



Testimony in support of

S.371 An Act establishing election day registration

H.353 An Act to establish election day registration

H.2093 An Act relative to same day voter registration

Submitted to the Joint Committee on Election Laws

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The League of Women Voters urges the Joint Committee on Election Laws to craft a bill establishing Election Day registration in Massachusetts, based on the bills cited above, and to permit new voters to register and vote on Election Day and early voting days. The right to vote is the foundation of our democracy, and voting should be as easy and accessible as possible. The National Voter Registration Act, also known as the Motor Voter Registration Act, states that citizens of the United States have a fundamental right to vote. LWVMA and its members have supported Election Day Registration legislation since its introduction in the 2007-2008 session.

Election Day Registration (EDR) is popular and was employed in 13 states and the District of Columbia in 2016. The states are Colorado, Connecticut, Idaho, Illinois, Iowa, Maine, Maryland, Minnesota, Montana, New Hampshire, Ohio, Wisconsin and Wyoming. Vermont implements EDR in 2017, Hawaii in 2018 and California when the statewide voter registration database is operational. Several states allow same-day registration during their early voting period.

Maine had a history of EDR working effectively to increase voter participation for forty years. However, Maine's governor and legislature overturned same day registration in June 2011. Maine voters reinstated Election Day registration in a citizen referendum in November of the same year. Charges of registration fraud due to EDR were investigated by Maine's Secretary of State and found to be false.

EDR insures that qualified voters cannot be turned away at the polls or allowed to vote only on provisional ballots – which may not be counted. These bills allow any eligible citizen to register and vote in local, statewide, and national elections at their local polling place on Election Day. At the time of registration, the individual must provide proof of identity and residency. The voter must also sign an oath certifying citizenship, age, and lack of any impediments that would prohibit him/her from voting. The bills include substantial penalties for giving false information.

Benefits of Election Day Registration:

- EDR increases voter participation. In 2006, five of the seven states with EDR at that time made the year's list of top 10 voter-turnout states. EDR states had a turnout rate of 50.9%; non-EDR states had a turnout rate of 41.6%. The Brennan Center for Justice reported that Maine, Minnesota and Wisconsin had average voter turnout rates that were 12% higher than the national average.
- In 2014, states with Election Day Registration (EDR) increased voting. Voter turnout in the EDR states averaged 48%, 12 points above voter turnout in non-EDR states. Four states used EDR for the first time in a midterm in 2014, bringing the total number of states using EDR to 13.¹

¹ <http://www.nonprofitvote.org/america-goes-to-the-polls-2014/>

- Registered voters benefit from EDR. It alleviates the problem of registered voters being turned away because of errors in poll books or incomplete voter lists, delaying the voting process. A 2003 MIT/Caltech Voting Technology Project report found that 122,000 registered Massachusetts voters did not cast ballots in 2000 due to registration problems. The MIT/Caltech Project estimated that as many as 3 million US citizens were disenfranchised by wrongful purging of voter rolls or failure to add newly registered voters to the lists. With EDR, they could have re-registered at the polls.
- EDR has administrative benefits. It shifts the burden of processing new voter registrations from the busy pre-election season to after Election Day, a less hectic time for election officials. Election officials in EDR states report that adding newly-registered voters to the rolls has been manageable and relatively inexpensive.
- EDR does not increase voter fraud. Multiple independent studies by the Brennan Center for Justice, Demos, the New Hampshire Attorney General's Office and others, have found that voter fraud is as low in EDR states as is in other states. The amount of voter fraud has been greatly exaggerated by opponents of EDR. Most voter misconduct is due to confusion and ignorance rather than any intent to deceive. Penalties for voter fraud by individuals are very severe and serve as a deterrent. Instead, voter purges by election officials, errors in poll books and poor or inadequate voting equipment cause substantial losses of votes.
- Cyber criminals could manipulate registration lists and cause significant purges in future elections. The national security agencies found attempts to gain entry to registration lists in a number of states prior to the November 2016 election. While reported as failed attempts, these attacks are likely to continue and could become successful in penetrating state voter rolls. EDR could help restore those lost to unlawful voter purges and accidental omissions.
- EDR may reduce or eliminate the need for provisional ballots. These ballots have been controversial and are not always counted. Uncounted provisional ballots can be problematic in close elections.
- Voting should be as easy as possible. EDR allows students, young adults, new residents and others who change addresses to vote in greater numbers. Estimates from the Brennan Center are an average increase of 5-7 % in the number of voters when EDR is implemented.
- EDR is not a partisan issue and has not been a burden where used. With proper consultation with election officials and poll worker training, it can be implemented and used effectively.
- Joan Grove, former Secretary of State of Minnesota, stated, "The system, as much as people think it [does], does not belong to the political candidates ... to the political parties and ...the election administrators. It belongs to the electorate."

The League of Women Voters of Massachusetts strongly urges the members of the Joint Committee on Election Laws to report a strong bill to implement Election Day registration out of Committee with a favorable recommendation and do everything you can to make it the law in Massachusetts. It should include EDR for early voting days and allow new voters to register as well as updating information for previously registered voters. It could help to restore registration for any who may be purged by sophisticated cyber criminals. We look forward to supporting such a bill.

Thank you for your consideration.