

Who needs to register?

Mobility and democracy in Massachusetts



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Executive Summary

In Massachusetts, voters must register at least 20 days before an election. This year, the deadline is October 15th. There are over 1 million people who should register to vote this year, including:

- 40,000 new citizens
- 310,000 youth
- 255,000 citizens who have let their registration lapse or have never voted
- 453,000 people who moved to or within Massachusetts

Hundreds of thousands of these individuals have already registered, but hundreds of thousands more still need to do so.

Without Election Day Registration, some eligible citizens will inevitably be turned away.

The largest group of citizens who need to register and are unaware of that need are people who moved.

It is essential that news media, civic leaders, and policy makers spread the word:

- That the registration deadline is October 15th (delivered to the local election department by 8pm or postmarked that day)
- That all citizens who have moved should re-register in order to vote at their current address
- That registration forms are available from local elections offices, libraries, at many nonprofits, and on-line at www.massvote.org, www.rockthevote.org, and other sites (they must be filled out completely, signed, sealed, and mailed by the 15th).
- When in doubt, citizens should contact their local election department or the Secretary of the Commonwealth's office and check their registration.

Introduction

American Democracy is a work in progress. In the early days of the United States of America, the purpose of vote registration was exclusionary. Most American adults were not legally able to vote. Some were not allowed because they were the wrong race. Some were the wrong gender. Others were not old enough, or did not own property.

All these barriers have slowly fallen away. First, the Civil War and the 14th Amendment to the Constitution created protections (largely unforced for a century) for the voting rights of people of color and former slaves (excepting women of color). Then, in the early 1900s, the women's suffrage movement won the right to vote for mothers, daughters, sisters, and women across the nation. In the 1960s, the Civil Rights movement led to the passage of the Voting Rights Act of 1965, and enforcement of the 14th Amendment. In 1971, the passage of 26th Amendment gave everyone old enough to fight (18 years or older) the right to vote in the midst of the Vietnam War.

Today, the fight for the right to vote is far from finished. As the Supreme Court reminds us in *Bush v. Gore*, "The individual citizen has no federal constitutional right to vote for electors for the President of the United States...."¹

Yet, at a fundamental level, the purpose and intention of voter registration has changed. Where once a small minority of Americans could vote; today, the vast majority of citizens are eligible. Voter participation is seen as a sign of civic health. Academics believe that voting leads citizens to pay increased attention to public affairs, and to vote again in the future, in a virtuous circle of increasing civic engagement. In this age, the goals of voter registration are to facilitate free, fair elections; to prevent the few people who may not vote from registering; and to make it relatively easy for as many citizens as possible to participate.

In Massachusetts, voters must register at least 20 days before an election. This year, the deadline is October 15th. We face a presidential election. Turnout is expected to be high. State and municipal budgets are tight. Election officials work hard, with limited means. The questions we must answer are: how many people need to register? And, are the methods we use for registration appropriate to the times?

Who needs to register?

Any United States citizen who is a resident of Massachusetts and 18 years old on or before Election Day may register and vote. The only exceptions are persons currently incarcerated for a felony conviction, or people permanently barred from voting because of convictions for breaking election laws. Citizens who vote regularly have their voter registrations maintained automatically, year after year. So, too, do citizens who return the Massachusetts Annual Census. Voters who move, however, must re-register at their new address. People who need to register fall into four categories:

¹ *Bush v. Gore*, 531 U.S. 98, 104 [2000].

1. Newly naturalized citizens
2. Young people who have never registered before
3. Citizens who have let their registration lapse or have never voted
4. People who moved to or within Massachusetts

Note: Registered voters who do not vote in two consecutive Federal Elections, and who fail to return the Annual Census, are dropped from the rolls (the process takes about 3 years). If they wish to vote, they must then re-register. Additionally, voters may become listed as Inactive voters if they have not voted recently and did not return their Annual Census form. While these voters do not have to re-register, they must provide identification in order to vote. Sometimes, poll workers become confused by Inactive voters, since their names are not always printed on the same lists as Active voters. In the worst case, Inactive voters may become frustrated while waiting for their name to be found and walk away without voting.

Newly naturalized citizens: 40,000 potential registrants

While the number of immigrants in Massachusetts is large (approximately 450,000 according to the US Census), the number of people who earn their citizenship each year is relatively small. Each year, approximately 20,000 to 30,000 Massachusetts residents earn their citizenship.² Some of these new citizens become registered to vote immediately. However, the federal government does not systematically ensure that new citizens are encouraged to register at citizenship ceremonies. Instead, outside organizations, like the Secretary of State's Office, MassVOTE, the Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA), and, in Boston, the Mayor's Office of New Bostonians, attempt to provide registration at citizenship ceremonies on an ad hoc basis.

Many new American citizens do not know that registration is required. In their countries of origin, registration rules and methods are often quite different. Some countries automatically register all citizens. Others allow same-day registration.

Because Presidential elections are perceived as having the highest stakes and receive the most media attention, many citizens do not register during the three years preceding a Presidential election. (More register in the gubernatorial election year than in either of the other two odd years, when there are municipal elections). We may project that approximately 50% of those who became citizens during the past three years still need to register, or 40,000 people.

² Department of Homeland Security, Office of Immigration Statistics. Annual Flow Report -- Naturalizations in the United States: 2007. http://www.dhs.gov/xlibrary/assets/statistics/publications/natz_fr_07.pdf

Youth: 310,000

According to the United States Census, there are approximately 392,504 youth in Massachusetts 18-21 (plus or minus 19,784).³ These young people have never had the opportunity to vote in Presidential General Election before, although some have already registered and voted in municipal elections, the 2006 gubernatorial election, or the Presidential Primary earlier this year. While approximately 7% of Massachusetts residents are not United States citizens, the number is somewhat higher for youth, because of both the demographics of immigrant families and college students who have come to Massachusetts from abroad. Taking out youth previously registered and voting, perhaps 40,000, and the 40,000 youth who are not citizens, about 310,000 youth need to register.

Citizens older than 22 who have not moved: 255,000

Voting is a habit. The more a person votes, the more likely it is that person will vote in the future. Part of this is based on comfort and information – an experienced voter knows where to go, how to register, and what to expect at the polls. People do not like to put themselves in positions where they feel uncomfortable or awkward. The more years that an eligible adult spends without voting, the less likely it is that adult will begin voting. Educating and motivating older adults who are long term non-voters to vote is difficult indeed. In fact, registering a person in this situation is far from a guarantee that the person will vote. Often, when faced with an earnest volunteer in a registration drive, a confirmed nonvoter may fill out the form politely, but will never follow up and vote.

In 2004, there were 4,094,718⁴ registered voters in Massachusetts, out of a population of 6,182,860. Of the Massachusetts population, 497,591 were not citizens, and 1,450,671 were below 18. The remaining 256,628 citizens still need to register, if they can be convinced to do so.

Massachusetts 2004 Population	6,182,860
minus Registered Voters	- 4,094,718
minus Immigrants who are not yet citizens	- 497,591
minus Youth aged 17 and younger	- 1,450,671
plus Non-citizen immigrant youth	+ 116,748
Potential Registrants Aged 22 and older	256,628

³ US Census Bureau, American FactFinder, 2007. http://factfinder.census.gov/servlet/DTTable?_bm=y&-context=dt&-ds_name=ACS_2007_1YR_G00_-mt_name=ACS_2007_1YR_G2000_B01001&-CONTEXT=dt&-tree_id=307&-geo_id=04000US25&-search_results=01000US&-format=&-lang=en

⁴ “Registered Voters, Party Enrollment and Turnout” Massachusetts Election Statistics 2004, Public Document 43, Secretary of the Commonwealth William Francis Galvin, 2005.

Citizens who moved: 453,000

According to the United States Census, since 2004, 391,693 people have moved to Massachusetts from other states (plus or minus 25,570). The vast majority of these individuals need to register to vote, although some have registered and voted in municipal races, the 2006 gubernatorial race, or this spring's Presidential Primary. People who moved from other states are a particularly challenging population, since they may be familiar with different registration rules. Some, including the many young imports to Boston who come from New Hampshire and Maine, are familiar with same-day registration, which is not available in Massachusetts. Others may be used to a registration window that allows registration up to 7 days before an election. In addition to voters coming from other states, some 40,000 people arrive in Massachusetts from abroad. While the vast majority is not United States citizens, several thousand are United States citizens returning from prolonged work, study, or travel abroad.

In addition to the citizens who move to Massachusetts, over one hundred thousand individuals move *within* Massachusetts every year. In 2005, 169,982 individuals moved within Massachusetts; in 2006, 190,822 moved; and in 2007, 153,724 moved, for a total of 514,528 (plus or minus 33,001).

In sum, people who moved to or within Massachusetts total about 906,000 people. Of those, approximately 27% are too young to vote, 11% are non-citizens, 12% were never registered, and 50% (a slightly lower percentage than for the population as a whole) were previously registered voters who must now re-register: 453,000.

The National Voter Registration Act (commonly known as “Motor Voter” or “NVRA”), unfortunately, has created some confusion around voter registration. Many Massachusetts citizens believe that their voter registration automatically moves with them if they update their address with the United State Postal Service or if they update the address on their license with the Registry of Motor Vehicles. Unfortunately, this is not the case. Both the Registry and the Secretary of the Commonwealth’s office make good faith efforts to inform citizens of this, but their public education budgets are necessarily limited.⁵

Ill-informed voters who have moved create a particularly difficult burden on the system on Election Day. Would-be voters use www.wheredoivotema.com (an extremely useful service provided by the Secretary of the Commonwealth) or other means to find out where they vote, however, they often request and get the polling location based on their current residential address, even if they have moved and not updated their voter registration. They then show up at the wrong polling location. When they go to check-in, their name is not on the list. At that point, the poll worker usually calls the local city or town hall, where a worker checks the state voter database to find out if and where the person is registered. Then, the person is told of their correct polling place. Sometimes, the person needs directions as well. If the location is far, or if the time is close to 8pm, it is unlikely that the voter will arrive in time to vote. In the meantime, several elections officials have

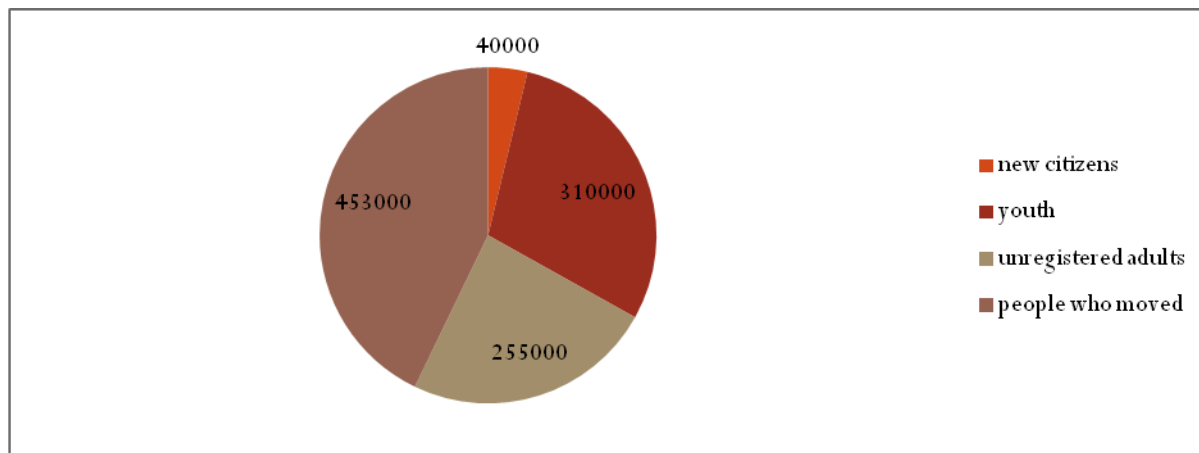
⁵ For example, the registry website states the following on its license address update form: “Please Note: If you want your change of address to affect your voter registration, you must submit an application for change of information at an RMV licensing location which is found at any RMV office or Limited Service location, or you may visit your new city/town hall, or pick up a mail in registration form at the RMV and mail it to your local election office.”

<https://secure.rmv.state.ma.us/ITS/Transaction/Coa.aspx>

had to use critical minutes on Election Day, and voter lines may swell, especially during the busy hours from 4pm until closing.

1 Million Possible Registrants

Putting together these populations, Massachusetts has approximately 1,050,000 possible registrants for 2008. A large number of these voters have already registered – those numbers are not yet available – but hundreds of thousands more must do so in the next 8 days if they are to vote this November.



Would-be voters will be turned away

Throughout the year, the Secretary of the Commonwealth's office, in conjunction with city elections commissions and town clerks, works hard to register voters. Elections officials throughout the state are working overtime, and rightly so. The Registry of Motor Vehicles and other agencies are working to register voters in accordance with the requirements of Motor Voter. Nonpartisan organizations like the League of Women Voters, MassVOTE, Rock the Vote, and many others are busy registering voters. Partisan registration drives are also being conducted as part of the campaigns efforts of Barack Obama and the Democrats, John McCain and the Republicans, and others.

It is inevitable, however, that some eligible citizens will fail to register by the deadline. Some registrations will be lost in the mail, or between Motor Voter agencies like the Registry of Motor Vehicles and local elections officials. Because of typographical or data entry errors, some registrations may not be processed correctly, despite the best efforts of hundreds of officials working across the state to do so. With hundreds of thousands of registrations to process, some errors are inevitable.

While nearly every citizen who watches television, has a computer, or reads the newspaper hears frequently about the race for the President, far fewer hear about the registration deadline, which is different in each state and mentioned infrequently by the news media. A good number of interested citizens will miss the registration deadline, and seek to register during the 19 days previous to Election Day or on Election Day

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itself. While these people may still register, they will be unable to vote. Every year, election officials bring voter registration forms to the polls, knowing that some people will need to re-register. In 2006, more than 3,000 Massachusetts citizens showed up at polling places but did not vote on Election Day (presumably they were in the wrong location or discovered they had missed the registration deadline) but registered that day anyway.

Voters who believe they are registered may vote on provisional ballots, but if they are voting in the wrong location, or if they are not registered, their provisional ballot will not count.

Long Term Solutions

The best step for policy makers would be to enact Election Day Registration, a proven, effective method of providing all eligible citizens with an ultimate protection for their right to vote. Election Day Registration has worked for 30 years in Minnesota, Maine, and Wisconsin. It has operated effectively for 15 years in Idaho, Wyoming, and New Hampshire, and is now in place in Iowa and Montana. (Hybrids of same-day registration are also available in Ohio and North Carolina during early voting periods). Earlier this summer, the Massachusetts State Senate passed an Election Day Registration bill on a bipartisan vote of 33-5, but the bill was not voted on in the House before the Session ended.

Several other policy solutions could help.

- Massachusetts could link Voter Registration data to Registry of Motor Vehicle data, so that when registered voters changed their motor vehicle license addresses, their voter registration would be automatically updated. (This could be confirmed with a letter sent to one or both addresses, if desired)
- Massachusetts could link Voter Registration data to United States Postal Service address data, so that when registered voters changed their postal address, their voter registration would be automatically updated.
- Massachusetts could ensure that officials are present at all citizenship ceremonies to register voters.
- The public education budget of the Secretary of the Commonwealth could be increased.

Federal policy makers also have an important role to play. When Motor Voter was passed, it was hoped that a surge in voter participation would result. While voter participation has improved, the biggest improvements have been in the states exempted from Motor Voter – the states with Election Day Registration. Federal legislation, such as Senator Russ Feingold’s bill to make Election Day Registration the law of the land, and Senator Hillary Clinton’s Count Every Vote Act (both co-sponsored by Massachusetts Senator John Kerry) would spread Election Day Registration further.

Steps for Right Now

The deadline for registration is October 15th. Before the 15th, the news media and civic leaders must remind the public of four critical facts, again and again:

- That the Registration deadline is October 15th (delivered to the local election department by 8pm or postmarked that day).
- That all citizens who have moved should re-register in order to vote at their current address.
- That registration forms are available from local elections offices, libraries, at many nonprofits, and on-line at www.massvote.org, www.rockthevote.org, and other sites. (They must be filled out completely, signed, sealed, and mailed by the 15th.)
- When in doubt, citizens should contact their local election department or the Secretary of the Commonwealth's office and check their registration.

There are other critical steps to take in advance of Election Day:

- The Secretary of the Commonwealth could encourage (or dictate) municipalities to follow the example Boston and other municipalities by printing Inactive voters on the same list as Active voters, with a designation, instead of in two separate lists. This could significantly speed the flow of voters on Election Day.
- Citizens across the state should volunteer to serve as poll-workers
- The news media and civic leaders should remind the public of critical facts and rights they have as voters, including:⁶
 - There may be lines (and this does not mean there is a problem).
 - Ballot may be double-sided, with ballot questions or other races on the back.
 - Polls are open between 7am and 8pm. The shortest lines are likely between 9am and 3pm.
 - All registered voters in line at 8pm have the right to vote.
 - Voters may bring a person with them to help them vote, or bring their children.
 - Voters have the right to ask for help if they need it.

⁶ Secretary of the Commonwealth William Francis Galvin, Information for Voters 2008.
http://www.sec.state.ma.us/ele/elepdf/IFV_2008.pdf