



Oregon's Success Shows Way Forward for Automatic Voter Registration

By Liz Kennedy May 16, 2016

While the spotlight will shine on the winners coming out of tomorrow's Oregon's presidential primary, equal attention should focus on the Beaver State's first-in-the-nation Automatic Voter Registration, or AVR, program, which is greatly expanding voter access.¹ Under the program, any unregistered eligible Oregonian who applies for or renews a driver's license is automatically registered to vote. The program has proven hugely successful; since it launched in January this year, 51,558 Oregonians have been added to the voter rolls through AVR.²

All told, Oregon has added 129,162 voter registrations to the rolls this year. For comparison, in the first four months of 2014, Oregon added a net total of 14,091 new voter registrations, and in the first four months of 2008—the last time there was an open presidential contest—Oregon added a net total of 85,362 voter registrations.³ In the 2012 two-year election cycle, the state reported receiving a gross total of 99,913 new registration applicants from the DMV, which is an average of 4,163 per month.⁴ Thus far in 2016, the monthly average of new voter registrations added to the rolls through Oregon's AVR program is 12,889.⁵ Based on these data, a conservative estimate of the impact of capitalizing on the potential of the DMV for voter registration shows that, with AVR, three times as many new voter registrations have been added to the rolls in 2016 compared to the prior rate of new voter registrations received through the DMV. Oregon reported 78 percent of its citizen voting age population was registered in 2012 and 76 percent was registered in 2014.⁶

Oregon's AVR program is a major step forward in modernizing the secure registration of eligible citizens through so-called one touch interactions at government agencies. The 1993 National Voter Registration Act, or NVRA—often referred to as the Motor Voter Act—already requires Department of Motor Vehicles, or DMV, offices and other state agencies to offer clients voter registration services during their transactions with the agency.⁷ Nationally, the NVRA has helped millions of Americans register to vote every year, but its impact has been “hampered by lackluster compliance and implementation,” according to some voting rights advocates.⁸ The Oregon DMV was generating

approximately three voter registration applications for every 10 driver licensing transactions under NVRA.⁹ Now, with Oregon's new AVR program, 100 percent of qualifying licensing transactions generate voter registration applications for eligible citizens who are not yet registered to vote or who need to update their voter registrations.¹⁰ It is time for the rest of the country to follow suit and adopt Oregon's model of Automatic Voter Registration nationwide.

Democracy works best when it works for everyone and there is a high level of citizen engagement. Unfortunately the United States faces a crisis of low political participation. In the 2012 presidential election, nearly 61 million Americans voted for former Gov. Mitt Romney, and almost 66 million voted for President Barack Obama—but more than 90 million eligible American citizens did not vote at all.¹¹ Voter participation in the 2014 midterm elections was the lowest since World War II: Only 36 percent of eligible voters cast a ballot.¹² Every state except North Dakota requires any citizen who wants to cast a ballot to be registered to vote, but individuals are left to register themselves. This system has led to a much smaller share of eligible citizens being on the rolls compared to other countries. According to Pew, “Only about 65% of the U.S. voting-age population (and 71% of the voting-age citizenry) is registered, according to the Census Bureau, compared with 96% in Sweden and 93% in the U.K.”¹³

In a self-governing society, government derives its legitimacy from the consent of the governed, so it is normatively good for more citizens to participate in making political decisions together. Incentives should be constructed to prioritize greater voter participation. With this objective, it is imperative that states that have the technological capability to confirm a citizen's eligibility to vote through the information that state agencies already collect make voter registration an automatic process.

The real issue of electoral integrity today is not the all but nonexistent red herring of voter fraud, but rather is electoral access for all eligible Americans. Automatic voter registration can transform voter registration from a barrier to democratic participation into its gateway. Current registration rules are an obstacle to participation. In a study of 18- to 29-year-old nonvoters, 55 percent of black youth, 45 percent of Latino youth, and 61 percent of white youth said they did not vote because they were “not registered to vote”—which was by far the highest reason given for not voting.¹⁴ Researchers looking at internet searches for voter registration information before the 2012 election concluded that early registration deadlines blocked between 3 million and 4 million Americans from registering to vote before Election Day.¹⁵ Given the close proximity in time to their attempts to register and Election Day, it is likely that these individuals were motivated to vote in the 2012 election but were blocked from doing so by rigid registration deadlines. If these individuals had been automatically registered as a result of their interactions with state agencies, millions more voices could have been heard at the ballot box.

While today's rigid registration requirements can stand in the way of voter participation, citizens are very likely to vote once they are registered. In 2008, 90 percent of the people who were registered to vote actually voted. The voting rate among all citizens of voting age, however, was only 64 percent.¹⁶ In 2012, 87 percent of people registered to vote actually voted, although those voting represented only 62 percent of all citizens of voting age.¹⁷ Although not every newly registered voter will choose to go to the polls, by removing the barrier of the current registration system millions more eligible Americans will have the chance to play an active role in our democracy.

Oregon demonstrates the way forward, highlighting how to securely and efficiently register the greatest number of eligible citizens. The state's AVR program activates the technological capacity of the DMV to communicate voter eligibility information from its database, independent of the agency worker conducting the transaction, to the database of the Secretary of State—Oregon's top election official. The Secretary of State's office then mails eligible individuals a notification that they will be registered to vote unless they return a mailer declining to be registered.¹⁸

There are two main reasons why Oregon's AVR program has proven so effective. First, the specific process Oregon uses to register citizens automatically is simple to administer and takes advantage of modern technology that avoids human error. It puts the responsibility for the program on elections officials at the state and county level, not on front line agency employees. That is to say, the responsibilities placed on DMV agents do not increase beyond what they already do as part of the licensing transaction.

Second, Oregon's AVR program takes greatest advantage of the most current social science research on defaults and the status-quo bias to align incentives with preferred outcomes. Rather than merely changing the framing of how someone is asked about whether they want to be registered to vote, Oregon's AVR program creates a true no-action default in which no explicit action is required. Simply put, every eligible citizen who obtains or renews a driver's license in a qualifying transaction is automatically registered to vote unless they take action to decline voter registration. Social science research suggests this true no-action default structure increases the likelihood that eligible citizens will become registered to vote because it strongly signals the preferred outcome and requires effort to change the outcome of becoming registered to vote.

Shifting the way the question about registration is framed—from, "do you want to be registered to vote?" to, "do you not want to be registered to vote?"—can indeed have significant effects on the number of people opting-in.¹⁹ But the impact of framing in incentivizing outcomes is significantly less effective than true no-action defaults because it does not capitalize on several of the forces that make defaults so powerful. Research suggests that one of the reasons that defaults influence people's choices is because the default position is often seen as the preferred outcome. For example, in a study of organ donation, researchers reported that the "majority of participants told that policymakers

had selected the ‘organ donor’ default inferred that the policymakers both were willing to be donors and thought that people ought to be donors.”²⁰ Clearly, a democratic political structure wants to communicate to its citizens that their participation in the democratic process is both good and desired.

True no-action defaults communicate this much more powerfully and are thus more likely to be much more effective at promoting registration than simply changing the question while still requiring a choice be made between two options.²¹ Experience with the NVRA shows that many eligible people never are asked about voter registration at government agencies. Moreover, even the idea of mandating a choice—asking whether an individual wants to register to vote—does not always work. Researchers looking at organ donation in Virginia found the “experience in mandated choice” to be “instructive.”²² According to researchers, “when the state of Virginia adopted a policy of forcing people to make a choice, over 24% refused to report a preference.”²³

Oregon notifies all eligible, unregistered citizens that they will be registered to vote through a mailer sent following a qualifying transaction with the DMV. This postal notification system allows a potential voter to decline registration by simply returning a postcard. The postal feature of the program has additive impact in increasing the number of eligible Americans on the voter rolls because effort is required to reject voter registration. Defaults are effective because they are effortless. This is true even when the effort involved in opting-out is quite minimal. Even when the actual effort an action might take is low, a modest increase in the effort to change the status quo can achieve much greater gains.²⁴ There is a strong bias toward retaining the status quo, and research finds that “an individual may retain the status quo out of convenience, habit or inertia.”²⁵ People may avoid the extra effort of time and action that is needed to return a mailer in order to remain an unregistered voter. This is directly in line with research showing that “[p]hysical effort such as filling out a form may also increase acceptance of the default.”²⁶ Thus, true no-choice defaults make acceptance of the default—in this case being added to the voting rolls—effortless and opting-out more of an effort. Reframing the voter registration question, on the other hand, still requires equivalent effort for either action choice. This evidence counsels toward consciously designing the process for accepting or rejecting the default automatic voter registration process in order to align incentives with desired outcomes—increased voter registration for eligible citizens.

A majority of Americans—53 percent of Republicans and 71 percent of Democrats—support automatic voter registration for people interacting with the DMV.²⁷ Oregon’s system aligns with this support and places the effort of rejecting the default registration on the minority of people who do not want the option to participate in the democratic process. The results of this transfer of effort can be seen in the small number of Oregonians who actually opt-out of the voting registration process: Only 6 percent of notification cards delivered were returned declining voter registration.²⁸ A mere 3,534 people declined voter registration, while 51,558 people were registered to vote—a ratio of nearly 15 eligible citizens added to the voting rolls for every 1 person who declined.²⁹

Defaults inevitably lead to a certain number of misclassifications.³⁰ Without automatic voter registration, people who want to vote may find that they are not registered to vote. With automatic voter registration, eligible citizens who prefer not to be registered may wind up on the voting rolls. However, the mistake of registering an eligible person who does not want to be registered and therefore must go to the effort of canceling his or her registration is dwarfed by the harm of leaving eligible Americans who want to vote out of the political process. Currently, 46 percent of eligible 18- to 24-year-olds are not registered to vote; 41 percent of eligible Latino citizens are not registered to vote; 44 percent of eligible Asian American citizens are not registered to vote; and 37 percent of eligible people with incomes less than \$30,000 are not registered to vote.³¹ Not taking available steps to correct the error of perpetuating a registration system that results in demographically inequitable registration rates across age, wealth, and racial groups, is simply unacceptable.³² Requiring action to decline the default state of voter registration properly balances incentives for people to become registered while maintaining an option to decline for people who feel strongly about it.

The current U.S. voter registration system puts an unnecessary burden on individuals to register and re-register each time they move. Not only is this system inefficient, it is not aligned with American values of equal participation for all citizens. Currently, if an individual does not take any action on their voter registration, they are not registered to vote. This is true even if that individual meets the criteria for voter eligibility, which the state can confirm from information it has already collected. Likewise, if an individual was previously registered at a prior address and their voter registration is not updated with their new address in a different jurisdiction—even if the new address is available and easily accessible by the government—that person will be unable to vote. With the technological modernizations for data sharing that are readily available, along with the information that is already collected by government, the process of voter registration can be modernized to meet the needs and expectations of citizens in the 21st century. Many states are considering how to advance toward truly automatic voter registration, and Oregon's success shows the way.

Oregon's AVR program is the most effective way to securely register as many eligible citizens as possible. By using the technical capacities of the DMV and elections officials to communicate the pertinent information needed to register and update records for eligible citizens automatically, AVR sets up a true no-action default voter registration system. Moreover, AVR's use of postal notification as the process for maintaining the option to decline voter registration respects individual choice while aligning incentives to register the greatest number of eligible citizens. The millions of eligible citizens who are missing from America's voter rolls can be placed on those rolls in a cost-effective and secure manner. States can and must remove barriers and facilitate political participation for all eligible voters so that every voice is heard as our nation charts the course forward together.

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Endnotes

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- 8 For example, "After the initial surge of applications at public assistance offices, federal data show that the number of voter registration applications from public assistance agencies dropped by 79 percent between 1995-1996 and 2005-2006." For more information see J. Mijin Cha, "Registering Millions: Celebrating The Success and Potential of the National Voter Registration Act at 20" (New York: Demos, 2013), p. 6, available at <http://www.demos.org/registering-millions-success-and-potential-national-voter-registration-act-20>; See also, Douglas R. Hess and Scott Novakowski, "Unequal Access: Neglecting the National Voter Registration Act, 1995-2007" (New York: Demos, 2008), available at <http://www.demos.org/publication/unequal-access-neglecting-national-voter-registration-act-1995-2007>.
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- 17 Liz Kennedy, Lew Daly, and Brenda Wright, "Automatic Voter Registration: Finding America's Missing Voters" (New York: Demos, 2016), available at http://www.demos.org/sites/default/files/publications/AVR_0.pdf.
- 18 Oregon's Automatic Voter Registration currently only includes the DMV as a source agency for voter registration information. It is important to note, however, that any state agency that collects information that can be used to confirm a person's eligibility to vote can be included as a source agency to transfer voter eligibility information from its database to election officials for use in Automatic Voter Registration. In order to ensure that automatic voter registration programs do not perpetuate current gaps in voter registration and voting across age, race, and class divides, it is important that more inclusive source agencies be incorporated into automatic voter registration programs. See, Kennedy, Daly, and Wright, "Automatic Voter Registration: Finding America's Missing Voters."
- 19 Eric J. Johnson and Daniel G. Goldstein, "Defaults and Donation Decisions," *Transplantation* 78 (12) (2004): 1713-1716, available at http://www8.gsb.columbia.edu/sites/decisionsciences/files/files/Defaults_and_Donation_Decisions_-_Transplantation.pdf.
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- 23 Ibid.

- 24 Johnson and Goldstein, "Defaults and Donation Decisions," p. 1714-1715: "The result is surprisingly strong. ... We think these effects are larger than those in our questionnaire because the cost of changing from the default is higher, involving filling out forms, making phone calls, or sending mail."
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- 28 Oregon Secretary of State, "Oregon Motor Voter Adds Over 50,000 New Voters to The Rolls."
- 29 Ibid.
- 30 Johnson and Goldstein, "Defaults and Donation Decisions."
- 31 Kennedy, Daly, and Wright, "Automatic Voter Registration: Finding America's Missing Voters."
- 32 Ibid.