Online Voter Registration Grows in 2014

States are still lining up to begin their digital dance with online voter registration.

So far this year, legislators in 15 states filed bills to launch or tweak a paperless voter registration process; 10 of those bills are still active. Nebraska this month became the latest state to allow online voter registration through LB 661 by Senator Bob Krist.

Online voter registration is live in 18 states while four others, including Nebraska, are working to implement a system.

This month, Georgia unleashed its online voter registration system complete with a pair of digital apps so that any resident with a mobile device and signature on file with a state agency can swipe and tap his or her way towards acceptance onto a voter registration list.

Illinois is racing to launch its system ahead of a July 1, 2014 deadline mandated by legislation passed last year. Hawaii is collecting vendor proposals so it can launch online voter registration by next spring while West Virginia has plans to begin work on its own system later this year.
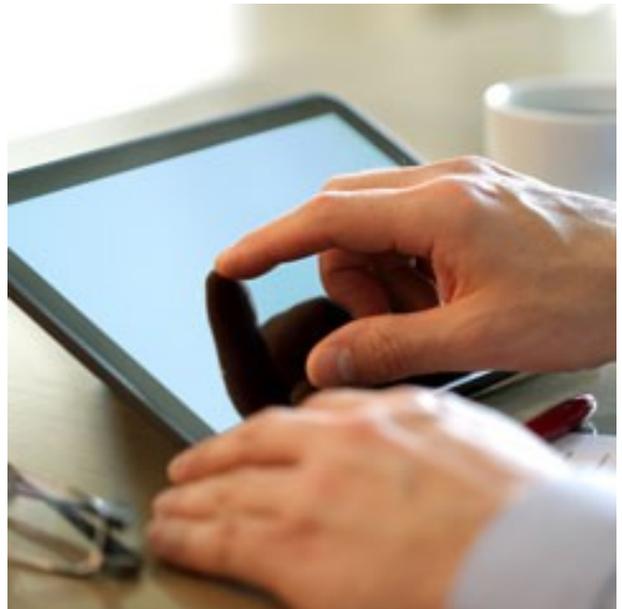
Origin and Early Days

The trend to allow new voters to apply for registration online has quickly become one of the hottest elections topics in recent years, prompting reams of research and a growing flurry of legislation. For state lawmakers considering online voter registration, security has overtaken usability and costs as the prime issue in deciding whether to adopt such systems. (See NCSL's story on security for online voter registration in this edition).

The trend owes its start to Arizona, which in 2002 implemented the country's first web-based registration system. It tapped into the state's system that allowed online updates to information stored by the Department of Motor Vehicles.

Sharing of data between two state agencies made online voter registration possible in Arizona. This is still the model used in most of the systems that have followed. Typically, the information from a person's driver's license or state-issued identification card is used to validate the data an online registrant has entered to qualify to vote.

Registrants without a driver's license or state-issued identification card cannot use online voter registration. If the person's registration application is deemed to be valid, it is added electronically to the list of voters and the signature from his or her driver's license or identification card becomes the signature used to check in at the voting polls.

Washington in 2008 was the next state to implement a paperless registration option.

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can•vass (n.) Compilation of election returns and validation of the outcome that forms the basis of the official results by a political subdivision.
—U.S. Election Assistance Commission: Glossary of Key Election Terminology

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States with Online Voter Registration (OVR)

LEGEND

■ OVR Operating Now

■ OVR Authorized, Not Yet Operational

*Arizona, Kansas, Minnesota & Missouri implemented OVR without specific legislation; existing law authorized the necessary exchange of data between state agencies
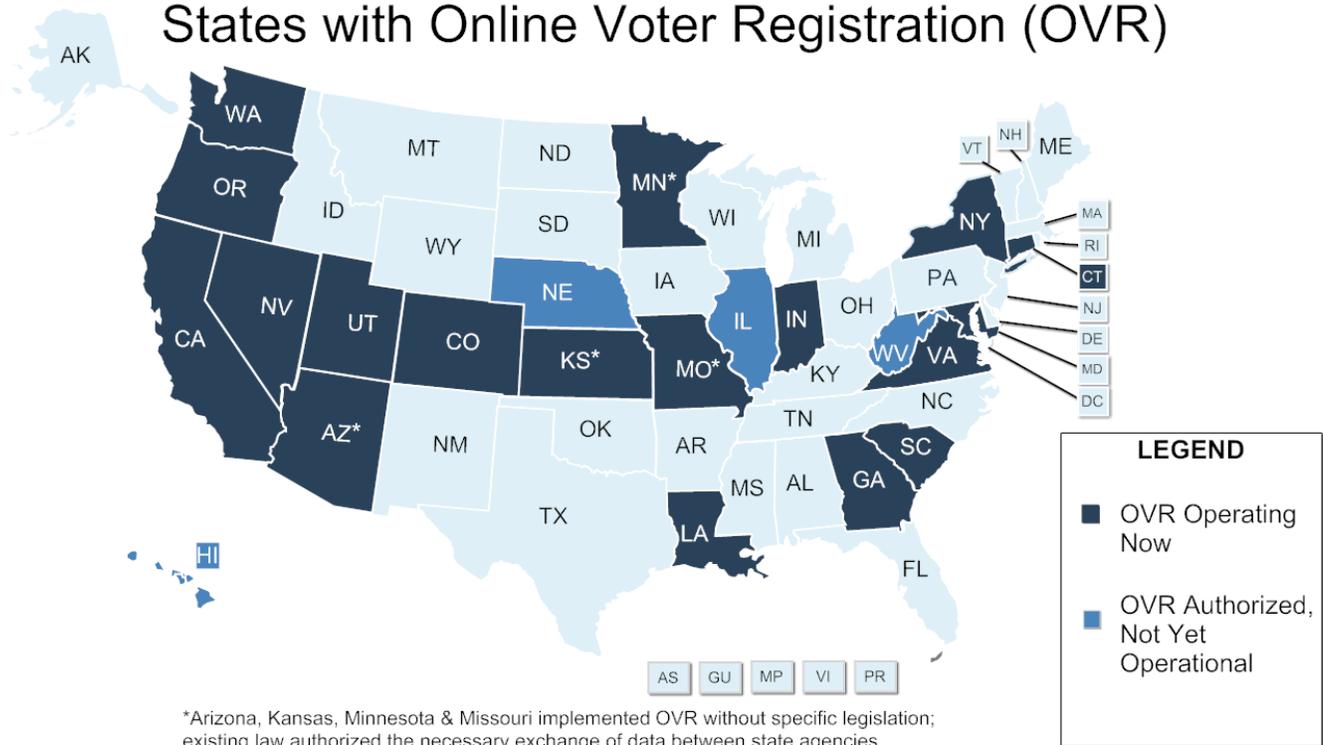
"More and more people were using technology," Washington Representative Sam Hunt (D) said, adding that the state's tech culture, in part, aided the idea behind the online voter registration bill he sponsored. "And with the match (state officials) could do through the Department of Licensing database, they could verify the signature and picture and everything. It was secure."

A Booming Issue

Online voter registration in both states proved to be cost-effective as it lowered printing expenditures, a study funded by The Pew Charitable Trusts showed. The user's ability to enter information directly into the system reduced errors that would typically become apparent at the polls. It also decreased the administrative time spent entering information into a voter registration database.

The state cost to implement online voter registration can range from $250,000 to $750,000 depending on the complexity of the system, according to an informal survey conducted by NCSL in 2012. For a current estimate, online voter registration in Wisconsin through AB 753, would have cost $455,592, according to a Wisconsin Government Accountability Board study. The bill died earlier this year. The same estimate projected an overall savings of more than $1 million for the system in its first decade.

Online voter registration has a potential trifecta of benefits: reduced costs, enhanced accuracy and convenience for users, especially as Americans are a highly mobile people.

These features have collectively attracted support from both Democrats and Republicans, said Samuel Derheimer, a researcher with The Pew Charitable Trusts.

"If you look nationally, you are seeing red, blue and purple states move in the direction of online voter registration," he said.

Merle King, director of the Center for Election Systems at Kennesaw State University, said the growing trend in states adopting online voter registration appears to follow a common model for the adoption of new technology.

Typically, he said, there is first reluctance about new technology, then an embrace once a system has been vetted for a period and any of its benefits and drawbacks become clear.

"Eventually, there is a tipping point and I think we may have seen a tipping point with online voter registration," King said.

The issue of adopting such systems appears to have staying power.

It was among the recommendations listed this year by the Presidential Commission on Election Administration for improving elections and it generally received support from the Republican National Lawyers' Association, which issued its own recommendations for implementing such systems with an eye to help prevent election fraud. *(cont. on page 3)*

Online Voter Registration Grows in 2014 *(cont. from page 2)*

Cautious Approaches to Online Voter Registration

While there have been no known breaches of existing online voter registration systems in participating states, the level of security for the databases on which voter information is stored remains a key concern for legislators. Recent high-profile data breaches for consumers have renewed questions about online security.

Adopting new technologies that are closely linked to voting can cause trepidation. A security concern in Florida helped stall SB 784 this month. The issue will be taken up again after first hearing recommendations from election administrators.

Refining Online Voter Registration

Lawmakers are refining existing online voter registration, too.

Missouri Representative Joe Don McGaugh (R) said he filed HB 1739 so that local elections officials would play a larger role in reviewing a person's voter registration application.

He said some signatures entered online are not legible enough to qualify for validation and can cause errors. The state's current system allows a user to sign their voter registration application when using a tablet computer or any device with a touchpad.

McGaugh first considered prohibiting signatures from being entered online but realized Boone County election administrators wanted to keep their online voter registration system they already implemented. His bill would codify a statewide online voter registration system but would allow certain jurisdictions like Boone County to pursue a system of their own.

McGaugh said online voter registration has the potential to increase participation during elections. He simply wants to make certain the review of registration applications works efficiently and ensure that local elections officials were authorized to confirm with registrants the data entered online.

"It's also good for local election authorities because it's going to allow people to update their registration and makes it easier for someone to do that if they move," he said. "I think if we get the process down right and we get the right people on the same page, it will be a success story for the state of Missouri."

Derheimer said states could widen the spectrum of people using paperless registration systems by making sure their websites are optimized for mobile phone access. He said this would enable greater opportunities for low-income voters to register and update their information.

"If your online voter registration system is designed for desktops only, it's going to be a hindrance for individuals who do not have desktop access," he said.

Massachusetts Senator Barry Finegold, a Democrat who co-chairs the legislature's joint committee on elections, said lawmakers there are focusing on the usability of a proposed online voter registration system in HB 3788, which is now being considered in a conference committee.

"The demand for this is out there," he said. "Our biggest concern has been whether the technology can meet the demand."

Finegold said he hopes to broaden participation in elections.

Hunt was the country's first lawmaker to sponsor legislation that enables people to go online and register to vote. The Washington lawmaker said he's excited to see other states follow suit. And he believes the trend will keep growing.

"As more and more people depend upon technology to pay bills, make transactions with government and others, online voter registration just makes sense," he said.

Additional Resources

NCSL's November 2013 webinar "Online Voter Registration: The Bipartisan Trend in Elections" includes a history of the measure and focuses on its implementation and security.

Cybersecurity expert, J. Alex Halderman, discussed security for online registration during a March 2013 interview with NCSL.

NCSL's State Legislatures magazine featured online voter registration in its article No Lines Online.

The Pew Charitable Trusts offers Understanding Online Voter Registration, a report of its June 2013 survey of the 13 states that had online registration at the time.

Michael D. Hernandez

One big number

17

17. That's how many indicators were used by The Pew Charitable Trusts to rank how well states performed during the 2012 presidential election. The Elections Performance Index, the second of its kind, offers data ranging from the number of provisional ballots rejected to turnout. It provides a profile of each state's elections data and allows users to compare the performance of states in 2012 against the previous presidential election.

The index showed an improvement during 2012 in overall national performance for 12 of the 17 indicators compared to elections performance measured in 2008. There was a drop by an average of three minutes in the wait times to vote at polls, North Dakota maintained its top ranking, and the scores of 10 states declined.

Security Becomes Key Issue For Online Voter Registration

When it comes to changing public policy, few things can outshine financial considerations.

But security this year has become the key issue coloring the debate over whether a state should allow a person to register online to vote.

Advocates of legislation to allow online voter registration say security measures can satisfy concerns about protecting the information that flows to the list of registered voters. And yet, some legislators question whether such a system can protect the personal information that is required to register a voter. They also worry that such a system could allow an online breach of voting rolls.

There has never been a reported breach of information in any of the states that have implemented online voter registration. Still, concerns about the transfer of personal data have been kept fresh by the December 2013 data breach of Target customer information and the revelations this month of the Heartbleed Bug, which hackers have used to retrieve personal data.

"Security is definitely a concern for us," said Kyle Thomas, director of voting and registration systems for the Illinois State Board of Elections.

Illinois is implementing online voter registration ahead of a July 1, 2014 deadline set by HB 2418, which the legislature passed last year.

Thomas said the state will employ several security measures in its system including data encryption to protect information that flows between online registrants and the registration portal on the Internet, as well as restricting portal administrative access to elections officials. He said the system will require a registrant's driver's license number and its issue date, the last four digits of their social security number and date of birth.

Many participating states have already leaned on these measures to increase security within the system architecture of online voter registration. Some states also use "CAPTCHA" boxes, which use blurred and jumbled letters and numbers to thwart hackers.

Matthew Davis, information services manager for the Virginia State Board of Elections, told NCSL in 2013 that the goal is to protect an online voter registration system against attacks from "bots" – robotic programs that can submit many fraudulent registration applications in one wave or can fraudulently change addresses of registered voters.

Virginia's security measures, which Davis shared during a November 2013 NCSL webinar, include:

- Ensuring that every online registration application is reviewed by a local registrar's office.

- Requiring a person's full social security number, driver's license number and date of birth.

- Stopping a registration session if three consecutive invalid authentication transmissions are made to the state's DMV validation service.

- Laying out the registration queries over multiple webpages to increase the difficulty for robotic programs to fraudulently fill in data fields all at once.

J. Alex Halderman, an assistant professor of electrical engineering and computer science at the University of Michigan, spoke to NCSL in 2013 about making security a priority during the design and implementation of an online voter registration system.

A 2013 study by The Pew Charitable Trusts showed that all of the states with online voter registration had security measures.

Hawaii Representative Calvin Say, a Democrat, recalls security being the biggest concern for lawmakers when the state enacted online voter registration in 2012 through his bill, HB 1755.

"Cybersecurity became a very contentious issue primarily because it involved using someone's social security number and other private information," he said. "That was a major concern for all of us."

Say said legislators determined that security concerns were outweighed by the need to implement a tool that could help increase participation in elections for Hawaii, where turnout percentages lagged behind all other states.

The decision to move ahead with online voter registration also was hastened by assurances the system would receive a robust slate of security measures, he said, adding that lawmakers will watch the performance of the state's system when it is launched.

Hawaii state elections officials said the system could go live as early as spring 2015.

Michael D. Hernandez

From the Chair

Florida Representative Kathleen Passidomo (R) is chairwoman of the House Ethics and Elections sub-committee. An attorney, Passidomo represents communities in southwest Florida along the Gulf of Mexico, including the city of Naples. The region is called the Paradise Coast. NCSL interviewed Passidomo on April 7.

Excerpts:

- "Often times you pass significant legislation then wait six months and people will say 'it's not working,' and there is a call to pass something else. That doesn't make any sense. My goal with my committee this year was to let everything settle in before we make any other major changes."

- "One of our biggest challenges is making sure that the people who are voting are citizens of Florida and at the same time making sure we are not disenfranchising anybody."

- "The people on the frontlines of elections are the election supervisors and I take their guidance very seriously."

- "My biggest concern is what the effect of social media and the Internet will have on the elections process. I believe in freedom of speech but we probably need to have a discussion about whether a candidate can buy a website domain of another candidate's name and put whatever they want on the website. Should that be an ethics violation?"

Read the full interview with Passidomo.

The Election Administrator's Perspective

Pat McDonald is the director of the board of elections for Cuyahoga County in Ohio. The county includes Cleveland and 58 other communities. It has about 887,000 registered voters. NCSL interviewed McDonald on April 8.

Excerpts:

- "We have a county executive who is running for governor and he is using that platform to counter a recent law passed that prohibits counties from sending out unsolicited vote-by-mail applications. The law also limits hours of early in-person voting…we are constantly answering questions about the fallout of the legislature's new law and about the county executive running for office."

- "Our most challenging administrative issue will be integrating new technology into the election process. We just upgraded our software for our optical scanners and we are also infusing new high-speed scanners into our tabulation system."

- "Voter information is so important. We have a track-your-ballot mechanism on the website. If I can get the public comfortable with tracking their ballot, they can see where their (vote-by-mail) ballot is at in the process. You have to have that trust factor out there with the absentee or vote-by-mail program."

- "My advice to legislators is to not continue to change the rules during the middle of the game. Let's set some standards, set some laws for early voting, for vote-by-mail, for funding sources and let's move on. It's very difficult to put together and run sound elections when you have the courts, the legislature and the secretary of state changing up the rules as you go."

Read the full interview with McDonald.

Worth Noting

- The Republican National Lawyers' Association is calling for stronger voter registration systems to root out the potential for voting fraud and to shorten wait times on Election Day. The group issued the call as part of its response to recommendations made in January 2014 by the Presidential Commission on Election Administration. It also calls for inter-state cooperation for voter list maintenance, the elimination of early day voting, better services for military and overseas voters and for the certification of voting machines to be set by standards crafted outside of the U.S. Elections Assistance Commission.

- President Barack Obama in a speech to the National Action Network claimed that Republicans are trying to thin the electorate by implementing new voter identification requirements and other measures he said threaten the voting rights of minorities. Republicans have said they have raised voter identification requirements and passed other voting measures to prevent election fraud.

- The nominations of Democrats Thomas Hicks and Myrna Perez to the U.S. Election Assistance Commission were reported out of a U.S. Senate panel by a voice vote this month and could soon receive a vote by the full Senate.

- Salt Lake County is developing a way for people with disabilities to vote electronically. The measure was enabled by Utah SB 245, sponsored by NCSL vice president Senator Curtis Bramble (R), and signed into law this year. The bill created a pilot program that allows counties to develop such a system for people with disabilities as well as uniformed servicemembers.

- Hispanics might be the country's fastest growing demographic but their turnout rate lags well behind white voters and African-American voters. Hispanics cast 6.6 million ballots in the 2010 federal mid-term election out of 21.3 million eligible voters, a turnout rate of 31.2 percent, according to an analysis of Census data by The Pew Charitable Trusts. White voters had a turnout rate of 48.6 percent of eligible voters in the same election while African-American voters had a turnout of 44 percent.

- California's top-two primary system is being criticized for freezing out third-party candidates. That kind of primary allows all candidates to run on the same primary ballot with the top two winners facing off in the general election. Third-party candidates said their participation in elections has dropped since 2012 when the state eliminated the discount on the fee to enter an election and increased the number of signatures they have to gather to qualify for the ballot.

- The American Civil Liberties Union filed a lawsuit this month to stop a new Arkansas law that requires voters to show identification at the polls. Arkansas is one of eight states with strict voter ID requirements. Each of the other seven strict voter ID states – Georgia, Indiana, Kansas, Mississippi, Tennessee, Texas and Virginia – have faced lawsuits.

- Arizona voters in Maricopa County can expect some yellow in their mail as elections officials there have decided this year to enclose absentee mail ballots in lemon-shaded envelopes. Officials say they are hoping the striking envelopes will help people spot their ballots amongst the flood of election season mailers that often find an express route to the trash bin.

From NCSL's Elections Team

The Canvass next month will examine the issues that relate to voters with disabilities, including the barriers that make voting difficult for this group and low turnout. If you have any stories or perspectives on this topic (or others, for that matter), please contact us.

NCSL's elections staff is here to help legislators and their staffers, so please let us know how we can assist you with information and analysis.

As always, thanks for reading.

Wendy Underhill and Michael D. Hernandez