

UNIVERSAL VOTER REGISTRATION

Eliminating One of the
Biggest Barriers to Voting



**INCLUSIVE
DEMOCRACY
AGENDA**

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The Problem

Democracies are healthiest when all people actively participate. While democratic participation can take many forms, including organizing our communities, advocating for issues, and protesting unjust policies and systems, the act of voting is one of the most important tools for ensuring our elected leaders reflect our values and govern in our interests. In an inclusive democracy, every single voting-eligible person must have the ability to cast a ballot that counts.

Unfortunately, ensuring that every such person can vote remains an elusive goal in our democracy. Since our founding, officials have continuously erected barriers denying eligible people—especially people of color and low-income people—their democratic rights. Few of these barriers have been more daunting than voter registration. The confusing, sometimes onerous process of registering to vote keeps more people from voting than almost any other barrier.¹ As a result, voter registration rates are dismal. During the November 2018 elections, only two-thirds (66.9 percent) of the voting-eligible population was even registered to vote.² That means that in the last election, about 75 million U.S. citizens age 18 or older did not possess the basic pre-requisite for voting.³

This is not due to a lack of interest in democratic participation. It's because getting registered to vote—and staying registered—is in many places a needlessly complicated and time-consuming process. Registration deadlines in many states are arbitrary and often come well before candidate and issue campaigning peaks and people have become fully interested in elections,⁴ meaning that some people who decide to vote in the weeks before an election, but are unregistered, are unable to do so. A full quarter of otherwise eligible people who reported not being registered to vote in November 2018 cited barriers to registration, such as not knowing where or how to register, missing registration deadlines, having difficulty with English, or suffering from a permanent illness or disability.⁵

Registration barriers do not affect communities equally. Voter registration today, as always, disproportionately blocks would-be voters of color from exercising their fundamental right to vote. While 71 percent of the white, non-Latinx voting-eligible population is registered, only 64 percent of the Black voting-eligible population and only 54 and 53 percent of the Latinx and Asian American voting-eligible populations, respectively, is registered to vote.⁶ Eleven percent of both Black and Latinx Americans report not being registered because they missed the registration deadline, compared to only 3 percent of white Americans.⁷

These disparities are not accidental. Black and brown families face systemic democratic and economic exclusion in the United States, and have been locked out of labor market opportunities and the chance to build wealth.⁸ Communities of color are more likely to be low-income, one of the greatest predictors of registration status. Low-income Americans of all races are registered at the lowest rates of any income group, with only 58 percent of those making \$30,000 or less per year registered to vote, compared to 82 percent of those making \$100,000 or more and 68 percent nationally among all income groups.⁹ Getting registered often requires taking time off work and traveling to locations not accessible by public transportation, which can be harder for working-class people. Additionally, people of color move more frequently than whites, which makes it more difficult to get and stay registered to vote.¹⁰

Regardless of income, while many would-be voters do manage to jump through the registration hoops, there is evidence people of color have their registration applications held up or rejected more than white registrants. Of the 53,000 registrations in Georgia that were held up in the weeks leading up to the 2018 elections, 70 percent were Black,¹¹ despite the fact that the Georgia population is only 32 percent Black.¹² The state's discriminatory and flawed "exact match" system disproportionately flagged and held up registrations from thousands of eligible, would-be voters of color due to minor typos or data entry errors.¹³

Even for those who successfully register, staying on the rolls can prove tricky. Each year, people are purged from the voter rolls because they have not voted recently or because flawed data incorrectly indicate they are ineligible.¹⁴ Those who are wrongfully removed often do not learn they were purged until they show up to the polls and, in the majority of states that do not have same day registration,¹⁵ are denied the opportunity to cast a ballot that will be counted.¹⁶ Despite its disenfranchising effect, and contrary to the plain language of the National Voter Registration Act, an Ohio law that purges voters based on inactivity was upheld by the Supreme Court in 2018.¹⁷

While research on the potential differential impact of voter purges on communities of color is limited, one early study found that purge practices like that in Ohio, which remove voters for inactivity (i.e., for not voting), may disproportionately remove voters of color.¹⁸ Additionally, in research conducted by the Ballot Initiative Strategy Center leading up to the 2018 election, 30 percent of respondents of color reported having their vote hindered or otherwise infringed upon. Nearly 1 in 10 said that when they showed up to vote, their name was not on the list, despite having registered.¹⁹ In elections with razor-thin margins, and especially in state and local elections, this level of disenfranchisement may mean the difference between one candidate succeeding or not.

Voter registration has long been weaponized to prohibit communities of color from voting.²⁰ Even after the 15th and 19th Amendments expanded the right to vote to Black men and to women, respectively, officials employed registration as the linchpin in an elaborate and decades-long voter suppression scheme aimed at preventing people of color from gaining and sustaining political power.²¹ After violent white backlash brought an end to the transformative but brief period of Reconstruction,²² states across the South ratified new constitutions aimed at preventing such progress from ever happening again, often with the explicit purpose of “establish[ing] white supremacy in this State.”²³ A critical component of this white supremacist agenda was to enshrine in state constitutions structures that would wholly and permanently prevent African Americans from voting. The 1901 Alabama constitution, for example, laid out new requirements for anyone wishing to register to vote, which included poll taxes, literacy tests, and employment and property qualifications, all of which could be easily weaponized against Black communities who were excluded from education and economic opportunities.

These qualifications together effectively prevented virtually all Black Alabamans from registering to vote. They also implicated many poor whites, so the constitutional framers included a temporary provision, a “grandfather clause,” that allowed anyone descended from a Confederate soldier—which covered poor whites but

excluded Blacks, who were not allowed to serve in the Confederate military—to register and to carry their registration with them for life.²⁴ The framers of Alabama’s 1901 constitution, along with constitutional drafters across the South, left no doubt about the role registration was meant to play in preventing Black people from voting.

Voter registration as a tool for disenfranchisement persisted throughout the Jim Crow era. Georgia’s Registration Act of 1958, for example, created new hurdles for those who could not read or write. Before they were allowed to vote, aspiring voters were required to answer questions about how a writ of habeas corpus may be suspended, the process to amend the U.S. Constitution, and the qualifications of a representative to the state General Assembly.²⁵ These schemes, and similar ones in other states, worked hand-in-hand with policies that intentionally and systematically denied Black people educational opportunities throughout the Jim Crow era. Onerous and arbitrary registration requirements like these were common across the South, and they were applied unequally, preventing African Americans from accessing the franchise while allowing white registrants who almost certainly would not have been able to answer such questions to register anyway.²⁶

The landmark 1965 Voting Rights Act (VRA) outlawed the unnecessary and discriminatory restrictions on voter registration that had plagued the South (and other places) for decades,²⁷ and the 1993 National Voter Registration Act (NVRA) further reduced barriers to registration by making it more widely available at government agencies and by prohibiting improper voter purges.²⁸ However, voter registration remains a barrier for too many Americans. Especially since the VRA was gutted by the Supreme Court’s 2013 decision in *Shelby v. Holder*²⁹ and an important NVRA protection against voter purging was weakened in 2018 by the Supreme Court’s *Husted v. A. Philip Randolph Institute* decision,³⁰ those actors intent on hoarding political power for themselves continue to weaponize voter registration to block millions of otherwise eligible Americans from the ballot box.

Those who believe in our democracy know every single voting-eligible American who wants to cast a ballot should be able to do so. Voter registration has impeded that goal—and the full health of our democracy—for too long. We need reform that will modernize voter registration and end the suppressive role it has played in our elections once and for all.



The Solution: Universal Voter Registration

States should implement a strong system of Automatic Voter Registration (AVR), through which state governments take full responsibility for registering people to vote. In adopting AVR, states should:

- Design AVR programs with the input and guidance of community members, especially those who could be put at risk by poorly-designed programs. This could include the creation of a task force or commission to oversee AVR implementation, on which there should be strong representation by grassroots and community leadership.
- Implement AVR across an array of relevant state government agencies, including the Department of Motor Vehicles (DMV), Medicaid offices, and other agencies that are well-equipped to verify voter eligibility and reach potentially unregistered people.
- Include sufficient funding for agencies to develop adequate technological capacity to collect and securely transfer eligibility data to elections offices.
- Allocate robust funding for educating the public about the new system, a portion of which should be reserved for community groups to help carry out education efforts.

States should institute same day registration (SDR) and election day registration (EDR) for all local, state, and federal elections, including primaries, general elections, and special elections.

States must continue to fulfill their obligation under the National Voter Registration Act to affirmatively offer voter registration to residents during transactions at DMVs, public assistance agencies, and agencies providing services to people with disabilities.

To move ours closer to an inclusive democracy, we need universal voter registration in the United States. Through universal voter registration—in which all

eligible people are automatically registered to vote in advance of elections, and those who are not registered when they show up to vote are allowed to do so on-site—registration would cease to serve as a barrier to the right to vote.

That citizens have to register at all before exercising their right to vote makes the United States an outlier among democracies. In many democracies around the globe—including Argentina, Australia, Canada, Germany, Great Britain, France, and Peru, among others—the responsibility for registering citizens to vote lies with the government, not with individuals.³¹ In placing the responsibility for getting and staying registered to vote wholly upon its citizens, the United States keeps company with only a small handful of democracies, including the Bahamas, Burundi, and Mexico.³² Unsurprisingly, the United States has one of the lowest registration rates among highly-developed democracies.³³

These abysmal registration rates are not just embarrassing in the international context, they have important implications for political equality in the U.S., as well. While turnout gaps among voting-eligible populations persist based on race and ethnicity, income, and age, these gaps shrink dramatically when considering only registered voters, as a 2016 Dēmos analysis found.³⁴ While other factors certainly influence people’s decision and ability to vote, universal voter registration would go a long way toward increasing voter turnout and, in turn, promoting greater political equality in the United States.

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first, Automatic Voter Registration (AVR), uses information already on file with state agencies to automatically register eligible people to vote and to update their voter information if they have moved or changed their name. Same-Day Registration (SDR) and Election Day Registration (EDR) allow voters to register and cast their ballot at the same time, during early voting periods and on Election Day. A robust system of AVR, combined with comprehensive SDR and EDR, would ensure all eligible people are registered on or before Election Day and registration never again serves as a barrier to people exercising their fundamental right to vote. Both AVR and SDR/EDR have been proposed as part of the historic democracy-strengthening legislation, the For the People Act (H.R.1), introduced in Congress in 2019.



Automatic Voter Registration

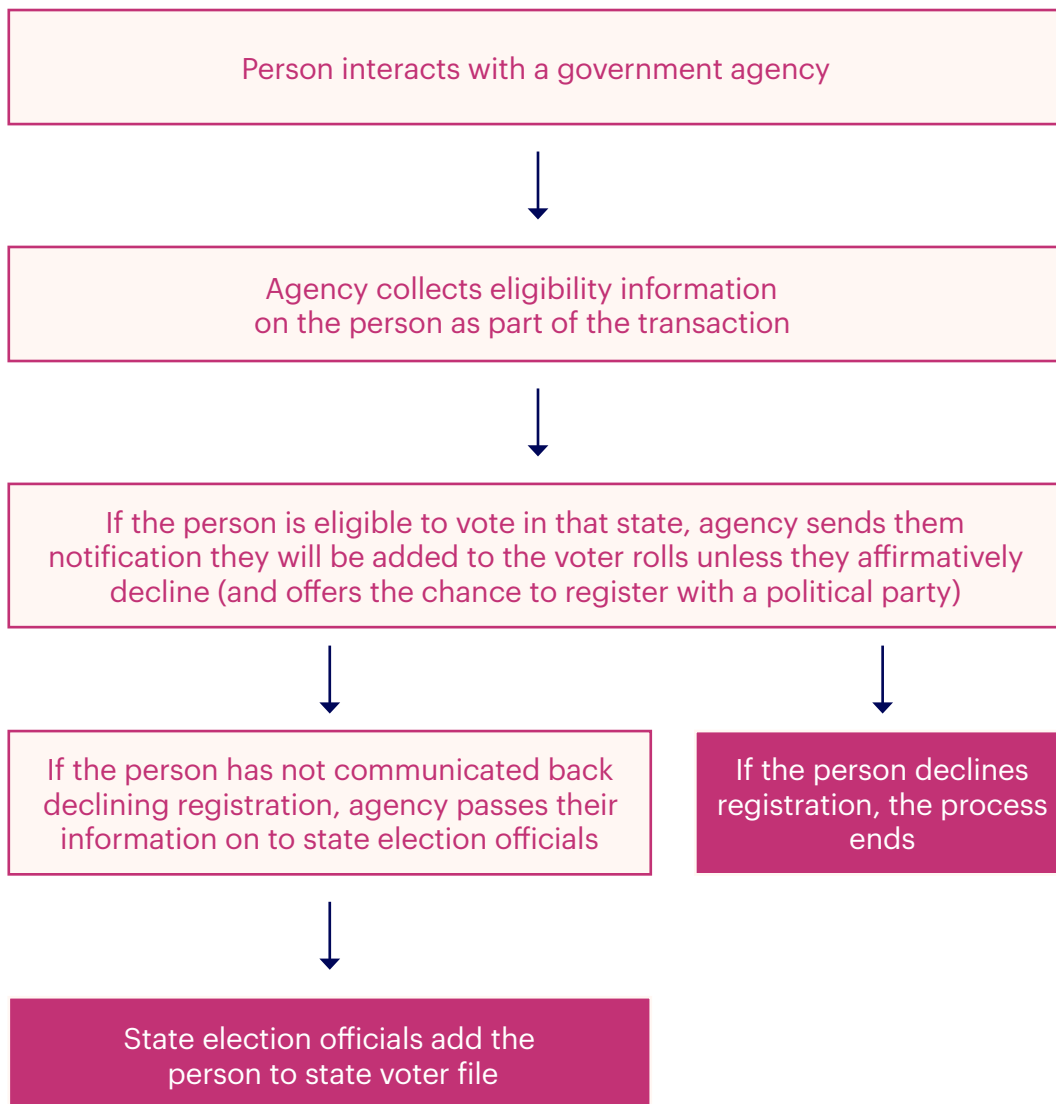
Automatic Voter Registration builds on the National Voter Registration Act of 1993³⁵ and other voter registration reforms to improve the overall effectiveness of the voter registration system. Through AVR, the government takes responsibility for registering eligible voters, using information already on file with government agencies to identify individuals who are eligible to register to vote and adds them to the voter rolls or updates their voter information in a seamless, paperless process. In 2015, Oregon became the first state to adopt AVR; in the ensuing 4 years, 18 states and the District of Columbia have adopted AVR.³⁶

In order to achieve universal registration, it is critical that an AVR system truly shifts the burden of registration from the individual to the government. To do so, AVR systems must use information the government already has to affirm an individual's eligibility and automatically register them to vote, rather than making the individual affirm their eligibility before being registered. Many state agencies already collect the information necessary to affirm eligibility to vote—i.e., their age, residency, and, citizenship³⁷—in the course of normal agency business, and many states are already equipped to transmit this information electronically to elections officials. As Yale Law Professor Heather Gerken reminds us, “State officials have plenty of information on us. They know who we are and where we live. Using data-matching technology widely deployed in the private sector, creating a universal voter-registration list would be a relatively simple matter.”³⁸

How Automatic AVR Works in Practice

Under an automatic AVR model, any public agency that collects information on voter eligibility, including age, citizenship status, and residence, during the course of a normal agency transaction is designated a “source agency” for AVR. Once an individual is deemed eligible, the source agency electronically transmits this information to state elections officials. Election officials then notify eligible, unregistered people that they will be added to the rolls, unless they decline registration by a specified date. Currently, this notification usually comes as a mailer sent out after the person's transaction at the agency.³⁹ States can also experiment with additional notification systems that could reach people more quickly and effectively. A text messaging system, for example, could reach people immediately after their transaction at the agency, while the experience was fresh, and it could make choosing a party affiliation or opting out quick and easy, which is critical for protecting ineligible

people from being inadvertently added to the rolls. However notice is delivered, it should include clear instructions for how to opt out of registration, in English and in any other languages spoken by a significant portion of the population, as required under Section 203 of the Voting Rights Act.⁴⁰ If the state is a “closed primary” state—in which people have to be registered with a party to vote in the primary—this notification should also include the option to choose a political party. If the person takes no action, they are automatically registered to vote (and registered as unaffiliated, until they update that registration). If they communicate back, by mail or text, and opt out, they are not registered to vote.



Some AVR systems require people to affirm their eligibility before they are registered. While an improvement from the status quo—where individuals must proactively seek out registration opportunities—such systems still require the individual to take action to become registered, so they are not fully automated. In a democracy in which voter registration is universal, all citizens are registered to vote by the government when they turn 18, without their having to take further action. This kind of full automation should be the goal of AVR programs across the United States, and all states should work toward such a model, even if they decide to implement a partially-automated model in the short term, as described further below.

Of course, these systems should build in safety mechanisms and precautions, including precautions that protect the privacy of vulnerable communities like survivors of domestic violence. There should also be clear opt-out procedures, so that people have the opportunity to opt out of registration if they really do not want their name added to the rolls. However, being registered to vote is not a political act in itself like voting, lobbying, or protesting. Instead, as Gerken points out, “there’s nothing magic about the act of registering... All states are doing during the registration process is identifying who is eligible to vote, and you’re eligible to vote whether you like it or not.”⁴¹ A truly automatic voter registration system recognizes all residents who are eligible and adds them to the rolls, removing the burden of getting registered from individuals altogether.

Why We Need AVR

AVR is a transformative policy solution that can move us closer to an inclusive democracy in several ways. Most importantly, AVR increases voter registration rates across communities. When implemented well across an array of government agencies, AVR can do more than perhaps any other reform to close the registration gap between communities of color and white people, and to address disparities in registration rates between income and age groups. As described above, closing registration gaps plays a critical role in reducing disparities in voter turnout among various demographic groups, as well. AVR also reduces the administrative burden present under current registration systems and, importantly, decreases the potential for inaccuracies, ensuring that voter rolls are accurate by updating them when voters die or move out of state, and ensuring that when voters move within the state, their registration moves with them. Additionally, because AVR means more eligible people are on the registration rolls, it also means more potential voters can be contacted by campaigns and non-partisan groups leading up to elections, and

thus benefit from voter education and turn-out efforts that connect people with critical information on candidates and campaigns, as well as on when, where, and how to vote.

AVR Closes Registration Gaps and Boosts Turnout

The state of Oregon, which pioneered the reform when it adopted AVR through its DMV, gets close to a truly automated registration system. Oregon residents are automatically identified as eligible voters when they interact with the DMV. The agency then sends mailers to all citizens it has identified as eligible, informing them that, unless they reply specifying they do not want to be registered, the agency will forward their information to the appropriate local county board of elections to automatically register them. In addition to the notification and opt-out provision, the mailer also invites recipients to choose a political party, which is important in Oregon and other closed primary states, where a voter must be affiliated with a party to vote in the primary.

In its first year of implementation, AVR added 272,000 new voters to the rolls in Oregon.⁴² Crucially, AVR also diversified the electorate, helping the state make significant progress toward closing the registration gap between racial and ethnic communities. A 2017 Dēmos analysis of AVR in Oregon found that AVR increased the racial, income, and age diversity of Oregon’s voters.⁴³ Governor Kate Brown called the program a “phenomenal success,” noting that those added to the rolls via AVR are more diverse, more likely to come from rural areas, and less wealthy than those who register online or through a paper process.⁴⁴ Most importantly, AVR led more Oregonians to vote in 2018, with voter turnout rising from 43 percent in 2014 to 60



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percent in 2018, among the highest turnout rates in the country.⁴⁵ A 2016 Dēmos analysis estimated that roughly 27 million new Americans would be added to the registration rolls if every state adopted an Oregon-style AVR system.⁴⁶ Oregon and other states could get even closer to universal registration if they implemented AVR at additional agencies, like Medicaid offices,⁴⁷ disability offices, public universities and any other public agencies that collect sufficient eligibility data and can transfer that data to election officials.

AVR Reduces Administrative Burden and Error

Not only does AVR increase the number of registered voters in a state and help close persistent gaps in registration rates by race, ethnicity, income, and age, it also eases the administrative burden registration poses to state and local election officials. Under the current registration process, election officials often face a deluge of applications right before a registration deadline, which have to be processed quickly and accurately to ensure all individuals who have registered are added to the rolls and able to vote on Election Day. Processing these applications quickly often requires hiring temporary, less-experienced workers during crunch time, leading to typos and other data entry errors that can translate to problems when voters arrive at the polls.⁴⁸ Census data show that 3.1 percent of the roughly 29 million Americans who reported not voting in 2018 cited “registration problems” as their reason for not voting; that’s close to a million people who tried to but were kept from voting by registration.⁴⁹

Under a well-crafted AVR system, agency employees perform fewer registration tasks, minimizing the room for error that leads to such disenfranchisement at the polls, and ensuring information on voters’ eligibility is transmitted quickly and accurately. Additionally, because eligible voters visit state agencies like DMVs, Medicaid offices, and other potential AVR sites throughout the year, registration is spread across election cycles rather than concentrated around registration deadlines and Election Day, easing the time crunch facing election administrators and resulting in fewer registration errors.⁵⁰

AVR Makes Voter Mobilization More Equitable

Finally, AVR can also lead to increased and more equitable voter education and mobilization efforts. Candidates, political parties, issue campaigns, and many community groups base their voter engagement on lists of registered voters. To the extent election administrators engage in voter education before an election, they also rely on voter registration lists. This reality means that eligible but unregistered voters miss out on efforts aimed at educating them about candidates and issues,

and information on when, where, and how to vote. They also do not benefit from voter mobilization efforts through which candidates and other groups encourage and facilitate voting. Given the racial and ethnic disparities in registration rates, the result is that potential voters of color disproportionately miss out on the benefits of voter education and mobilization efforts. Reports from state and local groups working to close registration and voting gaps show that entire neighborhoods of color are regularly passed over by parties and candidates.⁵¹

Such disparities are not just unfortunate, they are unjust. Data show that voter contact and mobilization have a huge effect on turnout. For example, infrequent Latinx voters targeted by canvassing efforts voted at rates 10 percentage points higher than those whose doors were not knocked, and Asian American voters who received follow-up calls after committing to vote turned out at 13 percentage points higher than those who did not.⁵² People who are contacted before an election are more likely to actually vote. In adding more people—and especially more people of color—to the registration rolls, AVR can move us closer to an inclusive, representative democracy.

Policy Design and Implementation Considerations

There are many considerations a state must evaluate as it undertakes AVR. The following list represents some of the most important policy decisions a state must make as it designs and implements its AVR policy. Above all else, however, as AVR systems are being designed and rolled out, state lawmakers and election admin-



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istrators must work in close partnership with grassroots and community organizations. Groups representing immigrants, justice-involved people, and survivors of domestic violence, among many others who face some risk with improperly implemented AVR systems,⁵³ must be leading voices in conversations about the design of AVR systems. Once the appropriate AVR model is selected, states must continue to engage with a host of community groups throughout the implementation process, to ensure adequate training for agency staff and sufficient education of the public about the new system.

As state lawmakers, election officials, and community groups collaborate to design the best AVR system for their state, they should consider all of the following:

Designating Source Agencies

Toward the goal of universal registration, all state agencies that collect information on eligibility and have the capacity to transmit that data securely to election agencies should be included as source agencies for AVR. The more agencies are included, the more eligible people will be registered to vote. Importantly, if a state only adopts AVR at the DMV, as is currently the case among most states that have adopted AVR,⁵⁴ the benefits of fully automated voter registration are not universal; instead, they accrue only to those communities who engage with the DMV—who are more likely to be white and higher-income than the population overall⁵⁵—and registration gaps by race, ethnicity, income and age are likely to be perpetuated.

Medicaid offices are great options for AVR source agencies, as they collect and maintain citizenship data in the course of routine business.⁵⁶ Medicaid primarily covers low-income households, and since low-income communities experience some of the lowest rates of voter registration, AVR at Medicaid offices is a critical intervention toward creating a more representative electorate.⁵⁷ States should also strive to include disability services offices, either initially, if those agencies collect adequate data and are technologically advanced enough to transmit that data securely, or over time after investments bring these agencies up to AVR-readiness. Since many people with disabilities may not be able to drive, including disability services offices as AVR source agencies can help bring this important but too often unseen community more fully into our democracy. States can also consider Public Housing Authorities, many of which collect data on citizenship during the eligibility process.

Departments of Correction (DOC) are also logical source agencies, as state election officials are already in communication with the DOC in some manner when individuals lose their right to vote or have their voting rights restored in the 48 states and District of Columbia that take away the voting rights of people imprisoned for

felony convictions. In most states, incarcerated citizens become re-eligible to vote upon their release from prison, probation, or parole; DOCs could transmit their information to state election officials for automatic registration. Utilizing DOCs as source agencies can also help close registration gaps that burden communities of color, since mass incarceration and the criminal justice system are deeply infected by racism and disproportionately target, convict, and lock up Black and brown people.⁵⁸ If states do include DOCs as source agencies, they should work closely with grassroots and community groups made up of people impacted by the criminal legal system to implement AVR.

Some states may also have unique statewide programs that could provide the information necessary for automatically registering eligible citizens. For example, Alaska adopted AVR using the state's unique Permanent Fund Dividend program—which provides an annual dividend to every Alaskan based on returns from the state's oil revenues—as a source agency.⁵⁹

Building Data Collection and Transmission Technology

AVR programs must include funding to ensure all source agencies have the technological capacity necessary to collect adequate data on eligibility and to transmit that data securely to elections officials. Implementation plans for AVR should set ambitious but realistic timelines for making the technological advancements necessary for the type of fully automated voter registration described here, and states should invest in those upgrades accordingly. States should also invest in data collection and technological readiness at agencies beyond DMVs. If a state is only able to designate 1 or 2 agencies as source agencies when AVR is first implemented, it should work to upgrade systems across agencies, so that a broader set of agencies can participate over time, making the AVR program inclusive and equitable.

Understanding that making such technological advancement will take time in some places, stakeholders should consider whether alternatives to fully-automated voter registration would be appropriate in the interim, until a source agency has achieved technological capacity for the fully-automated model of AVR described above. One such alternative is offering individuals the opportunity to opt out of voter registration during their interaction with a source agency, rather than afterward via a mailer or text, as in the fully-automated model. While this approach does keep some portion of the burden for registration on the individual, it may be the right policy choice for some places in the short term, until their agencies have sufficient technological or clerical capacity for fully-automated voter registration.⁶⁰ States that adopt this point-of-service opt-out model likely will not see the full benefits of AVR as quickly as they would under a fully-automated system, so this model should be

adopted only as an interim solution for agencies that are not presently prepared to adopt a fully automatic system. The end goal should remain a system of fully automatic voter registration.

Another alternative would be to ensure there is enough lead time between adoption of an AVR system in state law and the system's full implementation to bring agencies up to technological capacity, and not to begin automatically registering voters until that time. Even though such a decision may delay AVR implementation in the short term, it may well be worth it to be able to integrate a fully automatic registration system from the beginning.

Communicating Opt-Out Provisions and Ensuring Language Accessibility

Whatever the model of AVR adopted, it should include the opportunity for individuals to opt out of registration. While voter registration is not a political act in itself, but rather simply an acknowledgement of one's eligibility, some people may still not want to be registered and should be able to opt out.

Additionally, while the responsibility for confirming eligibility lies with the government under AVR, and ineligible people should never be added to the rolls in a well-functioning AVR system, if the government accidentally identifies an ineligible person for registration, that person should have the opportunity to opt out of registration before they are added to the rolls. Such opt-out provisions, whether offered at the point of service or, as in the case of fully-automated voter registration, after an agency transaction, must be clear and succinct. They should clearly present the eligibility requirements for voting and what an individual must do to opt out of voter registration, in English and in any other languages spoken by a sizeable population in that jurisdiction, as required by the VRA.⁶¹ This language should be crafted with or reviewed by organizations that work with populations who would be at risk if they were inadvertently registered, and by organizations that specialize in language clarity.⁶²

It's important to note that even if an ineligible person does not opt out and is inadvertently registered to vote, responsibility for this error lies with the government, not with that person. AVR programs must incorporate strong protections for any individuals inadvertently registered, through no fault of their own, by AVR systems.

Ensuring Safety for Those Inadvertently Registered

While a well-functioning AVR system should not add ineligible people to the voter rolls, it is theoretically possible that might happen by accident. Implementation plans should include clear and swift processes for removing ineligible people inadvertently added to the voter rolls and, critically, there must be strong protec-

tions for any such individuals codified in state law, both civil and criminal. Because under any AVR system, the burden is on the government to use the information already provided by an individual as part of his or her agency transaction to confirm a citizen's eligibility to vote before adding him or her to the voting rolls, individuals bear no personal responsibility for their registration or subsequent attempt to vote, if they are not aware they are not eligible. Legal protections in state code must reflect this reality, indemnifying and holding harmless any ineligible person who is inadvertently registered without taking affirmative steps to register themselves. The state of California, in adopting AVR, codified such strong protections for ineligible people who may be inadvertently registered to vote and those who attempt to vote without knowing they were ineligible.⁶³

The communities most at risk of consequences if they are accidentally registered include non-citizens and justice-system involved people. As already detailed, all AVR design and implementation conversations in a state must include a broad and diverse set of stakeholders; representatives from these 2 communities in particular must be front and center in these conversations.

Guaranteeing Privacy Protections and Restrictions on the Use of Data

People who have special concerns related to privacy and safety, such as survivors of domestic abuse and reproductive health care providers, among others, should be able to register to vote without worrying their personal address or other information will be shared publicly. AVR programs can uphold these individuals' privacy by incorporating the privacy protections that already exist in a state's election codes and other general statutes,⁶⁴ so that these individuals' personal information is not publicly available as a result of their registration.

Additionally, AVR laws should clarify that data collected by state agencies and transmitted to elections officials for voter registration must not be used for any purposes except running elections and facilitating political participation. Law enforcement should be specifically prohibited from using the voter registration database, or any lists resulting from the creation of the voter registration database, for any purpose outside of the realm of confirming individual registration eligibility. AVR programs should also prohibit the government from using eligibility information provided to a state agency for any purpose other than meeting the mission of the agency and registering eligible voters, and agencies should be subject to legal liability if they attempt to use voter eligibility or registration information for any other purpose.

Ensuring NVRA Compliance, Regardless of AVR

Adopting an AVR system does not alter a state's legal obligations under the NVRA to provide voter registration assistance during specific agency transactions.⁶⁵

An AVR registration system may include state agencies that are already required to provide voter registration services under the NVRA's Sections 5 and 7, and there need not be any conflict between the 2 programs and their respective procedures. States can and should start building their voter rolls automatically, but state agencies that are covered by the NVRA must continue to provide voter registration services and assistance to citizens during their individual agency transactions.⁶⁶ Doing so will ensure that states comply with their legal obligations under the NVRA, and will also offer additional opportunities for people who may have previously declined registration through the AVR system to register to vote, should their preferences change in the future. Additionally, potential voters can choose or update their party affiliation during transactions with agencies offering voter registration assistance under the NVRA, which may prove preferable for them rather than returning a mailer.

For nearly 30 years, the NVRA has played a critical role in reaching previously unregistered Americans, helping to engage many in the political process for the first time. Section 7 of the NVRA in particular has been critical for closing persistent registration gaps between communities based on race and income. For more on the NVRA—and on Dēmos' work to ensure NVRA compliance among states—check out our 2018 report, [“Toward A More Representative Electorate: The Progress and Potential of Voter Registration through Public Assistance Agencies.”](#)⁶⁷

Creating Public Education Campaigns

Any law or policy is only as good as the implementation, and the effort to build universal voter registration does not stop with the passage of AVR. Well-funded, well-coordinated public education campaigns, conducted in partnership with community groups, are critical to the success and sustainability of fully automatic voter registration systems. Local and state elected officials and Boards of Elections should work with grassroots leaders and community institutions to raise awareness about AVR and seek input on implementation. A robust public education campaign will ensure as much of the public as possible understands the new system of voter registration, including the eligibility requirements for voting; when and how they will be registered; action they need to take to opt out and, in closed primary states, to choose a party affiliation after they are automatically registered; and any other important details in their state.

Additionally, public education efforts will help build public buy-in for the system, which is critical if AVR is challenged by those who oppose a diversified electorate. Throughout history, whenever real progress has been made towards advancing democracy, there has been backlash, including attempts to undo enfranchise-ex-

panding policy reforms. Advocates and policymakers must stay vigilant, knowing that opponents will almost certainly attempt to roll back or weaken new laws like AVR. Educating and building public support for pro-voter systems is a critical component of this defense. When a majority of the public buys into the value of an expansive, accessible democracy, it becomes that much harder for opponents to dismantle programs like AVR.



Same Day Registration

Even in a fully-automated voter registration system, in which the government takes full responsibility for registering voters, it is still likely some potential voters will not make it onto the rolls before Election Day. In particular, people who have little or no interaction with state agencies will not be added to the rolls automatically through the process described above, and those who move frequently—such as students and low-income people—may not have their registrations updated in time for an election. Therefore, it is critical that the AVR system be accompanied by Same Day Registration (SDR) and Election Day Registration (EDR) in all elections, including primary, general, and special elections for all races at the federal, state, and local levels. Through SDR and EDR, eligible people can register and vote at the same time, when they show up to the polls on or before Election Day. In this section, for simplicity, we will refer just to SDR, though we intend this to encompass a voter's ability to register the same day they show up to vote, whether in the days or weeks leading up to an election during early voting or on Election Day itself.

Same Day Registration (SDR) is the ability to register and cast one's ballot at the same time. SDR can take place during early voting periods and on Election Day.

Election Day Registration (EDR) is the ability to register and cast one's ballot at the same time on Election Day.

Ideally, states implementing SDR should allow it on every single day a voter may cast a ballot, including Election Day. In this case, EDR is effectively SDR. However, currently some states only allow SDR during early voting, such as North Carolina.⁶⁸

Maine, Minnesota, and Wisconsin pioneered SDR in the 1970s, and as of 2019, the commonsense policy has been adopted in 21 states and the District of Columbia.⁶⁹ Most states that offer SDR not only allow people to register and cast their ballots during early voting periods before Election Day, but also on Election Day itself. Through SDR, voters who show up to the polls but find themselves not on the voter rolls are able to register on-site, if they can confirm their identity and residency. States vary in how people can confirm their identity, with some accepting IDs without a photo, while others require a photo ID. Potential voters can demon-

strate their residency in various ways, depending on state law; these can include a current driver's license or other form of ID, or alternative documents with their name and address, such as a utility bill or paycheck. Some also allow a different registered voter who is there at the time to vouch for the identity and residency of the person being registered that day. In many states, same-day registrants must also sign an affidavit swearing to their qualifications and that they have not already voted in that election.⁷⁰

Implementing SDR increases voter turnout. States with SDR have the highest voter turnout rates in the nation, achieving turnout rates up to 7 to 10 percentage points higher than states without SDR.⁷¹ Critically, there is evidence that SDR may increase turnout among populations that suffer persistent turnout gaps, including young people and communities of color. One estimate suggests SDR could increase youth turnout in presidential elections by as much as 14 percentage points.⁷² In North Carolina, during the first election year after passage of SDR, 36 percent of those who registered and voted via SDR were African American, even though they made up only 23 percent of all North Carolinians who voted that year.⁷³

Additionally, SDR eliminates the bureaucratic hurdles of voter registration deadlines. Arbitrary registration deadlines, which in some states come as many as 30 days before Election Day, cut off registration when voters are most interested, during the last few weeks before the election, when candidate debates and campaigns reach their peak. SDR also remedies inaccurate voter rolls, allowing voters who moved but didn't change their registration, or who were never added to the voter rolls because of bureaucratic errors, to update their information and cast a ballot that counts. The ability to update one's registration and vote on the same day—rather than being turned away and disenfranchised—is critically important for geographically mobile voters, a significant portion of whom are low-income and, as a result, often experience the lowest registration and turnout rates of any demographic group.⁷⁴

Also, allowing registration issues to be fixed on-site means that fewer eligible Americans will be turned away from the polls or forced to cast provisional ballots that might not count. Provisional ballots, which are offered to people who show up to vote but whose names are not on the rolls, are often simply not counted. A 2014 analysis of counties in 16 states found that provisional ballots were more likely to be cast by people of color.⁷⁵ Not only does SDR mean more eligible people will be able to make their voices heard—a fundamental underpinning of our democracy—it also saves elections officials the time and money required to process provisional ballots after an election. After SDR was adopted in Iowa, provisional ballots dropped from 15,000 in the 2004 presidential election to less than 5,000 in 2008, a 67 percent decline. North Carolina saw 23,000 fewer provisional ballots after it adopted SDR in 2008.⁷⁶



In a truly inclusive democracy driven by the goal of political equality, voter registration must be universal among all eligible people. Universal voter registration—through a combination of a fully-automated system of voter registration via AVR and widely-available SDR in the days leading up to and on Election Day—is both transformative and achievable. Both of these reforms are being implemented across the nation and, if they were implemented nationwide, could go a long way toward eliminating the barriers that keep far too many Americans, many of them Black and brown, from achieving the primary pre-requisite to voting. By bringing more eligible people onto the voter rolls, making election administration more efficient and seamless, helping more eligible people benefit from voter education and mobilization efforts, and ensuring no one is turned away from the polls during early voting or on Election Day, Universal Voter Registration is a self-evident and powerful step toward diversifying our electorate, maximizing political participation, and advancing political equality.

State governments have a responsibility to run smooth, secure, and inclusive elections, a responsibility that should extend to ensuring voter registration systems are modernized, accurate, and reflective of the voting-eligible population. The government must take responsibility for registering all eligible people to vote as soon as they become of voting age, and there must be on-site fail-safes that ensure all people who can confirm their eligibility are able to register and vote when they show up to the polls. Doing so would put people at the center of our politics and democracy, where we belong.

Endnotes

1. Raymond E. Wolfinger and Steven J. Rosenstone, *Who Votes?*, (New Haven: Yale Fastback Series, 1980) 87-88; Peverill Squire, Raymond E. Wolfinger, and David P. Glass, "Residential Mobility and Voter Turnout," *American Political Science Review* (1987): 47, doi: 10.2307/1960778.
2. Census Bureau, "Current Population Survey, November 2018 Voting and Registration Supplement." The voting-eligible population is made up of U.S. citizens age 18 or older.
3. The Census reports there were 228,832,000 voting-eligible Americans in November 2018.
4. Amicus brief for Dēmos and other amici, *Chelsea Collaborative et al., v. William F. Galvin, as Secretary of Commonwealth*, https://www.demos.org/sites/default/files/imce/Demos_Chelsea%20Collaborative_Amicus.pdf (citing, e.g., Dorsey et al., Election Day Registration, 36 Policy Studies J. 671, 672 (2008)).
5. Dēmos analysis of Census data (see *supra* note 2, November 2018).
6. *Id.*
7. Alex Vandermaas-Peeler, Daniel Cox, Molly Fisch-Friedman, Rob Griffin, and Robert P. Jones, "American Democracy in Crisis: The Challenges of Voter Knowledge, Participation, and Polarization," Public Religion Research Institute, July 17, 2018. <https://www.prrri.org/research/American-democracy-in-crisis-voters-midterms-trump-election-2018/>.
8. Amy Traub, Laura Sullivan, Tatjana Meschede, and Tom Shapiro, *The Asset Value of Whiteness*, Dēmos and the Institute on Assets and Social Policy, 2017. https://www.demos.org/sites/default/files/publications/Asset%20Value%20of%20Whiteness_0.pdf.
9. Dēmos analysis of Census data (see *supra* note 2, November 2018).
10. Scott Novakowski, *Democracy In A Mobile America*, Dēmos, 2009. https://www.demos.org/sites/default/files/publications/democracy_mobile.pdf.
11. Eugene Scott, "Georgia's held-up voter registrations reinforce black Americans' fears about voting rights," *Washington Post*, October 12, 2018, <https://www.washingtonpost.com/politics/2018/10/12/georgia-voter-registrations-being-held-reinforces-black-americans-fears-about-voting-rights/>.
12. "Quick Facts: Georgia," U.S. Census Bureau, July 1, 2018, <https://www.census.gov/quickfacts/GA>.
13. In 2019, after more than a decade of lawsuits led by civil rights organizations like the Lawyer's Committee for Civil Rights Under Law, the Campaign Legal Center, and Asian Americans Advancing Justice, Georgia finally ended its use of the "exact match" program. See Stanley Augstin, "Georgia Largely Abandons Its Broken 'Exact Match' Voter Registration Process," April 5, 2019, <https://lawyerscommittee.org/georgia-largely-abandons-its-broken-exact-match-voter-registration-process/>. Note also that the use of exact match was blocked by the U.S. Justice Department in 2009, under the now-defunct VRA's preclearance process, because it discriminated against Black, Asian American, and Latinx voters. See The New York Times Editorial Board, "Voting Should be Easy. Why Isn't It?," *The New York Times*, October 18, 2018, <https://www.nytimes.com/2018/10/18/opinion/registration-vote-midterms.html>.

14. Jonathan Brater, Kevin Morris, Myrna Pérez, and Christopher Deluzio, *Purges: A Growing Threat to the Right to Vote*, Brennan Center for Justice, July 20, 2018. <https://www.brennancenter.org/publication/purges-growing-threat-right-vote>.
15. The National Conference of State Legislatures reports that, as of June 2019, 21 states and D.C. have Same Day Registration. See “Same Day Voter Registration,” National Conference of State Legislatures, June 28, 2019, <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>.
16. In some places, those voters whose names do not appear on the voting rolls can cast provisional ballots, but in many cases such ballots are not counted.
17. *Husted v. A. Philip Randolph Institute*, 584 U.S. ____ 138 S. Ct. 1833 (2018). Dēmos litigated *Husted* with the ACLU of Ohio and the ACLU. See <https://husted.demos.org/>.
18. Daniel A. Smith and Michael C. Herron, *Estimating the Differential Effects of Purging Inactive Registered Voters (incomplete conference draft)*, July 25, 2018. <https://esra.wisc.edu/papers/HS.pdf>.
19. The data taken from this online survey was a part of a larger qualitative and quantitative research project conducted October through November 2018 by Lake Research Partners and Brilliant Corners Strategies for the Ballot Initiative Strategy Center among a small sample of infrequent African American, Latinx, and Asian American Pacific Islander voters across 12 states. African American respondents reported this experience 14 percent of the time, Latinx respondents 6 percent, and Asian American Pacific Islander respondents 3 percent.
20. Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 52, 110.
21. The 15th Amendment (ratified 1870) prohibits vote denial or abridgement based on race, and the 19th Amendment (ratified 1920) prohibits vote denial or abridgement based on sex. Neither succeeded in ending the practices of vote denial for Black men and women, however, and many Black voters, especially in the South, continued to face barriers to the ballot box until the Voting Rights Act of 1965. It is also worth noting that, while leading voices for abolition and enfranchisement like Frederick Douglass were supportive of granting the right to vote to women as well as to Black people, and despite the crucial role played by Black women in the passage of the 19th Amendment, some leading white suffragists used racist appeals in their attempts to secure the right to vote for (white) women, and the mainstream suffragist movement largely painted itself as white and advocated for the voting rights of white women.
22. W.E.B. Du Bois, *Black Reconstruction in America*, (New York: The Free Press, 1935).
23. Alabama Constitutional Convention president John B. Knox spoke these words in his opening address to the body (of white men) charged with drafting and passing Alabama’s 1901 Constitution. *Journal of the Proceedings of the Constitutional Convention of the State of Alabama* (1901): 9, <https://archive.org/details/journalofproceed00alabrich/page/8>.
24. Alabama State Constitution of 1901, Article 8 Sections 178-182.
25. Frances Fox Piven, Lorraine C. Minnite, and Margaret Groarke, *Keeping Down the Black Vote*, (New York: The New Press, 2009), 100.
26. See *supra* note 20.

27. The Voting Rights Act (VRA) of 1965 provided protections against a century of Jim Crow disenfranchisement laws that effectively prevented African Americans and other communities of color from voting after the passage of the 15th Amendment. In the years immediately following the VRA's passage, hundreds of thousands of African Americans were registered to vote, especially in the South, and African American representation in state legislatures and in Congress increased dramatically. Subsequent reauthorizations of the law over the following decades extended protections for the right to vote to additional historically disenfranchised communities, including Latinxs, Asian Americans, and Native Americans. The principal enforcement mechanism of the VRA was gutted by the 2013 Supreme Court decision *Shelby v. Holder*, and as a result, the VRA as a tool for protecting the right to vote is significantly compromised. See generally Ari Berman, *Give Us the Ballot: The Modern Struggle for Voting Rights in America*, (New York: Farrar, Straus and Giroux, 2015).
28. The National Voter Registration Act (NVRA) of 1993 reduced barriers to voter registration—often one of the greatest barriers to voting, especially among low-income communities and other marginalized peoples—by requiring states to provide voter registration at DMVs, agencies providing public assistance, and agencies providing services to persons with disabilities; requiring states to accept mail-in voter registration applications; and providing protections from improper voter purges. Thanks to the NVRA, registering to vote, and in turn, voting itself, is more accessible for millions of Americans every election cycle. For more on the impact of the NVRA, see Laura Williamson, Pamela Cataldo, and Brenda Wright, *Toward a More Representative Electorate*, Dēmos, December 21, 2018. <https://www.demos.org/research/toward-more-representative-electorate>.
29. The *Shelby v. Holder* decision eviscerated an important enforcement element of the VRA. Despite the recent reauthorization of the law in 2006—passed with overwhelming bipartisan support and signed by President George W. Bush—in 2013 the Court immobilized the law's pre-clearance regime, which compelled states with a history of discrimination in voting to seek authorization *before* changing voting laws that might negatively impact communities of color. States have passed dozens of voter suppression laws in the years since, including laws making it harder for people to get and stay registered to vote. For a comprehensive look at the VRA, the *Shelby v. Holder* (2013) decision, and state and local voting changes since then, see *Democracy Diminished: State and Local Threats to Voting Post-Shelby County, Alabama v. Holder*, NAACP Legal Defense Fund, June, 2019. <https://www.naacpldf.org/wp-content/uploads/June-2019-Democracy-Diminished-Report.pdf>.
30. In *Husted v. A. Philip Randolph Institute*, in contradiction to the plain terms of the NVRA prohibiting the removal of voters for “failure to vote,” the Supreme Court ruled that states can target eligible voters for purges simply because they haven't voted frequently enough in the eyes of state officials. Dēmos litigated *Husted* with the ACLU of Ohio and the ACLU. See <https://husted.demos.org/>.
31. Jennifer S. Rosenberg and Margaret Chen, *Expanding Democracy: Voter Registration Around the World*, The Brennan Center for Justice, 2009, 2. https://www.brennancenter.org/sites/default/files/2019-08/Report_Expanding%20Democracy-%20Voter-Registration-Around-World.pdf.
32. *Id.*
33. Drew Desilver, “U.S. trails most developed countries in voter turnout,” Pew Research Center, May 21, 2018, <https://www.pewresearch.org/fact-tank/2018/05/21/u-s-voter-turnout-trails-most-developed-countries/>. Pew defines highly-developed, democratic states as those that are members of the Organization of Economic Cooperation and Development (OECD).

34. Liz Kennedy, Lew Daly, and Brenda Wright, *Automatic Voter Registration: Finding America's Missing Voters*, Dēmos, January 20, 2016, 12. <https://www.demos.org/research/automatic-voter-registration-finding-americas-missing-voters>.
35. See *supra* note 28.
36. These states include Alaska, California, Colorado, Connecticut, Georgia, Illinois, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, Nevada, Oregon, Rhode Island, Vermont, Washington, West Virginia, and the District of Columbia. For enactment dates and participating agencies, see “Automatic Voter Registration,” National Conference of State Legislatures, April 22, 2019, <http://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx>.
37. A few municipalities allow non-citizens to vote in some local races. For example, in 2016, voters in San Francisco voted to allow non-citizens with children living in the city to vote in school board elections. See San Francisco Municipal Code, Article X, Section 1002, [http://library.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1); San Francisco Department of Elections, “Non-Citizen Registration and Voting,” <https://sfelections.sfgov.org/non-citizen-registration-and-voting>. Takoma Park and several other Maryland municipalities allow non-citizen voting in all municipal elections.
38. Heather Gerken, “Make it Easy: The Case for Automatic Voter Registration,” *Democracy: A Journal of Ideas* (2013), <https://democracyjournal.org/magazine/28/make-it-easy-the-case-for-automatic-registration/>.
39. Oregon, for example, sends each new potential registrant a mailer with a letter setting out voter eligibility requirements and a postcard that can be returned within 21 days if the individual wants to decline to be registered to vote. If an eligible unregistered citizen doesn't return the postcard within 21 days, he or she will be added to the voter rolls without having had to take affirmative action during or after the agency transaction.
40. Section 203 of the Voting Rights Act, which was added during the 1975 reauthorization of the VRA, requires that any jurisdiction in which more than 10,000 or over 5 percent of the total voting age citizens are members of a single language minority group must provide registration and/or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, in the language of the applicable minority group as well as in English. See “Section 203 of the Voting Rights Act,” U.S. Department of Justice, <https://www.justice.gov/crt/language-minority-citizens>.
41. See *supra* note 38.
42. Rob Griffin, Paul Gronke, Tova Wang, and Liz Kennedy, *Who Votes with Automatic Voter Registration?*, June 7, 2017. <https://www.americanprogress.org/issues/democracy/reports/2017/06/07/433677/votes-automaticvoter-registration/>.
43. Sean McElwee, Brian Schaffner, and Jesse Rhodes, “Oregon Automatic Voter Registration,” Dēmos, July 26, 2017. <https://www.demos.org/policy-briefs/oregon-automatic-voter-registration>.
44. Caitlyn Oprysko, “Oregon Governor Calls Automatic Voter Registration a ‘Phenomenal Success,’” *Politico*, Feb. 22, 2019, <https://www.politico.com/story/2019/02/22/automatic-voter-registration-oregon-1181199>.

45. *Id.* See also Brian Miller, “Full 50 State 2018 Turnout Ranking and Voting Policy,” Nonprofit Vote, April 10, 2019, <https://www.nonprofitvote.org/full-50-state-2018-turnout-ranking-voting-policy/>.
46. See *supra* note 34.
47. Medicaid agencies verify citizenship through the Federal Data Services Hub (FDSH) and conduct a manual review of immigration status for persons whose status cannot be confirmed through FDSH.
48. The Pew Center on the States, *Inaccurate, Costly, and Inefficient: Evidence that America’s Voter Registration System Needs an Upgrade*, February 14, 2012. <https://www.pewtrusts.org/en/research-and-analysis/reports/2012/02/14/inaccurate-costly-and-inefficient-evidence-that-americas-voter-registration-system-needs-an-upgrade>.
49. Dēmos analysis of Census data (see *supra* note 2, November 2018).
50. See *supra* note 34.
51. Reports to Dēmos from leaders of the Inclusive Democracy Project, a majority-person of color cohort of grassroots state and local leaders, convened by Dēmos, who organize working-class communities and communities of color to build power and advance bold democracy campaigns across the U.S.
52. Lisa Garcia Bedolla and Melissa R. Michelson, *Mobilizing Inclusion: Transforming the Electorate through Get-Out-the-Vote Campaigns* (New Haven, CT: Yale University Press, 2012), 117-118 and 73-74, respectively.
53. For example, an AVR system designed without input from communities at risk may not include sufficient legal protections for an ineligible person (such as a non-citizen or a formerly incarcerated person whose voting rights have not been restored) who is accidentally added to the rolls, through no fault of their own. Alternatively, it may not provide adequate protection for the privacy of the personal data of registrants who are survivors of domestic violence, for whom the release of their address could be highly dangerous.
54. States pioneering AVR outside DMVs include Alaska, Illinois, Maine, Maryland, Massachusetts, New Jersey, Rhode Island, and Washington.
55. Whites have higher rates of car ownership and are more likely to possess the kind of ID issued by a DMV. See “Car Access: Percent of households without a vehicle by race/ethnicity, United States 2015,” National Equity Atlas, https://nationalequityatlas.org/indicators/Car_access; and Vanessa M. Perez, *Americans With Photo ID: A Breakdown of Demographic Characteristics*, Project Vote, February 2015. <http://www.projectvote.org/wp-content/uploads/2015/06/AMERICANS-WITH-PHOTO-ID-Research-Memo-February-2015.pdf>.
56. “Computer Matching Agreement Between Department of Health and Human Services, Centers for Medicare & Medicaid Services, and the Department of Homeland Security United States Citizenship and Immigration Services for the Verification of United States Citizenship and Immigration Status Data for Eligibility Determinations,” Department of Homeland security, October 2018, https://www.dhs.gov/sites/default/files/publications/cma_4_between_hhs_and_dhs_signed_09.27.18.pdf.
57. Laura Williamson, Pamela Cataldo, and Brenda Wright, *Toward a More Representative Electorate*, Dēmos, December 21, 2018, <https://www.demos.org/research/toward-more-representative-electorate>.

58. Michelle Alexander, *The New Jim Crow: Mass Incarceration in an Age of Colorblindness*, (New York: The New Press, 2012).
59. Penny Gage, et al., “Alaska Will Gain By Providing Voter Registration With PFD Application,” *Anchorage Daily News*, September 30, 2015, <http://www.adn.com/article/20150930/alaska-will-gain-providing-voter-registrationpfd-application>. For more on the Permanent Fund Dividend, see Dylan Matthews, “The amazing true socialist miracle of the Alaska Permanent Fund,” *Vox*, February 13, 2018, <https://www.vox.com/policy-and-politics/2018/2/13/16997188/alaska-basic-income-permanent-fund-oil-revenue-study>.
60. Advocates are divided on whether AVR models should involve opting out after the transaction (also known as “back-end” AVR), as described here, or opting out at the point of service (also known as “front-end” AVR). At Dēmos we believe the best way to achieve universal voter registration is to implement a fully-automated system of voter registration and support “back-end” AVR wherever data collection and transmission technology make it possible for states to conduct such a system safely and securely. We understand that limitations on data collection or technology readiness may make a “front-end” model necessary in the short term, especially when required to protect non-citizens from being inadvertently registered to vote. However, such a system should be temporary, until such time as states are ready to transition to a “back-end” model. A fully automated system of voter registration should be the end goal.
61. See *supra* note 40.
62. The Center for Civic Design, for example, has resources and guidance on how to improve the registration and voting experience and to encourage civic participation, and it has consulted with states implementing AVR on the best design of opt-out language. See Center for Civic Design, <https://civicdesign.org/>.
63. California Election Code, Div. 2, Chap. 4.5, §2268-2269, http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=2.&title=&part=&chapter=4.5.&article=
64. For example, California’s AVR program includes the privacy protections of its Confidential Voter Registration Law, providing that “This chapter does not affect the confidentiality of a person’s voter registration information, which remains confidential pursuant to Section 2194 of this code and Section 6254.4 of the Government Code and for all of the following persons: (a) A victim of domestic violence, sexual assault, or stalking pursuant to Section 2166.5. (b) A reproductive health care service provider, employee, volunteer, or patient pursuant to Section 2166.5. (c) A public safety officer pursuant to Section 2166.7. (d) A person with a life-threatening circumstance upon court order pursuant to Section 2166.” California Secretary of State, “Confidential Voter Registration Law,” <https://www.sos.ca.gov/registeries/safe-home/laws/confidential-voter-registration-law/>.
65. See *supra* note 28. There is no question that Section 5 and Section 7 of the NVRA require specific voter registration services to be provided during front-end transactions at Departments of Motor Vehicles, public assistance and disability agencies.
66. *Id.* The NVRA requires somewhat different processes at DMVs and at public assistance agencies alongside the automatic voter registration program. In all cases, a state must retain an affirmative opportunity for people to register to vote alongside the automatic voter registration process.
67. Laura Williamson, Pamela Cataldo, and Brenda Wright, *Toward a More Representative Electorate*, Dēmos, December 21, 2018. <https://www.demos.org/research/toward-more-representative-electorate>.

68. “Same Day Voter Registration,” National Conference of State Legislatures, June 28, 2019. <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>.
69. States with SDR include: California, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Mexico, North Carolina, Utah, Vermont, Washington, Wisconsin, Wyoming, and Washington, D.C.
70. For more on how same day registration works in these states, see “Same Day Voter Registration,” National Conference of State Legislatures, <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>.
71. Nonprofit Vote, *America Goes to the Polls 2016: A Report on Voter Turnout in the 2016 Election*, 11. <http://www.nonprofitvote.org/documents/2017/03/america-goes-polls-2016.pdf>; Project Vote, “Same Day Registration,” February 2015, <http://www.projectvote.org/wp-content/uploads/2015/06/SameDayFactSheet-PV-Feb2015.pdf>.
72. Mary Fitzgerald, *Easier Voting Methods Boost Youth Turnout*, The Center for Information and Research on Civic Learning and Engagement, February 2003, 7. <http://www.civicyouth.org/PopUps/WorkingPapers/WP01Fitzgerald.pdf>.
73. Democracy North Carolina, “2008 Recap: Same-Day Registration & Other Successes,” February 19, 2009, <https://democracync.org/wp-content/uploads/2017/07/WrapUpYearofVoterPR2008.pdf>.
74. Dēmos analysis of Census data (see supra note 2, November 2018).
75. See Joshua Field, Charles Posner, and Anna Chu, *Uncounted Votes: The Racially Discriminatory Effects of Provisional Ballots*, Center for American Progress, October 29, 2014. <https://www.americanprogress.org/issues/race/reports/2014/10/29/99886/uncounted-votes/>.
76. “Same Day Registration Explainer,” Dēmos, 2014, <http://www.demos.org/sites/default/files/publications/SameDayRegistration-2015.pdf>.