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State Senator Barry Finegold
Joint Committee on Election Laws
24 Beacon St, Room 507
Boston, MA 02133

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Joint Committee on Election Laws
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In Support of S.396/H.636 & H.685: Election Day Registration as a Systems Safeguard

Committee Chairs Finegold and Lawn, and Members of the Joint Committee on Election Laws,

Political science researchers like me have long lamented the decline in civic participation and warned of its danger to the health of our shared democracy. Since the 2000 elections, researchers and policymakers alike have recognized the urgent need to modernize and secure our elections. Removing Massachusetts' 20-day registration deadline by passing Election Day Registration is the most effective reform to achieve both: to increase participation in elections and ensure that no vote goes uncounted.

Massachusetts is one of 34 states that have deadlines requiring citizens to register to vote by no later than two weeks to one month prior to an election. Such deadlines place an unreasonable and unnecessary burden on citizens who want to participate in the electoral process, by adding extra steps to casting a ballot and requiring that voters think about Election Day long before it occurs. These costs keep many eligible voters – and those who need adequate representation the most – from participating in elections. Elizabeth Rigby, Professor of Political Science at George Washington University, finds that registration deadlines disproportionately impact low-income voters who may find it difficult to identify and travel to voter registration sites well in advance of Election Day.

There is no reason that these voters should be barred from participating in our democracy. Election Day Registration (EDR) would protect their vote: Professor Rigby finds that reducing or eliminating barriers to registration allows more low-income individuals to vote on Election Day – and that EDR is the one reform that specifically helps to close the income gap in voting¹. By allowing eligible voters the opportunity to both register and cast a ballot at their polling place on Election Day, this policy reduces some of the most common barriers to voting, and often increases voter turnout.²

This testimony focuses on another benefit of EDR: it is a safeguard for voters who are mistakenly removed from registration lists before Election Day. The 2000 election illuminated problems in election administration – one of the most significant of which has not yet been addressed through federal policy. In Florida in 2000, through the process of purging convicted felons from voter registration lists, local election authorities inaccurately purged hundreds of thousands of eligible, registered voters from the rolls. Without a provisional ballot system or other safeguard in place in 2000, these eligible voters showed up but were turned away from the polls on Election Day without casting a ballot. A report released in 2002 by the Voting Technology Project at Cal Tech/MIT found that nationwide, as many as 3 million people were affected by similar voter registration errors in 2000, which resulted in lost votes.³ And while provisional

¹ Elizabeth Rigby and Melanie J. Springer, "[Does Electoral Reform Increase \(or Decrease\) Political Equality?](#)" *Political Research Quarterly* 64, no. 2 (2011): 420-434.

² See "Election Day Registration's Effect on U.S. Voter Turnout," [Craig Leonard Brians](#) and [Bernard Grofman](#): *Social Science Quarterly* Vol. 82 Issue 1 (January 2001); "Election Day Registration: The Second Wave," Stephen Knack: *American Politics Research* Vol. 29 Issue 1 (December 2002)

³ *ELECTION DAY VOTER REGISTRATION IN THE UNITED STATES: How One-Step Voting Can Change the Composition of the American Electorate*, R. Michael Alvarez, Stephen Ansolabehere, and Catherine H. Wilson: VTP WORKING PAPER #5 June 2002

balloting in Massachusetts helps redress these issues, provisional ballots are often not counted and create additional work for administrators that EDR would avoid.

Other forms of systemic registration errors continue into present day. Professor Barry Burden at the University of Wisconsin notes a recent case in Los Angeles County in 2018, where over 100,000 voters did not appear on local voter registration lists due to a “printing error.” These voters were still able to register and cast their ballots, however, due to a state law that allows for a form of same-day voter registration.⁴ This fresh example demonstrates that administrative registration problems can and do still occur on a large scale. EDR is one reform that can safeguard our elections system from errors that can deny large numbers of eligible voters their right to vote on Election Day.

Importantly, this type of administrative disenfranchisement can ultimately lead to lost votes – and lost votes that could have been avoided. If EDR policies had been in effect for the 2000 election as they had for voters in LA County in 2018, eligible voters who had been removed would have had an immediate path of recourse on Election Day. This policy would have resulted in hundreds of thousands—perhaps millions—more votes being counted in 2000, to say nothing of all the elections held since. **In short, EDR acts as a simple safeguard in a system where human, administrative mistakes do happen.** While these events are often unforeseen, they have happened with enough regularity and with severe enough consequences that a safeguard such as EDR is critical. This safeguard ensures that eligible voters are not turned away from the polls due to registration errors, and it better ensures the accuracy and integrity of election outcomes.

Finally, Professor Burden also argues that EDR can be a sort of “fail-safe” mechanism in the event that voter registration systems go offline due to a power outage, or if they are hacked by a foreign party trying to influence American elections. If electronic systems do go down on or before Election Day, EDR ensures that an election can still move forward in the United States as planned.

Election Day Registration ensures a more secure elections process with a simple safeguard in place for when individual and administrative registration problems occur. Additionally, EDR policies have been shown to help close the participation gap between voters of different income levels. Ultimately, all of this means that EDR policies ensure that more voters will be able to cast their ballots, and that local election authorities can avoid the confusion and turmoil that accompanies inaccurate voter registration lists on Election Day. Additionally, with the 2020 election looming and a world that will be watching, there is no better time to pass reforms such as EDR that will ensure that all possible votes are counted and that our U.S. elections run smoothly, regardless of unforeseen problems. Thank you for the opportunity to submit this written testimony, and I am happy to respond to follow-up questions.

Please support Election Day Registration and make Massachusetts the next state to adopt EDR.

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The Voting Wars by Richard L. Hasen (Yale University Press 2012); The Election of 2000 by Gerald M. Pomper et al. (2001)

⁴Barry C. Burden “Same-Day Registration Could Save the Day.” *Wisconsin State Journal* (June 10, 2018): https://madison.com/wsj/opinion/column/barry-c-burden-same-day-registration-could-save-the-day/article_fc4705c0-a930-5c69-8cef-ea2926e89a20.html