



Same Day Registration: How Registration Reform Can Boost Turnout Among Black and Latinx Voters

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Abstract

Voter registration has long served as a barrier to voting, especially for Black and brown communities. States that minimize this barrier by allowing voters to register and vote on the same day are consistently among the highest turnout states in the nation. Existing research on the impact of Same Day Registration (SDR) generally looks at turnout rates overall and does not attempt to understand the policy's potential benefit for specific racial and ethnic communities. Using voter turnout data across a sample of similarly situated states with and without SDR, we examine the role the policy may play in reducing barriers and boosting turnout for Black and Latinx Americans specifically. We find that states that have implemented SDR usually experience higher turnout among both Black voters and Latinx voters than similar states without SDR. While an array of factors influence turnout across place and time, our findings suggest that SDR may play an important role in minimizing the barrier that registration has long presented and in boosting turnout among Black and Latinx voters.

Introduction

The story of American democracy is one of struggle—struggle to shed a narrow, racist vision of who counts as American and to ensure “we the people” actually means all of our people. That struggle has always been led by Black Americans and other Americans of color, and it has often centered on the right to vote. The right to vote is fundamental in a democracy. Yet, it has never been fully available to everyone. Our history is littered with restrictions on the franchise and barriers to the ballot box, most often aimed at Black and brown communities.

Voter registration keeps more people from voting than almost any other barrier.¹ Registration was created in part to prevent Black people, working people, and immigrants from voting in the late 19th century.² It has endured as a key tactic in the white supremacist strategy to prevent Black, Latinx, Native American, Asian American, and other communities of color from building durable governing power.

Black and brown Americans have been building power anyway, combating exclusionary voter registration laws, winning landmark reforms like the 1965 Voting Rights Act (VRA) and the 1993 National Voter Registration Act (NVRA), and achieving notable gains in political influence.

One of the most promising reforms won by organizers in some states is Same Day Registration (SDR). Through SDR, eligible people can register and vote at the same time, at the polls on or before Election Day. Pioneered in the 1970s, voters today can register through SDR in 21 states and Washington, D.C.³ SDR eliminates a major obstacle to voting for all voters, but it may be particularly important for the Black and brown voters who have always been the targets of voter suppression.

In this paper, we analyze new data to understand the role SDR may play in reducing barriers and boosting turnout for Black and Latinx Americans. Our findings are largely encouraging. Among the 23 states and Washington, D.C. we examined—some of which have SDR, others of which do not—those that have implemented SDR often experience higher turnout among both Black voters and Latinx voters than do similarly situated states without SDR. While other factors influence

turnout, these patterns suggest that SDR may play an important role in minimizing registration barriers and boosting turnout for Black and Latinx voters.

We find that:

- In states that have implemented SDR, Black voter turnout is usually higher than in states without SDR. Among the states we studied, with one exception in one year, Black voter turnout is on average 2-17 percentage points higher in SDR than in non-SDR states.
- The association between state implementation of SDR and Latinx voter turnout is less consistent and is complicated by the presence of non-SDR states with special contexts that favor very high turnout. However, once we take these considerations into account, Latinx voters in SDR states turned out at rates that were on average 0.1-17.5 percentage points higher than Latinx voters in similar non-SDR states studied.

Although we cannot estimate a precise causal effect of implementation of SDR, these findings suggest that SDR is a critical reform that should be implemented in every state. Especially as part of a larger package of voter registrations reforms, including policies such as Automatic Voter Registration and Online Voter Registration, SDR can help scrub our political system of racist exclusions and advance a democracy in which all communities can participate.

Congress is currently considering such a transformative package in the For the People Act (H.R.1/S.1), the most significant voting rights legislation in a half century.⁴ The voter registration reforms in this package, especially SDR, have an important role to play in helping to build the just, inclusive, multiracial democracy we envision. This is the democracy Black and brown communities have been fighting for since our nation's founding – it's time to finally make it real.

Voter Registration as a Racist Tool of Voter Suppression

Voter registration was designed in part to make voting more difficult for Black and brown communities, and it has always served as an obstacle to voting for people of color.

Voter Registration Throughout History

Voter registration laws were inaugurated after the Civil War and enacted throughout the country through the early 20th century. It is no coincidence that the vast majority of states started adopting voter registration during or just after the brief but transformative period of Reconstruction, in which Black people built unprecedented political power, especially across the South.⁵ Many white Americans perceived this growing political power as a threat and quickly devised strategies to make voting harder for Black people, working people, and immigrants. Voter registration became a key tool in that white supremacist effort.

The design of early registration laws in many states makes clear their exclusionary intent. For example, under California's 1866 Registry Act, voters had to present themselves in person to register a full 3 months before Election Day. If the county clerk did not recognize them, prospective voters had to demonstrate evidence of their eligibility, and naturalized citizens had to present their original, court-sealed naturalization papers. If these citizens did not present those papers, they had to secure testimony of their eligibility by two "legal voters," and prove they had lived in the state for a full year (in contrast, non-naturalized citizens only had to reside in the state for 6 months to be eligible to vote).⁶ These onerous requirements disproportionately burdened naturalized citizens, as well as U.S.-born citizens of color who did not have white "legal voters" to vouch for their eligibility.

Illinois' 1885 registration law was written and advanced by a group of business and social elites founded to "preserve the purity of the ballot

box.”⁷ It attempted to do so by establishing a process that made it all but impossible for Black and brown people—most of whom were members of the working class at the time—to register. The law required prospective voters to show up to register in person on 1 of only 2 days per election cycle. Any voter could challenge another’s eligibility, in which event the challenged voter had to submit an affidavit of eligibility for review and approval by an election judge. If a registered voter was accused of being illegitimately on the rolls, the challenged registrant was required to show up in person, again, to argue their eligibility before an election judge. Voters had to jump through these hoops to re-register every 4 years, whether or not they moved.⁸ Quite transparently, the law disproportionately burdened working-class voters and voters of color, both by discouraging members of these groups from attempting to register, and by providing well-to-do whites with easy means for challenging these voters’ registration status.

A 1911 New Jersey registration law was no less onerous or discriminatory. It gave voters only a 4-day window before an election during which to register, and it required they share their occupation, give the names of their family members and landlord, and provide a satisfactory description of the place where they lived before they would be added to the rolls.⁹ Besides sharply limiting the registration window—a major inconvenience to working people—the reporting requirements (almost certainly intentionally) were likely intimidating to many would-be registrants.

Registration laws in these states—and others—were intentionally designed to make it harder for Black people, immigrants, and working-class people to get and stay registered and, in turn, to vote.

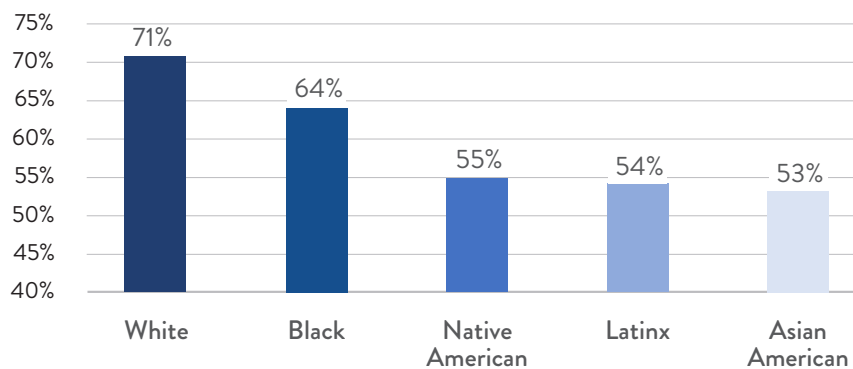
Some states went further, enshrining racist registration laws in their Jim Crow constitutions. Especially in the South, states like Alabama called constitutional conventions with the explicit purpose of “establish[ing] white supremacy in this State.”¹⁰ As a result, state constitutions laid out new requirements for anyone wishing to register to vote—including poll taxes, literacy tests, and employment and property qualifications¹¹—intentionally designed to disqualify the Black communities who had been excluded from education and economic opportunities for centuries.¹²

Registration Suppresses Turnout for Black and Brown Americans

Given the racism intrinsic in their creation, it is no surprise that voter registration laws have always had the effect of restricting the electoral and political power of Black and brown people. Registration laws suppressed voter turnout from the very beginning, and they continue to reduce the number of registered Black and brown voters today.

Figure 1 shows the impact of registration laws that make it particularly hard for Black and brown Americans to get and stay registered to vote: disparate registration rates among voters based on race and ethnicity.¹³

FIGURE 1.
Voter Registration Rates
by Race/Ethnicity



Census Bureau, November 2018

Registration Continues as a Discriminatory Barrier Today

Policies that ease the burden registration poses—including SDR—are as urgent as ever. To this day, states are finding new tactics to reject registrations and purge voters from the registration rolls, undermining the political power of Black, brown, and working-class voters. For example, until advocates finally succeeded in overturning it in 2019, a Georgia registration law disproportionately flagged and held up the registrations of thousands of eligible voters of color due to minor typos or data entry errors.¹⁴ During the 2018 elections, the discriminatory and

flawed “exact match” law meant that of the 53,000 voter registrations in Georgia that were held up in the weeks leading up to the elections, 70 percent were registrations of Black people, even though Georgia is only 32 percent Black.¹⁵ That year, Georgia came closer than ever before to electing its—and the nation’s—first Black woman governor. Stacey Abrams lost the race by just under 55,000 votes.¹⁶

Election officials in Georgia have also pursued aggressive investigations of Black and brown-led organizations’ voter registration efforts. Nsé Ufot, voting rights champion and CEO of the New Georgia Project, calls these efforts “one way racism and white supremacy work in public policy.”¹⁷ While these investigations inevitably end in no evidence of wrongdoing, Ufot points out that officials’ “use [of] their investigative powers to harass” has “a chilling effect” on voter registration and engagement efforts by Black and brown organizations in the state.¹⁸

Additionally, in some states, Black and brown voters who manage to make it onto the registration rolls are later removed by election administrators, often without the voter’s awareness. In a process known as “voter purging,” states like Ohio remove voters from the registration rolls because they have not voted frequently enough in the eyes of election officials, or based on flawed data that incorrectly indicate they are ineligible. Those who are wrongfully removed often do not learn they were purged until they show up to the polls and, if they live in a state without SDR, are denied the opportunity to cast a ballot that will be counted. Despite its disenfranchising effect, and contrary to the plain language of the National Voter Registration Act, laws that purge voters based on inactivity were upheld by the Supreme Court in 2018.¹⁹ Early research on these “use it or lose it” voter purge practices finds they disproportionately remove Black and brown voters from the rolls.²⁰

Black and Brown Resistance and Organizing Victories

Black and brown communities have been resisting racist schemes to keep them from getting registered and voting—and converting that resistance into high-impact policy wins—as long as these schemes have existed.

While it took decades, organizers and advocates succeeded in undoing many of the racist machinations that accompanied early voter registration laws when they passed the Voting Rights Act of 1965 (VRA). The landmark legislation, which still provides important protections for Black and brown voters today, helped undo a century of Jim Crow disenfranchisement laws. In the years immediately following the VRA's passage, hundreds of thousands of Black Americans registered to vote, especially in the South, and Black representation in state legislatures and in Congress increased dramatically.²¹ History generally credits the events of the years immediately leading up to the VRA's passage, including the tremendous courage and sacrifice of Black Alabamans who confronted police billy clubs and dogs as they attempted to march across the Edmund Pettus bridge demanding their right to vote.²² While these events undeniably took the campaign across the finish line, in reality Black Southerners like Amelia and Samuel Boynton, alongside countless other unsung heroes of the Civil Rights Movement, had been organizing to overthrow Jim Crow and win voting rights for decades. Their vision and persistence laid the foundation upon which the events of the 1960s could unfold.²³

Even with the progress afforded by the VRA, significant registration barriers and accompanying disparities remained. So Black and brown communities kept organizing. Leading up to the 1984 election, the National Coalition on Black Voter Participation organized a massive voter registration campaign—Operation Big Vote. Coupled with efforts by Rev. Jesse Jackson and other Black leaders and organizers, the campaign boosted Black registration by 6 percentage points and significantly narrowed the white-Black registration gap.²⁴ But their efforts also exposed “the maddening labyrinth of the country’s voter registration system and the obstructions of state and local officials,” which year after year kept untold numbers of eligible Black and brown voters from registering.²⁵ In the wake of the campaign, Black organizers and allies launched a campaign for federal legislation to improve access to voter registration, kept the bill from being significantly watered down, and in 1993 won passage of the National Voter Registration Act (NVRA). The NVRA requires states to offer voter registration at DMVs, agencies providing public assistance, and agencies serving people with disabilities, and it grants protections from improper voter purges, among other reforms.²⁶

Most recently, Black and brown organizers in Georgia showed the nation the power of their resistance. Pushing through exhaustion after the 2020 general election, they continued to organize and register voters, ultimately shattering turnout records in the January 5, 2021 Senate runoff. Nearly 4.5 million Georgians cast ballots in the race, more than double the number of voters in the state's 2008 Senate runoff.²⁷ Sixty percent of eligible Georgians turned out in the runoff, a higher turnout than in the 2016 general election,²⁸ a showing that resulted in sending their first Black senator to Congress. Over the last 2 years alone, Black and brown-led groups in Georgia, like the New Georgia Project, Black Voters Matter, Georgia STAND-UP, and the Georgia Coalition for the Peoples' Agenda, registered nearly 1 million voters, many of them young and people of color.²⁹

LaTosha Brown, co-founder of Black Voters Matter, describes that year-round work as being “about affirming Black people and pushing the concept of power, that it is something we can have and deserve.” That organizing and resistance has forced Americans of all races and ethnicities to understand that, as Brown says, “[Black people] are rightful participants in this democracy.”³⁰ It has also created space for movement at the federal level on an array of policies important to Black and brown communities, from equitable COVID relief and economic reinvestment, to holistic infrastructure legislation, to the structural democracy reform necessary to undo centuries of racist voter suppression.

Same Day Registration Solves Many Problems Created by Registration

Same Day Registration is a commonsense election accessibility reform that allows eligible voters to register and vote at the same time, when they show up to the polls on or before Election Day. 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, known also as Election Day Registration (EDR). In this paper, for simplicity, we generally refer just to SDR.

SAME DAY REGISTRATION (SDR)

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 states that allow this, EDR is effectively SDR. However, currently some states, such as North Carolina and Montana, only allow SDR during early voting.³¹

Maine, Minnesota, and Wisconsin pioneered SDR in the 1970s, and as of June 2021, the policy has been adopted in 21 states and the District of Columbia.³² Figure 2 shows the states that currently have SDR.

FIGURE 2.
Same Day Registration States

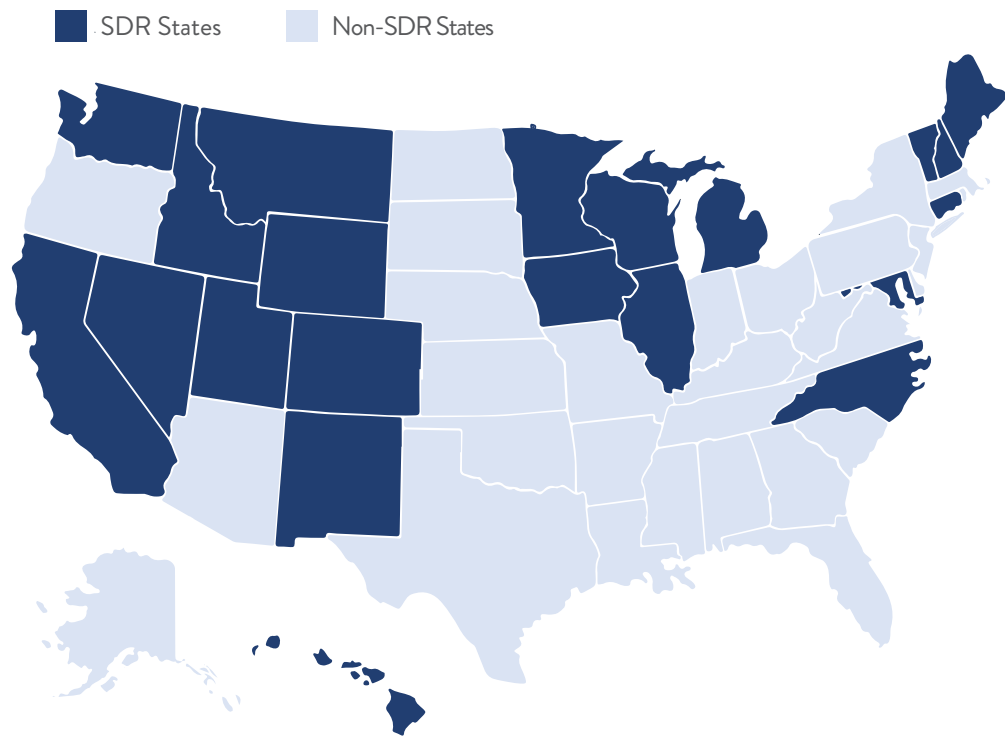


Table 1 shows the year when SDR was enacted in each state.

TABLE 1.
SDR/EDR States & Year Enacted

State	Year Passed	Type
California	2012	Early Voting & Election Day
Colorado	2013	Early Voting & Election Day
Connecticut	2012	Election Day only
District of Columbia	2010	Early Voting & Election Day
Hawaii	2014	Early Voting & Election Day
Idaho	1994	Election Day only
Illinois*	2005, 2015	Early Voting & Election Day
Iowa	2007	Early Voting & Election Day
Maine	1973	Early Voting & Election Day
Maryland**	2013, 2018	Early Voting & Election Day
Michigan	2018	Early Voting & Election Day
Minnesota	1974	Election Day only
Montana***	2005	Early Voting only
Nevada	2019	Early Voting & Election Day
New Hampshire	1996	Election Day only
New Mexico	2019	Early Voting & Election Day
North Carolina	2007	Early Voting only
Utah	2018	Early Voting & Election Day
Vermont	2015	Early Voting & Election Day
Washington	2018	Early Voting & Election Day
Wisconsin	1975	Election Day only
Wyoming	1994	Election Day only

*Illinois passed SDR in 2005 and added EDR in 2015.

**Maryland passed SDR in 2013 and added EDR in 2018.

***Montana enacted SDR and EDR in 2005, but in 2020 state legislators repealed EDR; now Montanans can only register and vote at the same time during early voting.³³

Note that in some states, there was a significant lag time between enactment and implementation. For example, California enacted SDR in 2012, but the program was not fully operational until 2018.

With SDR, voters who show up to the polls but find themselves not on the registration rolls, and who can confirm their eligibility (age, citizenship where required, residency), are able to register on-site and cast a vote that counts. States vary in how people can confirm their identity and residency, with some requiring a current driver's license or other form of government-issued ID (with or without a photo) and others accepting alternative documents with the voter's name and address, such as a utility bill and/or paycheck.³⁴ Some states 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.³⁵ In many states, same day registrants must also sign an affidavit swearing to their qualifications and affirming that they have not already voted in that election.³⁶

SDR Ensures Registration Rolls are Complete and Accurate

SDR is a critical policy within a wider set of voting reforms. SDR ensures that registration rolls are more complete and, therefore, more accurate. Additionally, by providing a vital failsafe for voters who did not make it onto the rolls through the conventional registration process, who were mistakenly dropped from the rolls, or who moved and were not able to update their registrations in time, SDR ensures no voter is disenfranchised by the registration barrier.

First, SDR provides a valuable accompaniment to other voter registration modernization reforms like Online Voter Registration (OVR) and Automatic Voter Registration (AVR), which are important but do not ensure registration of all eligible voters. Even in a fully automated voter registration system, in which the government takes responsibility for registering voters,³⁷ it is still likely some potential voters will not make it onto the rolls before Election Day. People who have little or no interaction with state agencies—the sites of AVR—will not be added to the rolls automatically. Additionally, those who move frequently, such as students and low-income people, may not have updated their registrations in time for an election. SDR ensures these voters can update their registration and cast a ballot that counts.

SDR also eliminates the bureaucratic hurdle 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. Such deadlines are particularly burdensome for Black and brown Americans. Political parties too often take these communities' votes for granted and do not work to engage them. If they do, the effort often comes in the final weeks before an election, when registration deadlines in many places have passed. Grassroots organizers and community-based groups that talk to voters year-round have been picking up the slack for years. But these organizations often operate with limited resources and may lack the capacity to reach many who are eligible to vote. SDR ensures no voters are disenfranchised by arbitrary registration deadlines.

SDR also remedies inaccurate voter rolls, allowing voters who moved but did not change their registration 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.³⁸ Of critical importance, Black and brown Americans are particularly likely to be geographically mobile due to lower rates of homeownership—a legacy of systematic wealth extraction, economic exclusion, and unequal pay—meaning that members of these communities may be especially likely to benefit from this policy.³⁹

And SDR ensures rolls include voters who were never added to the voter rolls because of bureaucratic errors, or who were dropped from the rolls by discriminatory “use it or lose it” voter purge policies, as in the Georgia and Ohio examples described earlier.⁴⁰

Finally, by allowing registration issues to be corrected on-site, SDR results in fewer eligible Americans being 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.⁴¹ A 2014 analysis of counties in 16 states found that provisional ballots were more likely to be cast by people of color.⁴² 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 2008.⁴³

Existing Research on Same Day Registration

There is widespread recognition that the requirement to register separately from and in advance of voting depresses voter turnout by several percentage points.⁴⁴ Existing research suggests that SDR may, by combining registration and voting in one smooth process, increase voter turnout.⁴⁵ One early study found that implementation of SDR could increase aggregate voter turnout by 7 percentage points.⁴⁶ Another study, using data from the 2000, 2004, and 2008 election cycles, found that implementation of SDR was associated with a significant increase in the likelihood that an individual would vote.⁴⁷ And using data from the 2004 and 2008 election cycles, a group of political scientists estimated that the presence of SDR increased an individual's chance of voting by 3 to 4 percentage points.⁴⁸

Some research also points to the conclusion that Election Day Registration is especially effective in increasing turnout among youthful voters.⁴⁹ One very recent study finds that implementation of SDR can increase youth turnout by 3-7 percentage points.⁵⁰

To date, however, there have been few if any efforts to assess how, if at all, implementation of SDR is associated with an increase in turnout among Black and brown voters, largely because accurate data on voter turnout by race disaggregated at the state level has not been available. In this study, we investigate whether states that have implemented SDR have higher voter turnout rates for Black and Latinx voters than do states that have not implemented this policy.

Findings

We find that Black and Latinx voter turnout is higher on average in states that have implemented SDR compared to similarly situated states that have not across each election year studied, with a few exceptions.

Our research methodology is summarized on the following page, and described in detail in Appendix A.

Black voter turnout seems especially to benefit from the presence of SDR. Across the years and the 4 Census-defined state groupings (“divisions”) we studied, with one exception in one year, Black turnout is on average 2-17 percentage points higher in SDR than in non-SDR states. In the East North Central division, Black turnout is on average 7-17 percentage points higher in SDR states than in non-SDR states. Differences in the South Atlantic division are smaller but still noteworthy. There, in 2012, before high-turnout state Maryland had implemented SDR, Black turnout was on average 0.5 percentage points higher in non-SDR states than SDR states, but it was an average of 2-3 percentage points higher in SDR than in non-SDR states in 2014 and 2016, once Maryland became an SDR state. When we exclude Florida from the non-SDR states average (see below for more on why we excluded Florida from some of our comparisons), Black turnout in the division was on average 2-6.5 percentage points higher in SDR states than non-SDR states, and the negative differential in 2012 becomes positive. In the Middle Atlantic division, Black turnout is on average 7-9 percentage points higher in SDR states than in non-SDR states. And in the Mountain division, in states with a sizeable enough Black population for consideration, Black turnout is on average 12-14 percentage points higher in SDR states than in non-SDR states.

The differences in Latinx voter turnout rates between SDR and non-SDR states are smaller, but for the most part indicate that turnout is on average higher in SDR states than in non-SDR states. When we account for complicating factors like the presence of a politically unique state⁵¹ among the non-SDR states, or a significant differential in the size of the Latinx population between SDR and non-SDR states, we find that average Latinx turnout in SDR states is 0.1-17 percentage points higher than in non-SDR states, with one exception in the South Atlantic in 2012. Drilling down by division, Latinx voter turnout in the SDR states of the East North Central division is on average 13-17 percentage points higher than in its non-SDR states. In the South Atlantic division—which is complicated by the presence of Florida, a state unlike any other given its large size, substantial Latinx population, and pivotal status in presidential elections—average Latinx turnout in SDR states is lower than average Latinx turnout in non-SDR states. But when we exclude Florida from that group, average Latinx turnout in South Atlantic SDR states is 2.5-4 percentage points higher than in non-SDR states in 2014 and 2016 (in 2012, when Maryland is in the non-SDR state grouping, average Latinx turnout is 2 percentage points lower in SDR states). Average Latinx voter turnout in the Middle Atlantic is 0.1-3 percentage points higher in SDR states than in non-SDR states.

The Mountain division contains the largest variation in the size of the Latinx citizen voting age populations (CVAP), from 3 percent in Montana to 41 percent in New Mexico, with the largest Latinx communities clustered in the non-SDR states. Generally speaking, the turnout rate for a community of color is higher when that community's share of the voting population is larger, because in these circumstances members of the community are often better organized and have greater political efficacy, and because candidates have greater incentives to engage with them.⁵² We think this is why, when we compare averages across the entire division, average Latinx turnout is higher in non-SDR states than in SDR states. However, when we just compare states in which the Latinx CVAP makes up at least 10 percent of the population, average Latinx turnout is 1-7 percentage points higher in SDR states than in non-SDR states.

Methodology

(See Appendix A for full methods)

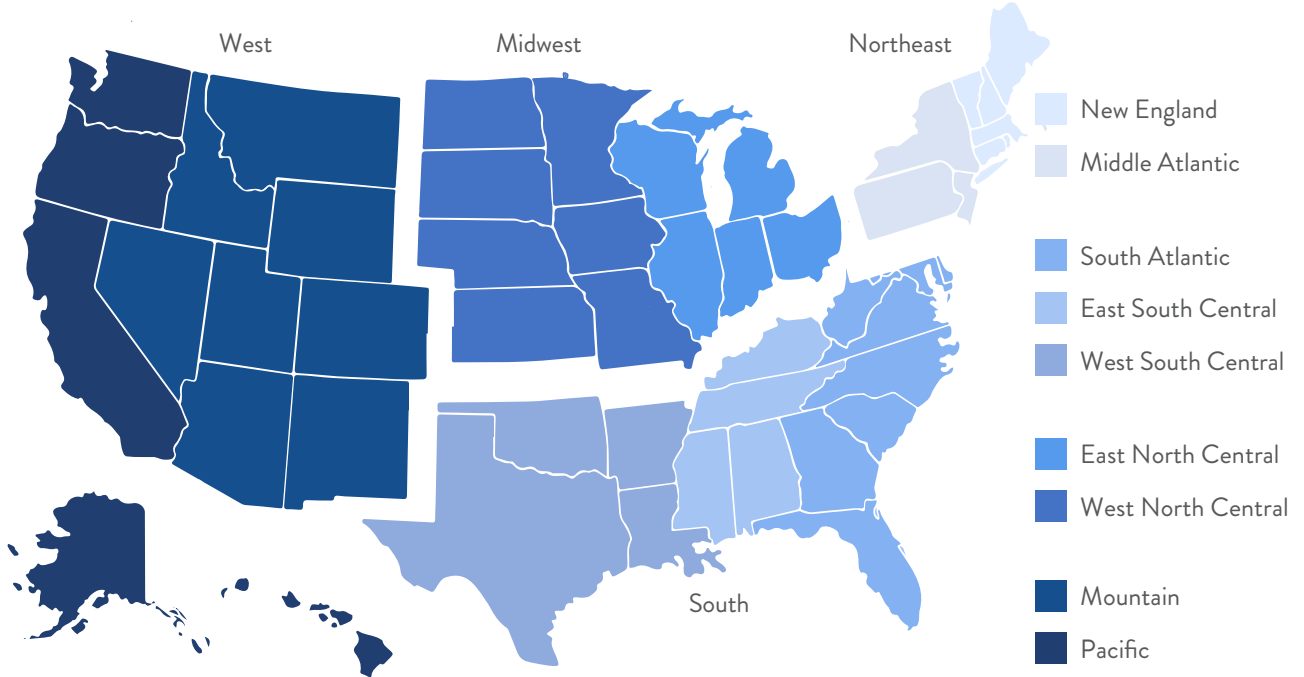
For our analysis, we consider turnout by Black and Latinx voters in 23 states and the District of Columbia during the 2012, 2014, and 2016 federal elections. This sample includes both states that had SDR and/or EDR (“SDR states”) during that period and those that did not (“non-SDR states”). States in our study are organized by Census divisions, to attempt to account for social, political, and economic factors that may also influence turnout among Black and Latinx voters. We examined one division within each of the Census’ 4 regions. For the Midwest region, we examined the East North Central division; for the South region, the South Atlantic division; for the Northeast region, the Middle Atlantic division; and for the West region, the Mountain division.

We chose these divisions first by identifying the divisions that included both SDR and non-SDR states during the study period, or for which there was an SDR state that could serve as a reasonable comparison (meaning there are social, political, economic, and demographic similarities). For example, we studied the Middle Atlantic division, which does not have an SDR state but for which Maryland could serve as a reasonable comparison; but we elected not to study the West South Central or East South Central divisions, because none of the states in these divisions had adopted SDR and there was no obvious comparison state from another division that had SDR.⁵³

We then considered the size of the Black and Latinx citizen voting age populations (CVAP) and chose divisions that were mostly made up of states in which the Black and Latinx CVAPs were at least 3 percent (based on the 2012-2015 5-year American Community Survey estimates). For example, while the New England division has both SDR and non-SDR states, the Black and Latinx CVAP in most of those states is quite small, and thus not ideal for our study.

Finally, we considered unique election circumstances that may interact with SDR in complicated ways, like states that conduct elections entirely by mail. For this reason, we did not consider the Pacific division, which included 2 all-mail voting states (Oregon and Washington) during the study period.

Census Regions and Divisions of the United States



MEASURING VOTER TURNOUT

There are multiple ways to measure voter turnout, and they depend on how one counts the total number of people eligible to vote, which is the denominator in the turnout equation. Two alternative denominators are the citizen voting age population (CVAP) and the citizen voting eligible population (CVEP).

The CVAP refers to all citizens age 18 years or older in a specific jurisdiction.

The CVEP refers to all citizens age 18 years or older in a specific jurisdiction who have not been disqualified from voting due to a felony or other disqualifying conviction, a judgment of mental incompetence, or some other reason.

Continued next page

In our research, we use the CVEP as our denominator, because it provides a more accurate measure of the population which is actually eligible to vote. Because some states disqualify a substantial share of their CVAP due to felony disenfranchisement laws, use of the CVAP to estimate voter turnout can be misleading, as it will produce an underestimate of voter turnout of the actually eligible population in these states.

Demos believes all citizens of voting age should have full, unfettered access to the ballot, and that no one should lose their right to vote upon reaching the voting age. We detail this position further as part of our agenda to build a more inclusive democracy, in our *Enfranchisement For All* policy brief.⁵⁴ While we use the CVEP in this research brief to capture as accurate a picture of turnout rates among eligible voters as possible, we and partners continue to push for the policy change necessary to arrive at a moment when we can use the CVAP. We also support proposals to include non-citizens among the electorate, when those proposals are led and supported by non-citizens themselves.

Midwest: East North Central

Illinois, Indiana, Michigan, Ohio, and Wisconsin

The states in the East North Central division saw noticeably higher turnout rates on average for Black and Latinx Midwesterners in SDR states (Illinois and Wisconsin), compared to non-SDR states (Indiana, Michigan, and Ohio). In 2016, Black voter turnout in the SDR states was on average 7.3 percentage points higher than in the non-SDR states. That same year, the difference between average Latinx turnout in SDR states and in non-SDR states was a staggering 17.2 percentage points. Tables 2a and 2b show average voter turnout rates for Black and Latinx communities in East North Central states in the 2012 and 2016 presidential elections, as well as the 2014 midterm.

TABLE 2A.**Black Voter Turnout, East North Central States**

	CVAP	2016	2014*	2012
SDR State				
Wisconsin	5.6%	54.4%	46.8%	62.2%
Illinois	14.7%	53.2%	32.9%	50.0%
Non-SDR State				
Michigan**	13.5%	48.8%	29.8%	45.0%
Ohio	11.5%	49.5%	22.0%	52.5%
Indiana	8.7%	41.1%	15.8%	38.3%
Average Turnout (SDR States)		53.8%	39.9%	56.1%
Average Turnout (Non-SDR States)		46.5%	22.5%	45.2%
Difference		7.3pp	17.3pp	10.9pp

*Voter turnout is regularly lower in midterm elections than presidential year elections, when a race for the highest office in the country draws great interest and investment.⁵⁵

** Michigan is now an SDR state, as it passed SDR in 2018. It is included as a non-SDR state because it did not have SDR in the years studied.

TABLE 2B.**Latinx Voter Turnout, East North Central States**

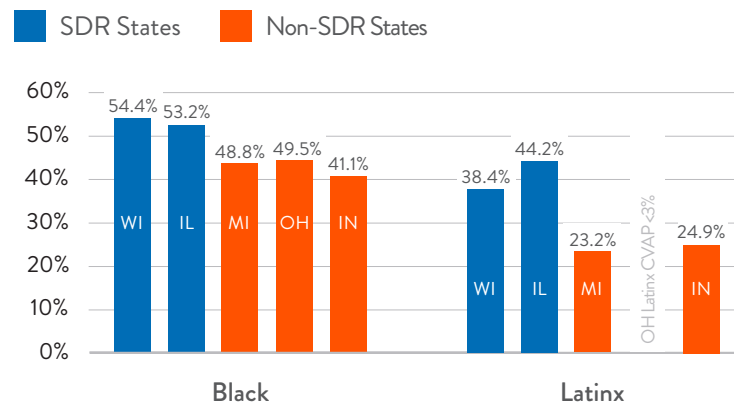
	CVAP	2016	2014	2012
SDR State				
Wisconsin	3.5%	38.4%	22.6%	39.0%
Illinois	10.2%	44.2%	18.7%	34.5%
Non-SDR State				
Michigan*	3.1%	23.2%	9.9%	19.0%
Ohio**	2.3%	—	—	—
Indiana	3.5%	24.9%	5.5%	19.5%
Average Turnout (SDR States)		41.3%	20.6%	36.8%
Average Turnout (Non-SDR States)		24.1%	7.7%	19.3%
Difference		17.2pp	12.9pp	17.5pp

* Michigan is now an SDR state, as it passed SDR in 2018. It is included as a non-SDR state because it did not have SDR in the years studied.

** Average Latinx average turnout for non-SDR states excludes Ohio, whose Latinx population makes up less than 3% of the citizen voting age population.

Figure 3 shows Black and Latinx turnout in 2016 for SDR and non-SDR states.

FIGURE 3.
Black and Latinx Turnout, 2016
East North Central States



South: South Atlantic

Delaware, Georgia, Florida, Maryland, North Carolina, South Carolina, Virginia, Washington, D.C.

Black voters in the South Atlantic division also mostly turned out at higher rates in SDR states (Washington D.C., Maryland, North Carolina) than in non-SDR states (Delaware, Georgia, Florida, South Carolina, and Virginia). In 2016, the difference between average Black voter turnout in SDR states and in non-SDR states was 3.2 percentage points, while in 2014 it was 2 percentage points, both differentials favoring SDR states. Maryland—a state with a sizeable and engaged Black CVAP—had not yet passed SDR in 2012, so for that year the state is included as a non-SDR state. In 2012 the difference between average Black voter turnout in SDR states and in non-SDR states actually favored non-SDR states by 0.5 percentage points.

The story of Latinx voter turnout in the South Atlantic is somewhat more complicated. The South Atlantic is a particularly difficult division for comparison in our study, because it includes Florida, a state with few parallels in the country in terms of competitiveness and profile each election year. Florida is a battleground state like no other, given its large Electoral College vote, and the level of investment from election

to election is of an entirely different order than in the other states in the South Atlantic division (though North Carolina and Georgia have received more significant investments in recent years). This virtually unmatched level of investment almost certainly increases turnout among Black and Latinx voters in the state. Florida's large Latinx population will also tend to lead to an exceptionally high level of Latinx turnout, as Latinx voters are likely to have greater political efficacy, because parties and candidates are more likely to engage with them for mobilization, and because Latinx candidates feature in state legislative and congressional races more frequently than in many other states.⁵⁶ For these reasons, we have to exercise caution in drawing conclusions about patterns of SDR implementation and Latinx voter turnout in the division, especially when Florida is present in the analysis.

In order to understand the turnout differential without the complications of a state like Florida, we present findings both including and excluding Florida from our calculations. When we include Florida among the non-SDR states, we see that Latinx turnout is on average higher in non-SDR states in the South Atlantic division each year considered, by 0.2 percentage points in 2016, 0.3 percentage points in 2014, and 5 percentage points in 2012. However, when we exclude Florida from the comparison, we find that Latinx voter turnout is on average higher in SDR states in 2016 (by 4.3 percentage points) and in 2014 (by 2.5 percentage points). In 2012, again likely because of higher-turnout state Maryland's inclusion as a non-SDR state that year, the Latinx turnout rate in non-SDR states is an average of 2 percentage points higher than in SDR states.

In this alternative comparison without Florida, the differential between SDR and non-SDR states for average Black voter turnout also jumps, doubling in 2016 from 3.2 to 6.5 percentage points, and growing even more in 2014 and 2012. Notably, in this comparison, average Black voter turnout in 2012 flips from being 0.5 percentage point higher in non-SDR states to being 2.3 percentage points higher in SDR states.

Tables 3a and 3b show voter turnout rates for Black and Latinx communities in South Atlantic states in the 2012 and 2016 presidential elections, as well as the 2014 midterm, with and without Florida.

TABLE 3A.

Black Voter Turnout, South Atlantic States

	CVAP	2016	2014*	2012
SDR State				
Maryland*	29.6%	61.7%	34.1%	—
North Carolina	21.7%	62.9%	39.1%	58.0%
Washington, D.C.	48.2%	64.1%	33.7%	58.5%
Non-SDR State				
<i>Maryland*</i>	29.6%	—	—	60.0%
Delaware	20.6%	49.4%	20.6%	45.7%
Georgia	31.3%	55.6%	35.7%	56.4%
Florida	14.4%	73.0%	45.2%	72.9%
South Carolina	27.0%	57.3%	36.9%	58.9%
Virginia	19.4%	63.2%	30.0%	58.7%
Average Turnout (SDR States)		62.9%	35.6%	58.3%
Average Turnout (Non-SDR States)		59.7%	33.7%	58.8%
Difference		3.2pp	2.0pp	(-0.5pp)
Average Turnout (Non-SDR States, without Florida)		56.4%	30.8%	55.9%
Difference		6.5pp	4.9pp	2.3pp

*Maryland passed SDR in 2013, so it is included in the non-SDR state grouping for the 2012 election cycle only.

TABLE 3B.**Latinx Voter Turnout, South Atlantic States**

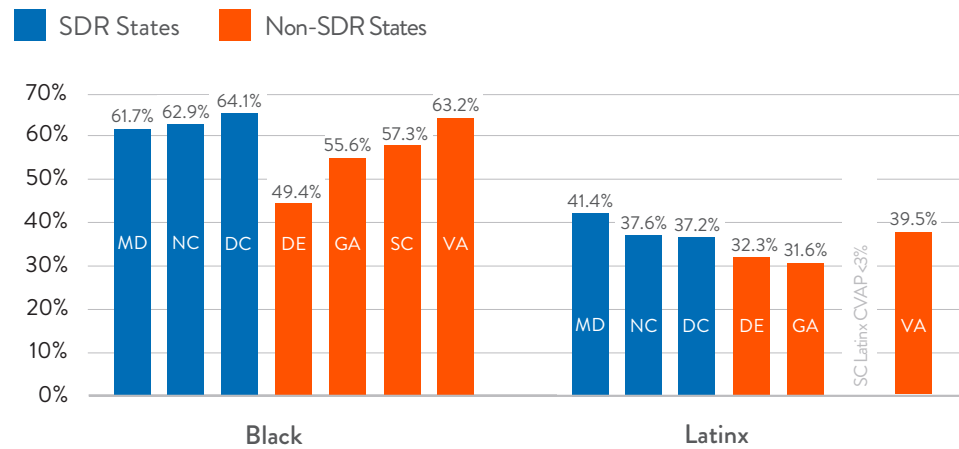
	CVAP	2016	2014*	2012
SDR State				
Maryland*	4.5%	41.4%	16.1%	—
North Carolina	3.5%	37.6%	11.7%	26.6%
Washington, D.C.	6.1%	37.2%	15.7%	29.2%
Non-SDR State				
<i>Maryland*</i>	4.5%	—	—	37.1%
Delaware	5.1%	32.3%	12.4%	27.9%
Georgia	4.1%	31.6%	11.3%	22.5%
Florida	18.2%	52.5%	23.3%	44.8%
South Carolina**	2.4%	—	—	—
Virginia	4.8%	39.5%	12.3%	32.2%
Average Turnout (SDR States)		38.8%	14.5%	27.9%
Average Turnout (Non-SDR States)		39.0%	14.8%	32.9%
Difference		(-0.2pp)	(-0.3pp)	(-5.0pp)
Average Turnout (Non-SDR States, without Florida)		34.5%	12.0%	29.9%
Difference		4.3pp	2.5pp	(-2.0pp)

*Maryland passed SDR in 2013, so it is included in the non-SDR state grouping for the 2012 election cycle only.

**Average Latinx turnout for non-SDR states excludes South Carolina, whose Latinx population makes up less than 3% of the citizen voting age population.

Figure 4 shows Black and Latinx turnout in 2016 in these states, excluding Florida.

FIGURE 4.
Black and Latinx Turnout, 2016
South Atlantic States



Northeast: Middle Atlantic

Maryland, New Jersey, New York, Pennsylvania

During the period of study, no state in the Middle Atlantic division had implemented SDR. To make a comparison feasible, we included Maryland, which had SDR in place in 2014 and 2016, is geographically contiguous, and is similar in many respects to the states of the Middle Atlantic. Black voter turnout in Maryland was 7.5 percentage points higher than was average Black voter turnout in the non-SDR states of the Middle Atlantic in 2016 and 9.3 percentage points higher in 2014. Latinx voter turnout was 0.1 percentage point higher in Maryland than was average Latinx turnout in non-SDR states in 2016 and 2.7 percentage points higher in 2014. We did not consider 2012, as Maryland passed SDR in 2013 and 2014 was the first federal election for which it was in place.

Note that the Black CVAP in Maryland is larger than in any of the other states in the Middle Atlantic comparison, which may partially contribute to the higher turnout among Black voters we see there (since we expect larger population size to be related to higher turnout, as discussed above in the case of Florida). The Latinx CVAP in Maryland, however, is smaller than 2 of the 3 states in the comparison, and turnout there is still higher than in the other Middle Atlantic states, making the difference we see even more noteworthy.

Tables 4a and 4b show voter turnout rates for Black and Latinx communities in the states of the Middle Atlantic in the 2016 presidential election and the 2014 midterm.

TABLE 4A.

Black Voter Turnout, Middle Atlantic States

	CVAP	2016	2014
SDR State			
Maryland	29.6%	61.7%	34.1%
Non-SDR State			
New Jersey	13.3%	53.1%	24.8%
New York	14.2%	54.3%	21.5%
Pennsylvania	10.0%	55.1%	28.3%
Average Turnout (SDR States)		61.7%	34.1%
Average Turnout (Non-SDR States)		54.2%	24.9%
Difference		7.5pp	9.3pp

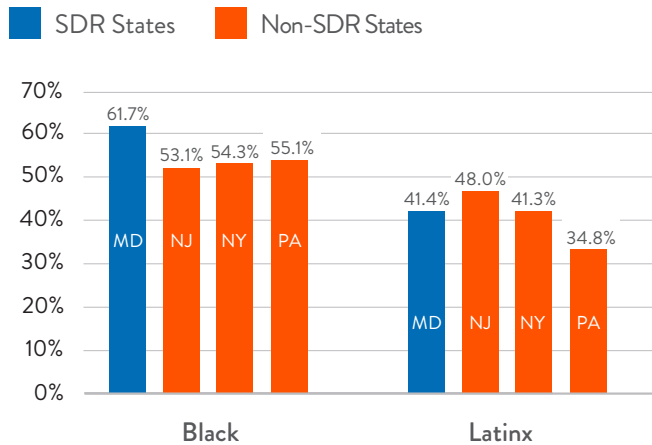
TABLE 4B.**Latinx Voter Turnout, Middle Atlantic States**

	CVAP	2016	2014
SDR State			
Maryland	4.5%	41.4%	16.1%
Non-SDR State			
New Jersey	13.6%	48.0%	17.1%
New York	13.8%	41.3%	13.1%
Pennsylvania	4.5%	34.8%	9.8%
Average Turnout (SDR States)		41.4%	16.1%
Average Turnout (Non-SDR States)		41.3%	13.3%
Difference		0.1pp	2.7pp

Figure 5 shows Black and Latinx turnout in SDR and non-SDR states in 2016.

FIGURE 5.

Black and Latinx Turnout, 2016 Middle Atlantic States



West: Mountain

Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming

Finally, we examined the Mountain division of the Western states. For this division, we could not examine Black voter turnout for every state, as the population in 5 Mountain states (Idaho, Montana, New Mexico, Utah, and Wyoming) did not make our 3 percent threshold. Comparing Black voter turnout in the SDR state (Colorado) and non-SDR states (Arizona and Nevada) that have large enough Black populations, however, we see that Black voters turned out at a rate more than 14 percentage points higher when SDR was present in both 2016 and 2014. Colorado did not have SDR in 2012, so there is no SDR comparison state for Black or Latinx voters in that year.

We do not find higher turnout among Latinx voters in the full set of SDR states (Colorado, Idaho, Montana, and Wyoming) than the non-SDR states (Arizona, Nevada, New Mexico, and Utah). For example, in 2016, Latinx turnout in the SDR states of the Mountain division was on average 31.5 percent, compared to an average of 40.3 percent in the non-SDR states, an 8.7 percentage point difference favoring the non-SDR states.

We hypothesize this is at least partially due to the fact that 3 states in the non-SDR states group have quite large Latinx populations—Arizona (21 percent), Nevada (17 percent), and New Mexico (41 percent). All of the SDR states in this division have smaller Latinx populations—Colorado (15 percent), Idaho (7 percent), Wyoming (7 percent), and Montana (3 percent). One non-SDR state has a relatively smaller Latinx population, too—Utah (8 percent). Because their share of the population is so high in most of the non-SDR states, Latinx voters necessarily command the interest and investment of candidates and parties, and Latinx communities likely have well-developed infrastructure for engaging and turning out their base. We would expect these investments and this infrastructure to result in higher turnout in these non-SDR states with large Latinx populations, which may be working against the effect of SDR.

To try to account for these factors that are likely unrelated to SDR, we looked only at those Mountain states that have Latinx populations of at least 10 percent—Colorado (SDR) and Arizona, Nevada, and New Mexico (non-SDR). We find that, when looking only at states with more similar shares of Latinx people, average Latinx turnout in the SDR state is 1 percentage point higher than the average in non-SDR states in 2016, and 7 percentage points higher than the average among non-SDR states in 2014. This is especially notable, as Colorado’s Latinx population is the smallest of the 4 states considered in this comparison.⁵⁷

Tables 5a and 5b show the Black and Latinx turnout in the Mountain states for which the CVAP for each community is at least 3 percent. Table 5c looks at Latinx voter turnout just in Mountain states for which the Latinx CVAP is 10 percent or higher. We do not look at Black voter turnout in this alternative comparison, as the Black CVAP does not reach 10 percent in any of the Mountain division states.

TABLE 5A.**Black Voter Turnout, Mountain States**

	CVAP	2016	2014
SDR State			
Colorado*	4%	41.9%	23.5%
Idaho	0.5%	—	—
Montana**	0.4%	—	—
Wyoming	0.9%	—	—
Non-SDR State			
Arizona	4%	21.4%	7.5%
New Mexico***	1.9%	—	—
Nevada***	8.8%	33.8%	11.3%
Utah***	0.9%	—	—
Average Turnout (SDR States)		41.9%	23.5%
Average Turnout (Non-SDR States)		27.6%	9.4%
Difference		14.3pp	14.2pp

*Colorado passed SDR in 2013, and neither Idaho, Montana, nor Wyoming have Black CVAP of 3 percent or more, so we excluded 2012 from the Black turnout analysis for this division. For 2014 and 2016, Colorado is the only state in the SDR average.

**For the period of this study, voters in Montana could register and vote on the same day during both early voting and on Election Day. However, in 2021 state legislators repealed EDR.

***New Mexico, Nevada, and Utah are all now SDR/EDR states, as they passed SDR in 2019, 2019, and 2018 respectively. They are included as non-SDR states because they did not have SDR in the years studied.

TABLE 5B.**Latinx Voter Turnout, Mountain States**

	CVAP	2016	2014	2012
SDR State				
Colorado*	15%	45.1%	26.3%	—
Idaho	7.0%	32.3%	12.7%	23.6%
Montana	3.0%	19.8%	9.6%	11.7%
Wyoming	6.9%	29.0%	15.5%	20.2%
Non-SDR State				
<i>Colorado*</i>	<i>15%</i>			38.6%
Arizona	21%	41.8%	17.9%	34.5%
New Mexico**	40.9%	45.1%	26.0%	42.3%
Nevada**	17.4%	45.5%	14.1%	38.9%
Utah**	7.8%	28.6%	8.6%	19.8%
Average Turnout (SDR States)		31.5%	16.0%	18.5%
Average Turnout (Non-SDR States)		40.3%	16.6%	34.8%
Difference		(-8.7pp)	(-0.6pp)	(-16.3pp)

*Colorado passed SDR in 2013, so it is included in the non-SDR state grouping for the 2012 election cycle only.

**New Mexico, Nevada, and Utah are all now SDR/EDR states, as they passed SDR in 2019, 2019, and 2018 respectively. They are included as non-SDR states because they did not have SDR in the years studied.

TABLE 5C.**Latinx Voter Turnout, Mountain States in which Latinx CVAP is $\geq 10\%$**

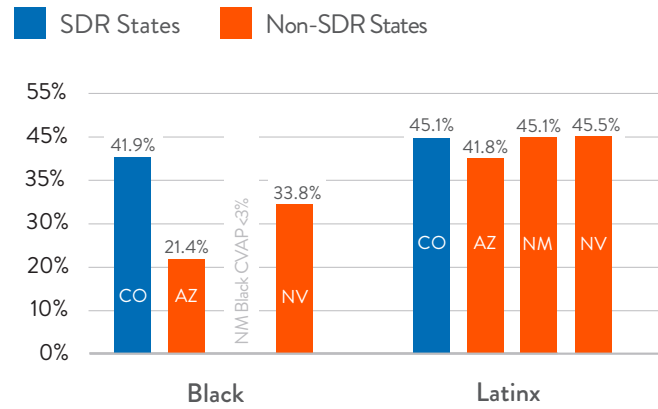
	CVAP	2016	2014
SDR State			
Colorado*	15.0%	45.1%	26.3%
Non-SDR State			
Arizona	21.0%	41.8%	17.9%
New Mexico**	40.9%	45.1%	26.0%
Nevada**	17.4%	45.5%	14.1%
Average Turnout (SDR States)		45.1%	26.3%
Average Turnout (Non-SDR States)		44.1%	19.3%
Difference		1pp	7pp

*Colorado passed SDR in 2013, so we excluded 2012 from this alternative comparison.

**New Mexico and Nevada are now SDR/EDR states, as they passed SDR in 2019. They are included as non-SDR states because they did not have SDR in the years studied.

Figure 6 compares 2016 Black and Latinx turnout in the most comparable SDR and non-SDR states in the Mountain division.

FIGURE 6.
Black and Latinx Turnout, 2016
Mountain States



Case Study: Winning Same Day Registration in New Mexico with OLÉ

Organizers in the Land of Enchantment (OLÉ) New Mexico is a non-profit, grassroots member organization composed of people of color, early educators, parents, workers, and immigrants. For more than a decade, OLÉ members and staff have used electoral engagement and issue-based organizing campaigns on early childhood education, workers' rights, citizenship, and democracy reform to ensure that working families play a critical role in shaping New Mexico's future.⁵⁸ OLÉ has leveraged those campaigns to build durable political power—and achieve tangible policy wins—for New Mexican families.

For New Mexicans, celebrating the state's rich traditions, heritage, and culture is a way of life. New Mexico enjoys the second highest population of color of any state and is home to thriving communities of Latinx, Native American, Black, Asian American, and other people of color, and to working-class families of all races and ethnicities.⁵⁹ OLÉ's members come from these communities and are motivated to organize by their deeply held values of family, culture, resilience, responsibility, respect, and faith and spirituality.

In recent years, as voting rights have been stripped away from people of color—resulting in alarmingly low voter turnout among some communities of color—building an inclusive democracy has emerged as a major priority for OLÉ and its members. In 2019, OLÉ members helped to expand democracy in New Mexico by playing a central role in the fight to pass Same Day Registration (SDR) and Automatic Voter Registration (AVR) in the state.

Bringing SDR and AVR to New Mexico were not foregone conclusions. Despite the fact that Democrats control state government, long-standing barriers to the ballot box for Black and brown New Mexicans have persisted.⁶⁰ For years leading up to the successful SDR and AVR

campaigns, elected officials in Santa Fe dragged their feet on reforms that would make voting more accessible, some simply by failing to prioritize these policies and others by yielding to the powerful county clerks' association, which liked the significant control over elections that state law afforded them.

OLÉ and partners had to fight hard for a strong, equitable policy design and to contend with powerful interests who were opposed to registration reform. OLÉ in particular employed key strategies they had been honing for some time: center the voices and priorities of directly-impacted people; work closely with an elected official who had ties and accountability to these communities; and design a campaign that leaned on existing organizing and built power for future wins. The story of how OLÉ won a strong SDR policy demonstrates the wisdom of those strategies and offers lessons for lawmakers and advocates who are hoping to bring SDR and other pro-voter reforms to their states.

Center the Voices and Priorities of Directly-Impacted People

OLÉ operates on the belief that “nothing about us without us is for us.” Accordingly, they have been organizing with and investing in the leadership of Black and brown communities and working families across New Mexico for years.

So when the 2019 legislative session opened, OLÉ and its members were ready to fight for 2 of their top democracy priorities: same day registration and automatic voter registration. SDR was particularly important to OLÉ members, who include young people, working families, naturalized citizens, and formerly incarcerated New Mexicans. Getting and staying registered to vote can present significant challenges for each of these communities, whether because they move more frequently than older and more affluent New Mexicans, because they are only recently eligible to vote, or because they have been intentionally excluded from our democracy by racist disenfranchisement laws. OLÉ members understood that SDR would be critical for improving access to voting for their communities, and would contribute to a healthier democracy that represents their perspectives and priorities and, in turn, to a stronger New Mexico.



OLÉ members prepping for their advocacy at the state capitol in Santa Fe

Based on its years of electoral and issue-based campaigning, OLE knows the most effective way to win strong, lasting policy change is by ensuring the people who are hardest hit by a problem are an integral part of designing and advocating for its solutions. This means that the Black and brown New Mexicans who find it hardest to vote had to lead the campaign to pass registration reform. Leaning on the leadership development it had been engaged in for years, OLE staff and members put together a cadre of members who would benefit most from reforms like SDR and AVR, and who were passionate about and well-versed in both. These OLE leaders traveled regularly to Santa Fe to share their stories with lawmakers and the public. They met one-on-one with lawmakers, testified in committees, penned op-eds, created and shared graphics, and appeared on a local news program. They did so to raise awareness about the impact that voting rights issues, including voter registration, have on ordinary New Mexicans and to push lawmakers in Santa Fe to quickly pass a strong SDR/AVR bill.

Their stories provided a powerful counterweight to the hired lobbyists who were speaking out against the bill in Santa Fe. Miles Tokunow, OLE Deputy Director and lead organizer on the campaign, credits the power of these voices and stories with saving the SDR bill in the face of an 11th hour attack that would have watered it down, primarily by making implementation of SDR optional, at the discretion of local county clerks, and by pushing implementation back a few years. According to Miles, “Because our members had been in Santa Fe regularly, telling their stories to lawmakers, their stories were heard and remembered—and became the backstop to a backdoor deal to weaken SDR.”⁶¹



OLÉ member Rudolfo Martel (right) sharing his story with State Representative Debra M. Sariñana (left)

Work with an Elected Official with Ties and Accountability to Working Families

OLÉ is committed to a process of co-governance, through which communities and elected officials collaborate to develop and pass policies that benefit working people. True co-governance requires trust, reciprocity, and accountability: communities must identify strong candidates with ties to working people and organize to get those champions elected, and those elected officials must stay in touch with and remain accountable to communities as they govern.

In this case, the lead sponsor of the SDR bill, Rep. Daymon Ely, was a state legislator OLÉ had helped get elected in 2017, due to his commitment to governing in the interests of New Mexico's working families. And because OLÉ had organized in support of Ely's candidacy, when Rep. Ely introduced SDR in 2019, OLÉ did not have to start from scratch with the bill's sponsor and to try to convince him to listen to OLÉ members. Instead, the existing relationship allowed OLÉ to quickly connect him with the people from whom he most needed to hear: young people, working people, naturalized citizens, formerly incarcerated people, and others who had the most stake in a robust, inclusive SDR policy. While this kind of communication and coordination may be routine between lawmakers and lobbyists representing business and other special interests, it is far less common between elected officials and working people.

Through regular communication and genuine collaboration, OLE and partners worked with Rep. Ely and other champion legislators to draft and pass a strong SDR bill that reflected the perspectives and priorities of OLE members. Most importantly, the final bill that passed into law made SDR mandatory across the state, rather than optional at county clerks' discretion, and went into effect quickly, in time for the 2021 elections.

Just as important as passing a strong bill, the process also built trust between OLE members and their elected officials, and strengthened the relationship between policymakers and communities who are too often left out of the policymaking process. It refined the model of co-governance OLE plans to carry forward into future legislative campaigns. Such a model will be useful not just for OLE moving forward, but also for grassroots groups across the country that are pushing elected officials to be more responsive and accountable to directly-impacted communities.

Lean on Existing Infrastructure, Organize Intersectionally, and Build Power for Future Wins

Finally, OLE understands that no fight occurs in a vacuum. Their members' lives don't play out in categories, with separate space carved out for thinking about voting, working to take care of their families, and getting a good education for their kids. Instead, all of these pieces of their lives overlap and intersect. So OLE doesn't run isolated campaigns; it organizes across issues and over time, building power with and for members on the issues they care about most.

When the opportunity to push for SDR and AVR arose, OLE organizers didn't need to start from scratch with a new set of members and strategies. They leaned on the groundwork they'd already laid through 2 major campaigns they had run in Albuquerque, New Mexico's biggest city, on paid sick leave and on the small donor public financing program called Democracy Dollars.

In 2017, OLE helped lead a ballot initiative campaign to pass paid sick leave for Albuquerque's working families, a major priority of OLE's members. While the campaign was ultimately unsuccessful in winning paid sick leave that year, the campaign represented an important power building moment for OLE, and many of the OLE members who organized on the campaign shifted their attention to inclusive democracy campaigns as the means to create space for future wins on workers' rights issues.

OLÉ was also a key leader in the Democracy Dollars coalition, which came together in 2018 to make the city’s public financing program more equitable and more effective. Through that campaign, OLÉ members knocked on doors and talked with hundreds of Black, Native American, Hispanic, and Asian American community members, and with other working families. While organizers eventually talked with people about the role of big money in Albuquerque politics and encouraged them to vote in support of Democracy Dollars, they started by asking people about what was going on in their lives and about their priorities for their families and their city. In doing so, OLÉ organizers helped people make connections between democracy reform and their day-to-day lives, and they identified and invested in new OLÉ members who care about issues of democracy, economic opportunity, and racial justice.

The base of engaged, invested members OLÉ built through these campaigns became the foundation for the cadre of leaders OLÉ assembled to successfully advocate for SDR and AVR the following year. And, since the Democracy Dollars campaign was bumped from the 2018 ballot to the November 2019 election in Albuquerque, these leaders’ experiences fighting for SDR and AVR earlier that year equipped them to expand the narrative and gain more support for Democracy Dollars as a means of achieving better representation in the city’s elected leaders and winning on the issues they care about.

And even as they were fighting for registration reform, OLÉ was already looking ahead to future legislative sessions, when their members wanted to pursue 2 more bold policies that would expand the electorate and make New Mexico’s democracy more inclusive: voting rights restoration for people with felony convictions, and voting rights for 16- and 17-year-olds. As OLÉ members gained familiarity with the legislative process, developed comfort and confidence in sharing their stories, and built relationships with state lawmakers, they were putting the pieces into place to help win these important reforms in the future.

For example, during the 2021 legislative cycle, Alyssa—an OLÉ leader who is directly impacted by the criminal legal system and who had just begun to organize for a more inclusive democracy during the SDR/AVR fight in 2019—testified to lawmakers about her experiences of disenfranchisement, in support of HB74, a bill that sought to restore voting rights post-incarceration. HB74 garnered broad support across the advocacy and organizing communities in New Mexico, most notably from base-building organizations who hadn’t all been part of similar legislative campaigns in the past. While organizers have not yet won this reform, they made significant progress in 2021, thanks

in no small part to the power OLÉ and partners had built through earlier campaigns like SDR, and they built more power with which to fight for and win the reform next session. OLÉ and partners did finally succeed in winning paid sick leave in 2021, this time across the entire state, after they took their lessons and power developed since the 2017 Albuquerque campaign to Santa Fe.⁶²



OLÉ members during and after the SDR/AVR bill signing in the state capital in Santa Fe

Passing SDR and AVR in New Mexico was not inevitable. It took a savvy and strategic campaign on the part of OLÉ and partners, who employed key strategies to win the strong law they did: centering the voices and leadership of directly impacted people, working with elected leaders who are connected to those communities, and building power that transcends any one policy campaign. Each of these strategies proved critical to winning the fight, especially in the face of 11th hour challenges that sought to water the legislation down.

When asked to reflect on the SDR/AVR campaign, lead organizer Miles said,

“This campaign embodied so many aspects of our work—people power, story power, relationship power—and was ultimately about creating independent political power for our people.”⁶³



OLÉ members exercising their power through the vote

Recommendations

Voters in every state should have the opportunity to register and vote on the same day, both during the early voting period and on Election Day. In addition to making voting more convenient and our registration rolls more complete, and facilitating voter participation in Black, Latinx, and other communities of color, SDR is widely popular among the American people. A supermajority of Americans—61 percent—believe that all citizens should be allowed to register and vote on the same day.⁶⁴

To make this happen, Congress should pass the For the People Act (H.R.1 / S.1). The For the People Act would transform our democracy by implementing a number of commonsense reforms related to voting, campaign finance, and ethics—including requiring states to implement SDR for all federal elections.⁶⁵ The bill passed the House of Representatives in 2019 during the 116th Congress and again this Congress. The Senate must take up and pass, and President Biden must sign, the For the People Act to make SDR, and many other reforms that would make our democracy more inclusive, a reality.

Until Congress acts to make SDR federal law, however, the states that do not already have SDR should bring it to their voters. Twenty-one states and D.C. have already implemented SDR, and the states that have not yet enacted SDR should catch up to this best practice for serving their voters. As the compounding crises of a deadly global pandemic and an all-out war on the voting rights of Black and brown Americans have shown us, the need for pro-voter reforms like SDR is as great as ever. There is no time to waste in making SDR available to voters in the states that have not yet passed it.

As with all reforms, the efficacy of SDR policies depends on the details of their design and implementation. When designing SDR policies, lawmakers should work with those constituencies most impacted by voter suppression—Black, Latinx, Native American, Asian American, and other communities of color—to design a policy that works well for their communities. Lessons from OLE and other organizers of color who have fought for and won SDR make clear that there are best practices when designing SDR policies, which can ensure that the opportunity to register and vote at the same time is as accessible as possible to Black and brown voters.

These best practices include:

- Offer SDR each day of an extended early voting period and on Election Day itself at all polling places in a jurisdiction.
- Make SDR mandatory statewide, not optional at the discretion of local elections officials, so voters' ability to access SDR does not vary across the state and is not subject to the priorities of local officials.
- Configure polling places into 2 separate areas, 1 for voter registration and 1 for voting.
- Allow voters who registered same day to vote a regular ballot for all offices and questions on the ballot.
- Offer multiple paths for voters to establish identification and residency, including using a paycheck or utility bill, if they do not have a current driver's license, and accepting other identification documents without a photo.
- Permit voters to register and cast a provisional ballot on the same day, if they do not have proof of identification and residency—and count that ballot if the voter supplies their proof of identification and residency by the deadline.
- Do not create any new criminal penalties for registration and voting by ineligible people, which are most often weaponized against voters of color, and examine existing penalties codified in state law for possible reform.
- In partnership with grassroots groups made up of Black and brown communities, conduct public education to ensure all eligible voters are aware of the opportunity to register and vote at the same time, including producing educational materials in all languages spoken by voters in the state.
- Ensure the opportunity to register same day is clearly posted at every early voting and Election Day polling location in languages spoken by all voters in the state, and train all poll workers to offer voters the opportunity to register and then vote, if they arrive at the polls unregistered.

With these best practices in mind, lawmakers should work closely with Black and brown-led organizations to design their SDR policies in a way that works best for voters in their states. Once SDR is enacted, election officials must work closely with these same organizations and community groups to ensure SDR is fully and effectively implemented.

Conclusion

Black and brown communities have been organizing to advance democracy in the United States for a very long time, including by breaking down barriers to registration. Among the progress they have made possible is the enactment of SDR—a commonsense policy that is already working to make voting more accessible and convenient—across 21 states and Washington, D.C.

The findings in this report make an important contribution to the existing research on SDR by suggesting that, in addition to boosting turnout across all voters, the policy may play an important role in raising turnout for Black and Latinx voters in particular.

As the 361 (and counting) anti-voter bills introduced to date during the 2021 state legislative sessions⁶⁶ make clear, the forces hostile to an inclusive democracy are once again on the march, and swift action is needed to ensure voting is accessible to all communities. The unfettered availability of SDR during an extended early voting period and on Election Day—coupled with robust public education about the opportunity to register and vote on the same day—will go a long way toward minimizing the barriers registration has always presented and advancing a more inclusive, multiracial democracy.

Appendix A: Full Methodology

HOW WE DID THIS RESEARCH

I. Estimating Voter Turnout by Race in Each State

The key quantity of interest in this report is the voter turnout rate for Black and Latinx eligible voters in each state. We define the voter turnout rate for a racial group as the Estimated Number of Observed Voters/Estimated Number of Possible Voters (defined either as the citizen voting age population or the citizen voting eligible population). We therefore need reasonable estimates of both the denominator (the Estimated Number of Possible Voters) and the numerator (the Estimated Number of Observed Voters). In what follows, we describe how we obtained each estimate, along with additional methodological issues.

The Estimated Number of Possible Voters: Estimating the November 1 Citizen Voting Age Population/Citizen Voting Eligible Population

Estimating the Election Year November 1 Citizen Voting Age Population (CVAP)

We began with estimates of the 18+ population by state and race from the Population Estimates Program (PEP) of the U.S. Census. We used the SC-EST2019-ALLDATA6 dataset, “Annual State Resident Population Estimates for 6 Race Groups by Age, Sex, and Hispanic Origin: April 1, 2010, to July 1, 2019,” released June 2020, and estimated the 18+ population by state and race for November of each election year. To do this, we first calculated the 18+ population as of July 1 by state and race for the election year (2012, 2014, and 2016, respectively). Note that the estimate of the Black population is an estimate of “African American only,” so *multi-racial individuals with Black/African American heritage are not included in the estimate of the Black population*. Additionally, because Latinx is an ethnic rather than racial category under U.S. Census policy, *our estimates of Latinx people include Latinx people of any race*.

In order to estimate appropriate racial group populations around the time of national elections in November, we needed to make adjustments to the July 1 estimates. We did this by using information about racial group populations from the year preceding elections (2011, 2013, and 2015) in combination with information from the respective election year (2012, 2014, and 2016) to calculate month-to-month change in racial group populations, and then adding 4 months' worth of change to the election-year July 1 estimates to obtain election-year November 1 estimates.

The Population Estimates Program estimates by state and race are for 18+ residents without regard to citizenship status. Since only citizens are eligible to vote in federal elections, and many residents in U.S. states are not citizens, we needed to estimate the share of these residents who are citizens in order to calculate an accurate citizen voting age population. To do this, we turned to the relevant CVAP 5-Year Estimate Special Tabulations provided by the American Community Survey (ACS) of the U.S. Census. These tabulations provide estimates of 18+ citizen and resident populations by state and race, which can be used to estimate the citizen share of the resident population for each group. For 2012, we used the estimates from the 2010-2014 CVAP Special Tabulations; for 2014, we used the estimates from the 2012-2016 CVAP Special Tabulations; and for 2016, we used the estimates from the 2014-2018 Special Tabulations. For each election year and each state, we multiplied the estimate of the number of individuals in each racial group from the PEP by its respective estimate of the ratio of citizens/residents from the ACS to estimate the CVAP.

Estimating the Election Year November 1 Citizen Voting Eligible Population (CVEP)

The CVAP is an overestimate of the number of individuals in each racial category who are actually eligible to vote. The most significant barrier to voting by otherwise eligible individuals is felony disenfranchisement. In all states (with the exception of Maine and Vermont), a non-trivial share of individuals is prohibited from voting for some period of time due to incarceration and/or previous felony conviction. In some states, only currently incarcerated individuals are prohibited from voting, while in others, individuals on probation or on parole are also barred from voting. In still other states, individuals convicted of felonies are permanently disenfranchised, unless their voting rights

are restored by the governor or a state board. Of great importance, the share of individuals who are ineligible to vote varies systematically by race and ethnicity due to racially discriminatory policing, legal proceedings, and sentencing. In some states, particularly those with permanent felony disenfranchisement laws, the share of otherwise eligible Black and Latinx individuals who are prohibited from voting due to felony conviction is very large.

For this reason, using the CVAP as the denominator in a measure of voter turnout can be problematic, because it is too large and therefore will tend to result in an underestimate of turnout among the actually eligible electorate. What is needed is a denominator that accounts for felony disenfranchisement and thereby permits a more accurate estimate of the turnout rate among actually eligible voters, commonly known as the citizen voting eligible population (CVEP).

Estimating the CVEP by race is a challenge, because states do not report by race standardized, or necessarily accurate, information on individuals disenfranchised by felony convictions. Christopher Uggen and the Sentencing Project have made some estimates available (most notably for 2010, 2016, and 2020), but these estimates are available only for all those disenfranchised and for Black people, respectively, for 2010 and 2016, though estimates for Latinx as well as for Black Americans are available for 2020. For this project, we used 2 different approaches to estimate the felony disenfranchisement rates by race and ethnicity and thereby approach a valid estimate of the CVEP.

Approach 1

This approach was inspired by the method used by Fraga (2018):

1. Black Americans: For Black people, we used the 2016 estimates provided by the Sentencing Project as authoritative for 2016. To estimate the Black felony disenfranchisement rates by state for 2012 and 2014 respectively, we started with authoritative estimates for 2010 provided by the Sentencing Project, and then estimated rates for 2012 and 2014 by interpolating for the years between the Sentencing Project estimates for 2010 and 2016.

2. **Latinx American:** There are no estimates of felony disenfranchisement rates for Latinx people by state for every state in the nation for 2012, 2014, or 2016. To arrive at a reasonable estimate by state, we followed the approach of Fraga (2018, and personal communications). We started with estimates of Latinx felony disenfranchisement rates in 9 states with large Latinx populations provided by Demeo and Ochoa (2003) for MALDEF from 2002, considering these estimates as ground truth for that year. Combining estimates of all disenfranchised felons by state and Black disenfranchised felons by state provided by Uggen and Manza (2000) with estimates of all disenfranchised felons by state and Black disenfranchised felons by state from the Sentencing Project (2016), we were able to estimate change in both the number of disenfranchised felons and the rate of felony disenfranchisement for each of these groups—as well as for “non-Black felons” (which is simply the total minus the Black estimates)—over the 2000-2016 period.

We assume the same trend for the Latinx as the non-Black population in those states, and use these rates going forward. Then, we compare the nonwhite disenfranchisement rate to the Latinx disenfranchisement rate in those states for 2016. Seventy-one percent of Latinx population is in the Demeo and Ochoa states (using 2016 CVAP totals, and excluding Virginia where they say the figures are unreliable). So, we estimate the Latinx CVAP-weighted share of non-Black people disenfranchised in the 9 states, and then we use this as the estimate for the other states.

Through this process, we are able to obtain reasonable estimates of felony disenfranchisement rates for Black and Latinx people for all 50 states for 2012, 2014, and 2016. It should be noted, however, that the estimates for Latinx people are uncertain.

We adjust the CVAP estimates by these estimates to arrive at the CVEP.

Approach 2

We used the Latinx disenfranchisement rate estimates provided by Uggen et al (2020) for 2020 as disenfranchisement rate estimates for Latinx people in 2012, 2014, and 2016, respectively. Although these estimates are obviously not the “real” rates for these previous years, we expect felony disenfranchisement rates within states to change only modestly between 2012 and 2020. Therefore, discrepancies between estimates of Latinx voter turnout using Approach 1 and those using Approach 2 should be minor. In fact, the 2020 Latinx disenfranchisement rates provided by Uggen et al (2020) yield very similar estimates of Latinx CVEP voter turnout rates by state as those provided through Approach 1, as shown in Figures 7, 8, and 9 below, suggesting their reasonableness as estimates of disenfranchisement rates for previous election years.

Ultimately, we used Approach 2 to estimate Latinx turnout in 2012, 2014, and 2016.

FIGURE 7.

Scatterplot of Alternative Approaches to Estimating Latinx CVEP Turnout, 2012

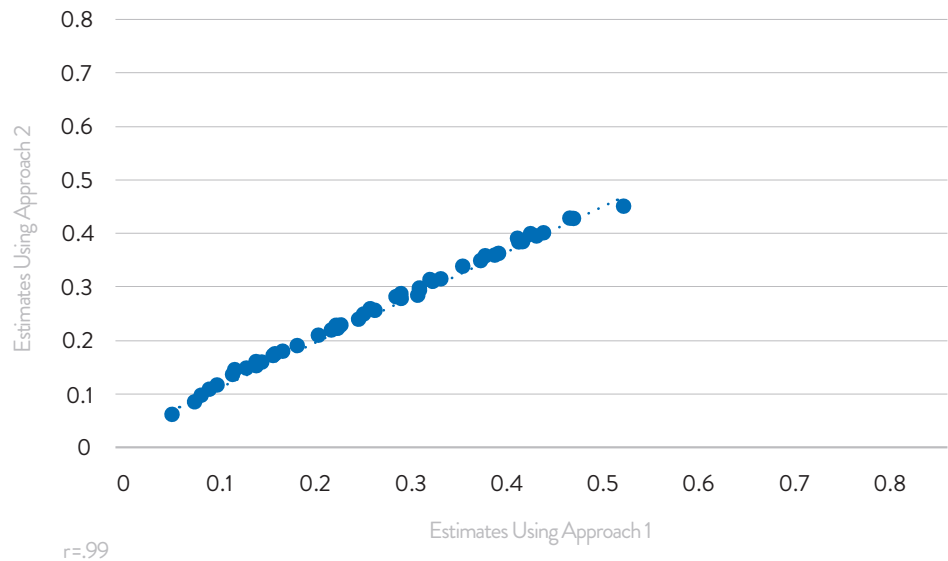


FIGURE 8.

Scatterplot of Alternative Approaches to Estimating Latinx CVEP Turnout, 2014

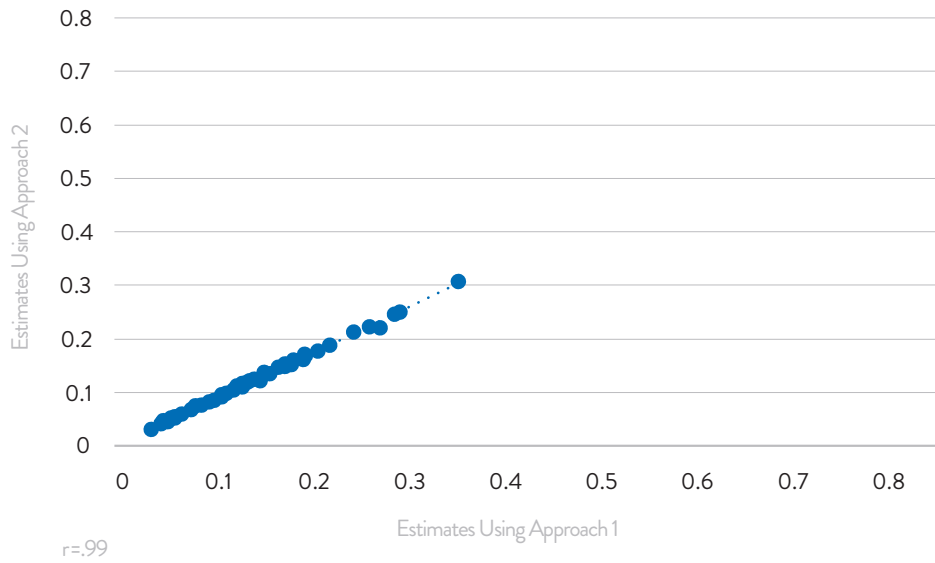
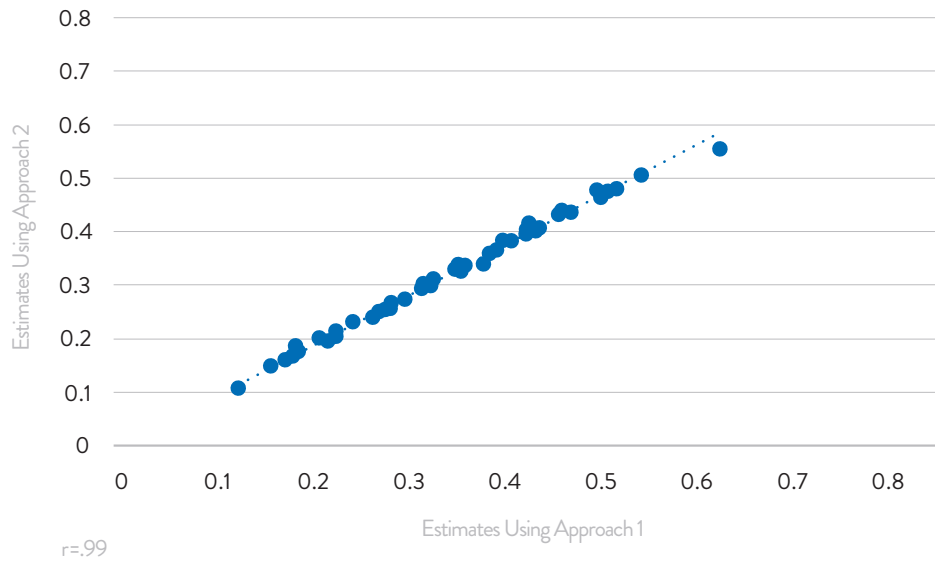


FIGURE 9.

Scatterplot of Alternative Approaches to Estimating Latinx CVEP Turnout, 2014



The Number of Voters: Estimating the Observed Number of Voters by State and Race, and Calculating the CVAP and CVEP Turnout Rates

Our estimates of the Observed Number of Voters for Black and Latinx Americans by state come from Catalist, a data vendor that provides detailed information on electorates to progressive candidates and activist groups. Details about Catalist's database, which provides information on more than 240 million American adults, can be found in Hersh (2015). Briefly, Catalist gathers publicly available individual-level voter registration and voting data from states, and combines this information with big-data marketing information gathered by private vendors. Catalist uses this information to generate model-based estimates of other quantities that are not directly observable for all individuals, such as individual ideology, race, and wealth. Although the details of Catalist's models are proprietary, their estimates of ideology, race, and wealth have been independently validated by researchers, including Fraga (2018), Rhodes and Schaffner (2017), and Schaffner, Rhodes, and La Raja (2020), and found to be quite accurate.

Catalist has undertaken its own validations of its race model, by merging in survey data to the database and comparing self-reported racial identifications with its own model-based race predictions (which provides both a classification and a confidence score that ranges on a 0-1 scale). Overall, Catalist reports that it correctly classifies 90 percent of white cases, 86 percent of African American cases, and 83 percent of Latinx cases. Among the 86 percent of registered voters who have a classification with a confidence score of $\geq .75$, 95 percent of white people, 94 percent of African American people, and 89 percent of Latinx people are correctly classified in Catalist's validation exercises.

While the model for race and ethnicity that Catalist uses is obviously imperfect, in the vast majority of cases, we do not actually have voter-reported race or ethnicity data. Since we are interested in studying the potential effect of same day registration—or any policy reform—on various racial and ethnic groups, in this case we are compelled to use modeled data.

It is also important to note that, when Catalist misclassifies an individual's race, it is almost always in the direction of incorrectly asserting that someone who is a voter of color is instead non-Hispanic white (Fraga 2016). Therefore, to the degree that Catalist misclassifies individuals' race, it will tend to have the effect of underestimating turnout among Black and Latinx voters. For the purposes of our study, this means that our estimates of Black and Latinx turnout are likely to be conservative.

For our estimate of the Number of Voters by State and Race, we used individual level vote records from the 2017 Catalist 1 percent sample, which is a 1 percent sample of all records from the Catalist database from that year. Importantly, for each individual in the 1 percent sample, there is a validated voting record for the 2012, 2014, and 2016 elections, respectively. We first aggregate the number of validated voters by state and race/ethnicity for each election year. Then, for each state, we multiply the number of observed voters for each racial group in each election by 100 to obtain an estimate of the number of voters in that group for each election year.

With these estimates in hand, we can calculate the CVAP and CVEP turnout rates for each racial group in each state for the 2012, 2014, and 2016 elections. To obtain the CVAP turnout rate for each racial group in each state, we simply divide the Estimated Observed Number of Voters in each racial group in each state by the CVAP for each racial group in each state. To obtain the CVEP turnout rate for each racial group in each state, we divide the Estimated Observed Number of Voters in each racial group in each state by the CVEP for each racial group in each state.

Our decision to use the Catalist 1 percent sample data, rather than counts of voters returned from the Catalist online database, is pragmatic. For technical reasons, basic counts of voters returned from the Catalist online database tend to inflate the number of Black voters, leading to unrealistically high estimates of the Black CVAP and CVEP turnout rates. Although custom estimates that correct for this inflation can be purchased from Catalist, the cost and time investment were prohibitive for this project. More to the point, the CVAP turnout rate estimates for each racial group in each state in 2012 and 2016 used in this report closely track CVAP turnout rate estimates provided by Fraga et al (2017), suggesting their face validity and adequacy for this research (we did not have access to Fraga's estimate for 2014). These comparisons are provided in Figures 10 through 13 below.

FIGURE 10.

Comparison of Demos and Fraga Estimates of Black CVAP Turnout, 2012

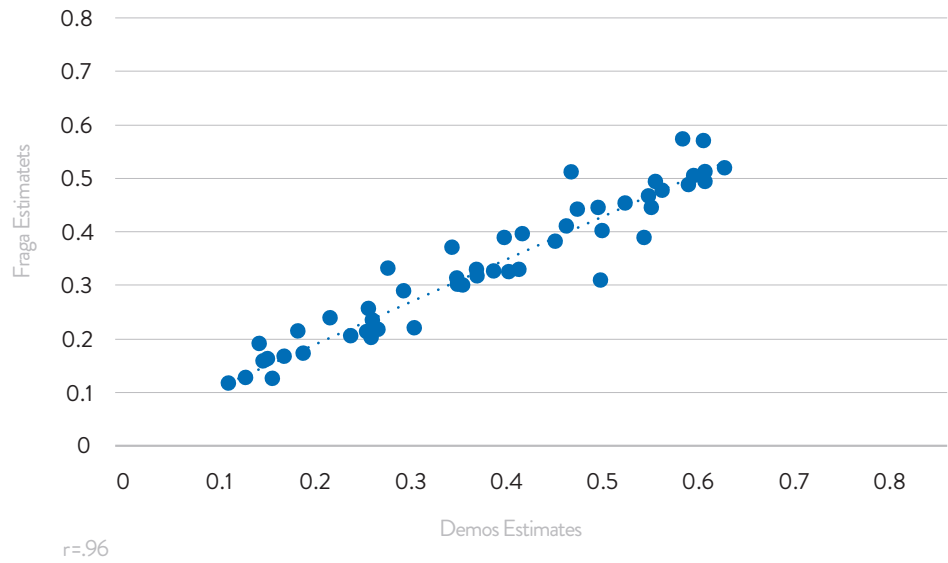


FIGURE 11.

Comparison of Demos and Fraga Estimates of Latinx CVAP Turnout, 2012

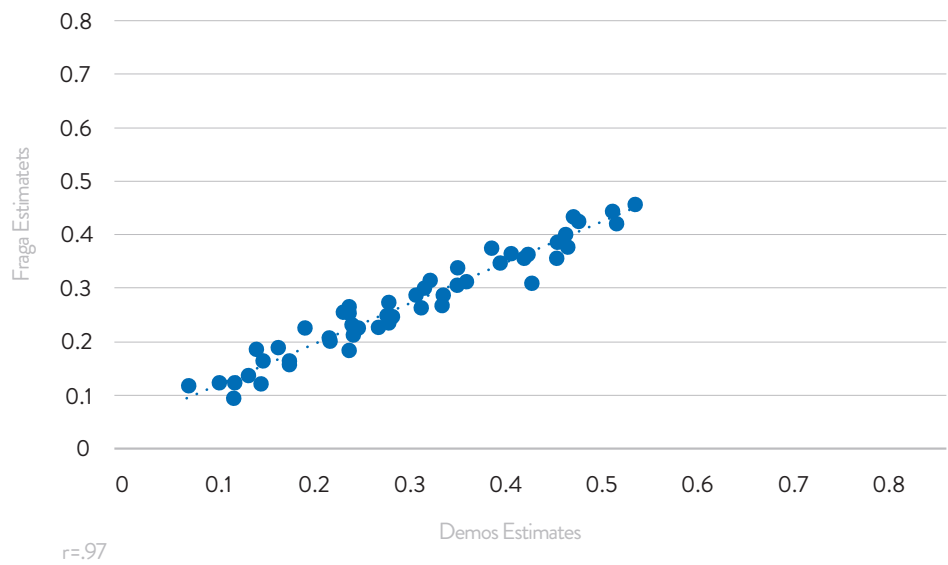


FIGURE 12.

Comparison of Demos and Fraga Estimates of Black CVAP Turnout Estimates, 2016

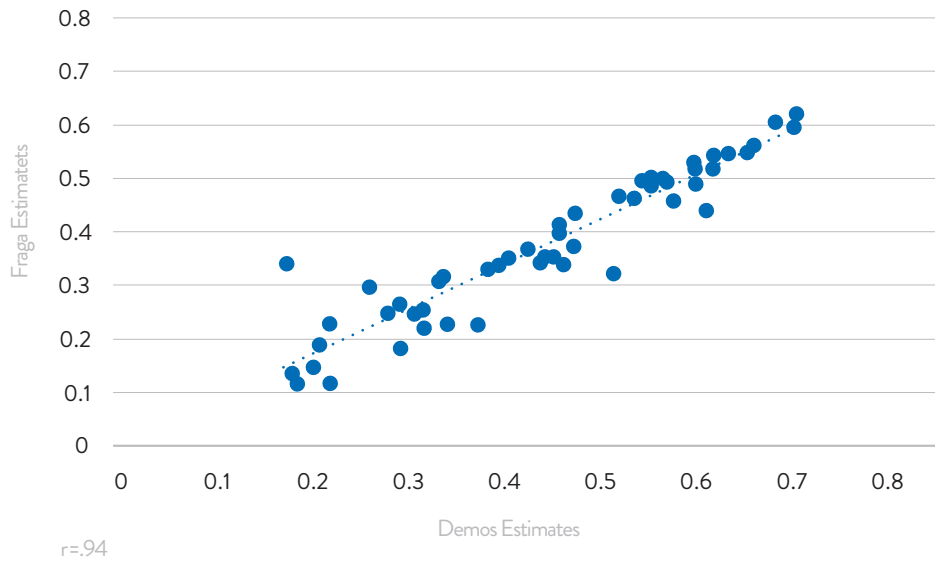
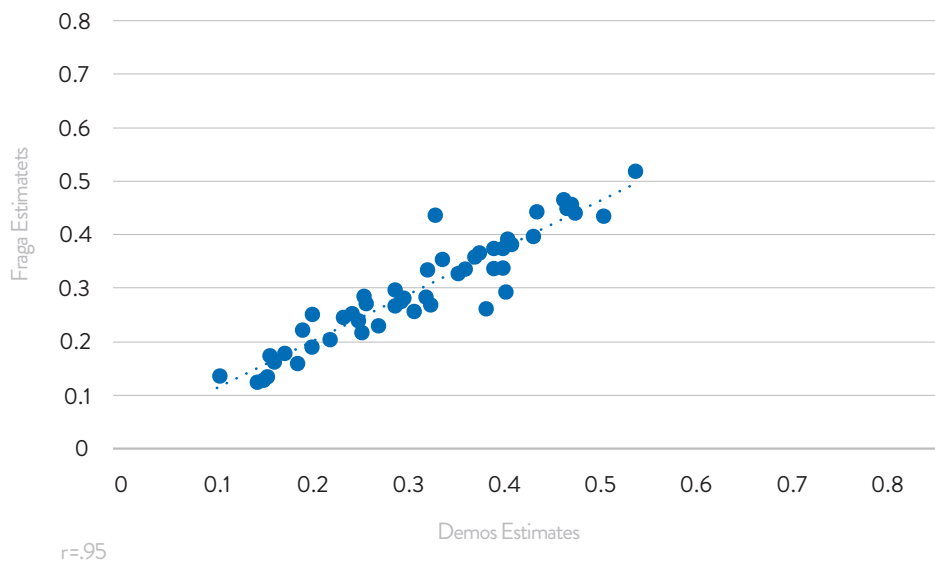


FIGURE 13.

Comparison of Demos and Fraga Estimates of Latinx CVAP Turnout Estimates, 2016



II. Determining State Implementation of SDR and EDR

To determine whether states had implemented SDR and/or EDR in a given election cycle, we used a combination of methods. As a first step, we took guidance from data on state implementation of SDR/EDR gathered by the National Conference of State Legislatures.⁶⁷

However, our review of this data identified some discrepancies. In particular, there appear to be some cases in which the putative year of implementation of SDR/EDR is actually the year of adoption. In some cases, implementation was delayed for several years after adoption due to a phase-in, technical problems, or legal disputes. To attempt to address these issues, we made efforts to contact state election officials in each state to clear up discrepancies and validate the year of implementation. We were successful in contacting election officials in most states. In those cases, we used information provided by state election officials in combination with our own knowledge to make determinations of the elections in which states had actually implemented SDR/EDR. When we were unsuccessful in reaching officials, we conducted additional research, typically using state news sources, to establish when SDR/EDR policies were implemented.

III. Making Appropriate Comparisons

We have estimates of aggregate voter turnout by race for states for the 2012, 2014, and 2016 election cycles. Given the diversity of election types (presidential election years in 2012 and 2016 and a midterm election year in 2014), the small number of total observations (50 states), and very substantial differences between presidential election years (the 2012 presidential election featured a popular Democratic incumbent of color and exhibited high aggregate voter turnout among voters of color, while the 2016 presidential election was an open race between two relatively unpopular white candidates and exhibited low aggregate turnout among Black people), a multivariate regression analysis of the effect of SDR/EDR on voter turnout was not a feasible empirical strategy.

As an alternative, we have sought to make cross-sectional comparisons in turnout among Black and Latinx voters between states that (1) have implemented EDR/SDR and those that have not and (2) are otherwise quite similar on background characteristics that might also be plausibly associated with turnout among these groups. While we acknowledge that this approach does not provide the same degree of “control” of background conditions as does a multivariate statistical model, it is arguably the best that can be done with the data available to us.

We explained our approach to determining state implementation of SDR/EDR in the previous section. To establish comparisons between states that were similar on background characteristics, we focused on 2 key factors. First, we made comparisons only between states in the same geographic division as determined by the U.S. Census (including a state from a contiguous division only when no state in a division had implemented SDR/EDR for a given election cycle). This approach is grounded in the assertion that states in the same Census division share similar economic, political, social, and demographic characteristics that make them reasonable points of cross-sectional comparison.

Second, within each Census division, we made comparisons only among states in which a minimum of 3 percent of the citizen voting age population were of a given racial or ethnic group (Black or Latinx). We used the 2012-2016 CVAP Special Tabulations to estimate these quantities.

We established this 3 percent threshold for 2 reasons. Research by Fraga (2018) demonstrates that a primary determinant of voter turnout among voters of color is their share of the state's population. This is so because, in states with larger populations of voters of color, candidates and parties have incentives to mobilize these voters in order to help them win elections; while in states with small populations of voters of color, candidates and parties have few such incentives. Relatedly, in states with larger populations of color, members of those groups should feel more politically empowered and efficacious, and thus more motivated to vote. Therefore, in making comparisons within Census divisions, we wanted to ensure that states included in our comparisons had a minimum share of Black or Latinx residents, so that differences in turnout between states with or without SDR/EDR could not be attributed largely to differences in group population share and corresponding differences in candidate/party mobilization and group efficacy.

Additionally, Fraga (2018) cautions that estimates of voter turnout for Black and Latinx people are less reliable for jurisdictions with very small shares of these groups in their populations. The threshold we have established thus helps guard against inclusion of states likely to have less reliable turnout estimates for Black and Latinx voters.

Endnotes

- ¹ Raymond E. Wolfinger and Steven J. Rosenstone, *Who Votes?*, (New Haven: Yale Fastback Series, 1980), 61-88.
- ² Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 52, 110; David Litt, “The Racist History of Voter Registration,” *Time Magazine*, June 18, 2020, <https://time.com/5855885/voter-registration-history-race/>.
- ³ 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.
- ⁴ “H.R.1 – For the People Act of 2021,” sponsored by Rep. John Sarbanes (D-MD3), 117th Congress, <https://www.congress.gov/bill/117th-congress/house-bill/1>.
- ⁵ W.E.B. Du Bois, *Black Reconstruction in America*, (New York: The Free Press, 1935).
- ⁶ *Supra* note 2, Keyssar, 125.
- ⁷ *Id.*, 124.
- ⁸ *Id.*
- ⁹ *Id.*, 123.
- ¹⁰ 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/journalofproceed00alabrigh/page/8>.
- ¹¹ Alabama State Constitution of 1901, Article 8, Sections 178-182.
- ¹² Some of these requirements disenfranchised poor white voters, as well. Concerned about the threats a cross-racial working-class alliance would pose to their power, Southern lawmakers created “grandfather clauses,” which 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.
- ¹³ “Voting and Registration in the Election of 2020,” U.S. Census Bureau, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.
- ¹⁴ In 2019, after more than a decade of lawsuits led by civil rights organizations like the Lawyers’ 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 Augustin, “Georgia Largely Abandons Its Broken ‘Exact Match’ Voter Registration Process,” Lawyers’ Committee for Civil Rights, April 5, 2019, https://lawyerscommittee.org/georgia-largely-abandons-its-broken-exact-match-voter-registration-process/?gclid=Cj0KCQjwvr6EBhDOARIsAPpqUPHRHWIQ2SA7aljWLqoEoAqApM9W-tFS_DdHZ30BKzAEwOBhb-wVRicaAq0uEALw_wcB. Note also that the use of exact match was blocked by the U.S. Justice Department in 2009, under the VRA’s now-defunct 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>.

- ¹⁵ Eugene Scott, “Georgia’s held-up voter registrations reinforce black Americans’ fears about voting rights,” *The 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/>; “Quick Facts: Georgia,” U.S. Census Bureau, July 1, 2018, <https://www.census.gov/quickfacts/GA>.
- ¹⁶ “Georgia Governor Election Results,” *The New York Times*, January 28, 2019, <https://www.nytimes.com/elections/results/georgia-governor>.
- ¹⁷ Timothy Pratt, “The Georgia GOP’s Fight Against Voter Registration,” *The Nation*, December 9, 2020, <https://www.thenation.com/article/politics/georgia-secretary-of-state/>.
- ¹⁸ *Id.*
- ¹⁹ *Husted v. A. Philip Randolph Institute*, 584 U.S. ____ 138 S. Ct. 1833 (2018). Demos litigated *Husted* with the ACLU of Ohio and the ACLU. See <https://husted.demos.org/>.
- ²⁰ 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>; Gregory A. Huber, Marc Meredith, Michael Morse, and Katie Steele, “The racial burden of voter list maintenance errors: Evidence from Wisconsin’s supplemental movers poll books,” *Science Advances*, Vol. 7, No. 8, February 17, 2021, DOI: 10.1126/sciadv.abe4498, <https://advances.sciencemag.org/content/7/8/eabe4498.full>.
- ²¹ Subsequent reauthorizations of the law over the following decades extended protections for the right to vote to additional historically disenfranchised communities, including Latinx people, 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); *Democracy Diminished: State and Local Threats to Voting Post-Shelby County, Alabama v. Holder*, NAACP Legal Defense Fund, June 2019, www.naacpldf.org/wp-content/uploads/June-2019-Democracy-Diminished-Report.pdf.
- ²² “Ground Zero in the Fight for Voting Rights,” United States Civil Rights Trail, <https://civilrightstrail.com/destination/selma/>.
- ²³ Gary May, *Bending Toward Justice: The Voting Rights Act and the Transformation of American Democracy* (Durham: Duke University Press, 2015); “Civil Rights Martyrs,” Southern Poverty Law Center, <https://www.splcenter.org/what-we-do/civil-rights-memorial/civil-rights-martyrs>.
- ²⁴ Frances Fox Piven, Lorraine C. Minnite, and Margaret Groarke, *Keeping Down the Black Vote* (New York: The New Press, 2009), 103-109.
- ²⁵ *Id.*, 110.
- ²⁶ Laura Williamson, Pamela Cataldo, and Brenda Wright, *Toward a More Representative Electorate*, Demos, December 21, 2018. <https://www.demos.org/research/toward-more-representative-electorate>.
- ²⁷ Nathaniel Rakich, Geoffrey Skelley, Laura Bronner and Julia Wolfe, “How Democrats Won the Georgia Runoffs,” *FiveThirtyEight*, January 7, 2021, <https://fivethirtyeight.com/features/how-democrats-won-the-georgia-runoffs/>.
- ²⁸ “Voter Turnout,” United States Elections Project, <http://www.electproject.org/home/voter-turnout/voter-turnout-data>.
- ²⁹ Audra D. S. Burch, “Turning Out the Vote in Georgia,” *The New York Times*, Dec. 29, 2020 (updated Jan. 7, 2021), <https://www.nytimes.com/2020/12/29/magazine/georgia-senate-runoff-election.html> – “We will have knocked on two million doors by the end of this year,” Ufot said.
- ³⁰ *Id.*

- ³¹ “Same Day Voter Registration,” National Conference of State Legislatures, October 6, 2020, <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>. Note that Montana used to have EDR, but the state legislature repealed it in April 2021. See Amy Beth Hanson, “Montana governor approves ending same-day voter registration,” April 19, 2021, Associated Press, <https://apnews.com/article/elections-montana-voter-registration-voting-5ee83eb24b3339610cfaee3570a16e4f>.
- ³² *Supra* note 3.
- ³³ Amy Beth Hanson, “Montana governor approves ending same-day voter registration,” April 19, 2021, Associated Press, <https://apnews.com/article/elections-montana-voter-registration-voting-5ee83eb24b3339610cfaee3570a16e4f>. See also the bill itself, “An Act Revising Late Voter Registration . . . and Providing an Immediate Effective Date,” 67th Legislature of Montana, <https://leg.mt.gov/bills/2021/billpdf/HB0176.pdf>.
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