Dude—I’m Way Too Depressed About The Future to Vote

It’s a refrain commonly heard in modern elections—“young people don’t vote.” And the truth of the matter is that youths are not voting at the same rates as their elders. In 2014, turnout for 18 to 29-year-olds reached record lows of 16 percent, according to the U.S. Elections Project. That’s compared to turnout for older age brackets consistently above 30 percent (youth hit record high turnout in 2008 of 48 percent). This begs the question: What can states do to engage young people in the electoral process? No silver bullet exists, but states have taken a variety of bipartisan steps to reach out to their younger residents. We’ll consider whether these legislative options really make a difference:

- Preregistration for youth;
- Allowing 17-year-olds to vote in primaries;
- Lowering the voting age.

Preregistration for youth

Preregistration for 16-and-17-year olds has gained traction recently. Preregistration involves permitting those under the age of 18 to register to vote. Typically, those youth are placed into a pending status in the voter registration database and then changed to active status when they turn 18. This definition, however, isn’t consistent across every state and the way states treat these voters varies greatly.

Currently California, Colorado, Delaware, the District of Columbia, Florida, Hawaii, Louisiana, Maryland, Rhode Island and Utah allow someone as young as 16-years old to preregister to vote. Utah passed its preregistration law last year and it was well received. Weber County Clerk/Auditor Ricky Hatch said it was a “simple tweak” to begin preregistering 16-year-olds and that “schools enjoyed being able to engage more students at an earlier age.” Beginning in August 2016, Massachusetts will also allow someone as young as 16 to preregister to vote.

Some states limit the age for preregistration specifically to 17-year-olds: Maine, Nebraska, New Jersey (the newest member of the group), Oregon, and West Virginia. Other states specify different ages at which registration can begin: Alaska (90 days preceding 18th birthday), Georgia (17.5-years-old), Iowa (17.5-years-old), Missouri (17.5-years-old) and Texas (17 years and 10 months old).

Even more states allow actual registration without a specific age if an individual will turn 18 by either the next general election (Indiana, Kansas, New Mexico and Wyoming) or just the next election of any kind (Minnesota and Nevada).

(cont. on page 2)
So far in 2016, 25 bills in 12 states have been introduced that look to establish some kind of preregistration for youth. Congressman Don Beyer (D-Va.) has introduced the Preregistration for Voters Everywhere (PROVE) Act to require preregistration nationwide.

**Legislative considerations for preregistration**

- Logistics and costs—can your statewide voter registration database accommodate preregistration?

- What forms of identification are required for registering to vote or for actually voting? Younger voters may not have a driver’s license. Are they able to use any other documents? What about having a parent sign an affidavit? Many states are preregistering through the DMV and motor voter. This can make it easier.

- Will your state provide notifications to preregistered people when they turn 18? Online voter registration is key here—these voters tend to move around often especially as they leave high school, so being able to update their information online is a good way to keep records up-to-date.

- Is there certain information that is statutorily protected for preregistered people, so that this data is not included on publicly available voter lists? Many states that allow preregistration do not include any voter designated as “pending” on the publicly available voter list. But some states, like Florida, don’t make that distinction and that information is publicly available. See the February issue of The Canvass for more information.

- How to get the word out? In Florida, for instance, election supervisors typically spend one day in high schools and conduct registration drives.

**Allowing 17-Year-Olds to Vote in Primaries**

It’s evident that preregistration is not clearly defined amongst the states. But another way that states engage youth makes defining preregistration even trickier. At least 21 states allow 17-year-olds to vote in primaries if they will be 18 by the general election. In many ways this makes sense—if a state is going to allow those who will turn 18 by the general election to register to vote beforehand then it’s natural to extend voting to the primary election that will decide the nominations for the general election. And if a 17-year-old could vote in a primary then they would have to register to vote to do so.

This issue created controversy in Ohio earlier this month when the secretary of state issued a ruling determining that 17-year-olds would not be eligible to vote in the presidential primary on March 15 because the primary involved electing delegates to the national convention, rather than nominating the actual candidate. A judge reversed that ruling a few short days later.

According to Fair Vote, Alaska, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Mississippi, Nebraska, Nevada, North Carolina, Ohio, South Carolina, Virginia, Vermont, Washington, West Virginia and Wyoming all allow 17-year-olds to vote in primaries. New Mexico became the 22nd member of the group earlier this month with the passage of House Bill 183 to allow 17-year-olds to vote in primary elections if they will be 18 by the general.

“I am excited for the opportunity that this law will give some of our young adults to participate in choosing their elected officials,” said lead bill sponsor Representative Jeff Steinborn. “No right is more important than our right to vote and I am hopeful that this legislation will empower the next generation to get involved.” Steinborn indicated the state hopes to have the law in effect for its presidential primary on June 7.

Not all the states listed above have a defined preregistration policy so it’s hard to categorize them as preregistration states. Furthermore, in these states, in as several others, 17-year-olds are considered registered voters and never moved into that “pending” category in the statewide database.

Six states have legislation pending so far in 2016 to allow 17-year-olds to vote in primaries: California, Iowa, Massachusetts, New York, Utah and Wisconsin.

**Lowering the Voting Age**

The U.S. Constitution protects the right of 18-year-olds to vote, but it may not prevent a state from lowering the voting age. While it’s not quite as simple as that for states, at least two local jurisdictions have taken that step.

Only Takoma Park and Hyattsville, Md. have taken the step of allowing someone as young as 16 to vote in their municipal elections only. Takoma Park had its first elections with 16-year-olds voting in 2013 and Hyattsville had its first in 2015. Jessie Carpenter, the city clerk in Takoma Park, told The Canvass that the city itself had to do very little promotion about the changes as it was mostly done by other groups. But, she said, the process has been smooth.

For the November 2013 municipal elections, the first year teens were eligible to vote, Takoma Park had 44 percent turnout among 16- and 17-year-olds—not too bad considering off-year municipal elections are normally low turnout affairs.

But are we really on the cusp of states allowing 16- and 17-year-olds to vote in all elections? The answer is probably no. But legislation in at least three states seeks to extend voting rights to those under 18—Arizona, California and Massachusetts as well as legislation in the District of Columbia that looks to lower the voting age in the nation’s capital to 16-years-old.
Then and Now: 2012 to 2016 Comparisons

From now until the November general election, we will be taking a look at one major election administration topic showing how it has changed at the legislative level from one presidential year to another. This month: Early and No-Excuse Absentee Voting.

Amount of change: Moderate

In 2012: 35 states offered one or more of those same options (no-excuse absentee voting, early in-person voting or vote-by-mail) for everyone.

In 2016: 37 states offer either no-excuse absentee voting, early in-person voting or vote-by-mail for everyone.

Major changes:

- In 2013, Colorado shifted to all-mail balloting (although it continues to offer Election Day voting for those who need or want it at vote centers).

- Also in 2013, Minnesota approved no-excuse absentee voting.

- In 2014, Massachusetts approved early in-person voting, which will be in effect for the general election this year.

Minor changes:

- Early voting increases: Florida (in 2012, early voting began on the 10th day before the election and ended the third day before; now, requirements are the same, but election supervisors can choose to offer early voting beginning the 15th day before, and can choose to end it two days before Election Day); Illinois (in 2012, early voting began 15 days before the election; now, early voting begins 40 days before the election and hours in the last 8 days before the election are extended and include Sunday voting); and Maryland (in 2012, early voting began the second Saturday before Election Day and was available 10 a.m.-8 p.m.; now early voting begins the second Thursday before Election Day and hours are 8 a.m.-8 p.m.).

- Early voting decreases: South Dakota (in 2012, early voting ended at 3 p.m. on Election Day; now it ends at 5 p.m. the day before); Tennessee (in 2012, early voting ended five days before Election Day; now it ends 7 days before); Nebraska (in 2012 early voting began 35 days before Election Day; now it begins 30 days before); Ohio (in 2012 early voting began 35 days before Election Day; now it begins to 29 days before); and North Carolina (in 2012 early voting began the third Thursday before Election Day; now it begins the second Thursday before).

- Early voting standardization: Wisconsin (in 2012, clerks decided when to offer early voting; now, early voting is available Monday-Friday, 7:30 a.m.-6 p.m., or by special appointment).
Tom Hicks takes over as chair of the U.S. Election Assistance Commission

Tom Hicks was named chairman of the U.S. Election Assistance Commission (EAC) on Feb. 24. He was confirmed as a commissioner in 2014, and has served alongside fellow commissioners Matt Masterson and Christie McCormick, whom he succeeded as chairman. Commissioner Hicks formerly served as a Senior Elections Counsel and Minority Elections Counsel to the U.S. House of Representatives Committee on House Administration from 2003 to 2014. He spoke to The Canvass on March 7.

Q: What brought you into the elections world? Is there a personal story you’d like to share?
A: Just watching my parents growing up. My mom voted in the 1980 election for the first time and brought me to the polling booth. She said to my brother and me that she didn’t get this opportunity when she was younger and to always cherish it. I saw that you can have the same power as the richest man in America or the President of the United States. One person, one vote—every vote counts the same.

Q: What is the EAC and why should legislators care about it?
A: The EAC was formed after election officials, advocates and members of Congress came together to address the problems in Florida during the 2000 election. Specifically, the Help America Vote Act (HAVA) of 2002 formed the EAC to ensure that there is provisions voting, that states have statewide voter registration databases, and that antiquated voting machines would be replaced with newer voting equipment. One of the things I’m most proud of is that the EAC also serves as a clearinghouse for election information—polling place, rights of individual voters, how to become a poll worker, poll worker training, and quick tip guides for election officials on a host of issues ranging from polling place allocation and contingency planning. Election officials can find information on everything from voter registration to counting ballots at www.eac.gov.

Q: What are the priorities of the EAC for the coming year?
A: The EAC wants to ensure that the 2016 primaries and general elections go smoothly. We are going across the country talking to disabled voters and military voters about receiving ballots, how voters can keep their registration up-to-date, how individuals can volunteer as poll workers, and how clerks and registrars can utilize the information on our website at our agency to help with running elections.

Q: What are your suggested priorities for legislators, as they either make small tweaks this year before the big election, or look ahead to changes for next year and beyond?
A: I would suggest they look at their voting equipment and where it might need to be upgraded and at their statewide voter registration database. Over half the states use some form of online voter registration. The EAC looks at the process from A to Z—how’s the voter registration process working out? How’s the vote counting and recording process working? Look at everything from beginning to end and everything in between.

Make sure their constituents can find out where their polling places are or how to check their voter registration status. That’s one of the most common problems we find—voters aren’t sure where to check if their status is up-to-date. I encourage legislators and election officials to connect those resources to voters through social media platforms.

Q: There seems to be a strong focus on poll worker training. What are things that local election officials can do to recruit good poll workers?
A: Number one is looking at poll workers who haven’t served before like younger or newer voters who may be interested in seeing the process first hand. These could be high school or college students. I’d also suggest ways to reduce the time commitment for poll workers. It can be tough for some to commit 12 or 14 hours in one day, but if you can reduce that to four to six hours you might be able to recruit college age people, disabled people, or folks with expertise in other languages. Offering online training could also help out as well. My parents instilled in me an ethic of not just sitting around when something needs be done—volunteer!

Q: You’ve mentioned disabled voters several times and accessibility is becoming a big issue. What are some things states can do to ensure accessibility, both at the polling place and in the voting booth?
A: Well, three of the six mandates in HAVA refer to disabled voters and two of those are about ensuring a disabled voter can vote independently and privately. Election officials should be sensitive to the needs of disabled voters. HAVA mandates that each polling place has one accessible machine. Unfortunately sometimes it is tucked into the corner. We’ve come a long way in the 15 years since 2000. The focus has to continue to be on accessibility for all voters on all machines. As the baby boomer generation gets older, there could be more disabled voters. Disabled voters are the same as every other voter—their vote counts the same—and they should be able to cast that vote in the same manner as other voters.

Q: What are your hopes and fears for this election?
A: My hope is that it goes smoothly in that everyone who is eligible to vote and wants to cast their ballot can do so independently and privately and have that ballot counted. My fear is that no one will come out to vote. The buzz is here now during the primaries and I personally hope that we have this same momentum for the general election no matter which party or candidate voters support.
From The Chair

Senator Larry Martin has served as chair of the Judiciary Committee in the South Carolina Senate since 2012. He represents District 2 which includes the majority of Pickens County in northwest South Carolina. Senator Martin spoke to The Canvass on March 24.

• “[My perspective is] that election policy be easily understood so that the average person can follow it. We can forget sometimes that first time voters and office seekers may not understand all the nuances of our election system.”

• “In 2012, we had a ballot access controversy where many candidates challenging incumbents were removed from the primary ballot due to a decision by the state supreme court about when the candidates had to file their statements and disclosures. There were two different provisions—one for incumbents and one for challengers. It was not a pleasant experience and many of those rejected candidates had to run as petition candidates in the general election. Recently, we were able to pass legislation to fix this problem and make all candidates subject to the same rules.”

• “We are still subject to suit under the Voting Rights Act but have maintained a commitment to be in compliance with it. We don’t want someone to point at us and say we don’t follow the rules. There is a tremendous responsibility to be as diligent as we can be.”

• “I’m most proud of our volunteers that are at polling places all day long doing their civic duty. There are such dedicated people working to make sure our citizens can cast their votes.”

Read the full interview with Senator Martin.

The Election Administrator’s Perspective

Laurence Pizer is the town clerk for Plymouth, Mass. which is home to Plymouth Rock, the traditional landing site of the Pilgrims. Pizer is also a former president of the Massachusetts Town Clerks Association. He spoke to The Canvass on March 9.

• “Election law is complex—my job is to understand the laws and communicate that to my staff, the 90 to 125 poll workers we will have, and the public. It can be a challenge. No matter what you do or how much outreach you do to the public there will always be those with questions and those who only show up every four years.”

• “I think online voter registration has been a net positive. Far more people have utilized it than initially expected. It’s saved us confusion in terms of deciphering hand writing on paper registrations. There are some questions that remain but overall it’s a benefit. I have some trepidation about preregistration which goes into effect in August, but I’m hopeful it will be smooth.”

• “There are no regulations for early voting yet and the secretary of state is working hard on them. We are seven months away from early voting starting and we don’t know how to do it or how much it will cost or how to make it a smooth process.” (Editor’s note: Massachusetts in 2014 passed a law permitting two weeks of early voting beginning in the general election this year).

• “I get a bang out of elections. It’s choreography. You have to put all the right pieces in the right places—poll workers, clerk staff, registrars, police. One person slips and it can be a serious situation.”

Read the full interview with Pizer.
Worth Noting

- The Utah Republican Party allowed members to cast their votes online for the presidential candidate of their choice and it had the election security world aflutter with concern.

- Professor Edward Foley of the Moritz College of Law at Ohio State University wrote a great piece in Politico about an obscure federal law that could potentially determine who wins a disputed 2016 presidential election.

- Speaking of Ohio, its status as a swing state seems to put it perpetually in the crosshairs when it comes to election changes—here’s a rundown of several pending court cases in the Buckeye State.

- The OSET Foundation, together with the Wharton School of the University of Pennsylvania, announced a new partnership to look at the state of the global election technology industry. Gregory Miller of OSET offered a strikingly true statement when he referred to election technology as a “backwater of government I.T.” when it should be considered essential infrastructure.

- The U.S. Supreme Court rejected an appeal from the Montana state Republican Party for voters to have to register with the party before voting in the June primary keeping the Treasure State’s primaries open with any voter able to select the ballot they want to vote.

- If you haven’t done so, be sure to sign up for The Pew Charitable Trusts’ election newsletter.

- Elections are usually in the fall which is harvest time, but there will be no more ballot harvesting this November in Arizona, which just signed into a law a bill outlawing the practice of permitting people to pick up and deliver other people’s voted ballots.

- Is your polling place a school, police station or church? Scientific American has how different polling places can subconsciously influence voters.

- Minnesota has joined the growing list of states including Maine, Colorado and Arizona that are looking at switching up their presidential nominating contest.

- The U.S. Election Assistance Commission (EAC) will be putting together a series of webisodes to help election officials prepare for the general election. The first webisode on mail ballots is now available on the EAC’s YouTube channel.

- New York is the only state that holds a primary for federal offices separate from its state and presidential primaries, but that could change soon if legislation to consolidate the federal and state primaries makes its way through the legislature.

- If there is one thing we’ve learned over the past month it’s that presidential primaries are confusing. A picture is worth a thousand words so luckily this helpful video should clear things right up.

There is a plethora of new and interesting pages up on our website:

- Elections Technology Toolkit;
- Early Voting Dates;
- Post-Election Audits;
- Legislative Enactments for Initiative and Referendum in 2014 and 2015.

It’s never too early to think about registration for the 2016 NCSL Legislative Summit, Aug. 8-11 in Chicago, Ill. Join us in the Windy City for in-depth discussions on key elections and redistricting topics like military voting, elections technology, disputed elections and much more.

Be sure to look for #NCSLElections on Twitter for all NCSL election resources and news.

Thanks for reading, let us know your news and please stay in touch.

—Wendy Underhill and Dan Diorio