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FOR FURTHER INFORMATION, CONTACT:

Curtis Gans (202) 546-3221
(703) 478-1943

MAKING IT EASIER DOESN'T WORK

NO EXCUSE ABSENTEE AND EARLY VOTING

HURT VOTER TURNOUT; CREATE OTHER PROBLEMS

WASHINGTON, September 13 – Contrary to their backers' expectations and defying conventional wisdom, two relatively new and spreading voting reforms aimed at making it easier to vote and theoretically increasing participation – no excuse absentee voting and early voting – actually hurt voter turnout.

In virtually every election since 1988 – both Presidential and mid-terms – the states which adopted these reforms, in the aggregate, had poorer turnout performances (lesser increases in years of turnout increase; greater decreases in years of turnout decline) than states which did not adopt these procedures.

And these reforms, along with all-mail balloting adopted in 1998 by the state of Oregon for all of its elections, pose other risks to the health of the American political system.

These were among the principal findings of a study of the impact on voter turnout of four procedural reforms – no excuse absentee voting, early voting, mail balloting and election day registration – conducted and released today by the non-partisan Committee for the Study of the American Electorate (CSAE), a Washington-based research organization.

Committee for the Study of the American Electorate

PMB 294
Suite 900

601 Pennsylvania Avenue, N.W., South Building
Washington, D.C. 20004

(P) 202 546-3221 • (F) 202 546-3571 • (e-mail) csnag@erols.com

In its study, CSAE aggregated the states which adopted these reforms against the states which did not and compared the change in turnout rates between the groups of states for each election since 1988. At present there are 24 states (including four, Florida, North Carolina, South Dakota and Utah which have adopted no excuse absentee voting since the 2000 election) which no excuse absentee voting; 10 states which have early voting, six states which have election day registration and one (Oregon) which has all-mail balloting. It is estimated that between 15 and 20 percent of the electorate cast votes in 2000 prior to election day and that number is likely to increase in the 2004 election.

The findings:

1. No Excuse Absentee:

In 26 states and the District of Columbia, a registered citizen needs a reason deemed valid by law or custom (e.g. likely to be absent on business; confined to an assisted living facility or nursing home) to apply for and receive an absentee ballot. In an ever-growing number of states (now 24), a registered citizen may apply for and receive an absentee ballot without giving a reason as to why. In two states, Washington since 1992 and California since 2002, a citizen may ask for permanent absentee status and be automatically mailed a ballot each year, provided that citizen casts those automatic ballots. The amount of days prior to election day these ballots may be mailed in or otherwise cast varies from state to state, but in no event may these ballots arrive at the designated election counting place later than election day.

The evidence from this study is clear: In every Presidential election since 1988, the states which adopted no excuse absentee have performed worse than the states which did not adopt this change. In years of turnout increase, 1992 and 2000, the increases in no excuse absentee states have been smaller than those without the "reform." In the year of decrease, 1996, the decreases were larger in states with no excuse absentee than in states without it. In 2000, turnout in states with no excuse absentee increased by 2.1 percentage points from 1996. Turnout in states without the provisions increased by 3.1 percentage points. In 1996, states with no excuse absentee declined by 7.2 percentage points as compared 1992. States without the provision declined by 6.4 percentage points. In 1992, turnout in states with no excuse absentee increased by 2.0 percentage points as compared to 1988. States without no excuse absentee increased by 5.0 percentage points. For the period between 2000 and 1988, the nine states with no excuse absentee recorded an 0.4 percentage point turnout decline compared to a 1.6 percentage point increase for the states which did not have the provision.

In mid-term elections the pattern is similar. For the 13 states which had no excuse absentee throughout the period, 2002-1990, turnout declined by three percentage points, while the states without this provision gained 2.2 percentage points. The states which had no excuse absentee in 2002 recorded an increase in turnout of 0.01 percentage point over 1998. The states without reported an increase of 2.6 percentage points. In the period between 1994-1990, the turnout increases were virtually the same – 2.5 percentage points for states with no excuse absentee and 2.4 percentage points for the states without. Only in the period between 1998 and 1994 did no excuse absentee states record a better performance than states without it (minus 2.3

percentage points for no excuse absentee states versus 3.2 for the others), but that was solely due to aberrationally large turnout declines, Tennessee (-14.5 percentage points) and Virginia (-20.1), due to equally aberrationally high turnouts in the 1994 elections. (The 1994 Tennessee election turned out both Democratic U.S. Senators and elected a Republican governor due to backlash against President Clinton and the 1994 Virginia election was the still-famous race between Oliver North and Chuck Robb which engendered the highest turnout in Virginia history.) Without those two states the pattern of greater decline in no excuse absentee states would have held.

2. Early Voting:

In 1963, two states (Colorado and Texas) adopted early voting whereby citizens may vote at designated and putatively convenient satellite locations (e.g. shopping centers, libraries, etc.) for a period prior to election day. As of 2004, ten states had adopted early voting with the number of days prior to the election a registered citizen can vote varying from state to state.

The balance of the evidence with respect to early voting seems clear – that early voting hurts turnout. But there were two exceptions to the pattern.

The evidence is unequivocally clear in Presidential elections. Between 2000 and 1996, turnout in the states with early voting increased in the aggregate by 2.6 percentage points, while states without increased by 2.8. Between 1996 and 1992 turnout declined by 7.3 percentage points in early voting states and by 6.4 percentage points in states without the provision. Between 1992 and 1988, turnout increased by 3.3 percentage points in states with early voting while the states without recorded an aggregate increase of 5.1 percentage points. For the period between 2000 and 1988, the five states which had early voting throughout the period recorded an aggregate one percentage point decline while turnout increased in non-early voting states by 1.4 percentage points.

In mid-term elections, the picture is not as unequivocal. For the nine states which had early voting for the entire period between 2002 and 1994, the picture is similar to Presidential years. For the entire period from 1990 to 2002, turnout increased by one percentage point in early voting states and by 1.2 percentage points in states without. In the period between 2002 and 1994, turnout declined by two percentage points in early voting states and by only 1.1 percentage point in the other states. In the period between 1998 and 1990, turnout declined by 2.9 percentage points in early voting states and by less than one-tenth of a percentage point in the states without the provision. However, in two of three individual election year comparisons, early voting states did better than states without. Between 2002 and 1998, turnout increased in early voting states by 3.8 percentage points while the aggregate turnout increased by only 1.2 percentage points in the states without the provision. In the period between 1994 and 1990, turnout increased by three percentage points in early voting states while increasing 2.3 percentage points in the other states. Between 1998 and 1994, however, turnout declined by 5.9 percentage points in early voting states but by only 2.3 percentage points in states without early voting.

Based on the preponderance of evidence, early voting seems to hurt voter turnout. At best, it can be said that there is no evidence that it is a panacea for low levels of citizen voting.

3. No Excuse Absentee and Early Voting Analysis:

There is one possible difference between no excuse absentee voting and early voting. No excuse absentee applicants are exclusively citizens who would vote on election day for they must go to the effort of requesting an absentee ballot. Early voting may catch some previous non-voting citizens at places of voting convenience. Which may explain the modest differences between the unequivocally negative impact of no excuse absentee voting on turnout with the still preponderantly negative but mixed picture when it comes to early voting.

For no excuse absentee voting, there are two reasons for its negative impact on turnout; for early voting, there is only one.

Because no excuse absentee voters are already voters, some may simply procrastinate and ultimately fail to mail or turn in their ballots.

For both groups, because voting is carried on over a period of time, it means that the focus of mobilization which formerly was concentrated on one day – election day – is now diffused over time. If a state allows either no excuse absentee ballots or early voting over a period of 30 days and the instruments of mobilization (parties, interest groups, candidate organizations and non-partisans) have \$5 million to spend on get-out-the-vote activities, that \$5 million is much more effectively concentrated on one day rather than spread out in \$166,000 increments over 30 days.

4. Mail Voting In Oregon:

In one sense, Oregon's unique all-mail elections, implemented for the first time in the Gordon Smith/Ron Wyden special election of 1998, is no excuse absentee carried to its extreme. In Oregon every registered citizen is an absentee voter whose ballots are mailed to them between 14 and 18 days before election day and have to be returned by election day.

The evidence is that all-mail balloting in Oregon has not helped and probably hurt turnout and for perhaps the same reason – diffusion of mobilization.

Beyond the Smith/Wyden special election whose turnout cannot be really compared with anything other than a similar statewide special election which are few and far between, there have been five major statewide elections since mail voting was instituted, none of which speak to a positive turnout effect of mail voting:

In the 2000 Presidential and statewide primary, Oregon's turnout (29.2 percent of eligibles) was the lowest turnout of any Presidential primary in the state's history.

In the 2000 general election, Oregon's turnout did increase by 2.8 percentage points which was barely higher than the national increase of 2.7 percentage points but substantially below the average increase in turnout (3.5 percentage points) of battleground states of which it was one. Eighteen states had greater increases in turnout than Oregon. None of these had all-mail voting.

In the 2002 statewide primary, Oregon's turnout (27.6 percent of eligibles) was higher than the 22.5 percent which turned out in 1998, but it was also the second lowest turnout for a statewide primary in Oregon's history.

In the 2002 general election, turnout also increased to 50.5 percent from 47.3 in 1998, but the 2002 turnout was the third lowest in Oregon history.

This year's primary turnout at 26.5 percent of the electorate was the lowest turnout in the state's history.

Oregon's turnout ranked sixth highest in the nation in Presidential elections before mail voting and it ranks sixth highest in the nation (at a lower turnout rate) after. Oregon's mid-term turnout rate was fourth highest in 1994. It ranked fifth in 2002.

5. Problems with No Excuse Absentee, Early and Mail Voting:

Beyond the negative and/or non-existent turnout effects of these three reform measures there are important reasons why they may be harmful:

a. Differential Information: In 1992, ten days before election day, Ross Perot appeared on *60 Minutes* and charged the Bush White House with sabotaging his daughter's wedding. That probably didn't say anything about the Bush White House but it did say something about Perot's level of paranoia. Anybody who voted in the days prior to that election by no excuse absentee or early voting did not have that information.

Four days before the election, former Defense Secretary Casper Weinberger was indicted with a bill of particulars which said that President George H.W. Bush lied about his knowledge and involvement in the Iran-Contra affair. Anyone who voted prior to that did not have that information.

In this election year, it is conceivable that there could be a major terrorist act in the United States in the period before election day but after no excuse absentee, early or mail voting commenced. Or perhaps in the same period, Osama bin Laden could be captured or killed. Depending on how close to the election these things occur, as many as 25 million Americans might have already cast ballots without these major developments to guide their vote.

In a national election and especially a Presidential election, all those who are casting ballots, save those who truly cannot come to a polling place on election day, should have the

same information upon which to render a judgement on the future of American democracy for the ensuing four years.

b. The Pressured Vote: In essence, both mail voting and no excuse absentee voting undermine the secret ballot, potentially leading to the pressured vote. Which is to suggest that while there has not yet been widespread pressuring of potential voters to cast their votes one way or another save for normal electioneering, one can imagine ballot filling out parties held among peers by NARAL or the NRA (among many others) which can put pressure on a citizen at those parties to vote a certain way, pressures which can be resisted behind the curtain of a polling booth but not among one's peers.

c. Voting as a Communal Act: In an increasingly atomized and fragmented America, there are probably two major communal acts left – gathering with one's peers to share Fireworks on the 4th of July and voting with one peers on election day. We sacrifice these vestiges of community at our peril.

All of which is to argue that if these “reforms” have no positive benefits with respect to turnout and have several liabilities with respect to turnout, information, pressured voting and community, they probably should be rolled back rather than expanded as they are presently being. It will be hard to roll them back because they are popular, but American democracy would be better served if all, or at least as many as really can, voted a live ballot on election day.

6. Election Day Registration:

Election day registration is being treated separately here because it is not, strictly speaking, a voting reform but rather a registration reform which permits citizens in six states to register up to and including election day. But it has voting consequences insofar as it expands the potential electorate to include those whose interest is stimulated on the very last day.

In theory, this should have a major and positive impact of voter turnout. In practice the picture is mixed in Presidential years, more positive in mid-term elections.

Between 2000 and 1996, the states which had election day registration increased their turnout by 4.8 percentage points, while states which did not have it increased by only 2.6 percentage points. However, between 1996 and 1992, turnout decreased by 8.7 percentage points in election day registration states, while declining only 6.5 percentage points in the other states. Over the period between 2000 and 1992, turnout decreased by 3.82 percentage points in election day registration states, by 3.84 in the other states.

Between 2002 and 1998, turnout increased by two percentage points in election day registration states and by 1.6 percentage points in states without election day registration. Between 1998 and 1994, turnout increased in election day registration states by 1.6 percentage points and declined in the other states by 3.2 percentage points.

The evidence indicates that, largely in elections in which there is higher citizen interest, election day registration can enhance turnout.

This is not an advocacy position for election day registration either nationally or in a majority of states. There is one form of potential voter fraud that election day registration offers no protection from – last minute fraudulent registrations. Because there is no time to check the validity of last minute registrations, the election system would be forced to address election day registrants in one of two ways – allow their votes to be counted without check and prosecute fraud after the election, which may deal with the individual miscreant but not with the validity of the election results; or one could have all election day registrants cast provisional ballots to be counted only after the validity of the registration is checked, delaying the results of the election for weeks.

There are about 20 states which have never experienced any significant fraud of any kind who could and should adopt election day registration. But for the rest, this reform is not recommended. Rather this nation should bite the bullet and consider non-forgable voter identification cards for every citizen upon reaching the age of 18 or upon being naturalized. Such cards could contain information about address which would make possible assignment to the proper polling place. And such cards could also both eliminate the requirement for registration and deal a blow to any form of fraud associated with the registration process.

7. Potential Reforms:

These reforms, particularly no excuse absentee, mail and early voting, have been adopted in the spirit of the words of a senior drill instructor at Marine Corps Recruit Depot in San Diego who, when his trainees were flustered, used to bark out, “Do something, even if it’s wrong.” Well meaning people, especially election officials who feel America’s dismal turnout may be seen as a reflection on their work have wanted to do something about it, have propelled these remedies and they have turned out to be wrong.

There are another set of procedural remedies that might marginally help the turnout problem: insure that everyone who believes he or she is qualified to vote can cast a provisional ballot and that those ballots will be counted when the qualifications are verified; create stiff penalties and ensure oversight and enforcement for anyone who engages in voter intimidation; extend the voting hours in every states to match New York’s 6 a.m until 9 p.m.local time to provide three hours on each side of the work day for voting; ensure there are adequate polling places and adequate polling stations within those polling places to mitigate the dampening effects of long lines; have every state provide the type of voter information pamphlets that western states do which provide the biographies and self-ascribed issue positions of the candidates and the arguments for and against ballot propositions so that the voter does not feel helpless about the ballot process.

But voter turnout, particularly in every age group save those over 65 and in every region, save the South, has been declining dramatically over the last decade while the registration and

voting process has been made easier. It is incandescently clear that the turnout problem is not one of procedure but of motivation and it is to this problem that the majority of attention and energy should be devoted.

NOTES

Appended to this release are a series of statistical charts from which the reader can draw their own conclusions. Included are charts on the turnout effects of all the reforms in this study – no excuse absentee, early voting, mail voting and election day registration. Also included is a state-by-state compilation of voting laws with respect to these reforms, when they were enacted and how they operate.

Also appended to this report is an article about the television networks and convention coverage which is irrelevant to this study but highly relevant to the political process and an informed electorate.

There are a few words needed about the statistics used.

Turnout is measured by vote divided by eligible population – not by those who are registered. Registration lists are notoriously inflated by people who have either died or moved but who have not been removed from the lists. (Alaska and Maine regularly report registration in excess of 100 percent of the eligible population.) Registration as a denominator can be skewed by changes in law between elections or by how frequently and close to election time election officials choose to purge their lists of invalid registrants. The only consistent denominator that encompasses the full population and gives a true picture of turnout is eligible vote. In Presidential years, the numerator is the votes for President; in mid-term elections, it is the votes for the statewide race in each state which garners the highest turnout or the aggregate votes for U.S. House of Representatives (whichever is higher) which serves as the numerator.

The eligible vote figures used in this study are the 18 and over population, minus non-citizens, both interpolated from the decennial Censuses. With respect to general elections, the denominators used are interpolated to November. With respect to primary elections, the denominators used are interpolated directly from Census to Census and represent an April eligible vote.

The Committee is using age-eligible minus non-citizens advisedly. There are six forms of error in the old age-eligible population (Voting Age Population) statistics which were a staple of analysis for years, three which would propel the denominator downwards – non-citizens, felons,

and people in mental institutions deemed incompetent to vote who are included in the Voting Age Population estimates but who cannot vote; and three which would propel the denominator upwards – American citizens residing abroad, citizens who have been undercounted by the decennial Censuses and people who are naturalized within the election year until November who are not included in the age-eligible population but can vote. In numerical terms, with the exception of non-citizens the numbers of people in the latter three categories exceeds felons and people in mental institutions. But beyond a certain point in time only the undercount and naturalization figures are fully attainable. Which is to say that the best denominator one can create, use for an historical record and apply it to the states (Americans residing outside the United States cannot be accounted for by state) is to use those who are age-eligible and citizens, which are the denominators in this study. And the Committee is grateful to Dr. Walter Dean Burnham for providing both the idea and methodology for these databases.

Mark P. Harvey, Committee Research Associate, compiled the raw data and tables for this report.