The Real Cost of Voter Registration: Oregon Case Study

Heading into a major election cycle this November is nothing out of the ordinary for most legislators. What will make the 2010 elections extraordinary is that budget cuts will severely affect when, where and how people will vote. As budget analysts point out, states are facing deep fiscal stress with relief at least two years away, according to a recent NCSL State Budget Update.

The state fiscal situation continues to generate difficult and often painful choices for lawmakers. They were compelled to close a cumulative budget gap of $145.9 billion in the process of crafting their FY 2010 budgets. But their actions were not enough to cover continued lackluster revenues. Thirty-six states already report another round of gaps since FY 2010 began. The total has now hit $28.2 billion, and the fiscal year for most states doesn’t end until June. ... Forty-five states will convene legislative sessions in 2010, and most will have to deal with another round of budget gaps. Thirty-five states and Puerto Rico currently project a cumulative budget gap of $55.5 billion in FY 2011.

Corina Eckl, NCSL fiscal director, added, “Enormous challenges lie ahead for state lawmakers. State revenues have plunged, and another cliff looms. Lawmakers are holding on with their fingernails.”

In this climate, most election officials are being forced to scale back to bare-bone operations. Fewer polling places, more vote-by-mail and reduced polling hours are just a few of the signs of the times. Often overlooked is the cost of voter registration. Precise voter registration costs are difficult to calculate largely due to the manner in which election administration functions are divided between state and local election officials. Data collected by the 2001 National Commission on Federal Election Reform indicate that:

One-third of operating costs of administering elections goes to voter registration, another one-third goes to administrative overhead, and the remainder is split about equally between equipment costs and actually running elections on Election Day. With the creation of statewide registration systems, much of the cost of voter registration should shift to the state level.

In the nearly 10 years since the national commission first examined election costs, much has changed in voter registration. In 2002, the Help America Vote Act mandated the adoption of statewide voter registration databases. Overall, state registration systems are now more automated and centralized. Given this reality,
researchers at the Pew Center on the States seized the opportunity to answer a key question: How much does registration actually cost?

Conducted with the assistance of Oregon state and local election officials, The Real Cost of Voter Registration: An Oregon Study is the first comprehensive analysis of its kind and provides a model for other states to estimate their expenses and establish a basis for evaluating efforts to modernize.

Voter Registration in Oregon

Oregon is unique in that it conducts all of its elections by mail. However, each county is required to maintain at least one voting booth for voters who wish to vote in person on Election Day. The state’s centralized voter registration database system is administered by the secretary of state, but county election officials are responsible for updating all voter registration records. The secretary is also responsible for managing signature verification and ballot preparation functions—essential to the ability of counties to conduct vote-by-mail elections. Real-time online access to the voter database is available and the system is linked to other state agency databases (motor vehicles, human services, etc.). County clerks are responsible for voter registration list maintenance. Data from each voter registration form are manually entered into the central system by personnel at the clerks’ offices. Each form is scanned into the system to preserve a record of the original, signed, form.

The highly competitive 2008 presidential primaries attracted a high number of registrations. The secretary of state reported that 2.01 million voters (74.8 percent) registered for the May primary and 2.15 million Oregonians (80.2 percent of the state’s voting-eligible population) were active, registered voters in November 2008, an all-time high.

Cost

Oregon spent more than $9.7 million or $4.51 per active registered voter on its voter registration system during the 2008 election. Of the total costs, $6.96 million was reported by the counties and $2.76 million was reported by the state. The average county cost per active registered voter totaled $3.23. Nine of Oregon’s largest counties spent only $2.78 per voter, and the remaining 27 smaller counties spent a dollar more for each voter—suggesting economies of scale. Small counties also spent more per capita on personnel.

State expenses per capita were considerably lower at $1.28 per voter. That said, an itemized report of costs compiled by the secretary of state revealed some anomalies. The largest single expense was not personnel; it was a technical support contract with EDS—$750,000. By comparison, the Oregon Central Voter Registration personnel costs were $278,912 and the election division personnel totaled $117,106, or $396,018 combined. Additionally, the outside agency costs were considerable. The Oregon Department of Human Services, which is required by the National Voter Registration Act to register individuals who receive health and welfare benefits, incurred costs of $458,303, whereas the Department of Motor Vehicles’ NVRA compliance costs were only $77,838. The secretary also reported $200,000 in printing expenses.

Methodology

The Pew Center on the States collected cost data from Oregon’s 36 county clerks and the secretary of state. The study broke down county costs into four categories: printing and postage; staff costs; facility and support costs; and system costs. The secretary’s costs involved: maintaining the central database (split 50-50 with the counties); printing, distributing and servicing of registration forms; training and assisting outside agencies to comply with the
National Voter Registration Act (NVRA); and providing a toll-free call center to answer registration questions from the public. Outside state agencies also incurred NVRA costs.

The cost estimates of the counties, secretary of state’s office and state agencies were added together to determine a total statewide cost. This total cost was divided by the number of registered voters for the 2008 general election to determine the cost per voter.

Conclusions

The report concludes that Oregon’s cost data illustrates that its “paper-based system locks the state into costly expenditures on paper, printing, personnel and data management —costs that could be reduced, while achieving more accurate voter rolls.” “States need to analyze their current voter registration costs before they can determine effective ways to modernize the process,” said John Lindback, senior officer for Election Initiatives at the Pew Center on the States and former Oregon state election director.

The report advocates for greater use of technology. For example, it points to Delaware, where the Board of Elections was able to reduce labor costs by $200,000 annually due to its eSignature system that requires every visitor to the Division of Motor Vehicles to register to vote, update their registration or decline to do so, and then electronically syncs that data with the state election office. Similarly, in Maricopa County, Ariz., a paper registration costs at least 83 cents to process, versus an average of 3 cents for a registration completed online.

State Trends

Online voter registration is expanding as states increasingly turn to cost-saving paperless solutions. Arizona and Washington were the first states to offer this tool. Since 2008, California, Colorado, Indiana, Kansas, Louisiana, Oregon and Utah have joined the online states. “The system works effectively and securely because it directly links the secretary of state’s website with the Motor Vehicles Division driver’s license database—enabling digital signature verification,” Maricopa County, Ariz. Recorder Helen Purcell says. “In bad economic times, with budget cuts and layoffs, online registration reduces costs and makes it easier to deliver better service to our constituents.” At press time, online voter registration bills are pending in at least seven states: Alabama, Michigan, Nebraska, New York, Ohio, South Carolina and Tennessee.

Accurate voter registration database lists can prevent taxpayer money from being spent on unnecessary mailings to voters who have died. For example, Pennsylvania is now electronically facilitating interagency updates to voter registration files when the state learns that a voter has died. On July 2, 2009 the commonwealth enacted Senate Bill 446 (Act No. 2009-11). Sponsored by Senator Robert M. Tomlinson, SB 446 requires the Department of Health to monthly transmit an electronic list of all adult resident deaths for the preceding month to the Department of State. Each entry contains identity information: county of residence, date of birth (if available), and the last four digits of the decedent’s Social Security number. The Department of State then enters this information in the Statewide Uniform Registry of Electors system so that the county boards of elections can then remove people who have died from their voter registration rolls. The law also eliminates the requirement that local vital statistic registrars transmit a death certificate to the board of elections in the county where the decedent lived. The new streamlined administrative system is projected to reduce printing and mailing costs.

States are also cutting back on mailings to inactive voters. In New Jersey, Assemblyman Joseph Cryan sponsored bipartisan Assembly Bill 3214. Enacted on Aug. 6, 2009, the new law will eliminate the required mailing of sample ballots to inactive voters and is projected to save $1,205,820 per year over the next three fiscal years.
On the MOVE Act of 2009: Fall Forum Review

At the December 2009 Fall Forum in San Diego, the Redistricting and Elections Committee hosted a session on the newly enacted Military and Overseas Voter Empowerment (MOVE) Act. The session was moderated by Susan Parnas Frederick, NCSL Federal Affairs Counsel. Speakers were:

- David Becker, Project Director – Election Initiatives, Pew Center on the States
- Scott Weidmann, Deputy Director – Federal Voting Assistance Program

The panel summarized the key aspects of the MOVE Act, how it affects states and how it will likely be implemented by the Department of Defense. Beginning with the November 2010 federal elections, states must send out validly requested absentee ballots no later than 45 days before any federal election; this includes runoff elections. Forty-five days before the Nov. 2 election is Saturday, Sept. 18. States may need to apply for a hardship waiver if the primary date leaves insufficient time to meet the 45-day deadline. Hardship waivers based on the state primary date or a conflict with the state constitution must be submitted 90 days before the Nov. 2 election, which is Wednesday, Aug. 4. States may use Help America Vote Act funds to satisfy compliance requirements under the Move Act. A state seeking to use such funds, however, must first certify that it has met the Help America Vote Act’s Article III requirements.

David Becker included with his presentation a PowerPoint™ entitled, “Recent Changes in the Laws Protecting Military and Overseas Voters.” His PowerPoint™ and the session audio are available on NCSL’s website.

In an ongoing effort to keep legislatures apprised of necessary steps to comply with the MOVE Act, NCSL presented a webinar on the new law and its requirements for the 2010 general election and future elections. For an archived version of the webinar, visit the NCSL elections podcasts and presentations page.
“Demands for increased transparency and services, shrinking government budgets, and technological advances that outpace elections laws and regulations have combined to challenge what many thought were ‘permanent’ solutions developed as part of the 2002 help America Vote Act. Many in California and across the nation are ready to move in a new direction. The question is, what should Californians seek in the next generation of voting equipment and how can new products truly serve the interests of voters?”

Debra Bowen, California Secretary of State, in a Feb. 3, 2010 media advisory regarding the next generation of voting equipment.

“Fax alone provides little help to military voters. It needs to be e-mail or an online system.”


“[W]e should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections.”

John Adams, Inaugural Address, March 4, 1797
Department of Justice Again Denies Georgia Voter Verification Pre-Clearance; Georgia Seeks Judicial Relief

For the third time since May 2009, the U.S. Justice Department has rejected Georgia’s system of identifying voters who might not be citizens. At issue is Georgia’s administrative system to match five identifier criteria provided by first-time applicants for mail-in voter registration with data maintained by the Georgia Department of Driver Services database or the Social Security Administration. Georgia adopted the system in April 2007 at the direction of the Department of Justice to comply with the Help America Vote Act of 2002, which requires states to verify information provided on voter registration applications. As reported in the December 2009 issue of The Canvass, the Georgia secretary of state appealed for reconsideration of the department’s May 29, 2009, denial of Section 5 preclearance.1 In October 2009, the Department of Justice refused to withdraw its initial objection. In December, the Georgia attorney general requested that DOJ lift its objection.

In the February 22 denial letter from DOJ, Civil Rights Division head Thomas Perez wrote, “[A] review indicates that the state has not provided any additional information or arguments related to the original voter registration verification program to which an objection was interposed, to support its request that the objection to the original program should be withdrawn.” Perez also advised Secretary of State Brian Kemp that the state cannot enforce its new proof of citizenship law (S.B. 86) without approval by the U.S. District Court or DOJ. Brian Kemp responded in a press release. He announced the state will exercise its right to seek preclearance of the voter verification process and S.B. 86 by filing suit in the U.S. District Court for the District of Columbia. “The state of Georgia will no longer watch the Obama Justice Department play politics with our election processes and protections,” Kemp said. Ω

Challenges to Felon Voting Laws Yield Conflicting Rulings

Washington: On Jan. 5, 2010, a divided three-judge panel of the 9th U.S. Circuit Court of Appeals in Seattle ruled that Washington’s ban on voting by incarcerated felons violated civil rights protections. The court’s opinion in Farrakhan v. Gregoire, that the law violated § 2 of the Voting Rights Act,2 conflicts with other federal appeals court decisions and raises the possibility that the U.S. Supreme Court may take up the issue. The opinion was written by Judge A. Wallace Tashima, and a dissent was filed by Judge M. Margaret McKeown. The Ninth Circuit Court of Appeals has since placed a hold on its decision so that Washington’s secretary of state can appeal.

1 Section 5 of the Voting Rights Act requires certain states and jurisdictions to obtain permission from the federal government before they enforce any change affecting any practice or procedure with respect to voting. The state can seek such “preclearance” of a change affecting voting by filing suit in the U.S. District Court for the District of Columbia or by submitting the change to the DOJ.

2 Section 2 of the Act, is a nationwide prohibition against voting practices and procedures, including redistricting plans and at-large election systems, poll worker hiring, and voter registration procedures, that discriminate on the basis of race, color or membership in a language minority group. It prohibits not only election-related practices and procedures that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory impact. The Attorney General, as well as affected private citizens, may bring lawsuits under Section 2 to obtain court-ordered remedies for violations of Section 2.
Challenges to Felon Voting Laws Yield Conflicting Rulings—cont.

Mississippi: In the case of *Young v. Hosemann*, a unanimous three-judge panel of the Fifth Circuit Court of Appeals in New Orleans upheld dismissal of a lawsuit filed by the ACLU, which claimed convicted felons in Mississippi were being denied their constitutional right to vote in presidential elections because of a “confusing” provision in the Mississippi Constitution. Originally filed by the ACLU, the lawsuit challenged the state’s restrictions on felon voting as contained in the Mississippi Constitution, including the bar to certain felons voting. The state constitution lists 21 crimes—including armed robbery, embezzlement and statutory rape—that disqualify a convict from voting. The lawsuit was filed on behalf of two named plaintiffs: Jerry Young—convicted of armed robbery in 1980—and Christy Colley convicted of embezzlement in 1999. The ACLU argued that the state constitution permitted convicted felons to vote in presidential elections and that denying participation in state elections is a violation of the National Voter Registration Act and the Equal Protection Clause of the 14th Amendment. The district court denied the plaintiffs’ request for a preliminary injunction, stating that their interpretation of the constitution was not “fair or reasonable.” The Fifth Circuit panel, in a unanimous decision written by Chief Judge Edith H. Jones affirmed, noting: “For what conceivable reason would the state of Mississippi grant any group that it has forbidden from voting in state elections the explicit license to vote in presidential elections?” At the same time, Jones noted, the panel's decision does not preclude a state court from reaching a different conclusion in some other case.

NASS Urges Legislators to Improve Process for Military and Overseas Voters

At the recent National Association of Secretaries of State winter conference in Washington, D.C., secretaries of state and lieutenant governors from more than 40 states and territories adopted several resolutions related to elections administration. One resolution specifically called upon state legislatures and political parties to boost participation by military and overseas voters in the presidential selection process. The resolution applauded efforts of the Republican National Committee, the Democratic National Committee and their state affiliates for their efforts to assist military and overseas voters. It posits that the more party voters—including military and overseas voters—participate in the presidential nomination process, the more likely it is that a party’s presidential candidate will best reflect that party’s principles and present them most effectively to the general electorate. Accordingly, the resolution “encourages state legislatures and the party organizations to establish voting options to make presidential party primaries, caucuses, and conventions accessible to overseas citizens and deployed military personnel.” NASS also approved extending a 2005 resolution encouraging Congress “not to reauthorize or fund the U.S. Election Assistance Commission and not to give rulemaking authority to the EAC.” The resolution added, “Congress should preserve the states’ ability to serve as independent laboratories of change through successful experiments and innovation in election reform.” Finally, NASS reaffirmed and extended an “open letter to Congress” urging that it avoid any further nationalization of election administration standards. The seven resolutions adopted at the conference are available online at nass.org.
Virginia Helps Voters Find Their Polling Place Using Google Gadget

Any legislator who has been asked about where polling places are located will be interested to know how Virginia recently answered that question. Leading up to the November statewide elections, the Virginia Board of Elections (SBE) worked with the Voting Information Project and Google to create an embeddable gadget on the Virginia SBE website that provided a look-up tool for visitor use. In addition to telling a user where their polling place was and the hours it was open, it also provided driving directions and listed the candidates on the user’s ballot.

The gadget could be embedded within any website. Websites that chose to use the Google gadget ran the gamut: conservative campaigns, progressive campaigns, newspapers, unions and issue campaigns. A list of sites using the locator gadget can be found on the VIP site. The Virginia state Board of Elections also used an interactive mapping gadget to allow users to check election results as they were tabulated.

“SBE is always looking for partnerships to help simplify the election process for Virginians,” State Board of Election Secretary Nancy Rodrigues said. “These maps will significantly improve our ability to provide valuable election information to the general public.”

The maps were developed in partnership with the Virginia Public Access Project and the Voting Information Project, groups that are committed to informing Virginians about the election process. The maps used can be viewed online using a dedicated Virginia SBE site.

The Voting Information Project is a long-term, nonpartisan effort to connect voters, via the web, with information to help them be more engaged citizens. The project works to get all 50 states to publish polling place and candidate information in a standard format.

NOTE: NCSL provides links to other Web sites from time to time for information purposes only. Providing these links does not necessarily indicate NCSL's support or endorsement of the site.
FROM THE EDITORS' DESK:


The MOVE Act requires states to send absentee ballots to overseas voters at least 45 days before all federal elections including the November 2010 federal election. If a conflict prevents a state from complying, it must apply for and be granted a hardship waiver by the Federal Voting Assistance Program. States must also provide at least one means of electronic communication — ostensibly fax or e-mail—to expedite the registration and ballot transmission process.

The MOVE Forward panel included:

**Representative Grier Martin**, North Carolina, Member of the NCSL Redistricting and Elections Committee

**Bob Carey**, Director of the Federal Voting Assistance Program

**Doug Chapin**, Director of Election Initiatives, The Pew Center on the States

**Kate Viar**, Officer of Campaigns, The Pew Center on the States

Moderator: **Susan Parnas Frederick**, NCSL Federal Affairs Counsel

To view the archived presentation, go to the NCSL meetings page at ncsl.org or visit the online collection of NCSL podcasts and presentations covering election reform. As always, we welcome your comments and questions. Feel free to reach us at (303) 364-7700 ext. 1379 or by e-mail at elections-info@ncsl.org.