DATA FOR *PROGRESS*

Automatic Voter Registration Report

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Origins and Intent of Automatic Voter Registration (AVR)

In 1993, Congress passed the National Voter Registration Act (NVRA). This landmark piece of federal legislation aimed to promote higher levels of political participation by requiring state department of motor vehicle (DMV) offices to integrate the voter registration process with the driver's license application process. That is, whenever an individual visited the DMV to renew or apply for a driver's license, that same information was to be used to register the individual to vote or update the individual's existing voter records, unless the individual expressly chose to opt out. Early studies of the effects of the NVRA "motor voter" provision showed encouraging results. The initial motor voter reforms (implemented in nine states and the District of Columbia) boosted turnout by a little over 2 percentage points, and newly registered voters were found to be as likely to vote as other registered voters.[1] In Colorado, one of the earliest adopters of motor voter procedures, turnout was 6.1 points higher than the national average after three years of the program.[2]

However, 20 years after its passage, many states were not in full compliance with Section 5 of the NVRA, the section that outlines the motor voter provision. A 2014 report revealed that 18 million more Americans would be registered over a two-year period if the lowest-performing states moved up to the 75th percentile of NVRA compliance.[3] Top-performing states integrated the driver's license application with a voter registration application (without asking for duplicate information), electronically transferred data from the DMV to the elections office, automatically updated addresses on existing voter registration records, and offered assistance with the voter registration process, yet many other states fell short of these benchmarks.[4] At this time, states began to be motivated to develop their own policies for achieving streamlined voter registration, on top of the NVRA. To date, 22 states and the District of Columbia have enacted automatic voter registration policies in some form.[5]

Automatic voter registration (AVR) is defined as "a system that registers an individual to vote … if eligible, by electronically transferring the information necessary for registration from government agencies to election officials of the State so that, unless the individual affirmatively declines to be registered, the individual will be registered to vote in … elections."[6] AVR reforms set out to accomplish three main objectives. The primary goal of AVR is to boost voter turnout through reducing the burden associated with registering to vote in the first place. In AVR systems, most of the cost of registration is shifted from the potential voter to state officials. Although there is no guarantee that an individual will subsequently show up to the polls after being registered, increasing registration does have a positive (although smaller) impact on voter turnout. In the most recent and most comprehensive study of the registration and turnout effects of AVR, a differences-in-differences analysis estimated a 3 percent increase in registration and a 1.3 percent increase in turnout due to AVR.[7] Since many states' AVR policies are brand new, the effect is expected to grow over time.

The second purpose of AVR is to make progress toward closing the turnout gap.[8] Compared to the population as a whole, the electorate is substantially less diverse when it comes to age, income, and ethnicity. Earlier electoral reforms that focused on making it easier to cast a ballot (permissive absentee balloting, early voting, vote by mail, and internet voting) have faced criticism for exacerbating rather than solving the existing demographic compositional bias of the electorate.[9] By instead removing barriers to registration, AVR takes a different approach to addressing voting disparities.

Ansolabehere, Hersh, and Shepsle find that "… the correlation between age and registration in the United States is explained almost entirely by population mobility and the registration rules." While 90 percent of citizens aged 60 and up are registered to vote, only 75 percent of those 18-30 years old are registered. The authors illustrate that the propensity to register does not increase with age, as commonly supposed, and instead turn to a structural explanation. Only half of the 18-35 age cohort stay in the same housing for two years, while older cohorts are much less mobile. Each time a person moves, they must re-register to vote, placing a larger burden on younger voters.[10] The same explanation applies to low-income Americans, as they are also more likely to move frequently and face difficulties registering to vote.[11] Thus, AVR is especially beneficial for these underrepresented groups. Recent research shows that those between 18 and 24 years old are 6.3 percentage points more likely to vote if they live in an AVR state, while individuals in the lowest-income category are 4 percentage points more likely to turn out in AVR states.[12]

Even when new voters registered through AVR do not immediately turn out to vote, improving the registration gap has other positive effects. For example, because juries are usually selected from registered voter lists, AVR can enhance the representativeness of jury pools and improve defendants' chances of receiving a fair trial.[13]

The third aim of AVR is to effectively and efficiently keep voter rolls up to date.[14] Maintaining registration records and ascertaining which records are out of date or inactive is a sizable task for election administrators. With regular updating to the voter rolls occurring through transactions with other government agencies, the burden on election officials is significantly reduced. In contrast to the largely paper-based, traditional registration process, AVR lowers costs by quickly and securely transferring voter data. While some opponents of AVR have contended that automatic registration may mistakenly add ineligible voters to the registration rolls, this is unlikely in a system where registration takes place through government agencies that already collect and verify citizenship information.[15] In addition, voters are not automatically added to the rolls until after their eligibility has been confirmed by election officials. Thus, in addition to positive registration and turnout effects, automatic registration systems provide the added benefits of lowering costs, increasing security, and preventing fraud.[16]

Finally, some have expressed the concern that AVR is intended to hand electoral victories to the Democratic Party, since many individuals who are not currently registered may be more likely to vote for Democratic candidates. This concern is not supported empirically. Multiple studies find no significant partisan bias in favor of Democrats resulting from either the initial NVRA reforms[17] or the state AVR policies[18] that followed.

The remainder of this report details different types of AVR policies and provides insight into which particular AVR designs are best suited to achieve the goals set forth above. Although AVR in all of its forms will confer benefits onto states that adopt it, differences in implementation matter significantly. Parsing out the different possible implementation strategies and determining what is most effective is particularly important now, in light of renewed efforts to pass AVR legislation at the national level.

AVR Design and State Level Progress

The main difference in AVR implementation is between front-end and back-end opt-out systems.[19] In a front-end opt-out system, potential registrants are given the opportunity to decline voter registration during the qualifying agency transaction. They are informed that their information will be used to automatically register them to vote unless they decline, and they are then given the chance to opt out. If an individual indicates on the agency form that they would not like to be registered, their information is not transferred to election officials. In a back-end opt-out system, the opportunity to decline registration comes after the agency transaction is completed. Information for individuals who establish eligibility for voter registration as part of the agency transaction is automatically sent to state election offices following a qualifying agency transaction. If eligibility is confirmed, the potential registrant is notified by mailer that they will be registered to vote unless they return the mailer indicating that they would not like to be registered.[20] Table 1 shows the type of opt-out system selected by each of the 22 states and one federal district that have enacted AVR so far. While five states have opted for back-end systems, the majority of AVR states currently use front-end systems.[21]

It is important to note that some studies use slightly different coding systems for AVR states. For example, the categorization used by the National Conference of State Legislatures (displayed in Table 1) tracks when states enact and implement voter registration policies that claim to be "automatic" or "automated."[22] This classification excludes states like Utah that have procedures in place that are almost identical to those in AVR states like California and Connecticut[23] but are not explicitly identified as AVR policies. Additionally, some studies have begun to classify Delaware as an AVR state as early as 2009, when it adopted a new system that was functionally equivalent to front-end AVR, although it was not referred to as AVR.[24] Still, classification systems mostly agree, and the National Conference of State Legislatures compiles the most up-to-date list.

A secondary distinction can be made between forced-choice and default AVR systems.[25] The forced-choice approach requires potential registrants to answer voter registration questions in order to complete the agency transaction. In other words, there is a "hard stop" built into the process; individuals cannot move on to the next stage of their transaction until they have filled out the part of the agency form that asks about voter eligibility and/or the person's desire to be registered. In contrast, default AVR systems make voter registration the default choice, and potential registrants must take additional steps to decline registration if they do not wish to be added to the voter rolls. All current back-end opt-out systems are combined with default registration; the extra step required to opt out is returning a mailer. On the other hand, some front-end opt-out AVR states use default registration (an individual will be registered by default if they do not affirmatively select not to be registered on the agency form) and others use forced choice. Among front-end AVR states, the majority use the default option and only a few have elected to implement forced choice.[26]

Table 1 • **States That Have Enacted Automatic Voter Registration**

STATE	TYPE OF OPT-OUT	YEAR IMPLEMENTED
Oregon	Back-end	2016
Georgia	Front-end	2016
Connecticut	Front-end	2016
Alaska	Back-end	2017
Colorado	Back-end	2017
Vermont	Front-end	2017
California	Front-end	2018
District of Columbia	Front-end	2018
Illinois	Front-end	2018
New Jersey	Front-end	2018
Rhode Island	Front-end	2018
Washington	Front-end	2019
Michigan	Front-end	2019
Maryland	Front-end	2019
Massachusetts	Back-end*	2020
New Mexico	Front-end	2020
Nevada	Front-end**	2020
Virginia	Front-end	Anticipated 2020
West Virginia	Front-end	Implementation deadline 2021
Hawaii	Front-end	2021
Maine	Front-end	Anticipated 2022
New York	Front-end	Anticipated 2023
Delaware	Back-end	Statutory deadline 2023

Source: National Conference of State Legislatures.
*Massachusetts is classified here as a back-end AVR state because its legislature passed a back-end system. However, in practice, the Secretary of State has implemented a front-end system. According to Secretary of State William Galvin's website, participating agencies ask potential registrants if they would like to opt out of registration at the time of the agency transaction, before any information is transferred to election offices.
**Pursuant to a new bill passed in 2021, Nevada is currently in the process of transitioning to a back-end AVR system. At this point in the rollout, potential registrants are provided with a form at the DMV that allows them to opt out, but they must fill out and return the form after the agency transaction has been completed if they do not wish to be automatically registered. The implementation deadline for the full transition is January 1, 2024.

The third source of variation in state AVR policies is the number of government agencies that participate in automatic voter registration. Originally, most states designated a single agency to serve as the touchpoint for AVR, and this was usually the DMV. However, in Alaska, voters are instead registered through its Permanent Dividend Fund.[27] As of 2020, seven states were classified as having passed AVR policies that included government agencies in addition to the DMV (Illinois, Maine, Maryland, Massachusetts, New Jersey, Rhode Island, and Washington).[28] Since then, five additional states have been added to the list (Colorado, Delaware, New York, Nevada, and Vermont).[29] The single-agency model and the multiple-agency model are both compatible with front-end and back-end AVR, as well as default and forced-choice registration. Thus, there are many different possible combinations when it comes to AVR policy implementation. Four states exemplify the wide range of possibilities.

In 2015, California passed a front-end, forced-choice AVR system that would operate through the DMV.[30] The new motor voter law was passed in response to complaints that California was not living up to the standards set by the NVRA. Prior to its passage, voter registration forms were not integrated with driver's license application forms, and DMV employees did not always notify customers of the opportunity to register to vote through the DMV. The new law, which took effect in 2018, integrates the two forms and requires customers to answer registration questions in order to complete the form after confirming their eligibility. However, potential registrants can still circumvent the entire process by skipping the eligibility questions, since these questions are not required in order to complete the DMV transaction.[31] The new AVR system is a major improvement for California, although it still allows voting-eligible DMV customers to sometimes slip through the cracks.

Illinois adopted a front-end default AVR system in 2017 that was set up to include multiple government agencies.[32] These agencies include the Department of Human Services, the Department of Employment Security, the Department of Financial and Professional Regulation, and the Department of Natural Resources, as well as the DMV. The law, which was implemented in 2018, stipulates that any agency that has access to the information necessary to determine voting eligibility can form an interagency contract with the State Board of Elections and participate in AVR.[33] Illinois' implementation strategy is significantly more expansive than California's. It provides more touchpoints for AVR in order to reach potential voter registrants who do not regularly visit the DMV, and it automatically registers eligible voters who do not decline registration without holding up agency transactions with forced-choice questions.

As the first state to implement AVR, Oregon is often held up as a standard for other states to follow. Oregon's highly successful AVR system, which was passed in 2015 and implemented in 2016, takes a back-end default approach to voter registration.[34] Voter registration requires no extra effort from potential registrants during their DMV visit. Instead, eligible individuals receive a card in the mail notifying them that they will be registered to vote unless they indicate their declination on the card and send it back within 21 days. They also have the choice to choose a party affiliation by returning the mailer. In addition to automatically registering voters, the DMV aids in automatically updating addresses on existing voter records. Since Oregon has also transitioned to all vote-by-mail elections, this is an especially valuable contribution, because it helps guarantee that voters receive their ballots.[35] Oregon is also the only state to conduct an AVR look-back. In 2017, state officials retroactively registered eligible voters who had visited the DMV during the two years prior to Oregon's AVR implementation.[36] Oregon's version of AVR is impressively streamlined and comprehensive.

Finally, Colorado has had a singularly unique AVR implementation trajectory. After first implementing a front-end, forced-choice AVR system through the DMV in early 2017, Colorado switched to a back-end default system and added additional qualifying agencies in 2019.[37] The changes took effect in 2020, and the state is already seeing positive results, despite fewer in-person DMV transactions taking place during the coronavirus pandemic.[38] Under the new system, eligible individuals are automatically registered to vote after qualifying agency transactions unless they return a mailer within 20 days to opt out of registration, addresses are automatically updated on existing voter records through an electronic transfer of information from qualifying government agencies to the secretary of state's office, and the Department of Health Care Policy and Financing is also designated as an automatic voter registration

agency alongside the DMV.[39] Modeled after other high-performing state policies, Colorado's updated AVR system has joined the ranks of the most successful and inclusive voter registration procedures in the country.

Effects of AVR Design

Different AVR designs produce different outcomes. Most important are the differential effects of particular implementation strategies on registration and turnout. In 2021, McGhee, Hill, and Romero conducted the first study measuring how AVR design affects registration and turnout. Using a differences-in-differences design, they found that back-end default AVR produced the largest effects. Back-end default systems increased registration by 8.1 percent and increased eligible turnout by 3.3 percent. Next best was front-end default, which increased registration by 2.9 percent and increased eligible turnout by 1.1 percent. Front-end, forced-response AVR was found not to significantly increase registration, but it did have a minimal positive impact on turnout.[40] Since AVR's registration and turnout effects are expected to build over time, this analysis should be repeated after recently enacted AVR policies take effect and current policies have been in place longer.

AVR studies that focus on individual states corroborate the finding that back-end AVR designs have sizable positive effects on registration and subsequent turnout. For example, just a few months after implementing back-end AVR, Oregon's monthly registration rate was 3.9 times higher than it was two years previously.[41] In the first year of Oregon Motor Voter, 43.6 percent of voters registered through the program turned out in the November election. Overall, Oregon saw a 4.1 percentage point increase in voter turnout in the 2016 election cycle (compared to 2012), which was the largest increase in the country.[42]

In a national study using data up to the 2018 election, the overall effect of AVR on registration was 1.5 percentage points, yet in the two back-end opt-out states included in the analysis, the effect was much larger. The registration effect in Alaska was 9.8 percentage points and the registration effect in Oregon was 10.1 percentage points (these are the only two states that had implemented back-end AVR in time for the 2018 election).[43]

In Colorado, the switch from front-end to back-end AVR in 2020 caused an additional 14 to 23 voter registrations per 100 DMV transactions by unregistered customers. After the policy change, 12,141 Colorado residents were automatically registered per month.[44] Although the effect on turnout was not estimated in this study or the study cited in the previous paragraph, the expectation is that implementing back-end AVR will also have a significant positive effect on turnout in the individual states of Alaska and Colorado, as turnout is boosted through rising registration rates. Future work should seek to precisely estimate these turnout effects, particularly in the Colorado case, since it is the only state that has thus far made the transition from a front-end to back-end system. If Colorado's policy change is found to significantly increase eligible turnout, states that currently use front-end opt-out systems may consider following suit.

The next consideration should be evaluating which type of AVR is best for improving the demographic balance of the electorate. Currently, there are no systematic studies of how AVR design affects the

registration and turnout gap, yet back-end AVR states have shown remarkable progress toward this goal. Researchers found that voters registered through Oregon's back-end AVR system tended to be "younger, more rural, lower-income, and more ethnically diverse."[45] Primarily through preregistration, Colorado's May 2020 change from front-end to back-end AVR has significantly improved registration rates among the state's younger population. The reform initially caused an additional 11 out of 100 unregistered eligible patrons to become preregistered. In more recent months, with an uptick in in-person DMV transactions, the effect is closer to 30 per 100.[46] By requiring more effort to decline registration than to become registered, back-end AVR is likely to be best poised to both expand and broaden the electorate. Combining back-end AVR with a multiple-agency model may be even better, since members of underrepresented groups may more frequently interact with government agencies other than the DMV.

Finally, all types of AVR systems will lead to improved registration effectiveness, efficiency, and security.[47] However, back-end AVR may have a slight edge here as well, as Danielle Root explains. According to Root, back-end opt-out is more effective than front-end alternatives because it ultimately adds more eligible voters to the rolls. It is more efficient because fewer steps are required of potential registrants during their agency transaction, and the job of confirming eligibility is shifted entirely to expert government officials (rather than potential registrants who may be unsure of eligibility requirements). The full reliance on government officials to determine voter eligibility also makes the registration process more secure.[48]

Although more research is needed to determine the extent to which AVR design affects the turnout gap and whether switching from a front-end to back-end system leads to a sizable difference in turnout, it is clear that the specifics of AVR design and implementation greatly influence outcomes. The most important takeaway from this section is that back-end default AVR both registers the greatest number of eligible voters and has the largest positive effect on eligible turnout. Of all the varieties of AVR discussed in this report, a back-end, default, multiple-agency model of the sort adopted by Colorado[49] is likely to be most successful in achieving the goals of increased electoral participation, greater turnout equality, and a straightforward, secure registration process.

ENDNOTES

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