



**Testimony of Dale Ho
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In Support of HCR 54 / HB 1115

**LOUISIANA HOUSE OF REPRESENTATIVES
Committee on House and Governmental Affairs
Committee Room 3**

**April 7, 2010
9:00 AM**

Distinguished Members of the Committee, I am Dale Ho, Assistant Counsel of the Political Participation Group of the NAACP Legal Defense and Educational Fund, Inc. (LDF). LDF is the nation's oldest civil rights law firm and has been very active in efforts aimed at protecting and shielding voting rights in the State of Louisiana over the last several decades. I am honored to have the opportunity to appear before you for this important hearing on Louisiana House Bill No. 1115, which would allow eligible voters to register to vote up until the date of an election, and would also provide for Same Day Registration (SDR). My testimony will focus on the substantial benefits, including increased opportunities for broad political participation, which the bill would promote. In our view, this bill would significantly modernize and improve the election system in Louisiana.

Introduction

Broad participation in civic life and in the voting process is a cornerstone of our democracy. And although the recent 2008 presidential election was one of the most closely followed in recent history, the final data indicates that only 61.7% of all Americans eligible to vote cast ballots in the November 2008 election.¹ In Louisiana, those numbers were not much higher with a total turnout rate of 67.23%. LDF believes that many more eligible voters in Louisiana would have voted in this historic election if there had been more meaningful opportunities to register and participate. Same Day Registration is the best vehicle to help ensure that more eligible voters will have that opportunity in future elections.

Giving eligible voters the opportunity to register and vote up through Elections Day enhances our democracy in at least two crucial respects, which I will describe briefly, and then elaborate on at greater length. First, SDR encourages participation by making the process of voting less daunting and more user-friendly. There is ample empirical evidence demonstrating that SDR results in substantially higher rates of voter registration and turnout.

Second, SDR provides collateral benefits by simplifying the voter registration and election administration processes, thus reducing a wide range of Election Day-related problems and complications. In our election monitoring work, LDF has observed that the vast majority of pre-election and Election Day voter complaints related to problems with voter registration. Throughout Louisiana, voters turned out for early voting, sought to vote by absentee ballot or turned out to the polls on Election Day only to learn that their names did not appear on the registration rolls. Some of these individuals submitted registration forms that were never processed while others learned that their names were purged from the rolls. Others cast provisional ballots, nearly all of which are rejected in most Louisiana elections.² Same Day Registration can resolve many of these Election

¹ United States Elections Project, *2008 General Election Turnout Rates*, available at http://elections.gmu.edu/Turnout_2008G.html; *2004 General Election Turnout Rates*, available at http://elections.gmu.edu/Turnout_2004G.html.

² During the recent 2008 Presidential Preference Primary in Louisiana, approximately 95 percent of all provisional ballots cast were rejected and not counted. Similarly, 81 percent of provisional ballots cast

Day-related complications, and thus help move Louisiana towards a more inclusive system characterized by higher levels of participation among all eligible citizens in Louisiana.

I. Encouraging Participation

Same Day Registration Increases Voter Turnout

The national turnout rate during the 2008 election was a meager 61.7%, but it was substantially higher in all nine states³ that currently permit some form of Same Day Registration. Together, the turnout rate among eligible voters in these states during the 2008 election was 70.2%, nearly ten points higher than the rate of 60.8% in the states that do not offer SDR.⁴ The top 5 turnout states all offered SDR.⁵ Overall, 1.5 million individuals used SDR to register and vote in the 2008 election.⁶ In our view, House Bill 1115 can have a similarly dramatic impact on voter participation rates in the State of Louisiana.

Voter turnout is crucial for a fair and representative electoral system. But the current voter registration system in Louisiana discourages participation by requiring voters to engage in a multi-step process to vote. Eligible voters must obtain a registration form, ensure that they submit it in advance of any relevant registration deadlines and then wait for confirmation of their registration from a local Registrar. In our experience, registration deadlines unnecessarily limit participation, by cutting off voter registration four weeks or more before Election Day, often right at the moment that the public is most focused on and engaged in an election. For those individuals and groups that work to mobilize the electorate, Same Day Registration would provide an opportunity or vehicle to ensure that not-yet-registered voters are captured and added to the rolls in time to participate in any given election.

There a broad consensus among social scientists that SDR dramatically increases voter turnout. Several academic studies have concluded that higher turnout rates in SDR states can be attributed directly to the availability of SDR.⁷ Another recent report by leading scholars at CalTech and MIT found the evidence that SDR increases voter

during Louisiana's 1st and 6th Special Congressional Primary elections held on March 8, 2008 were also rejected. See Post-Election Statistical Report, Louisiana Secretary of State available at [http://www.sos.louisiana.gov/tabid/\[76/Default.aspx](http://www.sos.louisiana.gov/tabid/[76/Default.aspx).

³ These states are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Carolina, Wisconsin, and Wyoming.

⁴ Calculated based on data from United States Elections Project, *2008 General Election Turnout Rates*, available at http://elections.gmu.edu/Turnout_2008G.html.

⁵ Minnesota, Wisconsin, Maine, New Hampshire, and Iowa. *See id.*

⁶ Demos, *Fact Sheet: Same Day Registration*, available at http://www.demos.org/pubs/SDR_factsheet.pdf.

⁷ *See, e.g.*, Stephen Knack, "Election Day Registration: The Second Wave," *American Politics Quarterly* 29(1), 65-78 (2001); Craig L. Brians & Bernard Grofman, "Election Day Registration's Effect on U.S. Voter Turnout," *Soc. Sci. Q.* 82(1); 171-83 (March 2001); Mark J. Fenster, "The Impact of Allowing Day or Registration Voting on Turnout in U.S. Elections from 1960 to 1992," *American Politics Quarterly* 22(1)(1994): 74-87.

turnout is “remarkably clear and consistent.” The report went so far as to state that the “studies finding positive and significant turnout impacts are too numerous to list.”⁸

Same Day Registration Can Help Reach Not-Yet-Registered Voters Throughout Louisiana

Although approximately 213 million voting-age citizens nationwide were eligible to vote in the 2008 presidential election, only 186 million of them were registered. In other words, nearly 13 percent of all eligible voters in our country remain excluded from participation in our political process. Similar rates apply here in Louisiana. Meanwhile, a survey of non-voters showed that nearly two-thirds of them said that they would be more likely to vote if they were permitted to register on Election Day.⁹

Research shows that Same Day Registration improves access for all voters. There is no evidence that SDR favors any particular political party, nor is it a partisan issue. Instead, HB 1115 if adopted will help increase political participation overall.¹⁰

Generally, voter registration requirements such as early registration cutoffs disproportionately decrease turnout for certain demographic groups.¹¹ Among these groups are young people, those who change addresses frequently, those with less education, and poor people. Adopting SDR helps to increase turnout for all of these frequently underrepresented groups even more significantly than for other voters.¹² Early registration deadlines, such as Louisiana’s current thirty day cutoff, make registering to vote particularly difficult for those who are likely to have relocated within a thirty day window. Young people and low-income populations tend to be the most mobile and are therefore the most likely to be affected by early voting registration cutoffs. While a person who relocates frequently may wish to vote, it is difficult and complicated to re-register, and he or she may be prevented from casting a ballot if his/her new addresses not matching the one under which he/she previously registered to vote.

SDR provides a clean solution for such situations. By providing an opportunity for these individuals to re-register and vote at the polls on Election Day from whatever their current address might be, these vulnerable populations will no longer be unfairly disenfranchised because of a voting registration technicality. Specifically, House Bill 1115 would remove a huge barrier to political participation for those voters who suffer from higher rates of poverty in Louisiana, and who therefore are currently most hurt by Louisiana’s current voting registration law.

⁸ Stephen Knack and James White, “Election-Day Registration and Turnout Inequality,” *Political Behavior*, 22(1); 29-44 (2000).

⁹ Demos, *Fact Sheet: Same Day Registration*, available at http://www.demos.org/pubs/SDR_factsheet.pdf.

¹⁰ Craig Leonard Brians & Bernard Grofman, “Same Day Registration’s Effect on U.S. Voter Turnout,” 82 *Social Science Quarterly* 170 (2002); and Jerry W. Calvert & Jack Gilchrist, “Suppose They Held an Election and Almost Everybody Came!,” 26 *PS: Political Science and Politics* 695 (1993).

¹¹ Demos, *Fact Sheet: Same Day Registration*, available at http://www.demos.org/pubs/SDR_factsheet.pdf.

¹² Demos, *Fact Sheet: Same Day Registration*, available at http://www.demos.org/pubs/SDR_factsheet.pdf.

Election Officials in Numerous States Confirm that Same Day Registration is Efficient and Non-Burdensome

Election officials in a number of states confirm that they have been able to implement Same Day Registration at little to no additional expense and that it has not created any additional strain on their typical election operations.

A 2007 survey of election administration officials in 49 jurisdictions in SDR states revealed that SDR is easy to implement.¹³ Per person election administration costs are no higher in SDR vs. non-SDR states,¹⁴ as the primary effect of SDR is not a net increase in costs, but a shift in resources from pre-Election Day registration to Election Day registration. Although some election administration officials have estimated minor cost increases associated with SDR, the estimates add up to nominal amounts: for instance, one election official in a New Hampshire community of 23,000 people estimated the cost of SDR at \$1,700; another election official in a municipality of 70,000 in Wisconsin estimated the cost at \$5,000.¹⁵ These estimates translate to approximately 7 cents per person, hardly an exorbitant price for revitalizing our democracy. In sum, Louisiana would be able to implement HB 1115 with the same level of ease.

Same Day Registration Would Further Enhance the Integrity of Louisiana's Election System

There certainly is no evidence suggesting that vote fraud is a problem in Louisiana elections. To the contrary, Louisiana – like many states – has an election system that is secure. However, Same Day Registration would certainly address the concerns of anyone concerned about preserving the integrity of the process. Same Day Registrations are conducted in-person and are arguably more secure than voter registrations sent through the mail. Those seeking to take advantage of Same Day Registration must appear in person before an election official, provide the identification documents required by the statute and ultimately sign their registration form under penalty of perjury. Moreover, any question concerning eligibility including age or residence can be resolved immediately. As such, Same Day Registration helps enhance the integrity of the process.

¹³ See Demos, *Election Day Registration: A Ground-Level View* (2007), available at <http://www.demos.org/publication.cfm?currentpublicationID=2D974495-3FF4-6C82-537EBAF283C6FCF7>.

¹⁴ See R. Michael Alvarez (Cal Tech), *et al.*, *Election Day Registration in the United States* (June 2002).

¹⁵ See Demos, *Election Day Registration: A Ground-Level View* (2007), available at <http://www.demos.org/publication.cfm?currentpublicationID=2D974495-3FF4-6C82-537EBAF283C6FCF7>.

II. Voter Registration and Election Day-Related Complications

Overview of the Problems Plaguing Louisiana's Voter Registration System

In 2008, LDF conducted a comprehensive pre-Election Day voter education and advocacy program in a number of states, including the State of Louisiana. This program, Prepared to Vote, was designed to provide critical information to voters well in advance of Election Day in order to ensure that more voters would be able to overcome obstacles and barriers that might otherwise stand in their way. An important component of the Prepared to Vote program focused on the rules, requirements and deadlines for voter registration.

During our extensive voter protection work in Louisiana, we have witnessed a range of problems which illustrate breaks in the state's voter registration system. Among the problems observed include widely disparate practices among local election officials concerning the processing of voter registration applications; varied approaches towards the implementation of the Help America Vote Act's (HAVA) database matching requirements; the development and implementation of purge programs that resulted in the removal of substantial numbers of voters from registration rolls; confusion regarding the impact of felon disenfranchisement laws on voter eligibility; and non-compliance with the mandates of the National Voter Registration Act at some departments of motor vehicles and other designated state agencies. Together, these problems frustrate efforts to achieve full and equal participation in our political process.

However, Same Day Registration would help neutralize the impact of these problems by providing a way to ensure that all eligible voters are given the opportunity to be added to the rolls in time to participate in any given election in the state.

Providing a Fail-Safe for Eligible Voters Who May Have Been Omitted or Improperly Removed from the Registration Rolls in Advance of Election Day

The NVRA requires that states make voter registration opportunities widely available at department of motor vehicles (DMVs) and other state agencies.¹⁶ Congress sought to mandate voter registration opportunities at public assistance offices to reach not only those citizens who drive, but also those citizens who are poor or disabled, and who do not drive but participate in public assistance programs.¹⁷ The NVRA requires entities that provide public assistance to integrate voter registration opportunities into the process during which an individual interacts with the agency (i.e., while the citizen seeks benefits or services.)¹⁸

¹⁶ States are required to accept voter registration applications "made simultaneously with an application for a motor vehicle driver's license," 42 U.S.C. § 1973gg-2(a)(1), as well as applications submitted at the offices of other state agencies, 42 U.S.C. § 1973gg-2(a)(3).

¹⁷ See H.R. Conf. Rep. No. 66, 103d Cong., 1st Sess. 18-19 (1993).

¹⁸ See 42 U.S.C. § 1973gg-3, 1973gg-5(a), § 1973gg-5(a)(6).

Despite these NVRA requirements, recent evidence suggests that NVRA-designated agencies in many states, including Louisiana, may not evenly carry out their registration responsibilities and/or fail to submit (or timely submit) completed applications to the appropriate election official. For example, through our voter protection work in 2008, LDF attorneys learned of numerous would-be voters who believed that they had registered at a social service agency, arrived at the polls on the Election Day only to learn that they were not added to the rolls. As a result, there have been fewer opportunities for eligible voters to register to vote in Louisiana. Same Day Registration can help fill in these gaps.

In other instances, LDF attorneys have encountered voters who may have been purged from the rolls. Same Day Registration provides an important fail-safe should any of those voters have been removed improperly from the rolls. Same Day Registration would reduce the number of provisional ballots cast during federal elections and help alleviate some of the burdens and pressures placed on officials inside the polls on Election Day.

Conclusion

The 2008 election cycle has yielded significant evidence of the ongoing problems that plague our nation's voter registration system. Given these problems, the challenge we now face is determining how to reform and repair the system in a way that will be more inclusive and provide affirmative opportunities for broad and meaningful participation to the millions of eligible but not yet registered citizens throughout Louisiana. By empowering qualified voters, making registration easier, and protecting those who might be wrongfully removed from the voter rolls or who might move frequently, HB 1115 would significantly modernize and improve voter access in Louisiana. A more inclusive electoral system, which is what HB 1115 offers, will lead to a more open and robust political process in the state of Louisiana.