



Southern Leadership for Voter Engagement

POLICY BRIEF: Automatic Voter Registration

EXECUTIVE SUMMARY

The Southern Leadership for Voter Engagement (SOLVE) Coalition is a multi-state collaborative network of grassroots community organizations and voting rights advocates dedicated to sharing strategies, resources, and support in the contemporary struggle to protect voting rights. While member organizations employ a variety of strategies in their work across a broad array of democracy issues, the SOLVE Coalition is united behind a pro-voter policy agenda that champions policies and reforms that encourage civic participation and make it easier to vote.

Automatic Voter Registration (AVR) represents one of today's most promising strategies for efficiently and effectively enfranchising all Americans, especially those most vulnerable to disenfranchisement including communities of color, young people, the elderly, voters with disabilities, voters with limited English proficiency, and low-income communities. Our country's voter-initiated registration system, rooted in a history of voter suppression, creates contemporary barriers that exclude millions of potential voters from the promise of our democracy.¹ While lower turnout among demographics has multiple, complex causes, the data show that differences in turnout are reduced among registered voters, pointing to the straightforward correlation of registration and participation.² Increasing the rates of voter registration through a comprehensive and inclusive automatic voter registration system is a critical first step toward achieving a more fully participatory and representative democracy.

AVR legislation has been introduced in every Southern state over the last five years, and last year, Virginia was added to the list of states implementing the policy. Additionally, the national energy that is growing around AVR presents an exciting moment for SOLVE members to lay a foundation of organizing and advocacy for the reform in the South that can be built upon in the years to come.

CONTEXT

More than 50 years after the historic struggle led by African Americans in the South to secure the right to vote resulted in the passage of the 1965 Voting Rights Act (VRA), communities of color and other historically marginalized communities are facing a new wave of attacks on their fundamental rights. In 2013, the Supreme Court of the United States invalidated a key coverage formula of the VRA, essentially gutting the protections laid out in Section 5 and leaving millions of Americans vulnerable to disenfranchisement. Since that disastrous decision, states across the nation—and particularly in the South—have introduced and passed a host of voter suppression laws, all while attacks on voters' rights have grown more frequent and more hostile.

Countering these contemporary disenfranchisement schemes requires a multifaceted approach, which must include community organizing, policy advocacy, strategic communications, and litigation pushing back against a host of voter suppression efforts. Also essential are the advancement of pro-voter reforms, which center the rights of all voters and promote access to the polls for those most vulnerable to disenfranchisement.

One such reform that is gaining steam across the United States is Automatic Voter Registration (AVR). AVR is a simple policy reform through which eligible voters are automatically registered to vote when they interact with motor vehicle agencies and other select state agencies, unless they decline, and their registrations are automatically updated when they register a change of address with the state. As detailed further in this brief, AVR holds a great deal of promise for reducing the barriers to civic engagement, especially among underrepresented communities, and enfranchising more new voters than perhaps any other registration reform.

BACKGROUND

The National Voter Registration Act of 1993 mandated that states register eligible people to vote upon their interaction with state motor vehicle agencies and some other state and local offices, including public assistance and disability offices, as well as requiring that states provide voter registration opportunities by mail.³ Despite a series of challenges from states, the courts have consistently affirmed the constitutionality of the NVRA and required compliance. However, due to the “opt in” nature of the registration—whereby voters have to affirmatively opt-in to being registered, in some cases by filling out additional paperwork—as well as mixed compliance with the law on the part of state agencies, far fewer Americans are being registered to vote than could be.

Automatic Voter Registration is designed to remedy some of the challenges facing the NVRA and to translate the intention of the law—to enfranchise millions of Americans through their everyday interactions with government agencies—into practice.

Specifically, AVR policies convert the “opt-in” process currently in effect under the NVRA into an “opt-out” approach, harnessing the power of the default effect to register more voters. The Brennan Center for Justice estimates that voter registration modernization reforms like AVR, if adequately implemented, could register as many as 50 million more eligible voters.⁴

The benefits of Automatic Voter Registration are many. Principal among them are the increased **convenience of registering to vote** and of maintaining one’s registration when one moves, convenience and simplicity that **significantly increases the number of registered voters**. As seen in Oregon, the first state to pass and implement AVR, voter registrations increased dramatically under the policy. After the law’s implementation in January 2016, the rate of new registrations at the DMV nearly quadrupled, and by August of that year, the registration rate across the state had increased by almost 10 percentage points.⁵ A June 2017 study by the Center for American Progress estimates that more than 116,000 of those people newly-registered through AVR would probably not have registered otherwise and that of those, more than 40,000 went to the polls to vote in 2016. Overall, Oregon experienced a more significant increase in voter turnout than any other state in 2016, progress that can be attributed, at least in part, to Automatic Voter Registration. The study also finds that those Oregonians newly registered via AVR are younger, more rural, lower-income, lower-education, and more ethnically diverse. AVR can lead to **an electorate that is more representative of the overall population** by reducing the barriers to registration and voting faced by potential voters.⁶

In addition to significantly boosting the number and representativeness of eligible citizens registered to vote, Automatic Voter Registration **improves voter roll accuracy and security**. Modernizing voter registration with AVR leaves less room for human error in the registration process, and it allows for more real-time updating of a voter’s information. This in turn leads to more accurate voter rolls, smoother election administration, and greater public confidence in our system.

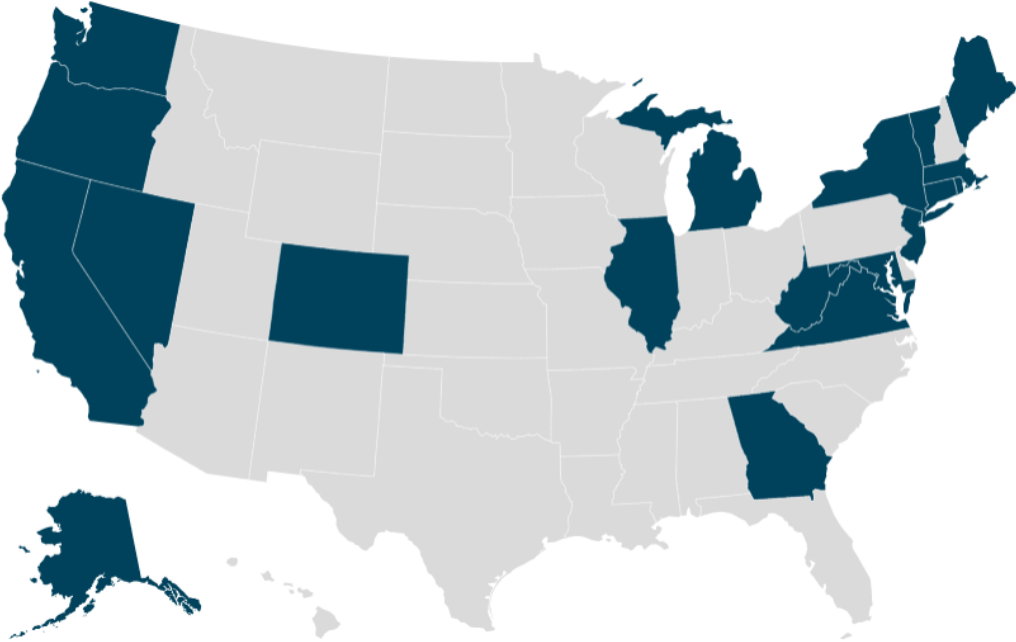
Automatic Voter Registration also **saves states money**. A Brennan Center report on the benefits of AVR finds that, in one Arizona County the cost of processing a paper voter registration is 83 cents, while registration forms completed electronically through DMVs and other state agencies cost only 3 cents. The same report notes that Delaware State Election Commission saved \$200,000 in labor costs in one year, after switching from paper to electronic registration forms.⁷

PROGRESS

As of December 2020, 18 states and the District of Columbia have passed and/or implemented Automatic Voter Registration – over one third of Americans now live in locations that have either passed or implemented the policy.⁸ In 2015, Oregon

became the first state to pass AVR followed by California. In 2016, the list of states adopting AVR more than doubled. The list has of states has readily expanded over time and this past year, Virginia and New York passed and signed AVR policies into law.⁹ Of the 40 states that opened their regular session in 2020, ten states introduced 20 bills that would implement or strengthen AVR.¹⁰

States That Have Approved Automatic Voter Registration



Source: "Automatic Voter Registration, A Summary," Brennan Center for Justice, updated December 21, 2020

AUTOMATIC VOTER REGISTRATION IN THE SOUTH

Legislators in every Southern state have introduced Automatic Voter Registration legislation in the last five years.¹¹ Notably, in 2016, West Virginia passed AVR with bipartisan support (though the state has yet to implement the policy) and Georgia implemented an administratively approved policy. In 2020, Virginia passed and signed AVR into law as part of its broad-based pro-voter agenda.¹²

In a region with significant variation in access and barriers to the ballot box—where some states require voter ID but not others, some re-enfranchise formerly incarcerated people while others severely restrict that vote, and early vote periods vary wildly—AVR presents an exciting opportunity to streamline and standardize citizens' experiences registering to vote.

On the national level, HR 645 (Automatic Voter Registration Act) was introduced in the House in January 2019, but died in Committee; in addition, HR 1 (passed by the House in March 2019) contained an automatic voter registration provision.¹³ The following table details the nature and status of AVR legislation introduced in Southern states in the 2019 legislative session.

State	Bill	Status
Alabama	HB 501 : Automatic voter registration, process established	Introduced April 23, 2019 Died in Committee
Florida	SB 1760 – Voter Registration	Introduced May 5, 2019 Died in Committee
Georgia	<p>HB 18 – Elections; automatic registration of voters who obtain, renew, or change their name or address on a driver's license or identification card</p> <p>HB 176 – Elections; any agency that utilizes applications to provide services or assistance to persons in this state shall provide voter registration applications</p>	<p>Introduced Jan 08, 2019 Died in Chamber</p> <p>Introduced Feb 6, 2019 Died in Committee</p>
Louisiana	<p>HB 251 – Provides for automatic voter registration through driver's license facilities</p> <p>SB 58 – Provides for automatic voter registration by making an application for issuance or renewal of a driver's license or state identification card.</p>	<p>Introduced Mar 27, 2019 Died in Committee</p> <p>Introduce March 26, 2019 Died in Chamber</p>
Mississippi	<p>HB 639 - Automatic voter registration; authorize for those who apply for the issuance, renewal or change of address of driver's license.</p> <p>HB 1234 - Automatic voter registration; authorize for those who apply for the issuance, renewal or change of address of motor vehicle driver's license.</p>	<p>Introduced Feb 5, 2019 Died in Committee</p> <p>Introduced Feb 5, 2019 Died in Committee</p>

	<p>HB 1007 - Elections; establish procedure for automatic registration of voters.</p> <p>HB 423 - Automatic voter registration; authorize for those who apply for the issuance, renewal or change of address of a driver's license.</p>	<p>Introduced Feb 5, 2019 Died in Committee</p> <p>Introduced Feb 5, 2019 Died in Committee</p>
North Carolina	<p>HB 589 – Let NC Vote Act</p> <p>S 641 / HB 574 – Fix Our Democracy</p> <p>SB 495 – Automatic and Online Voter Registration</p>	<p>Introduced April 3, 2019 Died in Committee</p> <p>Introduced April 3, 2019 Died in Committee</p> <p>Introduced April 2, 2019 Died in Committee</p>
South Carolina	<p>HB 3041 – Driver's license and voter registration application</p> <p>SB 566 - Driver's license and voter registration application</p>	<p>Introduced Jan 31, 2019 Died in Committee</p> <p>Introduced Feb 26, 2019 Died in Committee</p>

OPPORTUNITIES AND CHALLENGES

Unsurprisingly, the principal challenge facing advocates of Automatic Voter Registration in states across the South is political. Virginia Democrats, in control of both chambers and the governor's office for the first time in over 20 years, accounted for nearly a quarter of the expansive pro-voter reforms introduced in 2020.¹⁴ Political challenges notwithstanding, several opportunities exist for pursuing Automatic Voter Registration policies in the South and, where passage of legislation is impossible, for laying groundwork upon which future action can be built, when political circumstances become more favorable. Avenues for pursuing AVR include:

- Legislation** – While the bills in legislatures across the South promoting Automatic Voter Registration are primarily partisan bills, there may be room to pursue bi-partisan sponsorship by considering avenues for fulfilling legislative priorities of both parties. For example, in 2015 a bi-partisan group of Louisiana legislators passed a resolution to provide for the study of AVR, and there was active legislation, introduced in 2017, to implement AVR. SOLVE members in Louisiana reported that, more than a political stalemate, the question of passing AVR was a fiscal one; they did not have money in the budget to cover the start-up costs of implementing a new system.

- **Executive Action** – In some states, it may be possible to implement AVR administratively, as has been done in Georgia, through agency policy and rule-making. In May 2016, Connecticut became the first state to approve AVR administratively, at the time estimating the move would add approximately 400,000 new eligible voters to the rolls. In October 2020, the Georgia Secretary of State reported that 5 million of the 7.6 million registered voters came through AVR, with millions of these voters being voters of color.¹⁵
- **Litigation** – Advocates have pursued a strategy of bringing cases against states for non-compliance with the National Voter Registration Act. Connecticut's introduction of AVR through administrative action came shortly after the Department of Justice notified the state that its "motor voter" program was not in compliance with the NVRA because it failed to offer voters a chance to register when applying for driver's licenses or updating addresses. In addition to the Department of Justice, advocates can likewise pressure states toward reform by bringing litigation under the NVRA.

CONCLUSION

The SOLVE Coalition is committed to pursuing positive policies that promote the full engagement and enfranchisement of all voters in the South. Automatic Voter Registration presents an exciting opportunity to engage millions of eligible citizens, including many first-time registrants and voters, in our democratic processes. While achieving AVR in the South may be an uphill battle, there are multiple avenues for movement on the issue, and progress is already being made—both toward administrative implementation and by building valuable organizing infrastructure—by SOLVE Coalition members across the South.

¹ Though the Constitution provided Black Americans the right to vote in 1870, local and state election laws and practices—as well as the design of state voter registration systems—continued and, in many cases continue, to preserve unequal access to political participation. See, for example, Keyssar, Alexander. "The Right to Vote: The Contested History of Automatic Voter Registration." *Democracy* 2016. https://www.demos.org/sites/default/files/publications/AVR_0.pdf

³ At the time of passage, the NVRA applied to the 44 states and the District of Columbia that required voter registration for federal elections and lacked election day registration; on and after August 1, 1994, Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming either had no voter-registration requirements or had election-day voter registration at polling places, exempting them from compliance with the NVRA.

⁴ "Automatic and Permanent Voter Registration: How it Works." Brennan Center for Justice. 2015.

⁵ Brater, Jonathan. "Oregon Keeps Adding New Voters at a Torrid Pace." August 19, 2016.

<https://www.brennancenter.org/analysis/update-oregon-keeps-adding-new-voters-torrid-pace>

⁶ Griffin, Rob and Liz Kennedy. "Who Votes with Automatic Voter Registration? Impact Analysis of Oregon's First-in-the-Nation Program." June 7, 2017. <https://www.americanprogress.org/issues/democracy/reports/2017/06/07/433677/votes-automatic-voter-registration/>

⁷ "The Case for Automatic Voter Registration." Brennan Center for Justice. 2016.

https://www.brennancenter.org/sites/default/files/publications/Case_for_Automatic_Voter_Registration.pdf

⁸ "Automatic Voter Registration, A Summary." Brennan Center for Justice. Updated December 2020.

<https://www.brennancenter.org/our-work/research-reports/automatic-voter-registration-summary>

⁹ "History of AVR & Implementation Dates." Brennan Center for Justice. Updated December 2020.

https://www.brennancenter.org/our-work/research-reports/history-avr-implementation-dates?_ga=2.73182682.858540915.1610569263-750916575.1602001569

¹⁰ "Voting Laws Roundup, 2020." Brennan Center for Justice. February 2020. <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2020>

¹¹ "Automatic Voter Registration Bills, 2015-Present." Brennan Center for Justice. July 2019.

<https://www.brennancenter.org/our-work/research-reports/automatic-voter-registration-bills-2015-present>

¹² Note that West Virginia's program implementation deadline was extended to 2021. "Automatic Voter Registration." NCSL. Updated January 2021. <https://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx>

¹³ See HR 645 – Automatic Voter Registration Act. <https://www.congress.gov/bill/116th-congress/house-bill/645/all-info> and HR 1 - For the People Act of 2019. <https://www.congress.gov/bill/116th-congress/house-bill/1>

¹⁴ "Voting Laws Roundup, 2020." Brennan Center for Justice. February 2020. <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2020>

¹⁵ "Impact of Select HR1 Policy Changes on Black and Brown Political Power." Demos. January 2021. https://www.demos.org/sites/default/files/2021-01/HR1andRacialEquity_Demos.pdf