



ELECTIONS BULLETIN

To: Town and City Clerks
From: Kathy DeWolfe, Director of Elections
Re: November 15, 2005
Date: Summary of Same Day Voter Registration Legislative Proposal (S.164)

As you all know, Vermont's Town Clerks, as presiding officers over elections, have one of the most prominent, important and – at times – difficult jobs: balancing the duties of facilitating the democratic process while insuring the integrity of the process itself. Our office believes that same day voter registration, suggested to the legislature by our office in January 2005, will provide you with better tools to perform your vital role in the democratic process.

As many of you remember, in January 2005 our office included a suggestion that the legislature consider adopting same day voter registration in Vermont. Same Day Voter Registration would permit eligible citizens to come to the polls, show identification with an address in that town, and then register and vote, even if an application to register was not submitted prior to deadline (2nd Monday before the Election).

Deb distributed the election law proposal memo over Muninet last January as a starting point for discussions on the issues that were later included in a bill proposing amendments to Title 17, including same day registration. The latest draft of S.164 (which was passed by the Senate and is now under consideration in the House) includes some House Government Operations Committee amendments with additional safeguards to prevent voter fraud and to postpone the effective date until January 2007 in response to a request from the VMCTA Association. This office supports the bill as amended in the House. We understand that some election officials and some citizens will be opposed to same day registration. We can all politely agree to disagree. However, we would like to explain the reasons why our office thinks that it is a good idea to adopt same day registration in 2007.

Why do we support a bill to adopt same day voter registration in Vermont? The Secretary of State's Office asked the legislature to consider adopting same day registration because we believe that it will increase voter turnout in Vermont, allow Vermont to obtain a waiver from Congress for the Motor Voter law, and solve many Election Day frustrations for citizens and election officials while ensuring that only eligible voters are added to the rolls on election day.

Our office's proposal to the legislature last session actually came out of discussions with the Secretary's town clerk advisory committee (a group of approximately 15 clerks) as a way to eliminate problems in the administration of the Motor Voter Law in a state where legal residence and post office mailing addresses are frequently different. There was a broad feeling that clerks are already doing a type of same day registration using the Vermont affidavit form, but without uniformity. The Secretary of State felt that because there would be a statewide voter checklist in place that would permit the office to deter voter fraud, she was comfortable moving forward on a proposal.

Voter Participation in states that have adopted Same Day Registration has increased! In fact, the *states with the highest voter participation in the nation all have same day voter registration*. In the 2004 election, the states with the highest overall turnout were Minnesota (77.3 percent), followed by Maine (75.3), Wisconsin (73.9) and New Hampshire (71.9). These states all have same day voter registration. In contrast, Vermont turnout was only **64 percent** of the voting age population.

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Additional studies have shown that many people (especially those who don't read newspapers or watch the television news) only begin to pay attention to elections a week or so before the election -- after the registration deadlines have passed. In Vermont over 150,000 eligible citizens didn't vote in the last presidential election.

Many organizations with different political leanings that study voting trends have said that one of the most important election reforms to increase voter turnout is Same Day Voter Registration. These groups include the Committee for the Study of the American Electorate, Demos, Alliance for Better Campaigns, The Political Standard, Americans for Democratic Action, Rock the Vote, The Common Sense Foundation, The Black Electorate, and the Southern Voting Rights Project. Many who have studied the actual use of same day registration believe that there is no partisan advantage to any political party with this reform. Christian Potholm, a Republican pollster and political science professor at Bowdoin College, said "contrary to common perception, there's no evidence that people who don't vote -- or register late -- hold different political preferences from those who do."

Same Day Voter Registration will increase turnout among young voters. Turnout among young people in Vermont is extremely low -- just 13 percent in the 2002 elections (second lowest in the country). According to Youth Vote, a coalition of organizations devoted to increase youth voter participation, states that allow same-day voter registration experience 14 percent higher turnout among youth than those that do not.

The adoption of Same Day Voter Registration will allow Vermont to seek a waiver from the federal Motor Voter Law! Five states that have enacted Same Day Registration have received waivers from the federal Motor Voter Law. As you know the Motor Voter Law (The National Voter Registration Act of 1993) has been difficult, time-consuming and expensive to implement. Thousands of hours and countless dollars are wasted by clerks and state workers trying to comply with this law. The motor voter forms are difficult to process and in many instances never get to the right town. Senator Leahy has provided written assurance that he will seek a similar waiver for Vermont at the time Same Day Voter Registration is adopted in Vermont. He sees no reason that such a waiver would not be granted.

Same Day Voter Registration will solve many Election Day problems. In every general election in Vermont voters arrive at the polls to find that their names are not on the voter-checklist. Figuring out what went wrong, then deciding if the voter can use the sworn affidavit process can be time consuming, discriminatory, and upsetting for the voter and the election officials.

It is true that in some towns and cities, many voters will take advantage of Same Day Voter Registration. However, clerks and election officials from states that have Same Day Voter Registration report that they implemented Same Day Registration without significant problems. Those clerks are also very happy that by adopting Same Day Registration they were able to obtain a waiver from the motor voter law and most provisional ballot requirements. Our staff and members of the Clerks Association contacted local election officials in other states that have same day registration and they have expressed overwhelming support for same day registration.

The implementation date of the House version of S.164 is January 2007 (after the next general election). The implementation date was delayed at the request of clerks who testified that they wanted to use the statewide voter registration system for one election before allowing same day registration (so that the list can be searched for duplicate registrations in other towns prior to adding someone to the checklist). The Secretary of State has expressed her support for the January 2007 implementation date.

Vermont's Same Day Voter Registration proposal was crafted to prevent voter fraud. As you all know, Vermont has a long tradition of smoothly run elections with few incidents of voter fraud. We do not issue voter ID cards, and we do not generally require voters to show identification at the polls. Without a statewide voter registration system, historically there has been no way to know whether voters were voting in more than one location -- but we have had no reports of multiple voting that, when investigated, have proven true. Despite the fact that there has been no increase in election fraud in states currently using same day registration, there is a perception that Same Day Voter Registration could attract fraud. Consequently, Vermont's proposal includes safeguards to deter fraud.

We believe that the statewide checklist makes it possible to implement same day voter registration with the confidence that this reform will not create an increased opportunity for fraud. In fact, Same Day Voter Registration, along with the Statewide Checklist, will provide an opportunity that we have not previously had to identify those who have registered in more than one municipality and those who may have voted more than once. The ability to identify violators and the fact that violations are a felony offense will be a real deterrent. The proposed safeguards include an identification requirement for same day registrations (linking the voter to the community where they wish to register and vote), requiring a sworn statement to be signed making it clear that voting in more than one location, and that voting where one is not domiciled, is against the law. Finally, clerks will report the names of those voters who register and vote on the same day in the statewide voter registration checklist so that the Secretary of State can cross-check same day voters on the statewide checklist, providing a certainty that voters who may have voted in more than one location in the state will be caught.

Current status of Same Day Registration in Vermont: S.164 passed the Senate by unanimous vote, including an implementation date of January 2006. The bill was amended by the House Committee on Government Operations to add some additional safeguards and to change the implementation date to January 2007. This delayed implementation was included at the request of Clerks who testified that they needed time to get used to some of the other changes that will be put into place in the next election under the Federal Help America Vote Act (including the statewide voter registration system.) When the legislature returns in January 2006, S.164 can be considered again in the House Government Operations Committee. If the committee votes the bill favorably, it will be considered by the full House. If passed, then S.164 will go to a conference committee. The Secretary of State's Office has urged the Senate to agree to the changes made in the House.

Same Day Voter Registration as proposed in Vermont (including applications received after the 2nd Monday before the election) would be handled as follows at the polling place:

1. All voters must complete a Vermont voter registration form including their driver license number, DMV issued Personal ID number or, if none, then the last four digits of their social security number.
2. Take the Voter's Oath (if not previously registered in Vermont).
3. To register and vote on Election Day, an applicant must present identification that shows his or her current name and address in the town in which the person is registering.
4. All must sign a sworn statement prepared by the Secretary of State's Office that the voter is aware that it is a felony to vote in more than one location, and that voting is only permitted where one resides.
5. Add the voter to the Checklist.
6. Voter casts Ballot.
7. Send list of Election Day Registrants to Secretary of State through the statewide checklist.