

Election Day Voter Registration in New Mexico



EXECUTIVE SUMMARY

We have analyzed the likely impact on voter turnout should New Mexico adopt Election Day Registration (EDR).¹ Under the system proposed in New Mexico in 2007, eligible voters who miss the current 28-day deadline for registering by mail may be able to register to vote on Election Day.² The availability of Election Day Registration 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. We offer the following voter turnout estimates for New Mexico under EDR:³

- » Overall turnout could go up by 5.6 percent.
- » Turnout among those aged 18 to 25 could increase by 10.2 percent.
- » Turnout for those who have moved in the last six months could increase by 9.0 percent.
- » Turnout among Latinos could increase by 6.4 percent.
- » Turnout among the poorest citizens could increase by 6.3 percent.
- » Turnout among the wealthiest citizens would likely increase by 3.2 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 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.

At the same time, the process of voter registration imposes costs on voters—such as forcing voters to register well in advance of an

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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 New Mexico, eligible citizens who wish to register by mail must do so at least 28 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. In 1993, the National Voter Registration Act (NVRA) required states to provide voter registration forms in places where residents register their motor vehicles, and in other state agencies like public assistance offices. Finally, NVRA required that states allow for mail-in voter registration. More recently, the Help America Vote Act of 2002 (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.

Six states currently have substantial experience in allowing eligible citizens to register to vote on Election Day: Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming.⁵ Iowa, Montana and North Carolina only recently adopted EDR or similar procedures. The six original EDR states 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 previous experience of these states, previous research that we have conducted, academic research on voter participation and Election Day Registration, and new research we present below, we believe that New Mexico will have a positive experience with Election Day Registration—provided that it is appropriately implemented. We estimate that both voter registration and turnout will increase in New Mexico—possibly by 5.6 percent. 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 New Mexico.

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 disfranchise segments of the potential electorate, including immigrants, the poor, and minorities. Early registration practices were often quite restrictive themselves, 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 (VRA) in 1965. 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. In particular, in many places local election officials had substantial discretion regarding the implementation of registration and voting procedures, and a patchwork quilt of registration practices existed in many states, and certainly across the nation. 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 in 1993 (NVRA), which 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, in department of motor vehicles offices, and in other state public assistance offices. NVRA also provided for new rules regarding procedures for how voters could be removed from 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 2002 (HAVA) included provisions requiring that states centralize their voter registries, and that those voter registries be a “centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level” (HAVA 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 ballot rather than be disfranchised due to an error in a voter registry.

Six states used EDR at the time of HAVA’s passage. Generally speaking, these states have higher rates of voter registration and turnout than states that do not have EDR. Based on data collected by the U.S. Census Bureau in 2004, states with EDR reported voter registration rates of 86.4 percent, while states without EDR 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 voter registration rates.¹² EDR states also 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 New Mexico to implement well the Election Day Registration plan proposed in 2007, and the state experienced the typical increase in voter turnout that other states have seen once they have implemented EDR, voter participation could increase substantially.¹⁴ Furthermore, voter participation might increase noticeably among sectors of the population that typically vote at lower rates, such as newly relocated eligible citizens or young voters. Previous research has shown that EDR often helps these voters. The next section of this report we returns to this issue, and provide precise estimates of EDR’s potential impact on registration and turnout in New Mexico.

EDR IN NEW MEXICO

New Mexico ranked 37th in the nation in voter turnout in 2004. In 2004, 76.6 percent of eligible citizens in New Mexico reported being registered; actual turnout was 53.6 percent of the voting age population.¹⁵ To estimate the potential impact of EDR, we turn to data from the U.S. Census Bureau’s 2004 Current Population Survey (CPS) and use a methodology that we have employed in past research on voter turnout, discussed below in the Technical Appendix. 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. We control for the respondents' age and level of education, whether or not respondents have moved recently, their ethnic background, and whether or not they are a native-born citizen or have been recently naturalized. We then use these estimates to simulate the outcome of New Mexico using EDR in the 2004 election.¹⁶

Estimates of EDR's potential effect on voter turnout in the 2004 election in New Mexico are provided in Table 1.¹⁷ The analysis presented here predicts a 5.6 percent increase in voter turnout if New Mexico moves to EDR.

Our analysis 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 10.2 percent under EDR.**
- » **Turnout for those who have moved in the last six months could increase by 9.0 percent under EDR.**
- » **Turnout among Latinos could increase by 6.4 percent under EDR.**
- » **Over 56,000 additional low-income voters would go to the polls.**
- » **An additional 17,000 voters at the top of the income range would vote.**
- » **Over 64,000 additional citizens who do not have college degrees would vote.**
- » **New voters with a college degree would increase by approximately 10,000.**

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

CONCLUSION

Over the last 35 years, one of the more consistent conclusions in the study of turnout has been that making the registration and voting process easier will increase turnout among eligible voters.¹⁸ Our analysis of the impact of EDR in New Mexico is merely another piece of evidence supporting this claim. By comparing voter turnout in states with EDR and states without EDR, we have estimated the impact EDR would have in New Mexico. Adoption of EDR could raise turnout by 5.6 percent according to our 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 New Mexico, and bring more participants into the democratic process.

TECHNICAL APPENDIX

To estimate the impact of EDR in New Mexico, 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 878 respondents from New Mexico.

Our model 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. We include 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. We include categorical variables for education, placing the respondent as having less than a high school degree, a high school degree, some college education, or a college degree and 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, black, or Latino. We also include 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.

Our model includes variables at the state level for the number of days before the election that registration closes and for the presence of a competitive election. Three categorical variables indicate the presence (or absence) 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, 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) are included.

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 the New Mexico sample voting under current legal conditions—that is, the state’s requirement that voters register well before Election Day. We also compute the probability of each respondent in the sample in New Mexico voting under the counterfactual condition that New Mexico had Election Day Registration. By aggregating those predicted probabilities over different sub-groups of interest, we are then able to estimate the impact of EDR on any sub-group within the population, or we can estimate the impact of EDR on all voting age persons in New Mexico. Again, we assume that the impact of EDR in New Mexico will closely resemble the impact of EDR experienced elsewhere.

Table 1: Simulated 2004 Turnout Increases in New Mexico under EDR

	Estimated Percentage Point Increase with EDR	Estimated Additional Votes with EDR
Entire State	5.6	73,833
Persons who have moved in the last 6 months	9.0	15,258
Persons Age 18-25	10.2	21,787
Persons Age 26-35	5.9	12,719
Persons Age 36-45	4.4	12,171
Persons Age 46-60	4.7	17,427
Persons Age 61-75	3.6	6,310
Persons Age 76-90	4.3	3,419
Latinos	6.4	32,643
Whites	4.7	29,616
Naturalized Citizens	7.4	3,700
Lower Income (\$0-\$20,000 household income)	6.3	23,959
Middle Income (\$20,000 - \$40,000)	8.1	32,469
Upper Income (\$40,000 - \$60,000)	3.1	8,760
Top Income (\$60,000 and above)	3.2	8,645
Rural	5.2	30,409
Urban	5.9	43,424
Persons with grade school education	7.1	17,222
Persons who are high school graduates	6.1	23,809
Persons with some college	5.1	23,121
College graduates	4.0	9,681

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 New Mexico under EDR

	Estimated Percentage Point Increase with EDR	Estimated Additional Registrants with EDR
Entire State	4.0	53,132
Persons who have moved in the last 6 months	5.2	8,756
Persons Age 18-25	7.8	16,663
Persons Age 26-35	3.9	8,516
Persons Age 36-45	2.7	7,335
Persons Age 46-60	4.1	15,153
Persons Age 61-75	2.2	3,776
Persons Age 76-90	2.1	1,690
Latinos	4.7	24,250
Whites	3.1	19,575
Naturalized Citizens		
	9.1	4,513
Lower Income (\$0-\$20,000 household income)		
	4.9	18,409
Middle Income (\$20,000 - \$40,000)		
	6.6	26,378
Upper Income (\$40,000 - \$60,000)		
	1.2	3,331
Top Income (\$60,000 and above)		
	1.9	5,014
Rural		
	3.7	21,770
Urban		
	4.2	31,361
Persons with grade school education		
	5.0	12,221
Persons who are high school graduates		
	4.5	17,731
Persons with some college		
	3.5	15,873
College graduates		
	3.0	7,307

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 Demos 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* (Demos, 2007), <http://www.demos.org/pubs/updatedIOWA.pdf>.
2. *Same-Day Voter Registration*. HB 346, HB 394, SB 860. New Mexico State Assembly, 48th Legis., 1st sess., 2007.
3. A ‘5 percent increase’ refers to an increase of 5 *percentage points*, or 5 percent of voting age population, not 5 percent of those *already voting*. Thus, an increase from 50 percent turnout to 55 percent turnout is referred to 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, Montana and North Carolina recently adopted Election Day Registration.
6. See, for example, R. Michael Alvarez and Stephen Ansolabehere, *California Votes: The Promise of Election Day Registration* (Demos, 2002); R. Michael Alvarez, Jonathan Nagler and Catherine Wilson, *Making Voting Easier: Election Day Registration in New York*, (Demos, 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* (Demos, 2004), <http://www.demos.org/pubs/Analysis.pdf>; Demos, *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).
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): there 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. *Same-Day Voter Registration*. HB 346, HB 394, SB 860. New Mexico State Assembly, 48th Legis., 1st sess., 2007.
15. 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.
16. 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.
17. The authors provide estimates of the potential effect on voter registration of New Mexico’s move to EDR in the 2004 election in Table 2, using the same methodology as discussed in the text and in our Technical Appendix.
18. 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.

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