

Election Day Voter Registration

in NEBRASKA



EXECUTIVE SUMMARY

We have analyzed the likely impact on voter turnout should Nebraska adopt Election Day Registration (EDR).¹ Under the system proposed in Nebraska, eligible voters who miss the 18-day deadline for registering by mail may be able to register to vote on Election Day.² Availability of Election Day Registration (EDR) procedures should give voters who have not previously registered the opportunity to vote. Consistent with existing research on the impact of EDR in the other states that use this process, we find that EDR would likely lead to substantial increases in voter turnout. This report presents the following estimates of increases in turnout for Nebraska, and for specific groups of Nebraska citizens under EDR:³

- » Overall turnout could go up by 5.4 percent.
- » Turnout among those aged 18 to 25 could increase by 10.6 percent.
- » Turnout for those who have moved in the last six months could increase by 9.5 percent.
- » Turnout for Latinos could increase by 9.0 percent.
- » Turnout for African Americans could increase by 6.0 percent.
- » Turnout among poor and middle-income citizens could increase by 8.1 and 6.4 percent, respectively, while turnout among the wealthiest citizens would likely increase by 3.7 percent.

INTRODUCTION

The purpose of voter registration in the United States is to make sure that only eligible citizens vote. Voter registration also provides election officials with convenient lists they can use to notify voters about upcoming elections, as well as other pertinent information about elections and voting. Lastly, when individuals enter a polling place, a voter registration list gives poll workers the information they need to authenticate voters before they cast ballots.

Dēmos

A NETWORK FOR IDEAS & ACTION

R. Michael Alvarez,
California Institute of Technology

Jonathan Nagler,
New York University

At the same time, the process of voter registration imposes costs on voters—such as forcing voters to register well in advance of an election, which might involve a complicated process of determining where and how to register—and these costs have been shown in various studies to serve as barriers to many potential voters.⁴ In Nebraska, eligible citizens who wish to register by mail must do so at least 18 days before the election. For some eligible citizens, especially those who have recently moved, requiring registration before Election Day might make it very difficult for them to cast a ballot. Given that non-registered, but otherwise eligible citizens are not on the lists that election officials or other political groups use to mobilize voters, some non-registered eligible citizens may not be aware of an upcoming election or about how and when they can register to vote.

In the last few decades, the costs associated with voter registration have been the focus of significant federal legislation. The National Voter Registration Act (NVRA), signed into law in 1993, required states to provide voter registration forms in places where residents register their motor vehicles, and in other state agencies like public assistance offices. The NVRA also required that states allow for mail-in voter registration. More recently, in 2002, the Help America Vote Act (HAVA) attempted to significantly improve voter registration practices across the nation by requiring states to develop computerized, statewide voter registries, and also requiring all states to adopt provisional or “fail-safe” voting.

Currently, there are six states that have substantial experience allowing eligible citizens to register to vote on Election Day: Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming.⁵ Iowa, Montana and North Carolina have also recently adopted EDR or similar procedures. The six states with substantial EDR experience have shown that Election Day Registration is an effective way to increase voter participation without complicating election administration or leading to increased voter fraud. Research regarding the experiences of these other six states has shown that:

- » **Voter participation is somewhere between 3 and 6 percentage points higher than were EDR not used in those states;**
- » **Citizens who have recently moved or are younger find it easier to register and vote;**
- » **Election administration, when EDR is thoughtfully implemented, can be improved and EDR does not undermine the Election Day experience of poll workers or voters; and**
- » **There is no evidence that the prospects for election fraud are increased.**⁶

Thus, based on the experience of these states, previous research we have conducted, academic research on voter participation and Election Day Registration, and new research we present below, we believe that if appropriately implemented, Nebraska will have a positive experience once Election Day Registration is in place. In particular, we show below that both voter registration and turnout are estimated to increase—possibly by 5.4 percent—once Election Day Registration is implemented in Nebraska. Having more voters on the rolls will improve election administration and give election officials throughout the state better information when they want to contact voters about upcoming elections and provide them with related information. Finally, increasing voter participation should lead to a stronger democracy and a strengthened civic culture in Nebraska.

EDR, REGISTRATION AND TURNOUT

Determining a voter’s eligibility before allowing them to cast a vote has a long history in the United States. Studies of early American political history have shown that eligibility was determined by party observers at the polling places, who could challenge a voter’s ability to participate in an election.⁷ Pre-election voter registration practices began early in American history, but became widespread in the decades after the Civil War.⁸ In some states voter registration requirements were part of an array of measures, including poll taxes and literacy tests, that were used to

disenfranchise segments of the potential electorate, including immigrants, the poor, and minorities. Early registration practices were themselves often quite restrictive, such as requiring annual or periodic, in-person registration at a county office during weekday business hours.⁹

Liberalization of voter registration laws began with the civil rights movement, culminating in the passage of the Voting Rights Act of 1965 (VRA). The VRA eliminated many of the systematic barriers that made registration and voting difficult for poor and minority voters, and empowered the federal government to oversee the elimination of voting restrictions. Many states substantially reformed their registration and voting procedures after passage of the VRA.

But even with these reforms in some states, many other states continued to use restrictive registration practices after the passage of the VRA. A patchwork quilt of registration practices developed in many states and across the nation as many local election officials had substantial discretion over registration and voting procedures. And research by scholars showed that many voting and registration practices, particularly the practice of requiring registration well in advance of Election Day, substantially reduced voter turnout.¹⁰ This led to the enactment of the National Voter Registration Act of 1993 (NVRA), through which Congress sought to simplify the registration process and to improve the integrity of voter registries. Key to the NVRA was an expansion of avenues by which a citizen could register to vote, including registration by mail, at departments of motor vehicles, and in state public assistance offices. The NVRA also promulgated new rules regarding procedures for the removal of voters from the registration rolls.

More recently, problems in the 2000 presidential election led to additional federal efforts to reform the voter registration process. The Help America Vote Act of 2002 (HAVA) directed that states develop a “centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level” (Section 303(a)(1)(B)). HAVA also required that states implement “fail-safe”, or provisional voting procedures, if they did not already have them, so that otherwise eligible citizens could cast a provisional ballot rather than be disenfranchised due to the omission of their names from the voter registry.

Six states had Election Day Registration in place when HAVA was enacted. Generally speaking, states with EDR have higher rates of voter registration and turnout than do states that do not have EDR. Based on data collected by the U.S. Census Bureau, in 2004 states with EDR reported registration rates of 86.4 percent, while states without EDR had reported registration rates of only 79.1 percent.¹¹ These numbers are consistent with data from previous elections: states with EDR have consistently had higher registration rates.¹² And EDR states had demonstrably higher levels of voter turnout in 2004. According to the official voting statistics reported by secretaries of state, and the U.S. Census Bureau estimates of state population, EDR states had a voter turnout rate of 70.3 percent in 2004, while non-EDR states had a turnout rate of only 54.7 percent.¹³

Were Nebraska to implement Election Day Registration, voter participation could increase substantially in a presidential election year like 2004 or 2008. Furthermore, voter participation might increase strongly among sectors of the population that typically turnout at lower rates, such as newly relocated eligible citizens or young voters, as they are the types of voters that previous research has shown are helped by EDR.

EDR IN NEBRASKA

In 2004, voter turnout in Nebraska was close to the average among states. According to data compiled by the Census Bureau, 59.3 percent of voting age Nebraskans voted in 2004, and 81.2 percent of eligible Nebraskans were registered to vote.¹⁴ To estimate the potential impact of EDR, this study relies on data from the U.S. Census Bureau’s

2004 Current Population Survey (CPS) and uses a methodology that we have employed in past research on voter turnout, which is documented in the technical appendix of this report. In summary, we estimate statistical models predicting whether individual respondents in the 2004 CPS report being registered and whether they voted. In this estimation, we control for many factors, including the voter registration process in the state. Estimations control for the respondents' age and levels of education, whether or not they have moved recently, their ethnic background, and whether or not they are a native-born citizen or have been recently naturalized. These estimates are then used to simulate the outcome of Nebraska using EDR in the 2004 election.¹⁵

Estimates of EDR's potential effect on voter turnout in the 2004 election in Nebraska are provided in Table 1.¹⁶ First, the analysis presented here predicts that Nebraska's turnout would increase under EDR. Most importantly, this analysis projects a 5.4 percent increase in voter turnout if Nebraska moves to EDR.

Data suggests other substantial increases in voter turnout for those who might be most affected by EDR:

- » **Turnout among those aged 18 to 25 could increase by 10.6 percent under EDR.**
- » **Turnout for those who have moved in the last six months could increase by 9.5 percent under EDR.**
- » **Turnout for Latinos could increase by 9.0 percent.**
- » **Turnout for African Americans could increase by 6 percent under EDR.**
- » **Over 45,000 additional poor and middle income voters would go to the polls, compared to an additional 21,000 voters in the top half of the income range.**
- » **Over 55,000 additional citizens who do not have college degrees would vote compared to only 12,000 new voters with college degrees.**

Thus, those eligible citizens who are most typically affected by Election Day Registration in other states would also be strongly affected in Nebraska.

CONCLUSION

One of the more consistent conclusions in the study of voter turnout over the last 35 years has been that making the registration and voting process easier will increase turnout among eligible voters.¹⁷ This analysis of the impact of EDR in Nebraska is another piece of evidence supporting this claim. By comparing voter turnout in states with EDR and states without EDR, it is possible to estimate the impact EDR would have in Nebraska. Adoption of EDR could raise turnout by 5.4 percent according to these estimates; it could raise turnout substantially more among groups such as young voters and voters who have moved in the period preceding the election.

The trend in the United States has been to ease the barrier that registration places on voting by moving the deadline closer to Election Day. Moving towards Election Day Registration would ease that barrier for thousands of citizens in Nebraska, and bring more participants into the democratic process.

TECHNICAL APPENDIX

To estimate the impact of EDR in Nebraska, we analyzed individual survey data collected by the Census Bureau. Each month the Census Bureau surveys approximately 50,000 households in the Current Population Survey. In even numbered years the November survey includes a battery of questions asking respondents whether or not they were registered to vote, how they registered, and if they voted. The CPS is considered to be the “gold standard” of datasets for analyzing individual-level factors affecting turnout, and turnout across states. The Census Bureau has a higher response rate than any other survey and the sample size is large enough to draw statistically valid samples within a state. Whereas the typical media poll might have 1,500 respondents nationwide, the November 2004 CPS included 1319 respondents from Nebraska.

The model used here incorporates factors that have been shown in extensive research on voter turnout to be correlated with an individual’s decision on whether or not to vote. It includes categorical variables to indicate whether or not the person is in one of five age groups: 18 to 25, 26 to 35, 36 to 45, 46 to 60, or 61 to 75. Also included are categorical variables for education placing the respondent as having less than a high school degree, a high school degree, some college education, a college degree or beyond. For annual family income, we include brackets of less than \$20,000, between \$20,000 and \$40,000, between \$40,000 and \$60,000, and above \$60,000. The respondent’s ethnicity is measured as white, African American or Latino. Also included were variables indicating whether or not the respondent was a naturalized citizen, and if so, whether they had come to the United States within 10 years of the 2004 election or within 16 years of the 2004 election. A variable for whether the respondent lives in an urban or rural area was included as well.

Also included were variables at the state level for the number of days before the election that registration closes and for the presence of a competitive election. These include three categorical variables indicating the presence (or absence) respectively of: a senate, gubernatorial, or presidential race within the state that was decided by a margin of 5 percent or less.

To be able to determine the impact of EDR on particular groups of the population, and because we expect that EDR will have larger effects on those who have the most difficulty meeting the burden of pre-election registration, this study includes interaction terms between the availability of EDR and the respondent’s age, education and income, as well as whether or not the respondent had moved previously and whether the respondent was a native born citizen or a naturalized citizen (and if so, whether recently immigrated or not).

Given these specifications, we estimated the model on all respondents in the CPS. Doing this provided estimates of the model parameters. We then computed the predicted probability of each respondent in their sample in Nebraska, voting under that current legal conditions—that is the state’s requirement that voters register well before Election Day. We then computed the probability of each respondent in the sample in Nebraska voting under the counterfactual condition that Nebraska had Election Day Registration available. By aggregating those predicted probabilities over different sub-groups of interest, we were then able to estimate the impact of EDR on any sub-group within the population, or estimate the impact of EDR on all voting age persons in Nebraska. We assume that the future impact of EDR in Nebraska will closely resemble the impact of EDR as implemented elsewhere.

Table 1: Simulated 2004 Turnout Increases in Nebraska under EDR

	Estimated Percentage Point Increase with EDR	Estimated Additional Votes with EDR
Entire State	5.4	67,058
Persons who have moved in the last 6 months	9.5	12,927
Persons Age 18-25	10.6	22,065
Persons Age 26-35	5.7	12,380
Persons Age 36-45	4.5	11,183
Persons Age 46-60	4.1	12,959
Persons Age 61-75	3.3	5,071
Persons Age 76-90	3.7	3,401
African Americans	6.0	2,148
Latinos	9.0	4,888
Whites	5.2	59,097
Naturalized Citizens	10.1	3,893
Lower Income (\$0-\$20,000 household income)	6.4	14,286
Middle Income (\$20,000 - \$40,000)	8.1	31,394
Upper Income (\$40,000 - \$60,000)	3.1	8,342
Top Income (\$60,000 and above)	3.7	13,036
Rural	5.2	25,810
Urban	5.6	41,249
Persons with grade school education	7.4	8,235
Persons who are high school graduates	6.1	26,248
Persons with some college education	5.1	20,955
College graduates	4.1	11,619

Source: Computed by authors, based on analysis of the Current Population Survey, U.S. Bureau of the Census, November 2004.

Table 2: Simulated 2004 Registration Increases in Nebraska under EDR

	Estimated Percentage Point Increase with EDR	Estimated Additional Votes with EDR
Entire State	3.7	46,605
Persons who have moved in the last 6 months	5.6	7,689
Persons Age 18-25	7.8	16,128
Persons Age 26-35	3.7	8,030
Persons Age 36-45	3.0	7,382
Persons Age 46-60	3.2	10,258
Persons Age 61-75	2.2	3,397
Persons Age 76-90	1.5	1,410
African Americans	3.7	1,329
Latinos	9.9	5,392
Whites	3.4	38,970
Naturalized Citizens	13.6	5,255
Lower Income (\$0-\$20,000 household income)	4.7	10,316
Middle Income (\$20,000 - \$40,000)	6.4	24,896
Upper Income (\$40,000 - \$60,000)	1.2	3,183
Top Income (\$60,000 and above)	2.3	8,210
Rural	3.6	18,020
Urban	3.9	28,585
Persons with grade school education	5.5	6,096
Persons who are high school graduates	4.5	19,358
Persons with some college education	3.2	12,259
College graduates	2.8	7,892

Source: Computed by authors, based on analysis of the Current Population Survey, U.S. Bureau of the Census, November 2004.

ENDNOTES

1. This report is similar to an analysis we produced for Dēmos on the impact of Election Day Registration (EDR) in Iowa, and borrows liberally from that report in the general discussion of the impact of voter registration laws. See R. Michael Alvarez & Jonathan Nagler, *Election Day Voter Registration in Iowa* (Dēmos, 2007), <http://www.demos.org/pubs/updatedIOWA.pdf>.
2. In the report that follows, we analyze the potential impact of Election Day Registration as typically implemented in other EDR states. Should Nebraska adopt a form of Election Day Registration requiring the use of provisional ballots (as LB 803 would currently do), this could significantly weaken the potential impact of EDR as the use of provisional balloting could impose additional burdens on the voter, and could introduce uncertainty in the voter's mind about whether their ballot will be counted. See L.B. 803, 110th Leg., 2d. Sess. (Neb. 2008).
3. We use a '5 percent increase' to refer to an increase of 5 percentage points, or 5 percent of voting age population, not 5 percent of those already voting. Thus we refer to an increase from 50 percent turnout to 55 percent turnout as a 5 percent increase.
4. How voter registration imposes costs on potential voters was originally researched by Raymond E. Wolfinger and Steven J. Rosenstone, *Who Votes?* (New Haven: Yale University Press, 1980).
5. North Dakota does not currently require voter registration. Iowa and Montana recently adopted Election Day Registration. North Carolina now permits individuals to register and vote at its in-person absentee voting sites, in operation from the end of the state's regular voter registration period to three days before election day.
6. See, for example, R. Michael Alvarez and Stephen Ansolabehere, *California Votes: The Promise of Election Day Registration* (Dēmos, 2002); R. Michael Alvarez, Jonathan Nagler and Catherine Wilson, *Making Voting Easier: Election Day Registration in New York*, (Dēmos, 2004); M.J. Fenster, "The Impact of Allowing Day of Registration Voting on Turnout in U.S. Elections from 1960 to 1992," *American Politics Quarterly* 22(1) (1994): 74-87; B. Highton, "Easy Registration and Voter Turnout," *The Journal of Politics* 59(2) (1997): 565-575; Lorraine C. Minnite, *An Analysis of Voter Fraud in The United States* (Dēmos, 2004), <http://www.demos.org/pubs/Analysis.pdf>; Dēmos, *Election Day Registration: A Ground Level View* (2007), <http://www.demos.org/pubs/EDR%20Clerks.pdf>; S. Knack, "Election-Day Registration: The Second Wave," *American Politics Quarterly* 29(1) (2001): 65-78.
7. Richard Franklin Bense, *The American Ballot Box in the Mid-Nineteenth Century* (New York: Cambridge University Press, 2004), pages 22-30, 90.
8. Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2001).
9. J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1980).
10. Wolfinger and Rosenstone (1980), *supra* n.4.
11. These statistics are computed by the authors from the *Current Population Survey, November 2004: Voting and Registration Supplement*, U.S. Census Bureau, machine-readable file, 2005. Data compiled by the U.S. Election Assistance Commission (EAC) were not used because in some cases the EAC reports voter registration figures higher than the voting age population for the country; thus the data were not viewed as reliable indicators.
12. See, for example, Table 2 in Alvarez and Ansolabehere (2002): the registration in non-EDR states in the 2000 election was 77.3 percent, in EDR states it was 88.8 percent; turnout in non-EDR states in the 2000 election was 50.5 percent, while in EDR states it was 65.8 percent. Alvarez and Ansolabehere, *supra* n.6, at 12.
13. Turnout figures are taken from the U.S. Census Bureau, *2007 Statistical Abstract of the United States*, Table 408, available at <http://www.census.gov/prod/2006pubs/07statab/election.pdf>. These data are in turn based on reports of secretaries of states on votes cast for president and on Census Bureau estimates of state voting age population.
14. Reported registration is computed by the authors from the *Current Population Survey, November 2004: Voting and Registration Supplement*, U.S. Census Bureau, machine-readable file, 2005, and is based on citizens of voting age. In the analyses reported here, we treat those who do not answer the "Were you registered to vote?" question in the CPS as missing data (these are those who say "Don't know," "Refused", or are coded as "Non-Response"). In reported statistics, the Census Bureau treats these responses as the same as having answered "No" to this question. Turnout is from the U.S. Census Bureau, *2007 Statistical Abstract of the United States*, Table 408, and is computed by the Census Bureau based on official reported votes for president, and the Census Bureau's estimate of the state's voting age population.
15. The reported registration and turnout rates in the CPS data differ from those found in the EAC's Election Day Survey. The CPS data are based on surveys of households, and thus are affected by both sampling error and response error.
16. The authors provide estimates of the potential effect on voter registration of Nebraska's move to EDR in the 2004 election in Table 2, using the same methodology as discussed in the text and in the Technical Appendix.
17. R.E. Wolfinger and S. J. Rosenstone, *Who Votes?* (New Haven: Yale University Press, 1980); J.E. Leighley and J. Nagler, "Individual and Systemic Influences on Turnout: Who Votes? 1984," *Journal of Politics*, 54 (1992): 718-740.

AUTHORS

Jonathan Nagler

Professor, Department of Politics
New York University
New York, NY 10012
jonathan.nagler@nyu.edu
Tel: 212 992 9676

Jonathan Nagler is Professor of Politics at New York University. Professor Nagler received his BA in Government from Harvard University in 1982, and his Ph.D. from the California Institute of Technology in 1989. He has been a visiting associate professor at Caltech and Harvard, and has taught at the Summer Program, European Consortium for Political Research, Essex University, England, and the Summer Program, Inter-university Consortium for Political and Social Research, University of Michigan, as well as the ESRC Oxford Spring School in Quantitative Methods for Social Research. Professor Nagler's research focuses on voting and elections.

R. Michael Alvarez

Professor of Political Science
Caltech/MIT Voting Technology Project
California Institute of Technology
Pasadena, CA 91125
rma@hss.caltech.edu
Tel: 626-395-4089

R. Michael Alvarez is currently a Professor of Political Science at the California Institute of Technology and a Senior Fellow at the USC Annenberg Center for Communications. Alvarez is Co-Director of the Caltech/MIT Voting Technology Project, which since 2000 has studied election administration and voting technologies in the U.S. and abroad, and which has worked to translate those research studies into policy-making efforts at all levels of government.

ABOUT DĒMOS

Dēmos: A Network for Ideas & Action is a non-partisan public policy research and advocacy organization committed to building an America that achieves its highest democratic ideals. We believe this requires a democracy that is robust and inclusive, with high levels of electoral participation and civic engagement; an economy where prosperity and opportunity are broadly shared and disparity is reduced; and a strong and effective public sector with the capacity to plan for the future and provide for the common good. Founded in 2000, Dēmos' work combines research with advocacy—melding the commitment to ideas of a think tank with the organizing strategies of an advocacy group. *As with all Dēmos publications, the views expressed in this briefing paper do not necessarily reflect the views of the Dēmos Board of Trustees.*

Media inquiries: Timothy Rusch, Communications Director
trusch@demos.org | (212) 389-1407

220 Fifth Avenue, 5th fl., New York, NY 10001
T. (212) 633.1405 F. (212) 633.2015
info@demos.org | www.demos.org

