and states have turned to centralized voter lists to achieve better coordination between local registrars and state and local governmental service agencies. NVRA also set stricter standards for voter list management, and states have found centralized registration lists to help in list maintenance, for instance, in identifying duplicate registrations and in facilitating re-registrations by people who have moved within state.
3. Statewide voter registration systems require standardization of data formats and computing platforms, which has been a challenge to achieve in large states and in states with radically decentralized voter registration responsibilities. Michigan is the largest and most complex state yet to implement a statewide voter registration system.

Historically, voter registration has been administered, except in Alaska and Oklahoma, almost exclusively on the local level, by city, town, and township registrars in much of New England and the Great Lakes and by county registrars almost everywhere else. Recently, as computerization has opened new possibilities and voter list management has become more difficult, states have begun to coordinate voter registration through centralized voter lists.

South Carolina was the first to create a computerized statewide registration list, a compilation of local registries, in 1968. Kentucky followed suit in 1973, consolidating local voter registration records in an active statewide database. Louisiana piloted a centralized list in 1983 and extended it statewide in 1987.

By now, eleven states and the District of Columbia have already implemented statewide registration systems that cover all their jurisdictions. Seven more states are midstream in implementation, and three more states are on the verge of adoption. The 20 states with full statewide systems in place or in process are able to give local election officials access to complete statewide registration lists, often but not always in real time. Altogether, these 20 states and the District account for 39.2 percent of the voting age citizen population of the United States.

Most of the rest of the states are moving toward better coordination of local voter registries. Fourteen states (with 17.8 percent of the voting age population) have or plan minimal systems to collect local voter lists and to check them for duplicate registrations. In between are eleven states that have coordinated systems with partial coverage of election jurisdictions. Altogether, 80.8 percent of the adult citizen population lives in one of the 39 states and the District with at least rudimentary statewide capacity for administration of voter registration.

Many factors have promoted the development of statewide voter registration systems. Computerization of records and faster communications technologies made effective statewide systems imaginable in the 1980s, and the pioneering systems in Kentucky and Louisiana worked on the model of one-way local access to mainframe databases. With innovations in networked computing and database management software, the mainframe systems were soon considered obsolete. Kentucky in fact overhauled its system in 1995, in response to the National Voter Registration Act. The new systems are superior in their capacity for interactivity. Michigan's Qualified Voter File (QVF), for instance, works on a model of two-way local access to centralized servers in Lansing via the Internet. New information is communicated from local QVF offices to Lansing and updated data are communicated back in less than an hour.

The passage of the National Voter Registration Act (NVRA) in 1993 provided a major impetus for the adoption of statewide registration systems.<sup>1</sup> First, NVRA required states to allow voter registration through driver's license bureaus and social service agencies. Statewide registration systems were an adaptation that made possible better coordination and data sharing between voter registration agencies and the other registration offices specified by NVRA. In the Michigan system, for example, voter registration records and motor vehicle records are fully integrated. Michigan turned the driver's license number into the registration ID number and changed its motor vehicle license code so that the voter registration address became the driver's license address. Changes to one record automatically cause changes to the other.

Second, NVRA set new and stricter standards for voter list maintenance. It allowed registrars to remove citizens from the rolls (subject to particular safeguards) only at their own request, because of criminal convictions, death, or mental incapacity, or because of a change of address. In the new management environment, statewide registration systems had attractive list maintenance capabilities. They slimmed voter registration rolls by allowing identification of existing duplicate registrations. They improved processing of in-state changes of address by pairing the incorporation of new voter registration records with deletion of the old records. If integrated successfully with motor vehicle registers, statewide systems also improved detection of changes of address to out of state, triggered by driver's license cancellations. With its new system, Michigan claims to have eliminated 600,000 duplicate and ineligible registrations. Integration with corrections records and vital records, which so far has proven difficult, may bring still greater efficiencies in list management.

An examination of the states that have yet to attempt statewide systems provides insight into the difficulties. Clearly, one challenge to the development of statewide registration is sheer size. To date, the largest state to implement a statewide system is Michigan, with about 6.8 million citizens of voting age, the nation's eighth largest electorate. If Florida goes forward with its plans, it will become the largest state to undertake the task, with an electorate of 9.8 million, the fourth largest. Prominent among the states that have not yet adopted even a partial system of statewide registration are New York, Pennsylvania, Illinois, and New Jersey, the third, fifth, sixth, and ninth most populous jurisdictions. In addition, the systems in California (largest) and Texas (second) are not very far advanced. Texas's system has only 109 of its 256 counties on line, and California's does not yet include Los Angeles County.

For the largest states, the challenge is just the absolute size of the task. For statewide systems to work, local records must be converted to common format and made to work on common platforms. The administrative obstacles of database conversion and system conversion are formidable. And, as Maryland has discovered, experienced vendors with turnkey systems in hand are in short supply.

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<sup>1</sup> Interestingly, South Carolina's first-in-the-nation system was a response to the 1965 Voting Rights Act, which put pressure on the state to insure uniform and scrupulous administration of voter registration.

A second obvious challenge to the implementation of statewide voter registration systems is the number and diversity of the local voter registration offices that must be coordinated. Also prominent among states that have not yet adopted even a partial statewide system are Maine, New Hampshire, Vermont, and Wisconsin, all states in which elections are administered by city, town, and township governments rather than county governments. Statewide systems in radically decentralized states require reconciliation of many, vastly different local voter registration practices.

In both respects, both in size and complexity, Michigan represents an attractive model. Michigan is a large state with a large city, Detroit. Michigan is also the state with the largest number of jurisdictions that manage federal elections, 273 city and 1242 township governments. The Michigan QVF was accomplished at a considerable expense (which was spread out, in part, over a much-needed overhaul of its motor vehicle system). The State provided both hardware and software, at State expense, to 83 county clerks and to 236 clerks of cities and townships over 5000 population. Ninety-four smaller jurisdictions opted to purchase the infrastructure at their own expense. As a result, 83 counties and 363 larger cities and townships, with about 80 percent of the Michigan electorate, have direct, real-time access to the Qualified Voter File. The remaining 1151 cities and townships share access through county QVF sites. Now that the start-up costs are paid, Michigan believes that local governments realize considerable cost savings in voter list management. The most recent FEC report on the implementation of NVRA finds that many other states have found their investments in statewide computerized voter registration lists worthwhile.

As technology develops, statewide registration systems hold even greater promise. First, statewide voter registration systems might facilitate statewide provisional balloting. After Election Day, election officials could quickly verify registration in other counties and accept votes cast for common offices. Second, statewide voter registration systems with real-time access on Election Day might make same-day registration possible even in states with histories of “early and often” voting. By entering Election Day registrations directly onto registration databases, election administrators could prevent the same person from voting at multiple sites.<sup>2</sup> Finally, statewide registration systems coupled with electronic voting systems might make it possible for voters to cast their ballots not only at their home precincts but at any precinct in the state. As of 1990, 17.7 percent of employed persons worked outside their county of residence, and 30.5 percent lived more than 30 minutes away from their workplace. The numbers of commuters and the distance of commutes continue to rise. If it were technologically possible to verify registration and call up the correct ballot anywhere in the state, citizens could vote near work, near school, or near errands and not only near home. Statewide registration systems, that is, might make it possible to make participation in elections more convenient for legitimate voters without adding to the risk of election fraud.

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<sup>2</sup> Virginia already treats the entire state as a single jurisdiction for registration purposes, so that in-state migrants need not re-register in order to vote.

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Voter registration systems, by state

State	Local voter registration systems	State periodically collects local voter registries	State has some local registries on line	State has all local registries on line
Alabama			Yes	Implementing
Alaska				Yes
Arizona		Yes		
Arkansas				Yes
California		Yes	Implementing	
Colorado			Yes	Nearing passage
Connecticut				Implementing
Delaware				Yes
D.C.				Yes
Florida		Implementing		Nearing passage
Georgia				Implementing
Hawaii				Yes
Idaho	Yes			
Illinois		Yes		
Indiana		Yes		Nearing passage
Iowa			Yes	
Kansas		Yes		
Kentucky				Yes
Louisiana				Yes
Maine	Yes			
Maryland			Yes	Implementing
Massachusetts				Implementing
Michigan				Yes
Minnesota				Yes
Mississippi	Yes			
Missouri			Yes	
Montana		Yes		
Nebraska			Implementing	
Nevada	Yes			
New Hampshire	Yes			
New Jersey		Yes		
New Mexico		Yes		
New York	Yes			
North Carolina				Implementing
North Dakota	No voter registration			
Ohio		Yes		
Oklahoma				Yes
Oregon	Yes			
Pennsylvania	Yes			
Rhode Island		Yes		
South Carolina				Yes
South Dakota	Yes			
Tennessee		Implementing	Planned	
Texas			Yes	
Utah			Yes	

Vermont	Yes			
Virginia				Yes
Washington		Yes		
West Virginia		Implementing		
Wisconsin	Yes			
Wyoming			Implementing	
United States	11 current	11 current 3 implementing	7 current 3 implementing 1 planned	12 current 7 implementing 3 nearing passage

Source: "Statewide Voter Registration Systems," Election Data Services Inc., 31 May 1997, updated from Mary M. Janicki, "Statewide Voter Registration Systems," Connecticut Office of Legislative Research, 17 January 2001, Council of State Governments Elections Task Force, "Innovative Election Practices," 1999, and "2001 Legislative Scan on Election Reform," Center for Policy Alternatives, 9 May 2001.

## **IV. Civic Education Programs**

# Civic Education Programs

Task Force on the Federal Election System

Michael A. Neblo

July 2001

## *Summary of conclusions*

1. Americans' engagement in civic affairs is low and declining. Voter turnout dropped 15 percentage points between 1964 and 1996. The lowest levels of engagement are found among the youngest voters. Over two thirds of voters over 45, but only a third of voters under 25, cast ballots in 1996.
2. Scholars find only a small and indirect effect of participation in a civics curriculum on political involvement later in life. The possibility that exposure to civic education is elective, either by students or by school districts, complicates the assessment of its effect.
3. Several recent civic education curricula seem to hold promise. The most successful programs involve students—and occasionally their parents—directly in governmental processes, either through participation in mock elections or through cooperation and debate. So far, the evidence of their long-term impact on civic engagement in adulthood is limited. None appears likely to restore civic participation to the levels achieved a generation ago, but they may produce modest improvement.

By a variety of measures, the engagement of the American public in government and elections is low and declining. Public interest in public affairs “most of the time” averaged 35 percent from 1964 to 1976 but has not exceeded 30 percent even once ever since. Likewise, “very much” public interest in the current election campaign hovered around 36 percent from 1952 to 1976 but since has dropped under 30 percent, with the singular exception of 1996 (when it was 39 percent). Finally, as is well known, voter turnout has declined from 69.3 percent of the voting age population in 1964 to 54.2 percent in 1996.<sup>1</sup>

The lowest levels of engagement are found among the youngest voters. In 1996, the percentage of voters 70 and over who were interested in public affairs “most of the time,” at 30 percent, was double the percentage of voters 37 and under who were interested most of the time, 14 percent. The percentage of the most senior voters who had “very much” interest in the current campaign, 38 percent, was more than double the percentage of the most junior voters who were very interested, 17 percent. Voter turnout among citizens aged 65 and over was 69.1 percent, but voter turnout among citizens 24 and younger was just 35.6 percent.

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<sup>1</sup> The source for interest in public affairs and interest in the current campaign is the 1952 through 1996 American National Election Studies. The source for voter turnout is the U.S. Census Bureau, Current Population Report, Series P20–504, July 1998.

### Voter turnout, by age, 1996

Age	Percent turnout of voting age citizen population
18 to 24 years	35.6
25 to 44 years	54.2
45 to 64 years	68.2
65 years or more	69.1

Source: Current Population Survey 1996 Voter Supplement

The two observations are connected. Interest in public affairs, interest in elections, and voter turnout have been lowest among young adults throughout postwar American history. Accordingly, a substantial part of the decline in interest and turnout in the electorate from the 1960s to the 1980s occurred because of the movement of the enormous postwar Baby Boom generation through the electorate (in Raymond Wolfinger's vivid phrase) "like a pig through a boa constrictor."<sup>2</sup> The connection may be still deeper. Several scholars have argued that civic engagement among the most recent generations is lower than civic engagement among older generations even at the same point in the life cycle, although others have disputed the claim.

Concern over low and declining civic participation in America has created a strong interest in civic education as a means of reversal. Advocates for greater civic education contend that basic civic knowledge is a precondition for effective participation, and that early practical experiences in civic life whet the appetite for sustained engagement into adulthood.

The best and largest study to date on civic engagement, by Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, finds that formal instruction in civics plays, at best, a small and indirect role in fostering active citizenship. The effect of exposure to civics courses is dwarfed by the impact of educational attainment in general, and dwarfed as well by the effect of other demographic characteristics and other life experiences. Exposure to civics education does seem to foster attitudes that later promote political involvement, but civics education does not contribute directly to greater civic engagement in adulthood.

Even with this evidence, it is difficult to tell whether civics instruction per se contributes to greater political engagement in adulthood. If civics courses are optional, they will be taken as electives mostly by students who are already more interested in government and therefore already more likely to participate upon achieving the age of suffrage. Moreover, if civics curricula are offered by some school districts but not by others, the relationship between civics education and civic engagement may not reflect the impact of the curricula themselves but rather the effect of other characteristics of the communities that adopt them. Civics curricula, that is, may be just one manifestation of the community's broader interest in promoting the civic engagement of its young people. In this and other studies, the possibility that exposure to civic education is elective (either by school districts or by students themselves) complicates the assessment of the program's effect on civic engagement.

The Verba, Schlozman, and Brady study interviewed thousands of people who were exposed to hundreds of different kinds of civic education. A few recent studies have focused on particular civic education curricula. They suggest that three recent initiatives may hold particular promise.

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<sup>2</sup> Using survey data from 1952 to 1996, Rosenstone and Hansen estimated that the younger electorate accounted for 2.7 percentage points of the 11.3 percentage point decline in voter turnout from the 1960s to the 1980s.

The “Kids Voting USA” curriculum originated in Arizona, and several communities across the nation have adapted it to their needs as well. Students research and discuss the issues and candidates leading up to an election, and then, on Election Day, actually cast replica ballots, oftentimes in real booths alongside the adults in the precincts serviced by their schools. One study on a diverse population in California found that the short and medium (6 month) term effects on political knowledge, interest, and motivation were quite substantial, and held across demographic groups.<sup>3</sup> Even more remarkable, the curriculum had a significant and positive effect on the attitudes and behavior of the students’ *parents*, particularly among Latinos. One activity in the curriculum had students pose questions to their parents about their own views on political issues and their own experiences with politics. Parents’ engagement with the curriculum through their children may well have raised their interest in politics and increased their knowledge of election practices.

The Center for Civic Education has developed another promising curriculum, “Project Citizen,” which is based on ideas offered originally by John Dewey. In many ways it is similar to “Kids Voting USA.” “Project Citizen,” however, places more emphasis on engaging ongoing public policy questions, as opposed to getting ready for periodic elections. In addition, the general approach emphasizes cooperation and group involvement, rather than the friendly debate and individual decision making that is the focus of “Kids Voting USA.” Research on the effectiveness of the curriculum is encouraging, demonstrating improvements in political knowledge, interest, and sense of effectiveness in politics.

Finally, some evidence suggests that well designed civic education courses that incorporate sustained and substantial amounts of “service learning” can significantly reinforce classroom based civics. Service learning is a form of community service that is designed to work in tandem with classroom work in furthering various learning objectives, for example, understanding the process of public administration. In addition to making book learning more vivid and relevant, students gain concrete skills to serve them later in life. What is more, advocates claim that service learning adds to the community’s stock of “social capital.” Since private forms of community service are one of the few types of social capital to have increased over the last several decades, advocates see integrated civics and service learning programs as an exciting opportunity to redirect such activities in an explicitly civic direction.

Unfortunately, the evidence on service learning suggests that short term and small scale programs have no effect. Participation must be sustained and substantial in addition to being tightly integrated with classroom activity. Thus, effective programs are resource intensive, and under current funding conditions are probably not practical as a widespread remedy for the decline in civic engagement. Nonetheless, where resources are available, service learning might be a valuable adjunct to traditional classroom-based civics.

Many more educators and scholars have put forth interesting programs and proposals to improve civic education. They have less empirical research to support them than those discussed above. In general, there is a dearth of reliable knowledge to indicate what works and what does not in civic education. While researchers and educators have collected the data, much of it cannot speak to the question of what actually causes increased civic engagement, and therefore, what would happen if we redirected resources and implemented policy changes. Many service learning courses, for example, are electives, making it difficult to tell whether the course had a real effect, or whether

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<sup>3</sup> Martin Wattenberg tells us that his data show that young people who register to vote immediately upon turning 18 are more likely to turn out and remain registered than people who wait to register until later. Wattenberg’s finding may suggest that programs to enroll high school students as voters at the time of graduation may be worthwhile. Or the finding may indicate that young people who are very interested in civic affairs just cannot wait to become registrants.

instead the students who enrolled were those who were going to become more engaged in politics anyway. If we changed the elective into a required course, we may see no change among the new, less motivated students.

Even more important, there currently is only thin evidence to assess the effects of civic education initiatives on civic involvement in adulthood. Given their recent vintage, very few programs have produced evidence of long term efficacy, which is the ultimate question of interest. Even the three programs discussed above cannot claim that when the students who participated in them become adults they will behave any differently from those of their peers who did not participate. Of course, such research takes time and it may prove that modern “best practices” are quite effective and will contribute to a resurgence of civic participation. Certainly it is worth the effort and resources to conduct such research on a large scale and in a rigorous way. For now, however, we should probably moderate our expectations. Better civic education may help to promote greater civic involvement, but it is unlikely to erase the decline in civic engagement that has occurred over the last generation.

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**V. Early Voting, Unrestricted Absentee Voting, and Voting by Mail**

# Early Voting, Unrestricted Absentee Voting, and Voting by mail

Task Force on the Federal Election System  
John Mark Hansen  
July 2001

## *Summary of conclusions*

1. In the last 20 years, states have expanded the availability of early voting, voting by mail, and absentee voting. Twenty-six states with 45 percent of the voting age citizens of the United States offer one or more. Voters' use of opportunities to vote before Election Day has doubled since 1980.
2. Older voters, younger voters, retirees, students, disabled persons, and members of the armed forces make greater use of absentee balloting. Whites are about twice as likely as blacks to vote by absentee. Early voters are older, more interested, and more partisan than Election Day voters.
3. Ten years' experience with voter participation outside Election Day suggests that early voting and voting by mail have boosted voter turnout, though modestly. Unrestricted absentee voting by and large has not, or has but by less. It is unclear whether the gains will endure, because voters could be responding more to the novelty and the publicity than the convenience. Both might ultimately increase turnout by a small amount, by making it less likely that habitual voters will fail to turn out because of Election Day exigencies.
4. Early voting, voting by mail, and unrestricted absentee voting have won enthusiastic endorsement from the public. The evidence of savings in elections costs, however, is mixed.
5. In the longer term, some argue, early voting, voting by mail, and unrestricted absentee voting might undercut voter participation by discouraging campaigns and advocacy groups from efforts to mobilize voter turnout. Widespread voting before Election Day might alter the dynamics of election campaigns. Finally, early voting, voting by mail, and unrestricted absentee voting might undermine the public's sense of participation in common in one of our few important civic rites.

In the last decade, states have adopted a number of measures to allow citizens more easily to vote other than on Election Day. Many states, especially in the West, have followed the lead of California in 1978 and liberalized access to absentee ballots. Altogether, 22 states now make an absentee ballot available to any registered voter who requests one, without need to show cause. Thirty-two percent of the voting age citizen population lives in a state that provides an absentee ballot automatically upon request.

Fourteen other states have adopted what has come to be called "early voting." Pioneered in Texas in 1991, early voting evolved from in-person absentee voting but is now distinct from it. In-person absentee voters must apply for an absentee ballot; early voters must simply report to an early voting station, sign the pollbook, and have registration verified. Absentee ballots cast in person are usually enclosed in a sealed and signed envelope; early voting ballots cannot be identified individually. In-person absentee voting, finally, takes place only within the regular hours of the

elections office; early voting programs often provide extended hours on both weekdays and weekends. Twenty-five percent of the voting age citizen population lives in a state with early voting.

Finally, in 1995, Oregon became the first state to implement voting by mail (VBM) in statewide elections, employing it first in special partisan primary elections and soon after in a special general election to fill a vacant United States Senate seat. In 1998, by more than a two-to-one margin, Oregon voters approved an initiative to extend vote by mail permanently to statewide primary and general elections.

Early voting programs overlap significantly with liberalized absentee laws. All but four of the states that provide early voting also provide absentee ballots automatically upon request. Taking the three provisions together, 26 states with 44.5 percent of the voting age citizen population make it easy for voters to cast their ballots before Election Day.<sup>1</sup>

The effect of early voting and liberalized absentee voting has been dramatic. In 1980, just as the movement toward liberalization of access to absentee ballots was begun, five percent of voters nationwide cast their votes by absentee ballot. In 1996, 10 percent nationwide voted prior to Election Day, either by mail (8 percent), mostly by absentee voting, or in-person before Election Day (3 percent), mostly by early voting. In states with liberal access to voting before Election Day, the percentages are still higher. Thirty-nine percent of the 2000 presidential vote in Texas was cast early, and 24.6 percent of the 2000 vote in California was by absentee.<sup>2</sup> And in Oregon, of course, every statewide election since 1995 has used a mail-in ballot.

### ***Who votes early, by absentee, and by mail?***

Even though both are means by which voters can cast their ballots prior to Election Day, early voting and absentee voting make significantly different demands on voters.

First, absentee voting requires that voters exercise foresight. Registered voters must make an application for an absentee ballot anywhere from a day to five days in advance of Election Day, on average, and up to three weeks in advance in one state.<sup>3</sup> Second, in most states, voters who wish to obtain an absentee ballot must give a reason for needing to vote absentee, most often on the grounds of travel, disability, and educational and occupational circumstances. In contrast, early voting requires only the voter's conviction that he has made up his mind already.

The difference suggests that absentee voting will be highest among people who meet the conditions for use of an absentee ballot and who have the resources to know to arrange to vote in advance. And indeed, as the table shows, use of absentee voting is highest among the oldest voters,

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<sup>1</sup> Among the states that do not offer unrestricted absentee voting, Oliver names Michigan and Ohio as the two that have "expanded" eligibility for absentees. Michigan and Ohio provide an absentee ballot for any voter over the ages of 62 and 65, respectively, who requests one. As the table shows, Michigan and Ohio are the two states among those without "liberalized" absentee voting that have the highest rates of absentee voting. Adding Michigan and Ohio to the list brings the percentage of the voting age citizen population that lives in a state that makes it easy to vote before Election Day to 52.8.

<sup>2</sup> Texas law requires early voting only in the larger jurisdictions in the state and requires satellite polling stations with extended hours only in the largest jurisdictions. Accordingly, early voting is even more common in the larger counties. In 1992, 52.5 percent of the vote in Bexar County (San Antonio) and over 40 percent in El Paso, Jefferson (Beaumont), Travis (Austin), and Galveston was by early ballot.

<sup>3</sup> Ten states maintain "permanent" absentee voter lists. In four of the states, Oregon, Washington, New Jersey, and selected jurisdictions in Utah, the list is unrestricted, that is, any voter can ask to be placed on it. In the other six states, Kansas, Missouri, New York, Rhode Island, Tennessee, and California, the list is restricted and voters must show cause to be entered onto it. (Maryland League of Women Voters, "LWVMD Voter Participation Study 1999-2000," 2000.)

who often have physical infirmities that make it difficult to turn out in person, followed closely by the youngest voters, who are often in school. One of every six voters over the age of 75 votes absentee.

Certain types of people are very prone to vote absentee out of sheer necessity. Students, retirees, persons with permanent disabilities, and members of the armed forces are all several times more likely to vote absentee than other Americans.

Use of absentee ballots also has a class bias. People with better educations, higher incomes, and more prestigious jobs are more likely to vote absentee. The highest rates of absentee usage are among holders of graduate and professional degrees and among persons with the very highest family incomes. Finally, in analysis not shown, people in managerial and professional occupations are the most likely to use absentee voting. Citizens of higher social and economic status are not only more likely to need to vote absentee—because they are traveling on business, for instance—but also more likely to know that they will have to plan ahead to obtain an absentee ballot.

Finally, use of absentee ballots varies by race. Blacks are only half as likely as whites to vote absentee. Absentee usage among Latinos is right about in between.<sup>4</sup> Usage of absentees is highest among Americans of Asian descent, which probably owes to the concentration of the Asian population on the Pacific Coast, where unrestricted absentee balloting has the longest history and the greatest popularity.<sup>5</sup>

#### Use of absentee (by mail) and early (in person) voting, by demographic characteristics, 1996

Characteristic	Voted in person on election day	Voted in person before election day	Voted by mail
<i>Age</i>			
18–24	87	2	11
25–34	93	2	5
25–64	91	3	6
65–74	85	3	12
75 +	81	3	16
<i>Education</i>			
No diploma	90	3	7
High school diploma	91	2	7
Some college	89	3	8
Bachelor's degree	89	3	8
Graduate degree	87	3	9
<i>Family income</i>			
< \$20,000	89	3	8
\$20–29,999	90	2	8
\$30–49,999	91	2	7
\$50–74,999	90	3	7
\$75,000 +	87	3	10
<i>Race</i>			

<sup>4</sup> Absentee usage among Latinos was much closer to usage among blacks in 1980. Presumably, the increase owes to the concentration of the Latino population in states that have liberalized absentee voting and implemented early voting.

<sup>5</sup> Thirty-seven percent of the Asian population of the United States resides in California. The Pacific Coast states together account for 41.5 percent of the Asian population.

White	89	3	9
Black	95	2	4
Latino	90	4	6
Asian	87	2	11
Other	92		8

Source: Bureau of the Census, 1996 Current Population Survey Voter Supplement, by courtesy of Raymond E. Wolfinger

As the table shows, fewer patterns in usage of early voting present themselves. Early voting is still fairly rare.<sup>6</sup> A better sense of the demographic composition of early and Election Day voters comes from a study of Texas by Robert Stein. The Texas investigators interviewed voters as they exited polling sites on Election Day and as they exited early voting stations during the three-week period of early voting in 1994.

Stein found some significant differences between early and Election Day voters. The most important was age: Just as older voters tend to vote absentee so older voters tend to vote early. In fact, more than a third of the early voters in 1994 were over the age of 60 and more than half were over 50. In contrast, the youngest voters, who are overrepresented among absentee voters, were underrepresented among early voters. The circumstances that cause absentee usage among the youngest voters, absence from the jurisdiction during Election Day, are also the circumstances that preclude early voting. Stein also found some small differences in early voting by gender, with men more likely to be early voters than women, and by income, with poorer voters more likely to turn out early (the opposite of the pattern for absentee voters).<sup>7</sup>

The main factors that discriminated between early voters and Election Day voters, however, were motivational. People who professed a great deal of interest in politics were more likely to turn out early than people who professed little. More strikingly, people who were strong partisans—in Stein’s study, people who claimed identification with the Republican or Democratic party and who reported having voted a straight ticket—were overrepresented among early voters. Both interest in politics and strong identification with a political party foster voter turnout, suggesting that early voting simply allows people who are highly motivated to vote to vote sooner. But strong partisans are also much more likely to make their election choices early, on the basis of their partisanship and regardless of the particular candidates and the particular circumstances of the campaign. Strong partisans vote early because they have already made up their minds and see nothing to gain from waiting.

Voting by mail differs significantly from early voting and absentee voting. Voting by mail requires no extraordinary action on the part of registered voters, to whom the State of Oregon mails the ballot.<sup>8</sup> Analysis of the Oregon experience by Michael Traugott of the University of Michigan suggests that vote by mail increased the representation in the electorate of newer residents and registrants with a weaker sense that they could affect what government does, but in both cases only

<sup>6</sup> The only difference that looks at all striking is the peak rate of in person voting before Election Day by Latinos. Most probably, this small difference emerges because of a heavy concentration of Latinos—19.3 percent of all Americans of Hispanic descent—in Texas, the state with the most extensive program of early voting.

<sup>7</sup> Stein found no racial differences, although blacks were slightly more represented among early voters than among Election Day voters. He also found no appreciable differences in partisan identification or candidate choice, although early voters tended to be more conservative than Election Day voters.

<sup>8</sup> The only exception is people who cannot receive mail at their registration address, but they have the option of specifying a different address to which the ballot may be mailed.

slightly. Because vote by mail was the only election game going in Oregon, the overall vote by mail electorate did not differ markedly from the electorate that voted in person on Election Day.

### ***The effect of early voting and liberalized absentee voting on voter turnout***

The stated rationale for the extension of early voting, vote by mail, and the liberalization of access to absentee voting was to make it easier for people to vote. Studies of voter turnout and surveys of non-voters have both found that large numbers of people do not vote because it is costly or inconvenient for them. By making it easier to vote, the argument went, participation in elections would surely increase.

By the standard of promoting turnout, however, the innovations have been either a modest success or a modest disappointment, depending upon expectations. The consensus among analysts is that liberalized absentee voting has had a very small positive effect on voter participation, at best. The most careful study of the effect of liberalized absentee voting, by Eric Oliver of Princeton University, found increases in voter turnout in states that had liberalized. But the increases in turnout depended wholly upon the ability of political parties to mobilize voters. In states with closed primaries and therefore with registration of voters by partisanship, turnout increased modestly, by just over 2 percent. In states with open primaries and therefore no easy identification of voters by partisanship, turnout increased far less and maybe even not at all. All in all, liberalized access to absentee balloting increases voter turnout by perhaps a small amount.

Studies of early voting have tended to find larger but still modest effects on voter participation. A study of Tennessee found a 5 percentage point increase in turnout in the first early voting election, 1994, compared to nine earlier midterm congressional election years. Another study of Texas found that increases in levels of early voting across counties in 1992 correlated positively with increases in voter turnout. These studies, at best, are suggestive of a relationship between early voting and voter turnout, but there is still much to be learned. It is hard to tell whether increases in voter turnout, if there are some, are the permanent result of greater ease of early voting or instead are the temporary result of the novelty of early voting. Moreover, it is difficult to assess whether the increases in turnout that analysts have seen in aggregate turnout figures are the result of early voting or the result of other steps that states have taken simultaneously to promote voter turnout (e.g., easing access to voter registration or more strongly encouraging people to vote in publicizing early voting) or the result of other features of the counties or elections that were compared (e.g., more competitive elections coincident with the introduction of early voting or political characteristics of counties that cause them to have higher rates of early voting and higher rates of voter turnout). In fact, a recent report of the Committee for the Study of the American Electorate makes the contrary claim for the 2000 election. Basing its argument on the same kind of aggregate, state-level voter turnout data, the Committee contends that early voting and liberalized absentee voting have actually depressed voter turnout.<sup>9</sup>

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<sup>9</sup> The CSAE study illustrates some of the difficulties of evaluating the effect of early and absentee voting by comparing aggregate voter turnout between elections. The Committee found that states with early and liberalized absentee voting posted smaller increases in voter turnout in 2000 than states without. But two problems hamper the interpretation of this comparison. First, the Committee calculated turnout as votes cast in the presidential race divided by voting age population. Because the voting age population includes non-citizens who are not eligible to vote, the ratio underestimates the increase in turnout in states in which the non-citizen population is increasing rapidly, like Texas, an early voting state, and California, a liberalized absentee state. Second, the Committee did not take into account the competitiveness of the presidential races in states with and without early and liberalized absentee voting. As it happened in 2000, the competitive presidential races (and competitive other races) were in more and bigger states without early and liberalized absentee voting—for example, Michigan, Pennsylvania, and Florida—than in states with them. (Oliver counts Michigan as a state with “expanded” eligibility for absentee voting, but CSAE counts it as a state that has not liberalized.)

The adoption of vote by mail statewide in Oregon followed a very successful experiment with VBM in substate and local elections in Oregon and elsewhere. In these low-interest and low-stimulus contests, with notoriously low voter participation, vote by mail often produced double digit increases in turnout. Unsurprisingly, the effects on turnout have been much more modest in elections that draw more interest from voters, parties, mobilizers, and the mass media. In the statewide mail-in balloting of the last six years, Traugott and other analysts have found significant but small increases in voter turnout in Oregon, with the estimates in the range of 5 or 6 percent, although he also found signs that the stimulus of vote by mail might be wearing off as the publicity over its implementation fades.

Using survey data, Traugott found that mail-in balloting had the greatest influence on voters who were less likely to turn out, on recent residents and citizens with a weak sense of their ability to influence government. But in the main, vote by mail stimulated voter turnout by making it easier for people who tend to participate to continue to participate rather than by mobilizing people who tended not to participate into the electorate. The demographic composition of early and absentee voters suggests that the same is also true of early and liberalized absentee voting. By making it easier to vote, early voting, mail-in voting, and unrestricted absentee voting make it easier for habitual voters to carry through on their intentions to exercise their franchise. But the greater ease of voting does little to bring people who are less interested in elections or people who feel little obligation to vote into the electorate.

In sum, the balance of the evidence indicates that opportunities to vote before Election Day are associated with a positive but modest increase in voter turnout. But it is not clear that the increase is due entirely to early, mail, and absentee voting per se. Implementation of early voting and voting by mail has been accompanied by unusually much publicity, and voters may also have been stimulated either by the publicity itself or by the desire to try something new. Liberalized absentee voting appears to have had very little effect on voter turnout, except possibly in states in which it has become a strategy of campaign mobilization.

### *Considerations for and against*

Early voting, vote by mail, and unrestricted absentee voting spread rapidly in the 1990s. In 1992, Oliver counted two states with early voting, Texas and Oklahoma. In 2000, the Committee for the Study of the American Electorate found 14. In 1992, Oliver identified 10 states with “universal” eligibility for absentee voting and six more states (plus the District) with “expanded” eligibility. In 2000, CSAE found 20 states (and the District) with liberalized absentee requirements, even missing Nevada and not counting two states with “expanded” eligibility, Michigan and Ohio. And Oregon in 1998 went entirely to voting by mail in statewide elections.

A key factor in the spread of early, mail, and absentee voting has been the enthusiasm of the public. Despite the misgivings of many election administrators, nobody seems to believe there is any chance of repeal in the states that now have the provisions, so popular are they with voters. Voters appear to appreciate the convenience of early, mail, and absentee voting.

A second factor in the adoption was the genuine desire to promote voter participation in the electoral process, which experiment has, as indicated, been either a cautious success or a limited disappointment.

A third significant argument for expansion of opportunities to vote before Election Day was to economize on the cost of elections. By dispensing entirely with staffed polling sites, Oregon claims to have saved about a half million dollars in election expenses, or about 17 percent, in the 2000 primary, after VBM, compared to the 1998 primary, before. The experience with early voting in Texas is apparently more mixed. A 1994 FEC study found that early voting actually increased

election costs in the largest counties, which offered extended hours and satellite stations, but maintained or decreased costs in counties that did not have to make such accommodations. Early voting seems to reduce election expenses only insofar as it is essentially the same as in-person absentee voting. A 1987 FEC report notes that per-vote processing costs for absentee ballots are several times the expense for ballots cast at the polls. All three systems help to spread administrative effort from a single Election Day into a couple of weeks, with savings in aggravation if not in cost.

On the other side, critics voice three prominent concerns. The first is a worry that early, mail, and absentee voting might ultimately erode voter turnout by discouraging campaigns, parties, and advocacy groups from making the effort to get people to the polls. A considerable body of research has found that mobilization has a significant positive effect on voter participation, but campaigns, parties, and groups undertake it only when the benefit, to them, is greater than the cost at the margin. The concentration of mobilization on a single day plausibly allows campaigns, parties, and groups to realize economies of scale in their efforts. By having to sustain mobilization efforts over a longer period of time for early, mail, and absentee voting, groups might be dissuaded from investing as much as they do in stimulating voter turnout.

The argument that greater access to voting before Election Day might discourage mobilization of voters is difficult to assess. In many states, and especially in those states where third parties can request an application for an absentee ballot on a voter's behalf, liberalized absentee laws have fostered the development of sophisticated efforts, mostly partisan, to acquire, distribute, and in some cases collect and return absentee ballots. In other cases, the argument seems plausible. In states with early voting, for instance, the expense of standing at the ready to ferry voters to the polls must be greater when the election is spread over weeks rather than concentrated on a single day.

Critics also voice a second concern, that early, mail, and absentee voting allow people to make their choices before campaigns have run their full course. By making their choices early, voters make selections that they might not have made had they been exposed to information that issued only at the very end of the campaign. This line of argument assumes, of course, that the voters who make their decisions early could still be influenced by late campaign developments, an assumption that is by no means obvious. People who decide early in the campaign tend, as Stein shows of early voters, to have stronger partisan attachments than people who decide at the last minute. It is less likely the case that the rock-ribbed Republicans and yellow-dog Democrats who make their choices early could so easily be swayed from them by information that arises late in the campaign.

But this possibility leads to a second variant on the same argument: that early, mail, and absentee voting might change the dynamics of campaigns themselves, in particular to insert the pattern of early gestures to the partisan base followed by late moves to the center into the last few weeks of the race. It is unclear, however, that campaigns could make such a strategy work: it is difficult enough to soften strident partisan images over a period of months, let alone over a few days. Moreover, even if they could, it is not obvious that a change in campaign dynamics would necessarily be a bad thing.

Finally, the most forceful argument made against the extension of opportunities to vote before Election Day emphasizes the way in which early, mail, and absentee voting undermine participation in common in an important civic ritual. Election Day is one of the few opportunities Americans have to do something important together as a nation. It is the one time when the American people come together to govern themselves through the choice of their leaders. To critics, to make participation in this important civic rite a matter to be pursued at an individual's convenience is to undermine the sense of our nationhood, our common experience in the government of, by, and for the people.

### *Early, mail, and absentee voting compared*

There are serious arguments for and against broadening the opportunities of Americans to vote before Election Day. For liberalization, the strongest argument is the popularity of early, mail, and unrestricted absentee voting. The citizens of states that have adopted these policies show broad enthusiasm for them. Against liberalization, the most compelling argument is that the freedom to vote other than on Election Day might loosen Americans' attachments to each other, and to the common purpose of self government.

If, on balance, greater opportunities to vote before Election Day are deemed desirable, the relative attractiveness of early, mail, and unrestricted absentee voting might be evaluated on three different dimensions, in addition to those discussed already.

First, early voting and mail voting place fewer demands on voters than participating by absentee. Except in a few states that allow registrants to apply for an absentee ballot even on Election Day itself, voters must exercise forethought to obtain and vote an absentee ballot. In contrast, early voting and mail voting require no more of voters than is demanded by voting on Election Day.

Second, early voting and its close cousin, in-person absentee voting, typically offer greater administrative support for voters as they cast their ballots. Early and in-person absentee voters make their decisions in election offices and satellite sites staffed by election workers, who can offer immediate assistance to voters who encounter difficulties. In fact, one election administrator told us that she liked unrestricted participation in in-person absentee voting because she could serve voters with her own elections staff, who are much more experienced and much better trained than Election Day poll workers.

Finally, early voting and in-person absentee voting occur in controlled sites under the supervision of elections officials, diminishing the opportunities for fraud. Critics of voting by mail and absentee voting by mail raise two concerns about security. The first is absentee ballots obtained and completed by someone other than the voter herself. The second is absentee and mail voters' being coerced or influenced in settings that lack the fundamental privacy of the voting booth.

The election officials from whom the Commission has heard, all from states with expanded eligibility for absentee and mail voting, have felt confident that the first concern is not very serious. Oregon describes a rigorous protocol by which officials check return signatures on VBM ballot envelopes against registration signatures. As of 1987, seven states required that signatures on absentee ballots be checked against registration signatures, and fourteen states required that ballot signatures be checked against signatures on absentee applications. According to the National Conference of State Legislatures, five states require absentee ballots to bear the signature of a witness and another eight states require that absentee ballots either be witnessed or notarized.<sup>10</sup> But in fact, for practical reasons, most states do not routinely check signatures either on applications or on returned ballots, just as most states do not verify signatures or require proof of identity at the polls. Judging from what the Commission has heard, the consensus among election administrators in states that promote absentee voting and voting by mail is that absentee ballots are no less secure against fraud than in-person voting. Administrators in other states, and Justice Department investigators, are less sanguine. Certainly, the potential for fraud is present, and all the more so because so much of the process is beyond the supervision of election officials.

The potential for violation of privacy in vote choices is also difficult to assess. Oregon cites a survey study that found only a tiny proportion of VBM voters who felt they had been subject to pressure in marking their ballots. The 1987 FEC study of absentee voting suggested that the potential

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<sup>10</sup> Fifteen states require a witness's signature if the absentee voter has been assisted in voting.

for invasion of privacy was greatest in states that allowed public access to applications for absentee ballots. In the last twenty years, during which access to absentee ballots has been expanded, political parties in many states have undertaken concerted efforts to mobilize their partisans to vote absentee, with the purpose, critics charge, of exercising influence over vote choices. The potential for violations of privacy is obviously greater for mail and absentee ballots than for ballots cast in voting booths at polling sites.

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**Days in advance of Election Day that absentee ballots must be requested, by state**

State	Days in advance	State	Days in advance
Alabama	5/5	Nebraska	2 after/4
Alaska	8/4	Nevada	8/7
Arizona	12/4	New Hampshire	0/3
Arkansas	8/1	New Jersey	8/1
California	8/7	New Mexico	3/3
Colorado	4/4	New York	8/1
Connecticut	8/1	North Carolina	1/4
Delaware	3/1	North Dakota	None specified/1
D.C.	8/1	Ohio	3/3
Florida	12/0	Oklahoma	6/1
Georgia	18/1	Oregon	22/vote by mail
Hawaii	8/7	Pennsylvania	4/7
Idaho	0/1	Rhode Island	22/21
Illinois	5/1	South Carolina	3/1
Indiana	9/1	South Dakota	0/0
Iowa	1/0	Tennessee	0/0
Kansas	4/1	Texas	8/7
Kentucky	8/7	Utah	4/4
Louisiana	1/1	Vermont	1/1
Maine	8/0	Virginia	5/3
Maryland	9/7	Washington	0/1
Massachusetts	1/1	West Virginia	6/3
Michigan	6/1	Wisconsin	1/1
Minnesota	1/1	Wyoming	NA/1
Mississippi	1/3		
Missouri	6/1	U.S. Average	5.4/2.8
Montana	0/1	U.S. Median	5/1

Source: Information is discrepant. Before slash: [www.election.com/us/deadlines.htm](http://www.election.com/us/deadlines.htm). After slash: League of Women Voters Education Fund, "Absentee Voting: Vote: The First Steps," 1996.

### Early voting and liberalized absentee voting provisions, by state

State	Total percentage of votes cast before Election Day, 1996	Early Voting, 2000	Percentage of votes cast in person before Election Day, 1996	Liberalized Absentee Voting (CSAE), 2000	Percentage of votes cast by absentee ballot, 1996
Alabama	3		0		3
Alaska	9		4	•	5
Arizona	24	•	2	•	22
Arkansas	14	•	9	•	5
California	19		0	•	19
Colorado	20	•	11	•	10
Connecticut	7		0		7
Delaware	6		0		6
D.C.	4		1		3
Florida	7		1		7
Georgia	3		1		2
Hawaii	12	•	1	•	11
Idaho	7	•	1	•	6
Illinois	4		1		4
Indiana	6		1		5
Iowa	11	•	3	•	9
Kansas	15		5	•	11
Kentucky	6		1		5
Louisiana	3		1		2
Maine	5		1	•	5
Maryland	3		1		3
Massachusetts	4		1	•	3
Michigan	14		1	‡	14
Minnesota	7		1		6
Mississippi	3		1		2
Missouri	3		1		3
Montana	9		1	•	8
Nebraska	6		0	•	6
Nevada	11	•	5	•†	6
New Hampshire	7		1		6
New Jersey	3		0		3
New Mexico	15	•	10	•	6
New York	3		0		3
North Carolina	4	•	1	•	3
North Dakota	6		1		5
Ohio	9		2	‡	7
Oklahoma	5	•	2	•	3
Oregon	46	Vote by mail	0	Vote by mail	46
Pennsylvania	4		0		4
Rhode Island	3		0		3
South Carolina	2		0		2
South Dakota	8		3		6
Tennessee	21	•	19		2

Texas	26	•	23		4
Utah	4		1	•	3
Vermont	7		1	•	7
Virginia	5	•	1		3
Washington	37		0	•	37
West Virginia	3		1		2
Wisconsin	3	•	0	•	3
Wyoming	13		1	•	12
United States	10	14 states	3	22 states	8

† This omission is in error in the original source.

‡ Oliver classifies Michigan and Ohio as states with “expanded” eligibility for absentee voting.

Source: Committee for the Study of the American Electorate, “Two Pro-Participation Reforms Actually Harm Voter Turnout,” 9 January 2001; J. Eric Oliver, “The effects of eligibility restrictions and party activity on absentee voting and overall turnout,” *American Journal of Political Science* 40 (May 1996): 501–02; Bureau of the Census, 1996 Current Population Survey Voter Supplement, by courtesy of Raymond E. Wolfinger.

### Accepted reasons for requesting absentee ballots, by state, 1996

State	No reason necessary	Absent on business	College student	Disabled or ill	Prevented by employment	Religious reasons	Elderly	Out of jurisdiction for any reason
Alabama		•	•	•	•			•
Alaska	•							
Arizona	•							
Arkansas	•							
California	•							
Colorado	•							
Connecticut		•	•	•		•		•
Delaware		•	•	•	•	•	•	•
D.C.		•	•	•			•	•
Florida			•	•	•	•		•
Georgia				•	•	•		•
Hawaii	•							
Idaho	•							
Illinois		•	•	•	•	•	•	•
Indiana			•	•			•	•
Iowa	•							
Kansas	•							
Kentucky			•	•			•	
Louisiana			•	•	•	•		•
Maine	•							
Maryland		•	•	•				•
Massachusetts	•							
Michigan		•	•	•		•	•	•
Minnesota		•	•	•		•		•
Mississippi		•	•		•		•	•
Missouri				•	•	•	•	•
Montana	•							
Nebraska	•							
Nevada	•							
New Hampshire		•	•	•		•		•
New Jersey		•	•	•	•			•
New Mexico	•							
New York				•				•
North Carolina	•							
North Dakota		•	•	•				•
Ohio				•		•	•	•
Oklahoma	•							
Oregon	•							
Pennsylvania		•	•	•	•			•
Rhode Island		•	•	•		•		•
South Carolina		•	•	•	•	•		•
South Dakota		•	•	•	•	•		•
Tennessee			•	•		•	•	•
Texas				•			•	•
Utah	•							

Vermont	•							
Virginia		•	•	•	•	•		•
Washington	•							
West Virginia		•	•	•		•	•	•
Wisconsin	•							
Wyoming	•							
United States	22 states	18 states	23 states	27 states	13 states	18 states	12 states	28 states

Source: League of Women Voters Education Fund, "Absentee Voting, Vote: The First Steps," 1996, updated from Committee for the Study of the American Electorate, "Two Pro-Participation Reforms Actually Harm Voter Turnout," 9 January 2001.

## **VI. Verification of Identity**

# Verification of Identity

Task Force on the Federal Election System  
John Mark Hansen  
July 2001

## *Summary of conclusions*

1. States use three methods to verify voter identity in the polling place. The largest number require voters to sign their names in an official registry or on a ballot application; just over than half also require that poll officials check signatures against those provided at the time of registration. About a third of the states demand that voters produce some form of identification. Finally, all states rely upon the familiarity that election officials and partisan judges have with the residents of precincts, and 11 states rely upon their efforts exclusively.
2. States that have histories of strong party organization and election improprieties employ more rigorous methods of identity verification: signature validation and official proof of identity. Among the states with more rigorous requirements, northern states by and large validate signatures while southern states also require proof of identity in addition.
3. Signature validation imposes some significant costs on election administrators. Proof of identity places burdens on voters, especially voters who are poorer and urban. At least five percent of the voting age population does not have photo identification. Identification requirements might also be applied selectively in polling places.

In the United States, there is a long and well-developed notion of an individual right to privacy. The commitment to privacy is the traditional barrier to proposals for the issue of national identity cards, which are common in most of the world. Abroad, national identity cards are sufficient proof of identity for purposes of participation in elections. In the United States, with its different traditions, states have had to verify the identities of voters in different ways.

## *Methods of verification of identity*

In polling places, there are essentially three ways in which voters' identity is verified. One widespread method is the provision of a signature. In 39 states and the District of Columbia, voters must sign their names on an official registry or on a ballot application. In most states, the signature completes an affidavit sworn under penalty of law. In an additional 17 states voters' signatures are compared to signatures provided at the time of registration; in three other states voters' signatures may be compared.

Fourteen states require voters to produce a form of identification, and an additional six allow local election officials to ask for it. All but four of the states that require a form of identification also require a signature. In most states, the specified type of identification is broad, from driver's licenses to employee ID cards to (in some instances) birth certificates and Social Security cards, and where the requirements could be ascertained only Florida seemed to specify identification with a photograph. Several of the states that require identification, for example Virginia and Louisiana, also allow voters who lack it to vote after signing an

affirmation of identity. The states that require identification are disproportionately in the South, but not only in the South.

Finally, every state relies upon the efforts of poll workers and partisan election judges to challenge voters whom they believe not to be qualified electors. Seven states, all but one lacking major urban centers, rely solely upon poll officers' familiarity, demanding neither identification nor signature.

In sum, very few states have chosen to rely solely upon the knowledge of polling place officials to verify voters' identity. But at the same time, few states have seen it necessary to require voters to produce identification. Most states depend upon voters' positive affirmation of their identity with a signature.

### ***State histories and verification of identity***

The states that have adopted more rigorous methods for verifying voter identity have instructive similarities. The states that require voters to show identification or that check voters' signatures are disproportionately states with histories of strong party organizations based in patronage and able to control nominations. David Mayhew of Yale University has researched party organization in the states and assigned each a score ranging from 1, for minimal organization, to 5, for very strong organization. As the following table shows, almost all of the states with histories of any party organization at all—80 percent of them—require either identification or signature verification. Of the states with histories of powerful party organization, TPO scores 5 or 4, only Maryland and Rhode Island do not. States that need to exercise greater care, because they have historically been vulnerable to election improprieties, have adopted more stringent methods for certifying voter identity.

### Histories of strong party organization and verification of voter identity

State	Requires identification	Verifies signature
<i>Very powerful party organizations (5)</i>		
Connecticut	Yes	
Illinois		Yes
Indiana		Yes
Maryland		
New Jersey		Yes
New York		Yes
Pennsylvania		Yes
Rhode Island		
<i>Powerful party organizations (4)</i>		
Delaware	Yes	Yes
Kentucky	Yes	
Missouri	Yes	Yes
Ohio		Yes
West Virginia	After mail registration	Yes
<i>Significant party organization (3)</i>		
Louisiana	Yes	Yes
<i>Modest party organization (2)</i>		
Arkansas	Yes	Yes
Georgia	Yes	
New Mexico		
Tennessee	Yes	Yes
Texas	May	May
Virginia	Yes	
<i>Weak party organization (1)</i>		
30 states	Require: 5 May require: 7	Require: 6 Varies: 2

Source: Federal Election Commission and David R. Mayhew, *Placing parties in American politics* (Princeton University Press, 1986).

The other pattern in the table is the contrast between the northern states and the southern and border states. Whatever their experience with party organization, the southern states as a group require more stringent methods of verification than the northern states. The list of weak organization states that require proof of identity or signature verification or both includes every southern and border state in the category except for Alabama and Mississippi. Among states with histories of at least modest strength of party organization, the northern states favor signature verification for establishing voter identity—Connecticut is the exception—while the southern and border states demand identification in addition.<sup>1</sup>

<sup>1</sup> In most statistical analyses of voter turnout, residence in the South has a significant negative impact on voter participation. Wolfinger and Rosenstone found that southerners were about 6 percent less likely to turn out in 1972, even after taking account of personal characteristics like education and systemic characteristics like registration laws. Rosenstone and Hansen estimated that southerners were between 10 and 16 percent less likely to participate in the period from 1952 to 1988, controlling for an even broader array of individual, systemic, and social characteristics. Analysts

### *The costs of methods of identity verification*

Identification requirements and signature verification have clearly been strategies states have adopted to deter election fraud. Each has its downside, however. For signature verification, election administrators must make signatures (or facsimiles) from voter registration available for comparison at polling sites. At the polls, signature verification slows the process of voting, as poll workers search through the registry and make the comparison, potentially lengthening lines. Finally, signatures change over time, making signature verification an inexact art, placing a great deal of responsibility and discretion in the hands of officials at the polls. The costs of signature verification are primarily administrative, but they potentially affect voters through slower lines.

Identification requirements present two problems for voters. First, the costs of proof of identity fall more heavily upon the voters themselves. Even if states do not require it, those that demand identification clearly prefer photo IDs. But photo identification is not universal. In the early 1990s, the United States Department of Transportation estimated that 87 percent of the voting age population held a driver's license and another 4 percent held an identification card issued by a state driver's license agency. A Gallup Poll in October 2000 found that 93 percent of Americans over age 16 held a motor vehicle operator's license, an estimate that comports with the ratio of driver's licenses issued to the voting age population of the United States, 92 percent. Accordingly, some 6 to 10 percent of the American electorate does not have official state identification, and while other kinds of photo identification are available—student IDs, military IDs, employee IDs, passports—they probably broaden the number of holders of photo identification only slightly. We have not been able to locate information about the characteristics of adults who lack driver's licenses but they probably parallel the characteristics of people who do not own automobiles: they are poorer (and cannot afford a car) or urban (and do not need a car).

Consequently, while photo IDs are certainly more secure, to require them for voting would be to impose an additional expense on the exercise of the franchise, a burden that would fall disproportionately on people who are poorer and urban. The expense and trouble of obtaining a photo identification card could be a significant deterrent to their participation in the electoral process, unless states were to issue official identification at state expense and on state initiative.

A second drawback to the requirement that voters present identification is the possibility of selective enforcement in polling places. Poll workers with the best of motives might still dispense with the requirement when voters are known to them. Poll workers with the worst of motives might deliberately use the requirement to confront and intimidate "strangers." Either way, voters who were asked to show identification when others were not might come to feel that they were singled out.

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have long attributed lower turnout in the South to the cultural residuum of Jim Crow: culturally, voter participation was not very much encouraged in the South. But it is also possible that lower turnout in the South traces to the accumulation of minor barriers to voting, like identification requirements, that do not amount to much individually but sum to substantial.

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United States House of Representatives, Committee on House Administration, "National Voter Registration Act of 1993," Report 103–9, February 1993.

### Identity verification, by state

State	Voter required to show identification	Voter required to give signature	Voter's signature verified
Alabama		Yes	
Alaska	Yes	Yes	
Arizona		Yes	
Arkansas	Yes	Yes	Yes
California		Yes	
Colorado		Yes	Varies
Connecticut	Yes		
Delaware	Yes	Yes	Yes
D.C.		Yes	
Florida	Yes	Yes	Yes
Georgia	Yes	Yes	
Hawaii	Yes	Yes	
Idaho		Yes	
Illinois		Yes	Yes
Indiana		Yes	Yes
Iowa	May	Yes	
Kansas		Yes	
Kentucky	Yes	Yes	
Louisiana	Yes	Yes	Yes
Maine			
Maryland		Yes	
Massachusetts	May		
Michigan		Yes	Varies
Minnesota	May	Yes	For absentees
Mississippi		Yes	
Missouri	Yes	Yes	Yes
Montana		Yes	
Nebraska		Yes	
Nevada		Yes	Yes
New Hampshire			
New Jersey		Yes	Yes
New Mexico		Yes	
New York		Yes	Yes
North Carolina			
North Dakota			
Ohio		Yes	Yes
Oklahoma	May	Yes	Yes
Oregon		Yes	Yes
Pennsylvania		Yes	Yes
Rhode Island		Yes	
South Carolina	Yes	Yes	Yes
South Dakota			
Tennessee	Yes	Yes	Yes

Texas	May when voter does not present valid voter's registration certificate	Yes	May
Utah	May	Yes	
Vermont			
Virginia	Yes		
Washington		Yes	
West Virginia	Yes, for first election after mail registration	Yes	Yes
Wisconsin	May		
Wyoming			
United States	14 states yes and 6 may	39 states + District	17 states yes, 1 may, 2 varies, 1 absentee only

Source: Federal Election Commission

## **VII. Provisional Balloting**

# Provisional Balloting

Task Force on the Federal Election System

John Mark Hansen

July 2001

## *Summary of conclusions*

1. Nineteen states with 51 percent of the voting age citizen population of the United States issue provisional ballots to voters whose names do not appear on the precinct voter registry, at least in the narrow circumstances required by the “fail-safe” provisions of the National Voter Registration Act.
2. Washington makes use of provisional ballots in the broadest range of circumstances. Uniquely, Washington requires county election officials to accept votes cast in other jurisdictions by voters who are legal registrants of their counties for the offices that are common to the two ballots.
3. Provisional ballots help to speed operations in polling places. They help election administrators to identify and correct voter registration mistakes. Finally, they make it possible not to have to turn away voters at the polls. On the other hand, provisional balloting is labor intensive and therefore expensive. It also slows official election counts.

The 2000 presidential election made abundantly clear that mistakes occur, mistakes that cause some eligible voters to be denied the right to vote and some ineligible citizens to believe they were denied the right to vote. As a general principle, most Americans would surely agree that honest administrative errors should not contravene a voter’s right to participate in an election. Most Americans would surely also agree that false or mistaken claims of administrative error should not entitle a citizen to vote despite ineligibility. Provisional balloting is one way to advance both principles.

What are most commonly called “provisional” ballots go by many other names as well. They are “special” ballots in Washington State and the District of Columbia, “affidavit” ballots in New York and Mississippi, and “conditional” ballots in Oklahoma and Virginia. Whatever the name, and whatever the state practice, provisional ballots have three common characteristics:

1. *Issue to voters whose names do not appear on the voter registry.* Poll officials provide a voter with a provisional ballot if her name does not appear on the precinct voter registration roll. Almost all states that have adopted provisional ballots issue them in other circumstances as well, but the absence of the voter’s name from the registry triggers issue in all states.
2. *Identification of provisional ballot.* The voter places the provisional ballot inside an unmarked ballot envelope and in turn inside an envelope that bears information about the circumstances of the provisional vote and the voter’s signature.
3. *Post-election determination of eligibility.* After the election, officials use the information on the outer envelope to research the voter’s eligibility. If the voter is found to be eligible, election officials enter the vote into the tally.

These three characteristics helpfully distinguish provisional voting from other balloting practices. Post-election determination of eligibility distinguishes voting by provisional ballot from voting by affidavit in states like Illinois and Michigan. In Illinois and Michigan, voters whose names

do not appear on the registry are required to swear an affidavit, under penalty of law, that they are qualified to vote in the precinct under the laws of the state. Upon execution of the affidavit, however, they cast a regular ballot. Their ballots are not segregated and their eligibility is not researched later by election officials. Upon execution of the affidavit, in short, their ballots count.

Provisional ballots differ from challenged ballots as well. In most states, partisan election observers may bring a challenge to a voter on a variety of grounds, among them invalid registration at the address given. In some states challenges are adjudicated on the spot, often by another voter's sworn affirmation that the challenged voter is qualified under the laws of the state. In other states, challenged ballots are segregated and researched after the election. Voting by provisional ballot, however, is a process that is originated administratively and automatically rather than upon challenge.

The provisional ballot was pioneered by Washington and California, which have used it for more than a decade. Provisional voting spread rapidly following the passage of the National Voter Registration Act (NVRA, or "Motor-Voter") in 1993. Nineteen of the 44 states covered by NVRA use provisional ballots to comply with the "fail-safe" provisions of the Act. The 19 states that provide provisional ballots in at least some circumstances account for 51 percent of the voting-age citizen population of the United States.

In most of the states that have adopted provisional balloting—in fact, as nearly as we can tell, in most states other than California and Washington—poll workers offer the provisional ballot only in the fail-safe circumstances mandated by NVRA. The Act required that states provide the opportunity to cast a vote when

1. Voters have failed to register at a new address within the same precinct, or
2. Voters have failed to register at a new address outside the precinct but within the jurisdiction of the registrar.

In the first circumstance, when voters have moved within the precinct, most states in fact issue a regular ballot for all offices. Six states and the District issue a provisional ballot for all offices. In Kansas, Nebraska, New Mexico, and the District, poll workers provide a provisional ballot immediately. In Alaska, Arizona, and Washington, they first try to determine eligibility and issue a provisional ballot only if eligibility remains a question.

In the second fail-safe circumstance, when voters have moved out of the precinct but elsewhere within the jurisdiction, 17 states and the District issue a provisional ballot for all offices. Two states, Mississippi and South Carolina, provide a provisional ballot limited to federal offices.

States like California and Washington make more expansive use of provisional ballots, employing them in circumstances beyond those required under NVRA. In California, poll workers issue a provisional ballot to a voter who has not moved but whose name does not appear on the voter registration list. In Washington, if a voter's name cannot be found on the registry, poll workers call the central administrative elections office to try to verify registration. But if registration cannot quickly be sorted out, or if a voter cannot wait, or if a voter cannot go back to the precinct in which he is registered, poll workers provide a provisional ballot. Moreover, in Washington poll workers issue a special ballot if registration has been cancelled, for change of address or for conviction for a felony, but the voter claims that the cancellation is in error. In both states, finally, poll workers give a provisional ballot if a voter is listed as having requested an absentee ballot but claims not to have received it or claims to have lost it.

The most expansive use of provisional ballots is in Washington. Uniquely, Washington issues a special ballot to voters who have moved to a new county or even into Washington from another state. After the election, election officials research the eligibility of voters of provisional

ballots. If they determine that a voter is legally registered in another jurisdiction, whether another Washington county or out of state, they mail the ballot to the election office in that jurisdiction. County election officials in Washington are obligated, by law, to accept votes cast in other jurisdictions by voters who are legal registrants of their counties for the offices that are common to the two ballots.

Voter registration problems are common enough that substantial numbers of voters receive provisional ballots in each election. In the majority of cases, election officials find provisional voters to be qualified, as determined from official records.<sup>1</sup> In the 2000 general election in Los Angeles County, California, voters cast 100,168 provisional ballots, about four percent of the total, of which 61,521 (62 percent) were ultimately recognized as valid. King County, Washington (Seattle), received 17,082 special ballots in 2000, about 2 percent of all cast. With Washington's more liberal provisions, election officials determined 13,307 (78 percent) to be valid.

### ***Arguments for provisional balloting***

No matter how well election officials manage voter registration lists, some voters will inevitably be left off the rolls. Often, the fault is the voters' own. Americans move often, and many neglect to re-register at their new address, or they do not realize that they must. Every year, 16.4 percent of the U.S. voting age population changes residence. Fifty-seven percent of the movers (8.8 percent of the voting age population) relocate within the same county and therefore fall mostly within the fail-safe requirements of the NVRA. Another 21 percent (3.2 percent of the population) move to a different county within the same state, and accordingly would be covered by an expansive system of provisional balloting such as obtains in Washington.

In other cases, the fault lies in election administration. With the press of activity, poll workers overlook names that in fact are on the registry. Staff in registrars' offices make clerical errors. Driver's license bureaus and service agencies either fail to elicit required information from registrants or fail to forward applications in time. Third-party registrars—for example, political parties and citizens groups—do not turn the applications they receive into the county registrars' offices. Late closing dates for registration make it impossible for registrars to put all the new registrants onto the official rolls. For all these reasons, in every election, people appear at the polls who believe, quite reasonably, that they are legally registered to vote. But they are not on the rolls.

Because of the inevitability of errors in voter registration, provisional balloting has several attractive features.

First, provisional ballots help to speed operations in the polling place. Because voter registration problems can be resolved after the voter casts a provisional ballot, everybody need not be required to wait while poll workers research the status of a voter's registration.<sup>2</sup> Several county elections officers have commented that they find provisional balloting attractive because it smoothes operations in polling places on Election Day.

Second, provisional ballots make it possible not to have to turn away voters at the polls. People who have been told that they cannot vote because there is no record of their registration tend to react with disappointment and anger, given the time and effort they have already invested in a trip to the polls and given their often-reasonable belief that they are indeed registered. The 2000 Current Population Survey found that 7.4 percent of registrants who did not vote said they were prevented

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<sup>1</sup> In an unknown proportion of the other cases, voters might in fact have made the attempt to register but do not appear on the voter registration rolls because of purely administrative errors.

<sup>2</sup> Moreover, because registration problems are left for later resolution, polling processes are less sensitive to the availability of communications with central elections offices and data servers.

from voting by problems with voter registration. The group of registrants who encountered registration difficulties numbers 1.5 to 3 million people. By providing an outlet for participation, provisional ballots reduce voter frustration and probably also lessen the wear and tear on poll workers, the front line of contact with voters.

Third, provisional ballots help election administrators to catch voter registration mistakes. Neither California nor Washington requires election officials to notify provisional voters of the outcome of their investigation, but it appears that most do anyway. In the 60 to 80 percent of the cases for which the investigation finds a valid voter registration, and the provisional ballot counts, election officials amend the registration administratively and inform the voter of the changes. In the remaining cases, election officials send an application for voter registration so that the provisional voter might be registered, or registered correctly. Provisional balloting provides another opportunity to register people who clearly intend to be registered.

To be sure, the provisional ballot is not the only way that election administrators might identify and correct errors in voter registration. In many of the states that comply with the NVRA by allowing voters to cast a regular ballot, fail-safe voters must first complete a new application for voter registration at the current address.

Nevertheless, the provisional ballot seems to be a superior tool for managing voter registration lists, and for two reasons. First, to the extent that the circumstances that trigger the issue of a provisional ballot are broader than the requirements of the NVRA, election administrators are able to find and fix more errors in registration. Second, because provisional ballots receive a full investigation, election officials can better tell whether the problems are the doing of voters, poll workers, clerical staff, service agency personnel, or third party registrars. They can use the knowledge gained to intervene in administrative processes so as to reduce the number of problems going forward.

### ***Arguments against provisional balloting***

The obvious downside to provisional balloting is its labor intensity. Research into the registration status of provisional voters takes significant amounts of staff time in county elections offices. The Assistant Superintendent of the King County, Washington, Department of Records and Elections estimated that the 17,000 provisional ballots in 2000 had occupied 15 staff for nine days. (Because of the interest in closely contested races for President and Senate, the 2000 election produced roughly three times the usual number of provisional ballots in King County.) On a per-ballot basis, provisional ballots probably consume no more resources than absentee ballots, and in most states there are significantly fewer provisional ballots. Still, provisional balloting requires a noticeable expense.<sup>3</sup>

Second, the process of researching provisional ballots slows official election counts. In most contests, the delay has little consequence because the election is not close enough to hinge on the provisional votes. But in close elections, provisional ballots add to the time until an election can be called decided. In states that issue a provisional ballot to absentee voters who appear in person, the investigation of provisional ballots cannot be completed until all the absentee ballots have been received. In Washington, where absentee ballots need be postmarked but not received by Election Day, the count can stretch for quite a long time.

Third, the use of provisional balloting in broader circumstances might encourage voters to exploit it as a more convenient opportunity for registration or change of address. Many states currently use provisional ballots to comply with the fail-safe requirements of NVRA, which pertain

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<sup>3</sup> As noted earlier, however, some part of this expense might properly be understood as list maintenance.

only to registered voters who move within jurisdiction. With broader use, voters might treat provisional balloting as a back-door form of Election Day registration, albeit with a crucial difference: voters who had not registered prior could not use provisional balloting to participate in the *current* election. But we have no evidence to indicate that states that already make provisional ballots available in circumstances beyond fail-safe, like California and Washington, have encountered this problem in practice.<sup>4</sup>

Finally, the practice of provisional balloting has encountered scattered resistance from voters themselves. According to a 1997 FEC survey, Tennessee election officials found that their fail-safe voters were reluctant to vote by provisional ballot, evidently concerned that their votes might not ultimately be allowed. As a result, Tennessee abandoned provisional voting and instead allows fail-safe voters who have moved within counties to vote by regular ballot.<sup>5</sup>

The same FEC report also noted concerns that provisional balloting might be used to discriminate against minority voters. It did not elaborate the concerns, nor did it provide any instances. One can see the basis for the fear: biased election officials might use provisional ballots to segregate minority votes that they will later, quietly, disallow. On the other hand, minority voters with registration problems (of whoever's making) might find voting by provisional ballot preferable to not being allowed to vote at all. Provisional balloting leaves a paper trail—the ballot envelopes that election officials use to investigate eligibility—which might be concrete evidence to support legal action under the Voting Rights Act.

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Federal Election Commission, Office of Election Administration, “The impact of the National Voter Registration Act of 1993 on the administration of elections for federal office, 1999–2000,” final draft, June 2001.

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<sup>4</sup> In 2000, according to the FEC, North Carolina election officials discovered that political parties had mustered unregistered people to the polls to demand to vote by provisional ballot. It is not clear what the purpose was in this tactic, unless to hope that the provisionals would simply be counted without investigation.

<sup>5</sup> Voters in very small jurisdictions might also resist provisional ballots because they are segregated from regular ballots. In smaller, rural districts, the employment provisional ballots may be so infrequent that voters can be identified even after the provisionals have been shorn of the outer, identifying envelopes.

**States with provisional balloting**

State	FEC survey: Provisional balloting for fail-safe voting	Election Center survey
Alabama	Yes	Yes
Alaska	Yes	No response
Arizona	Yes	Yes
Arkansas	Yes	Yes
California	Yes n1	Yes
Colorado	No response	No
Connecticut	No	No
Delaware	No	No response
D.C.	Yes	No response
Florida	Yes (new)	No response
Georgia	No	No
Hawaii	No	No
Idaho	NVRA exempt	No response
Illinois	No	Challenge
Indiana	No	No
Iowa	Yes n18	Yes
Kansas	Yes	Yes
Kentucky	No	No
Louisiana	No	No response
Maine	No	Same day VR
Maryland	Yes (new)	Yes
Massachusetts	No	No response
Michigan	No	No
Minnesota	NVRA exempt	No
Mississippi	Yes	Yes
Missouri	No	No
Montana	No	No
Nebraska	Yes	Yes
Nevada	No	No
New Hampshire	NVRA exempt	No response
New Jersey	Yes	Yes
New Mexico	Yes	Yes
New York	Yes	Yes
North Carolina	Yes n19	Yes
North Dakota	NVRA exempt	No VR
Ohio	Yes	Yes
Oklahoma	No	No
Oregon	Yes n2	Yes
Pennsylvania	Some counties n16	No response

Rhode Island	No	No response
South Carolina	Yes	Yes
South Dakota	No	No
Tennessee	No	Challenge
Texas	No	Challenge
Utah	No	No
Vermont	No	No
Virginia	Yes n17	Yes
Washington	Yes	Yes
West Virginia	No	No response
Wisconsin	NVRA exempt	No
Wyoming	NVRA exempt	No
United States	19 states Yes	19 states Yes

Source: Federal Election Commission, "State fail-safe voting procedures," revised 31 May 2001; Election Center, "Provisional ballot survey," 5 March 2001.

## **VIII. Disfranchisement of Felons**

# Disfranchisement of Felons

Task Force on the Federal Election System  
John Mark Hansen  
July 2001

## *Summary of conclusions*

1. States currently deny the franchise to 4.2 million people on account of current or prior felony conviction. Every state but two disfranchises felons in current incarceration. Eleven states disfranchise felons for life.
2. One third of the people denied the franchise because of a felony conviction have already completed their sentences. The disfranchisement rate in the 11 states that permanently deny voting rights, 5.1 percent, is three times the rate in states that impose no disability beyond the period of incarceration, probation, and parole, 1.7 percent.
3. Felony disfranchisement has particular impact on the African American electorate. Nearly 7 percent of black Americans cannot participate in the electoral process because of a felony conviction.

States currently deny the franchise to nearly 4.2 million people, about 2.1 percent of the voting age population, on account of current or prior felony conviction. Every state but two, Maine and Vermont, disfranchises those currently serving prison or jail sentences for felony offenses. Twenty-nine states prevent felons from voting during the period of their parole or probation, or both. Fourteen states, primarily in the South and West, impose civil disability on felons beyond the term of their incarceration, probation, and parole. Eleven disfranchise felons for life, nine for a single felony conviction.<sup>1</sup>

In states that permanently deny to felons the right to vote, the impact on the electorate is sizable.<sup>2</sup> The percentage of the voting age population disfranchised by felony conviction in states that disfranchise forever ranges from 3.2 percent in Maryland (which disfranchises permanently only upon a second felony conviction) to 6.2 percent in Alabama and Florida. No state that does not practice permanent disqualification has a rate of felony disfranchisement that exceeds Maryland's, the lowest among permanent disfranchisement states. Of people currently disqualified by a felony conviction, one third are felons who have already completed their sentences.

As is well known, disproportionately many African Americans pass through the justice system, and consequently the impact of disqualification for felony conviction is especially dramatic

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<sup>1</sup> According to the Center for Policy Alternatives, within the last six months, Kentucky and New Mexico have approved legislation to repeal permanent disfranchisement of felons. Legislation in Maryland awaits the governor's signature. Repeal of permanent disfranchisement has cleared one chamber in Alabama and Nevada.

<sup>2</sup> The estimates reported here owe to the work of Jeff Manza, Christopher Uggen, and Marcus Britton, sociologists at Northwestern University and the University of Minnesota. Estimates of the number of felons currently in custody, on parole, or on probation are straightforwardly derived from the reports of state departments of justice. Manza and his colleagues estimated the number of felons no longer under sentence using careful and standard demographic techniques. The estimates reflect the numbers of felons newly discharged from sentence, the number returned to custody on subsequent felony convictions, and the number who have died.

for the black electorate. Nearly 7 percent of black Americans cannot participate in the electoral process because of felony convictions. Because 95 percent of felons are male, the felony disfranchisement rate for black men is almost double. All but one state, Hawaii, records felony disfranchisement rates for blacks that are larger than disfranchisement rates for whites and others, in most cases several times larger.

The impact of permanent disqualification is especially striking. The only states with African American disfranchisement rates that exceed the least of the rates in permanent disfranchisement states, 7.6 percent in Maryland, are states that disqualify felons during the term of their probation or parole. In states with small African American populations and lifetime disqualification, like Iowa and New Mexico, disfranchisement rates for black males exceed 40 percent. The lowest felony disfranchisement rate for blacks among the permanent disqualification states, Maryland's 7.6 percent, still surpasses the highest felony disfranchisement rate for whites and others, Florida's 5.1 percent.

The impact of the separate provisions for felony disqualification can be seen in estimates of the effect of rescission. Repeal of permanent disfranchisement would reduce the number excluded from the electorate on account of felony convictions by about a third. Repeal of disfranchisement during probation and parole would have somewhat larger effect, mostly because it is current policy in more and larger states. Repeal of both provisions would benefit white and other felons a little more than blacks. Overall, felony disfranchisement rates would fall to just 0.6 percent, about 1.2 million people, were disqualifications imposed only upon felons in current custody. Felony disfranchisement rates would remain at 2.5 percent for blacks, well above the felony disqualification rate for whites and others under current law, 1.5 percent.

In 28 of the 39 states that do not permanently bar felons from the franchise, restoration of voting rights occurs automatically upon completion of sentence, probation, or parole. About a third of felons eligible for restoration of voting rights, about 700,000 people, face some minimal barrier or complication for reinstatement (e.g., filing a legal document formally requesting restoration). In states that mandate permanent loss of voting rights for felons, restoration can be accomplished only through an executive pardon or a successful petition for restoration of rights.

The enforcement of a permanent disqualification for felony conviction is a difficult administrative task. Felons are easily identified for as long as they remain in the justice system. Once discharged, they cannot as readily be barred from participation in the electoral process. As recent events in Florida demonstrate, enforcement is especially difficult, if not impossible, when felons relocate to a state that denies voting rights to felons indefinitely.

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**Felony disfranchisement provisions, by state, as of 1 January 1999.**

State	Circumstances of disfranchisement					Disfranchised as percentage of voting age population		
	Currently imprisoned for felony conviction	Currently jailed for felony conviction	On parole after felony conviction	On probation for felony conviction	Previously convicted of a felony	Black	White, Latino, and other	All
Alabama	•	•	•	•	•	12.41	4.26	6.21
Alaska	•	•	•	•		5.65	1.55	1.70
Arizona	•	•	•	•	2d conviction	11.75	3.29	3.58
Arkansas	•		•	•		7.60	1.78	2.61
California	•	•	•			4.84	0.87	1.18
Colorado	•	•	•			4.07	0.55	0.69
Connecticut	•		•	•		6.42	1.73	1.85
Delaware	•		•	•	For 5 years	15.60	3.45	5.63
D.C.	•	•				4.18	0.58	2.44
Florida	•	•	•	•	•	13.77	5.07	6.24
Georgia	•	•	•	•		6.08	1.62	2.80
Hawaii	•					0.26	0.42	0.42
Idaho	•	•	•	•		4.05	0.47	1.40
Illinois	•	•				2.39	0.21	0.51
Indiana	•	•				5.24	0.07	0.46
Iowa	•	•	•	•	•	22.52	3.81	4.14
Kansas	•	•	•			5.22	0.50	0.76
Kentucky	•	•	•	•	•	14.96	3.46	4.24
Louisiana	•	•				2.87	0.36	1.10
Maine								
Maryland	•	•	•	•	2d conviction	7.57	1.62	3.20
Massachusetts	†							
Michigan	•	•				2.72	0.34	0.65
Minnesota	•	•	•	•		7.54	0.91	1.07
Mississippi	•	•	•	•	•	9.71	3.06	5.28
Missouri	•	•	•	•		6.56	1.31	1.84
Montana	•	•				3.33	0.43	0.44
Nebraska	•	•	•	•		3.83	0.42	0.56
Nevada	•	•	•	•	•	16.53	3.66	4.56
New Hampshire	•	•				1.91	0.25	0.26
New Jersey	•	•	•	•		9.73	1.25	2.40
New Mexico	•	•	•	•	•	24.78	5.00	5.52
New York	•	•	•			3.11	0.57	1.00
North Carolina	•	•	•	•		3.72	0.68	1.31
North Dakota	•	•				1.04	0.20	0.20
Ohio	•	•				3.10	0.30	0.60
Oklahoma	•	•	•	•		8.00	1.47	1.93
Oregon	•	•				2.74	0.32	0.38
Pennsylvania	•	•				2.56	0.19	0.40
Rhode Island	•		•	•		11.68	1.65	2.09
South Carolina	•	•	•	•		3.90	0.88	1.72
South Dakota	•	•				2.64	0.46	0.47
Tennessee	•	•	•	•	‡	5.86	1.36	2.03
Texas	•	•	•	•		8.77	2.95	3.64
Utah	•		•			5.01	0.53	0.57
Vermont								

Virginia	•	•	•	•	•	13.82	3.35	5.33
Washington	•	•	•	•	‡	12.32	3.01	3.33
West Virginia	•	•	•	•		2.70	0.54	0.60
Wisconsin	•	•	•	•		10.61	0.86	1.32
Wyoming	•	•	•	•	•	14.94	4.46	4.55
United States	48 states + D.C.	41 states + D.C.	35 states	29 states	14 states	6.57	1.49	2.09

‡ In November 2000, Massachusetts voters approved an initiative to disfranchise persons currently imprisoned for a felony conviction.

‡ Tennessee and Washington deny voting rights to felons convicted before they eased their laws in the mid 1980s.

Source: Jeff Manza, Christopher Uggen, and Marcus Britton, "The truly disfranchised: Felon voting rights and American politics," Northwestern University, 3 January 2001.

**Effect of repeal of disfranchisement provisions on percentage disqualified by felony disfranchisement**

	Circumstances of disfranchisement					Disfranchised as percentage of voting age population		
	Currently imprisoned for felony conviction	Currently jailed for felony conviction	On parole after felony conviction	On probation for felony conviction	Previously convicted of a felony	Black	White, Latino, and other	All
State laws as of January 1999	47 states + D.C.	42 states + D.C.	35 states	30 states	14 states	6.57	1.49	2.09
If disabilities beyond imprisonment, probation, and parole repealed	47 states + D.C.	42 states + D.C.	35 states	30 states		4.63	0.95	1.38
If all provisions repealed except disqualification for current incarceration	47 states + D.C.	42 states + D.C.				2.46	0.35	0.60

Note: In November 2000, Massachusetts voters approved an initiative to disfranchise persons currently imprisoned for a felony conviction.

Source: Jeff Manza, Christopher Uggen, and Marcus Britton, "The truly disfranchised: Felon voting rights and American politics," Northwestern University, 3 January 2001.

**IX. Uniform Poll Closing and Uniform Reporting**

# Uniform poll closing and reporting

Task Force on the Federal Election System  
John Mark Hansen  
November 2001

## *Summary of conclusions:*

1. The effect of most early projections on voter turnout is small. In most cases, the early projections simply confirm what voters expected to happen. In some circumstances, however, the effect of projections may be large enough to influence outcomes further down the ticket. The effect is concentrated in the western region of the country.
2. Uniform poll hours, such as exist in Canada, would probably meet resistance from western states, where polls would have to close earlier than they now do, and from eastern states, where polls would have to open later than they now do. Resistance would arise partly from concerns about convenience for voters, and partly from potential difficulties in staffing polling places and conducting the count, which could range far into the night in the East.
3. A uniform *closing* would tend to restrict turnout opportunities for workers in blue collar occupations, who tend to vote Democratic. A uniform *opening* would restrict opportunities for white collar workers, who tend to vote Republican. Most voters so affected would find ways to vote at other times, but uniform poll times would probably have a greater effect on lower status and less educated citizens, who typically are less motivated to vote and therefore more sensitive to convenience.
4. Restrictions on the official reports of election outcomes could probably not prevent early projections absolutely, but they could raise the cost of a projection of a close election considerably. In closer races, exit pollsters could defeat restrictions on official reports by increasing the size of exit poll samples, by polling in more precincts, and as they already do by observing counts in precincts, which activity by law is open to public scrutiny in most states.

Every close election brings with it concerns about the effects of election projections from exit polls on voter turnout and election outcomes. The 2000 election certainly fit the pattern. On the basis of exit polls and early counts, several of the national networks called the state of Florida for Al Gore just before 8:00 p.m. Eastern Standard Time (EST), after the polls had closed in the Florida peninsula but a bit before they were to close in the panhandle. Shortly before 10 p.m. EST, with an hour left for the balloting on the West Coast, the networks withdrew their projections. Early the next morning, they called Florida, and by now the 2000 election, for George W. Bush, and only a couple hours later, they retracted their calls for a second time.

The broadcast media faced a barrage of criticism almost immediately. Media executives and exit poll analysts were called before a House panel, where they took stands that ranged from defiant to contrite.

Once again, a close election has put election projections in the spotlight. Once again, the issues are far from straightforward.

### *Evidence of effects of early calls on voter turnout*

As most people recognize, it stands to reason that authoritative news that the election is decided might affect whether people turn out to vote. The rationale is not that people have lost the chance to influence the outcome. Even in a close election, the likelihood that an individual voter will change the outcome with his own single vote is vanishingly small. Rather, the concern is that people who wish to be part of an event will no longer care to participate in an election that is already in the history books. And the concern is that campaigns, parties, and advocacy groups will ease up in their efforts to bring people out to the polls.

For these reasons, early projections of election results are likely to depress voter turnout. But the magnitude of the effect is limited, for four reasons. First, early calls can only affect people who live in areas where the polls have not yet closed. Because nearly a majority of the American electorate resides in the Eastern time zone, and about a third resides in the Central, early calls can have an impact only on a subset of eligible voters. Second, early projections can only affect the turnout decisions of people who still intend to vote but who have not yet voted. Calls made 30 minutes before poll closing must necessarily have a smaller effect on turnout than calls made two hours before poll closing. Third, early projections can only affect the turnout decisions of people who were exposed to them. Voters who do not hear the early calls cannot be affected by them. Finally, early projections can only affect the turnout decisions of people whose intention to vote depended predominantly on a desire to participate in the presidential race. Some fraction of voters who have not already voted will turn out, despite the futility of affecting the presidential race, simply because they care a great deal about races that are further down the ticket.

Taken together, these four considerations imply that the effect of early projections on voter turnout will be modest in the context of the nation. Nevertheless, the effects on individuals who live to the west, who have not already voted, and who still intend to vote might be quite large. Even small decrements in turnout might be consequential in close races, and the depressing effects on turnout will be concentrated mostly in the states in the West.

The best study of the effect of early projections on voter turnout is based on an examination of the 1980 election. In November 1980, after a presidential campaign that was too close to call even the weekend before the election, one network made the first formal projection for Ronald Reagan very early, at 8:15 p.m. EST. Soon after, at 9:50

p.m. EST, President Carter appeared on national television to concede. At the time of the call, the polls remained open in most of the states in the Mountain and Pacific time zones, in many of the states in the Central zone, and even in a couple states in the Eastern zone. But informal forecasts of a substantial Republican victory began even earlier, with the opening of election night coverage at 6:00 p.m. EST, at which time the polls were still open throughout the nation. Critics of the networks' actions charged that the early calls of the presidential race had depressed voter turnout and caused the defeat of Democratic candidates, particularly in the West.

After the election, John E. Jackson of the University of Michigan secured funds to reinterview participants in the 1980 American National Election Study, a survey of a national sample of about 2000 persons. Jackson's follow-up survey asked the time respondents had voted, the election night news they had heard, and the time they had heard the news of a projected winner. The earlier survey had gathered a large amount of additional information, such as respondents' preferences in the presidential race. Each respondents' turnout was verified by an examination of official voting records.

Sizable numbers of voters in 1980 had been exposed to election night coverage before their polls had closed. Fourteen percent had heard about Carter's concession before the local polls had closed (29 percent more could not recall the time), and 26 percent had found out that Reagan had been projected the winner before the local balloting ended (30 percent could not recall the time). Overall, nearly half of the electorate, 49 percent, had been exposed to some kind of news about the election results, intimations if not projections, before their polls closed (17 percent could not recall the time).<sup>1</sup>

Having heard the election projections or Carter's concession did in fact depress turnout in 1980, and noticeably. In the West, the region most affected, the estimated turnout of those who had heard the projections and had not voted as of 6:00 p.m. EST (3:00 p.m. PST) was about 12 percentage points lower than the estimated turnout of those who had not heard the projections and had not yet voted. The impact on the total turnout, however, was much smaller, even in the West: not everybody heard tell of the projections before the polls closed, not everybody still intended to vote, and nearly half of the electorate had already cast ballots.<sup>2</sup> Though small in the aggregate, the effect was certainly large enough to have affected outcomes in close races further down the ticket.<sup>3</sup>

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<sup>1</sup> These percentages are based upon self reports, which are sometimes mistaken, but they seem plausible. In 1980, about 14 percent of the voting age population resided in Pacific time zone, about 5 percent was in the Mountain zone, and 29 percent lived in the Central zone.

<sup>2</sup> Jackson does not break these out by region, so it is impossible to reconstruct the total effect on turnout across the population.

<sup>3</sup> Jackson also ventured some guarded conclusions about the differential effects of the early calls on the turnout of Republicans and Democrats. (None of the effects were sufficiently strong to have much confidence that they were not the result of sampling error.) He found that in fact the early projections lowered the likelihood of turnout more among Republicans than Democrats. Apparently, the information that the election was decided had more effect on the turnout of the winners than the losers. He also found that more Democrats than Republicans had yet to cast ballots at 6:00 p.m. EST. But because of their higher socioeconomic status, Republicans are more likely to turn out. Jackson does not indicate exactly how these

Jackson’s study provides good evidence that early reports of election outcomes suppress turnout among those citizens who have heard the news, who intend to vote, and who have not yet voted. Given the special circumstances of the 1980 election, his estimates probably represent an upper bound on the effect that projections might have. The 1980 calls and concession were made much earlier than they have been made either before or since, meaning that larger numbers of intended voters might have been affected by them. Moreover, the 1980 projections were more informative than the projections either before or since, because the magnitude of Reagan’s victory was simply not anticipated by the pre-election polls. In most elections, early calls only confirm what voters expected to happen already.<sup>4</sup> Accordingly, in most elections, early calls have even more limited effect on voter turnout.

*Effects of a nationwide poll closing time*

One proposal often offered to solve the problem that early projections might depress turnout is a uniform nationwide poll closing time. For such a law to achieve its purposes, polls would need to stay open later in the East and close earlier in the West. Otherwise, reports from states that had closed earlier than the statutory closing hour—in the East, only New York and Rhode Island currently stay open until 9:00 p.m.—would be available before the polls close in the West.

If the closing time were established at 10:00 p.m. EST, the following table shows, polls in five western states with roughly 14 percent of the nation’s population would need to close an hour earlier, at 7 p.m. PST or 8 p.m. MST, than they currently do.<sup>5</sup> Conversely, every state in the Eastern time zone and every state but one in the Central zone (Iowa) would need to keep its polls open longer, most by two to three hours. If, on the other hand, the closing time were set earlier, at 9 p.m. EST, every state in the Pacific time zone would have to shorten polling hours, and in the East only New York and Rhode Island would not have still to extend their hours.<sup>6</sup>

Uniform closing times and their effect on the states

	Affected states
<i>Poll closing at 10:00 p.m. EST</i>	
<i>Later than current</i>	

three partisan differences play out, although he implies that the early projections probably hurt Republican turnout more than Democratic turnout.

<sup>4</sup> Of course, exit poll results and early vote tallies that vary from the pre-election polls produce surprise, and surprise is newsworthy. Consequently, competition to be first with the result of the election is even greater in elections that are closer than expected or in elections that are not as close as expected.

<sup>5</sup> All of the references to population percentages are approximations, although reasonably good approximations. Many states give discretion to local election jurisdictions to set polling times, and eleven states have parts in two time zones. In making the estimates, we allocated all of a state’s population to the time zone with the largest share of its population.

<sup>6</sup> All of the analyses set aside the issue of polling times in Alaska and Hawaii, both two hours behind Pacific Standard Time.

4 hours later	EST: IN (most), KY (most)
3 hours later	EST: FL (most), GA, NH (most), SC, VT, VA CST: IN (some), KY (some)
2 1/2 hours later	EST: NC, OH, WV
2 hours later	EST: AL, CT, DE, DC, FL (some), ME, MD, MA, MI (most), NH (some), NJ, PA, TN (part) CST: IL, KS (most), MS, MO, ND (most), OK, TX
1 1/2 hours later	CST: AR
1 hour later	EST: NY, RI CST: LA, MI (some), MN, NE, SD, TN (part), WI MST: AZ, CO, KS (some), NM, ND (some), WY
<i>Earlier than current</i>	
1 hour earlier	PST: CA, ID (some), OR (most), WA
<i>Poll closing at 9:00 p.m. EST</i>	
<i>Later than current</i>	
3 hours later	EST: IN (most), KY (most)
2 hours later	EST: FL (most), GA, NH (most), SC, VT, VA CST: IN (some), KY (some)
1 1/2 hours later	EST: NC, OH, WV
1 hours later	EST: AL, CT, DE, DC, FL (some), ME, MD, MA, MI (most), NH (some), NJ, PA, TN (part) CST: IL, KS (most), MS, MO, ND (most), OK, TX
1/2 hour later	CST: AR
<i>Earlier than current</i>	
1 hour earlier	CST: IA MST: ID (most), MT, OR (some), UT PST: NV
2 hours earlier	PST: CA, ID (some), OR (most), WA

One obvious problem with such a proposal is that it would considerably extend the hours of operation of the polls in most of the Atlantic states and in many of the central states. If the states in the Eastern time zone wished to begin the balloting as early as they do currently, most would have to keep their precincts in operation for 15 hours, and after the closing count ballots well into the night. (Currently, only New York's largest counties operate their precincts for 15 hours. Connecticut, Iowa, Louisiana, and Rhode Island maintain 14 hours.) Uniform poll closing would in fact have the greatest effect not on the western states but on the eastern states. The states in the Eastern time zone, home to about 47 percent of the nation's population, would surely be concerned by the additional administrative costs of the extended precinct hours that would need be maintained.

A second option is suggested by Canada, the only other venerable democracy that spans several time zones. In Canada, both the times the polls open and the times the polls close are regulated nationally. The precincts in most of the country open at 9:30 a.m. Eastern Standard Time (EST) and close 12 hours later, at 9:30 p.m. EST. The polls open and close two and a half hours earlier in Newfoundland, two hours earlier in the other Maritimes, and a half hour later on the Pacific coast. The balloting begins as late as 9:30 a.m. local time in the Eastern zone and ends as early as 7:00 p.m. local in the Pacific zone. Because only 8 percent of Canada's population resides in the Maritimes, the vast

majority of the balloting is begun and completed at approximately the same time nationwide.

The Canadian system of uniform opening and closing would solve the problem of extended hours in the East by opening the polls later in the Eastern and Central time zones. But it would raise its own set of issues. The least of the issues is the length of polling hours. Only a third of the U.S. population lives in states that allow 12 hours or less of polling time. A majority lives in states that allow no fewer than 13 hours. Hours could easily be extended by an additional hour, but either by pushing the balloting past 9 p.m. in the East or before 7 a.m. in the West.

The second issue is the polling period itself. The population of the United States is spread more evenly across the continent than the population of Canada. The two largest Canadian provinces, Quebec and Ontario, both predominantly in the Eastern time zone, contain 62 percent of Canada's population. The third largest province, British Columbia, has 13 percent. Only about 17 percent of the population lives in the Central and Mountain time zones. In the United States, in contrast, a much smaller proportion, only 47 percent, lives in the Eastern time zone and a slightly larger fraction, 14 percent, lives in the Pacific. In between, 33 percent lives in the Central zone. (See the table below.)

United States population, by time zone

Time zone	Percent of eligible citizens, 1996
Eastern	47.0
Central	32.9
Mountain	5.4
Pacific	14.1
Alaska and Hawaii	0.6

As a result, it is difficult to identify a polling period that would not cause some substantial dislocation from current practices in the states. As shown in the next two tables, later opening and closing times would cause the polls to open quite late for a large proportion of the eligible voters in the Eastern and Central zones. Conversely, earlier opening and closing times would require the polls to close quite early for a large proportion of eligible voters in the Pacific and Mountain time zones.<sup>7</sup>

Poll opening times, by state, in Eastern time

Typical or earliest opening time	States	Percent of eligible citizens, 1996
6:00 a.m. EST	CT, IN (most), KY (most), ME (some), NY, VA	14.3
6:30 a.m. EST	NC, OH, WV	8.2
7:00 a.m. EST	DE, DC, FL (most), GA, IL, IN (some), KS	39.0

<sup>7</sup> In many states there is local variation in opening and closing times, especially in opening times. Several states specify that the polls shall not open later than a legislated time but allow local election officials to open the polls earlier.

	(most), KY (some), LA, ME (most), MD, MA, MI, MO, NJ, PA, RI, SC, TN, VT	
8:00 a.m. EST	AZ, FL (some), IA, KS (some), MN, MS, NH, OK, TX, WI (some)	14.0
8:30 a.m. EST	AR	1.0
9:00 a.m. EST	AL, CO, MT, NE, NM, OR (some), SD, UT, WI (most), WY	8.1
10:00 a.m. EST	CA, ID (most), NV, ND (most), OR (most), WA	14.8
11:00 a.m. EST	ID (some), ND (some)	0.0

Poll closing times, by state, in Eastern time

Required closing time	States	Percent of eligible citizens, 1996
6:00 p.m. EST	IN (most), KY (most)	3.9
7:00 p.m. EST	FL (most), GA, IN (some), KY (some), NH (most), SC, VT, VA	13.2
7:30 p.m. EST	NC, OH, WV	8.2
8:00 p.m. EST	AL, CT, DE, DC, FL (some), IL, KS (most), ME, MD, MA, MI (most), MS, MO, NH (some), NJ, ND (most), OK, PA, TN, TX	39.1
8:30 p.m. EST	AR	1.0
9:00 p.m. EST	AZ, CO, KS (some), LA, MI (some), MN, NE, NM, NY, ND (some), RI, SD, WI, WY	17.2
10:00 p.m. EST	ID (most), IA, MT, NV, OR (some), UT	3.2
11:00 p.m. EST	CA, ID (some), OR (most), WA	13.5

Source: [www.cnn.com/election/1998/states](http://www.cnn.com/election/1998/states)

One effect of uniform hours of operation would be on election administration. On one hand, time set earlier in the day would require election officials in the western states to begin their operations much earlier than they have in the past. Precincts serving 24 percent of the electorate currently open later than 8:00 a.m. EST. On another hand, a time set later would require poll workers in the eastern states to continue their work much later into the evening and extend the count well into the night. Polling places serving 66 percent of the electorate currently close before 6:00 p.m. Pacific Standard Time.

A second effect of uniform hours of operation would be on the voters themselves. As shown in the next table, about 65 percent of all voters go to the polls before 4:00 p.m. local time, but 15 percent—one in seven—vote after 6:00 p.m. local time.<sup>8</sup>

Time of day voted, 1980

Hour of day voted	Percent of voters	Percent of voters at polls
Before 12 p.m.	41.4	43.6
Between 12 p.m. and 4 p.m.	20.7	21.8

<sup>8</sup> Unfortunately, the 1980s were the last time the Current Population Surveys asked for time of day voted. Since 1980, the main trends in the population have been the continued distribution of population westward, the continued aging of the population, and the sharp rise in the Latino population.

Between 4 p.m. and 6 p.m.	18.7	19.7
After 6 p.m.	14.2	15.0
By absentee	5.0	

Source: Current Population Survey, 1980

The hours that people turn out to vote vary across regions, in ways that would make uniform polling hours a greater problem on the West Coast. Voters in the middle of the country prefer to vote early, two thirds of them by 4:00 p.m. local time. Greater numbers of voters on the coasts prefer to vote later. Voters in the Pacific time zone prefer to turn out later than voters in any other part of the country: 19 percent of the voter turnout occurs after 6:00 p.m. Under a uniform closing law, late voters in the West would be at the top of the list of those affected.<sup>9</sup>

Time voted, by time zone

Time voted	Eastern	Central	Mountain	Pacific
Before 12 p.m.	43.4	43.8	42.8	43.9
12 p.m. to 4 p.m.	21.5	23.0	24.0	17.3
4 p.m. to 6 p.m.	18.7	21.0	19.5	19.8
After 6 p.m.	16.5	12.3	13.8	19.0
Total	99.9%	100.1	100.1	100.0
(N)	(27155)	(20351)	(5699)	(6610)

Source: Current Population Survey, 1980

Changes in the hours of voting would also affect different types of people in different ways. Later opening times would impose the greatest burdens on older voters, while earlier closing times would impose most on younger voters. Sixty-three percent of voters over the age of 65 turn out before noon, and 22 percent of voters between 18 and 25 turn out after 6:00.

Time voted, by age

Time voted	18-25	26-45	46-64	65 +
Before 12 p.m.	29.7	37.5	45.8	63.1
12 p.m. to 4 p.m.	23.7	20.6	20.4	25.8
4 p.m. to 6 p.m.	24.9	22.8	20.2	7.9
After 6 p.m.	21.8	19.1	13.6	3.3
Total	100.1%	100.0	100.0	100.1
(N)	(8414)	(26764)	(19502)	(12017)

Source: Current Population Survey, 1980

If one factor in the times people choose to vote is age, another is work circumstances. Students, disabled people unable to work, and armed forces personnel vote in large numbers by absentee. Of those who vote in person, people who are not in

<sup>9</sup> According to the Current Population Survey, the time of turnout was slightly earlier in 1984, a less competitive national election. The regional pattern was the same: later on the coasts than inland, and latest in the West. *Current Population Report*, Series P20-405, March 1986.

the labor force either tend to vote early in the day, in the case of homemakers, retirees, and disabled persons, or in the middle of the day, in the case of students. Working people vote at the beginning of the day, before work, or at the end of the day, after work.

Time voted, by selected work statuses

Time voted	Working	Looking for work	Homemaker	In school	Unable to work	Other, including retired
Before 12 p.m.	37.0	44.2	53.3	32.5	54.6	64.0
12 p.m. to 4 p.m.	19.1	27.8	27.5	26.4	28.2	24.9
4 p.m. to 6 p.m.	24.3	15.6	11.8	25.1	12.9	7.7
After 6 p.m.	18.5	12.4	7.4	15.9	4.3	3.4
Total	99.9	100.0	100.0	99.9	100.0	100.0
(N)	(39311)	(1892)	(11410)	(1011)	(443)	(7389)

Source: Current Population Survey, 1980

The workday differs across employments, in ways that affect preferences for times of voting. The day for white collar workers begins later and ends later than the workday for blue collar workers. As the next table shows, people in managerial and professional employment tend to prefer to vote early. More distinctly, so do farmers, fishers, and foresters. People employed as operators, assemblers, and handlers, on the other hand, tend to prefer to vote late. (People with higher occupational status also vote more often by absentee.) It has long been part of political lore that Republicans turn out early and Democrats turn out late; occupational differences account for the pattern.<sup>10</sup>

Time voted, by selected occupational classes

Time voted	Managerial, professional	Technical, sales, clerical	Operators, assemblers, handlers	Farmers, fishers, foresters
Before 12 p.m.	42.3	38.3	31.0	42.4
12 p.m. to 4 p.m.	17.8	19.9	18.4	23.7
4 p.m. to 6 p.m.	22.0	22.4	29.0	16.6
After 6 p.m.	17.9	19.4	21.6	17.3
Total	100.0	100.0	100.0	100.0
(N)	(13229)	(14975)	(10655)	(1555)

Source: Current Population Survey, 1980

Demographically, only one more difference is worthy of note. Blacks and whites turn out throughout the day in almost equal proportion. But by about six percentage points, Latino voters prefer to vote at the end of Election Day rather than the beginning.<sup>11</sup> The Latino population has long been concentrated in the Southwest—a third of all

<sup>10</sup> The partisan differences in time of voting are perhaps not as sharp as they may have been in the past. Running counter are the differences in time of voting across income and education. Better educated people vote later than less educated people, and except at the very highest levels, earners of high incomes vote later than poorer people. Republican affiliation, of course, rises with education and income. Part of the responsibility for this pattern is that the poorest and least educated in 1980 were disproportionately elderly.

<sup>11</sup> One reason is that the Latino population is younger on average than the Anglo population.

Americans of Hispanic origin reside in California—and since 1980 the percentage of Americans of Latin descent has nearly doubled.

Time voted, for Latinos and non-Latinos

Time voted	Latino	Non-Latino
Before 12 p.m.	37.9	43.7
12 p.m. to 4 p.m.	20.8	21.8
4 p.m. to 6 p.m.	20.5	19.6
After 6 p.m.	20.8	14.9
Total	100.0	100.0
(N)	(1460)	(59996)

Source: Current Population Survey, 1980

Accordingly, hours that are skewed toward the morning will tend to make it harder for younger voters and working class voters to get to the polls and hours that are skewed toward the evening will make it harder for older and upper class voters to turn out. Compared to the current, decentralized regime of poll hours, a uniform poll closing law would reduce the number of evening hours in the western states and dampen turnout most among workers who are young, blue collar, and Latino. Conversely, a nationwide poll hours law would reduce the number of morning hours in the eastern states and dampen turnout most among people who are older, white collar, and white. Any politically feasible uniform hours law would probably require West Coast polls to close no earlier than 7:00 p.m. local time, which with a 13-hour Election Day would require East Coast polls to open no earlier than 9:00 a.m. local.<sup>12</sup> Overall, by expanding evening hours and restricting morning hours in the eastern half of the United States, a nationwide hours law would apparently make Election Day more convenient for younger voters and less convenient for older voters. By expanding morning hours and contracting evening hours in the West, however, a uniform polling time law would make Election Day less convenient for Latino voters.

To be sure, most voters who are no longer able to turn out at the time of day they previously preferred will find other times to vote. But if we imagine that voters currently make choices that offer the most convenience, any change is likely to lower the probability that they turn out at all, at least marginally. The inconvenience is unlikely to deter people who are highly motivated to vote: strong partisans, the politically engaged, the highly educated. The added trouble is more likely to deter people who are less motivated to vote. Because they tend to turn out later in the day, and because they tend to vote less often already, we might conjecture that a uniform closing law would be a particular hardship for younger voters and Latino voters.

### *Effects of uniform reporting*

Because a uniform polling time seems such a draconian step, observers concerned about the effect of early projections of election results have proposed other measures. In

<sup>12</sup> Or 8:30 a.m. local, if hours were staggered as in Canada.

recent hearings, representatives of exit polling organizations have outlined their protocols for election calls, which incorporate a mix of information from exit polls and from early returns. Accordingly, one suggestion put forth by critics of the media polls is that eastern states should embargo the release of election returns until the western polls have closed and thereby deny exit poll analysts the information they need to make calls. Idaho state law, for instance, forbids release of official returns from its Mountain time counties until polls close in the Pacific zone counties.

In close elections, the election returns are a very important part of the information needed to produce projections. Still, even in close elections, returns are not absolutely essential to the task of making projections. Like all sample surveys, exit polls have a statistical “margin of error” that reflects the level of confidence the analyst can have in a conclusion drawn from the survey, for example, a conclusion about who has won the election. The margin of error depends predominantly upon the number of interviews (the “size of the sample”): the larger is the number of interviews, the smaller is the margin of error. In a very close race, the vote difference between the candidates will often be smaller than the poll’s margin of error, so that an analyst does not have enough confidence in the projection to make the call. If precinct and county returns are consistent with the results of the exit poll, they can provide the additional confidence the analyst needs to project a winner. If precinct and county returns are inconsistent with the exit poll, they can instead cause the analyst to await additional information before making a projection.

When a race is close, then, the returns are important as a complement to the results from the exit polls. Analysts need precinct and county tallies when the margin of error in the survey is too large to have confidence that the candidate with the lead in the exit poll is in fact the winner. But analysts can remedy their uncertainty other than by recourse to official election returns. If the returns are unavailable to them, they can collect larger samples. As the following table shows, for any vote margin between two candidates there is a sample that is large enough to make a projection with a high degree of confidence strictly from exit polls.

Number of exit interviews needed to project a winner, by margin of victory and risk of incorrect projection

Actual margin of victory	Risk of incorrect projection			
	<i>1 in 20</i>	<i>1 in 100</i>	<i>1 in 500</i>	<i>1 in 1000</i>
5.0%	1,073	2,166	3,332	3,810
3.0%	2,986	6,026	9,272	10,599
2.0%	6,721	13,567	20,872	23,861
1.5%	11,951	24,123	37,112	42,435
1.0%	26,893	54,284	83,513	95,471
0.5%	107,581	217,150	334,076	381,914
0.25%	430,333	868,619	1,336,328	1,527,686

In practical terms, to call a race as close as those listed to the bottom of the table, exit poll samples would need to be considerably larger than they currently are. In 1996,

the VNS exit samples ranged in size from 795 in Mississippi to 2232 in North Carolina, 2423 in Texas, and 3282 in California. The samples tended to be a little larger in states with competitive races for the presidency and in states with spirited contests for senator or governor.<sup>13</sup> In most instances, however, even these sample sizes are sufficient in themselves to make an election call: races decided by margins of less than 5 percent are not so common.

Restriction on release of official returns, accordingly, will not necessarily cause exit polling organizations to delay election projections. It could cause them instead to invest in larger exit poll samples in election districts where outcomes are expected to be close. To be sure, restriction on release of returns would raise the costs of exit polling, and significantly. As the table shows, a 50 percent reduction in the margin of error, say from 1.0 percent to 0.5 percent, requires not a two-fold increase in sample size but a four-fold increase.<sup>14</sup> The election returns might not be essential for exit poll projections as a theoretical matter but they might well be as a practical matter.<sup>15</sup>

Moreover, and more importantly, it is not clear that exit poll operations need access to “official” reports of election results either at the county or state level. According to Michael Traugott, who has consulted for the industry, exit poll organizations gather their information about the early returns by posting people in precincts to observe the count. Most states require that the counts be open to public scrutiny, in large part to reassure campaigns that the count is being conducted legally and fairly.

Provisions for public observation of ballot counts, ten selected states

Arizona	“...under the observation of representatives of each political party and the public”
Colorado	“...conducted under the observation of watchers”
California	“...shall be open to the view of the public”
Georgia	“...shall be open to the view of the public”
Massachusetts	“...the ballots taken therefrom and audibly counted in public view”
Montana	“...count shall be public”
New Hampshire	“...counting of votes shall be public”
Tennessee	“Each political party and any organization of citizens interested in a question on the ballot or interested in preserving the purity of elections and in guarding against abuse of the elective franchise may appoint poll watchers.... A watcher may also inspect all ballots while being called and counted and all tally sheets and poll lists during preparation and certification.”

<sup>13</sup> Washington, where Gary Locke became the first Asian-American elected to the governorship of a continental 48 state, drew 1895 interviews, and New Hampshire, where Jeanne Shaheen was the first woman elected governor of the state, attracted 2047 interviews.

<sup>14</sup> Mathematically, this is because the statistical margin of error diminishes by the square root of sample size.

<sup>15</sup> Official returns might be useful for other purposes as well. Because exit polls do not sample in every precinct, they must weight the results from each precinct by precinct turnout to achieve a representative sample of the whole election district. The returns provide a cross check on assumptions about turnout. Because exit polls typically sample a set proportion of voters as they leave the polls, however, exit poll analysts already have a measure of turnout at hand in the number of interviews in each precinct.

Utah	“Proceedings at the counting center are public and may be observed by interested persons.”
Wyoming	“After all the votes are cast and the polls are officially declared closed, only election judges shall be permitted in a polling place.”

Source: State statutes, compiled by Aaron Longo

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