

**PROJECT
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Online Voter Registration

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Over the last two decades, the Internet has changed many aspects of American life. According to the Pew Internet and American Life Project, in 1995, only about 1 in 10 adults in the U.S. were going online.¹ But by mid-2011, the number had grown to more than 78 percent of American adults.² Among 18-29-year olds, 94 percent were Internet users.³ Given this now broad access and substantial recent growth, the Internet has the potential to be an important tool to engage new voters, particular young people, and to make it easier for all voters to remain engaged in the process.

Engaging new voters is important because an estimated 51 million eligible Americans remain unregistered to vote.⁴ Young Americans in particular remain less likely to register and vote than their older counterparts.

Another important factor for voters is the ability to keep their information updated with election officials. In most states, voters who move have to update their information with election officials in order to cast their ballot. This is especially true of voters who move between counties, for example for education or to take a new job. American society is highly mobile, and many groups that are already underrepresented in the electorate—such as youth, low-income Americans, and minorities—are disproportionately likely to change their residences more frequently.

Given the growth in Internet usage, it is encouraging that an increasing number of states have harnessed the Internet to expand voter registration options for their citizens. Over the past four or five years, online registration has made slow but steady progress in reforming voter registration in the states. In the 2008 election cycle, only two states, Washington and Arizona, allowed applicants to fill out and submit voter registration applications completely online.⁵ But as of this writing, eighteen states have passed legislation or made administrative changes (such as New York) to enable individuals to register to vote completely electronically. In at least thirteen of these states, many eligible citizens can already take advantage of online registration. (Online registration

has been enacted or is in development in the remaining five states.) In addition, several states that do not currently have online registration allow or will soon allow voters to update their information online. A few other states have hybrid systems with significant online components.

This paper defines online voter registration and discusses its numerous benefits. In addition, it raises potential concerns with online voter registration, and provides recommendations for implementing it in a manner that maximizes its reach and does not create inequities as it solves other problems.

What is Online Registration?

Online registration makes it easier for individual voters to register and vote by using the Internet to simplify the registration process, increase accuracy, and reduce costs. Although states can use the Internet in a number of ways to facilitate voter registration, true online registration allows individuals to register to vote completely online: that is, without separately printing out a form, affixing postage, and mailing it to election officials. It is certainly helpful to some voters to be able to find and download a registration form, print it, and send it in; however, most of the benefits of online registration are limited when such a two- or three-step process is required. It is important that the entire process can be accomplished at one sitting and that it be paperless.

Online, paperless updates of existing registrations are equally significant, addressing a common cause of voting problems. Voters' failure to keep their registrations current—and the failure of election systems to facilitate these updates—leads to polling place delays, overuse of provisional ballots, and, in some cases, voter disenfranchisement. As it does for new registrants, current technology provides a simple, modern solution to the old-fashioned problem of updating existing registrations.

Of course, election authorities must still evaluate new applications for eligibility factors, such as age and residency, and they will continue to do so under the online system. But online registration simplifies this process, reduces errors inherent in a paper application process, and saves states money.

Because most of the benefits of online registration rely on

its being a one-step process, this paper is limited to policies that create this simple paperless process. States that merely make forms available online, or allow “fillable” online forms (such as in PDF format) that must be printed out and mailed in, are not considered to have “online voter registration.”⁶

The Benefits of Online Voter Registration

Online voter registration saves money.

States that open the process to online registration save significant funds. Typically, in a paper-based process, the applicant obtains a voter registration form printed by the state at a library or state office. The applicant fills out the form and mails it to the local election official or the Secretary of State. If state law requires it, the forms are transferred to an appropriate local office. Then, a government employee transcribes the information from the paper form into the computer system.

In this process, the government typically bears the printing costs, and sometimes the postage costs. True online registration, in which the entire process is conducted without paper, eliminates these costs. Online registration also eliminates the personnel costs associated with data entry, including the costs of errors. For example, if the information is entered incorrectly or incompletely, and an applicant is rejected or put on a pending list or similar status as a result, the state may bear the costs of sending out and processing a whole new registration form.

Studies have shown that the cost savings of moving to an online registration system are significant and compelling. Maricopa County, Arizona, for example, has saved \$1.4 million in processing registration applications since 2008 by promoting online registration: processing a paper registration form costs 83¢, compared to as little as 3¢ for some online applications.⁷ Printing costs were also reduced: one official reported that printing costs were reduced 83 percent through the use of online registration.⁸ Arizona officials also reported that startup costs were “minimal,” in part because the state added voter registration updates to an already-existing online system for drivers' license updates.⁹

Online registration makes registration more accurate and easier for election officials.

Accurate and complete voter rolls are an important component in smooth elections from the perspective of both election officials and voters. In most states, if a person is not on the voter rolls in the correct jurisdiction or precinct, this may cause delays, or complete disenfranchisement of the voter, depending on the circumstances and state law. Online registration helps election officials maintain accurate rolls by improving the process at numerous points.

The traditional paper-based model of voter registration is prone to errors at multiple stages of the process. First, in many cases voters submit their data on handwritten forms, which must then be manually entered by election officials. Further opportunities for error are introduced when voters are required to supply changes to the information, such as a new address or a name change. A recent study estimated that 12 million voter registration records nationwide have incorrect addresses, which includes both voters who have moved and errors in the information on file.¹⁰

Online registration solves many of these problems by bypassing manual data entry by both voters and election officials. For one thing, allowing applicants to submit information by computer eliminates one part of the election officials' job that has proven especially onerous and error-prone: deciphering applicants' handwriting. Furthermore, voters are much more likely to notice errors in their entry of their own information than is an election official.

Online registration uses technology to reduce incomplete forms.

In the standard paper-based process, thousands of applications are delayed or rejected because they are incomplete as submitted. Further, different states' election authorities have different standards regarding what information is required for an application to be considered "complete."

Online registration is promising in combating this problem, because the computer protocol can alert the voter when a piece of information is missing and make it impossible to transmit the form with missing data fields. Not

only would this improve the completeness and accuracy of the voter rolls, but it would also mitigate the need for election officials to contact voters to obtain missing information.

Online registration reaches an increasingly Internet-savvy population, especially young Americans.

Nearly 76 percent of individuals in the United States now live in a household with Internet access.¹¹ Online registration particularly benefits young Americans, who are among the most likely to have Internet access but are the least likely to be registered to vote.¹² For example, a recent study of Arizona's online registration system found that young and minority voters were disproportionately likely to register online. Registration rates among 18-24 year-old citizens rose from 29 to 53 percent after the state introduced online and automated registration.¹³

A similar outcome was observed in California and Maryland in 2012. In California, over the five weeks prior to the voter registration deadline in 2012, more than 800,000 people used the online voter registration option.¹⁴ According to one recent study by the non-partisan California Civic Engagement Project (CCEP), among Latino voters who registered online, over one third of them were young voters between the ages of 18-24.¹⁵ Another study of California's new program found that, despite its being operational for only one month before the 2012 registration deadline, online registration in California "significantly contributed to the growth in the youth electorate."¹⁶ This study estimates that of the 244,049 new youth registrants in the 2012 presidential election over 2008, 154,054 of them, or 63 percent, registered online.¹⁷

Youth still remained underrepresented compared with their share of California's population,¹⁸ suggesting that online registration, while an important tool, is not a silver bullet to the problem. Nevertheless, the CCEP also found that the "young online registrants help[ed] to narrow the participation gap youth have with the rest of the electorate."¹⁹

Likewise, in Maryland, where online registration began July 1, 2012, young people made extensive use of the system. Although 18-29-year olds comprised only 19 percent of registered voters in the state, they made up 42 percent of online registrants since the system went online.²⁰ Online registration is proving to be a vital resource for engaging these young voters.

Online registration makes updating registrations especially efficient, reducing Election Day problems.

Using a computer to update an existing voter file (for example, to reflect a change of address) is particularly easy and efficient. This is a significant issue because a recent Pew study estimated that 12.7 million registrations nationwide, or approximately 7 percent, appear to be out of date and no longer reflect the voter's current information.²¹ In many states, if a voter's information is not updated before he or she shows up at the polls on Election Day, that voter would be required to cast a provisional ballot. Provisional ballots increase paperwork and lines, causing delays at the polls, and are also much less likely to be counted than regular ballots.²²

With appropriate security measures in place to prevent unauthorized access, online updates will help states to maintain current voter lists and mitigate these problems, including the need for provisional ballots, and help lines move more quickly on Election Day.

Online registration is popular and meets voters' expectations.

Online registration is popular in the states where it is available. In the first two states to establish programs for fully online registration, Arizona and Washington, well over half a million total applications were submitted online in the 2010 election cycle.²³ New programs are growing in popularity as well: in the 2010 election cycle, more than 47,000 online registration applications were submitted in Colorado, over 48,000 in Kansas, and over 61,000 in Oregon.²⁴ As of this writing, 2012 numbers were not yet available from the Election Assistance Commission.

Online voter registration is also in line with voters' expectations: Americans now use the Internet for many types

of everyday transactions. One can buy everything from clothing to movie tickets entirely online, open and use a bank account, and conduct many other common transactions. Many Americans now expect to find government information online: a recent census survey of computer and Internet use found that approximately one third of Americans aged 15 and over searched for information about government services online.²⁵ And many states provide the opportunity to conduct state government business online, such as updating an address on a driver's license, paying a traffic ticket, or filing other paperwork such as tax returns.

Concerns to Address

Several concerns should be noted and addressed when constructing policies to add online registration to the options available to voters.

Online registration may not help all groups equally.

When crafting an online registration system, it is important to consider and mitigate its potential for exacerbating existing disparities in the electorate. Issues to consider include: inequality in Internet access; inequality in economic opportunity (in particular, car ownership); and other circumstances that may limit the reach of an online system.

First, one risk of the shifting emphasis to a computer-generated registration system is that those without regular access to computers are disproportionately left out of the electoral process. Not surprisingly, these are disproportionately the same demographic groups that have traditionally been under-represented in the electorate: low-income people, racial minorities, and people with disabilities. For example, adults living with a disability in the U.S. today are "significantly less likely than adults without a disability to go online (54% vs. 81%)."²⁶

Second, most online registration programs currently require that a registrant using the online system already have a signature on file with the state. Specifically, the vast majority of states that have implemented online registration have done so with the use of signatures from the state's drivers' license database (or other state ID, usually

administered by the same agency). These policies exacerbate existing economic disparities, as the same under-represented demographics are also less likely to own cars. Other groups that may be affected include out-of-state college students who wish to vote at their school address but do not have an in-state license with a signature on file.

Some evidence indicates that online registration increases racial disparities in voter registration rates. For example, a 2010 study determined that, in Arizona, racial and ethnic minorities were less likely than whites to use online registration, and specifically that Latinos and Native Americans were less likely to register online compared with non-Hispanic white applicants.²⁷ Other states, however, show different results: in California in 2012, online registration rates of Latino, Asian-American and white voters were very similar to those groups' overall proportions among registered voters, and online registration proved to be an important tool for engaging young Latinos.²⁸

Despite concerns about income disparity, recent evidence indicates that online registration is not necessarily concentrated among the most affluent. In California, one study's authors concluded that, in the two counties they studied in 2012, online registrants were not concentrated within the most affluent areas within those counties.²⁹ This study suggests that online registration currently has a strong potential to reach middle- and lower-income voters. Another study of Arizona's and Washington's systems following the 2008 election found that lower-income voters were actually over-represented in a survey of online registrants compared with the percentage of lower-income voters among registered voters generally.³⁰

Certain means of implementation diminish its benefits.

Implementation methods vary among states in ways that may diminish the benefits of online registration. For example, New York's current online registration system, which is implemented through the DMV, is paperless from the voter's perspective, but not from the perspective of election officials.³¹ Although the process allows the applicant to fill out and submit the registration form online and submit it to the Department of Motor Vehicles, the DMV must then affix an electronic copy of the voter's signature and print a paper copy, which is then sent to

election officials or processing and review before the voter can be added to the rolls.³²

This type of process diminishes the benefits of online registration because election officials must still manually enter the information, opening the process to related errors and costs. Although the system eliminates the multi-step process and the attendant opportunities for error from the voter's perspective, a paperless system at every step would increase the impact of online registration.

Online Registration in 2013: A Growing Trend

What follows is a summary of the provisions in place and under development in the states as of May 20, 2013. It should be noted that, where online registration is available, online updates of registered voters' information are also generally allowed, e.g., in case of a change of address.

Encouragingly, this review demonstrates that online voter registration is a growing trend. While only two states had online voter registration in place for the 2008 election cycle, at least twelve made online registration available to voters by the 2012 election, with more states scheduled to implement already-enacted programs in future election cycles. Additional states across the country are currently considering such programs.

States that currently require a signature and/or driver's license/ID on file in a state database in order to use the online system:

Arizona³³
 Colorado³⁴
 Indiana³⁵
 Kansas³⁶
 Louisiana³⁷
 Maryland³⁸
 Nevada³⁹
 New York⁴⁰
 Oregon⁴¹
 South Carolina⁴²
 Utah⁴³
 Washington⁴⁴

States vary as to whether address information must be up-to-date with the DMV before voters can register or update their voter registration. For example, in New York, if the DMV's records do not reflect the person's current name, address, date of birth, or gender, the information must first be corrected on DMV records before processing an online voter registration application; however, the DMV record can also be updated online.⁴⁵ In Utah, the applicant must have a valid driver's license or identification card that reflects the person's current principal place of residence.⁴⁶ South Carolina's program similarly requires an update to the DMV information first. Other states, such as Washington, do not appear to require changes to the DMV address before updating the person's voter registration.

States that have implemented other online registration models:

California's website indicates that the applicant's signature must be in the DMV database in order to submit an application fully online; however, the site's FAQ indicates that an applicant who does not have a signature on file may nonetheless submit her other information online, and then print, sign, and mail the application to the election official to submit the required signature.⁴⁷ It also appears that some counties may permit a signature to be supplied in some other way after the application is submitted. The benefit of this system is that applicants without a signature on file may still use and be entered into the system.

In addition, Delaware reported to the Election Assistance Commission that eligible people can "register online," print, sign, and then send in the applications by mail. Although this is a multi-step process, reminders to sign and mail are automatically generated if the election official does not receive the signed application.⁴⁸ The fact that the voter's information is transmitted to election officials despite the fact that the signature has not been mailed is more voter-friendly than many other existing states' systems that only allow applicants to download and print out the form but do not record their information. In addition, Delaware officials indicated that an applicant who submits a registration online may still vote a regular ballot at the polls even if officials do not receive her signature before Election Day: poll workers must confirm that the

person submitted an online registration by calling the county office, and then the voter may fill out and sign a new application and cast a regular ballot, even if the person is not on the poll list.⁴⁹

Uniquely, even though the option is not "advertised" on the Delaware registration website, applicants may also attach a digital signature file to the online application. The benefit of this system, as in California, is that it does not require a person to have a signature on file with a state agency like the DMV. However, unlike in California, unless the person can attach an electronic signature image, it does not yet appear that voters' registrations can be finalized without providing a "wet" paper signature. But the state is currently moving forward with a plan to implement paperless registrations much more broadly, including obtaining signatures from the DMV and allowing signatures to be captured electronically. This program is expected to be implemented later in 2013.⁵⁰

Wisconsin introduced a system called "Click and Mail" in 2012 that allows voters to enter registration information on the Internet. The information the voter enters is sent to the state voter registration system as a pending voter application, which the clerk then processes when the election office receives the paper form either during regular or late registration, or on Election Day.⁵¹ Because Wisconsin has Election Day Registration, this procedure is simply an additional option; if voters are not registered through the online system or otherwise, they may register on Election Day. But, as elections officials acknowledge, this system provides the benefits of minimizing data entry errors, eliminating incomplete applications, and avoiding the necessity to decipher handwriting.⁵²

States that have enacted but not yet implemented fully online voter registration:

Connecticut⁵³ (*effective January 1, 2014*)

Georgia⁵⁴ (*codified but not yet implemented*)

Hawaii⁵⁵ (*required to be implemented by 2016 election*)

Virginia⁵⁶ (*effective July 2013, or when pre-cleared*)

West Virginia⁵⁷ (*effective July 11, 2013*)

States that do not have online registration, but allow online updates to information already on file:

Michigan⁵⁸

Ohio⁵⁹

Texas⁶⁰ (currently only for movers within a county)

States that have enacted but not yet implemented online information updates to voter registration:

New Mexico⁶¹

Best Practices

To address racial and economic disparities in the electorate, online registration should not require a signature on file.

Currently, the overwhelming majority of states that have introduced online voter registration require the applicant to have a driver's license or state non-driver identification card, which could exacerbate existing disparities in the electorate. To avoid this problem, online voter registration should be open to all eligible applicants, regardless of whether they have signatures on file with the state.

To open the process to all eligible citizens, applicants should be allowed to attest to the truth of statements in the application by executing a computerized mark, a process that is increasingly common in electronic consumer and real estate transactions. The online registrant would then supply an actual "wet" signature at the polling place. This is comparable to HAVA's requirement that first time voters who have registered by mail present identification at the polling place if they have not already done so. This method is similar to Delaware's current process, though a better system would add the person to the voter rolls without the requirement that the election officials call the county office, since such calls can delay lines and processing times at the polls.

Given the increase in the use of touchpad technology, states should also implement the technology and legal framework necessary to be able to accept an electronic version of the applicant's handwritten signature, for example from an iPad or touchscreen smartphone.⁶²

At minimum, states that require state identification should not require the address information to match the DMV database.

In states that require the voter's information to be on file with the DMV, the state files should be used only to obtain the voter's signature and implement HAVA processes. There is no reason that the voter's residence information should have to be updated with the DMV in order to register to vote, so long as the voter provides the current information when registering online. This is particularly true if the process would not be a single step for completing both updates. The more steps that are required, the less likely voters would be to complete them all.

In addition, some voters may not need to update a driver's license, particularly if the person is no longer driving, such as a disabled voter or a student without a car on campus. The voter's other information, such as the unique identifier, name, and birth date, should be sufficient to identify the individual and use her electronic signature for voter registration purposes.

Further, a person updating information with the DMV should not have to do more than check a box to allow the information to be updated in the voter registration database as well. Requiring an unnecessary two-step process reduces the convenience to voters and makes the important goal of accurate voter registration rolls less likely than if the process can be accomplished quickly and easily.

Conclusion

Online voter registration is a promising and forward-looking method for states to expand the options available to eligible citizens to register to vote. As states increasingly add online voter registration to the mix, legislators should construct a system that maximizes the number of eligible citizens who can take advantage of the opportunity to register online and keep their information updated. As online registration becomes more widely available, it will continue to increase the accuracy of the voter rolls, reduce costs, and bring more young Americans into the electoral process.

Notes

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3. *Id.* at 5.
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62. Forty-seven states have already enacted the Uniform Electronic Transactions Act (UETA), which provides "a legal framework for the use of electronic signatures and records in government or business transactions" and "makes electronic records and signatures as legal as paper and manually signed signatures." Nat'l Conf. of State Legislatures, "Uniform Electronic Transactions Act," <http://www.ncsl.org/issues-research/telecom/uniform-electronic-transactions-acts.aspx> (last visited May 20, 2013). The remaining states have statutes relating to electronic transactions. *Id.*

About the Author

Michelle Kanter Cohen is an Election Counsel with Project Vote, where her work includes litigating cases related to election administration and providing assistance in administering voter enfranchisement programs. Ms. Kanter Cohen earned her JD, magna cum laude, from Boston College Law School, and a Bachelor of Arts in Political Science, cum laude, from Yale University.

Project Vote is a national nonpartisan, non-profit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that our constituencies can register, vote, and cast ballots that count.

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