

Ensuring Every Citizen has the Opportunity to Vote: Adopting Election Day Registration in Connecticut

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Abstract

On June 4, 2012, Governor Dannel P. Malloy signed into law legislation that made Connecticut the ninth state to adopt Election Day registration (EDR). This article tells the story behind passage of House Bill 5024, *An Act Concerning Voting Rights*. The adoption of a law permitting citizens to register and vote on Election Day was due to a combination of broad and idiosyncratic factors. One reason EDR was adopted is because Connecticut has a political culture that tends to value and expect political participation by its residents. Second, single-party control of the governor's office, secretary of the state's office, and sizable majorities in both the House and the Senate made passage of the bill possible. Third, after the years of resistance, many local registrars finally supported the measure because some of their key concerns were addressed in the bill the governor signed. Finally, the governor and legislative leaders had the backing of a group of skilled, battle-tested, election-reform advocates working both inside and outside the General Assembly to build support for an Election Day registration law.

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As I sit and finish this article, today marks the 47th anniversary of the Voting Rights Act (VRA). The Act was signed into law by President Lyndon B. Johnson on August 6, 1965. The passage of the VRA is not only one of the most important legislative achievements of the 20th century, but it is also a seminal moment in American history. Using language similar to that found in the 15th Amendment (which gave black males the right to vote in 1870), the Voting Rights Act prohibits states from imposing any "voting qualification or prerequisite to voting, or standard, practice, or procedure ... to deny or abridge the right of any citizen of the United States to vote on account of race or color" (42 U.S.C. § 1971). The VRA is particularly significant because it enhanced the opportunity to participate in politics by outlawing discriminatory practices that were being used to disenfranchise millions of potential black voters.

Today, across the country, a number of states have introduced legislation that will restrict rather than promote greater access to the polls. According to a report by the Brennan Center for Justice at New York School of Law, during the 2011 and 2012 state legislative sessions, at least thirty-four states introduced legislation that would require voters to present a photo ID to cast their ballot. Some suggest that the photo ID requirement is a modern day poll tax which places a disproportionate and unacceptable burden on young, poor, and nonwhite citizens, who are less likely to have a driver's license or an official government identification card. Proof of citizenship legislation was introduced in at least seventeen states that would require people registering to vote present proof of citizenship, such as a birth certificate. Bills were introduced in at least sixteen states to end Election Day and same-day voter registration, hamper voter registration drives, and reduce other registration opportunities. At least nine states attempted to reduce the period for early voting, and four attempted to reduce the opportunity to cast an absentee ballot.

Finally, three states made it more difficult for people convicted of a felony to vote (“2012 Summary” 2012).

Among the states, Connecticut stands out for having recently successfully and significantly altered its voting eligibility law to promote rather than restrict participation in the political system. On June 4, 2012, Governor Dannel P. Malloy signed into law House Bill 5024, *An Act Concerning Voting Rights*, legislation that made Connecticut the ninth state to adopt Election Day registration (EDR). In a press statement released after signing the new law, Governor Malloy declared:

We are proud of the work we’ve done in Connecticut to ensure citizens have every opportunity to choose their elected leaders, even as other states are moving to restrict voting rights. Voting is the most basic tenet of our democracy—it is incumbent upon us to use 21st century technology to give people better access to the ballot box and not impede participation in our electoral process. I applaud the work done by the Connecticut legislature to ensure the integrity of our electoral system. (“Gov. Malloy Signs” 2012, p. 1)

This article tells the story of the history behind passage of House Bill 5024. It is the culmination of a 25-year battle that began when State Representative, Miles Rapoport, first introduced a bill in the Connecticut General Assembly to adopt Election Day registration in 1987 (Rapoport 2012). I will identify both broad and idiosyncratic factors that explain why Connecticut adopted EDR. One explanation for why Election Day Registration was embraced by lawmakers is because Connecticut is reform-oriented and has a political culture that tends to value and expect political participation by its residents. For example, since 2000, lawmakers have introduced and passed measures designed to battle corruption in office, lessen the effect of

private and corporate money on elections, modernize and improve the administration of elections, and gradually and incrementally expanded the opportunity for citizens to register and vote. Second, for the first time since 1986, Democrats controlled both the governor's office and the state legislature, with sizable majorities in both the House and the Senate making passage of the measure possible. When first introduced in the mid-1980s, EDR had some bipartisan support in the General Assembly. However, the split between Democrats and Republicans over Election Day registration grew more intense over the years. Even though it was never explicitly stated by any of the advocates of EDR, the Democrats perhaps favored (and the Republicans opposed) adopting the reform because they believed it would lead to an increase in registrants (e.g., young, low-income, and people of color) who would vote for Democrats.

Third, Governor Dannel Malloy and Secretary of the State Denise Merrill, were strong supporters of EDR, and, both had encouraged lawmakers in a joint press conference before the start of the legislative session to adopt a bill permitting Connecticut residents to register and vote on Election Day. Fourth, the governor, secretary of the state, and reform-minded legislators had the support of a group of skilled, battle-tested, election-reform advocates working both inside and outside the General Assembly to build support for an EDR bill. And last, after years of intense opposition to Election Day registration, local registrars accepted change because they faced a pro-EDR united front from the governor, secretary of state, and legislative leadership, and because several of their demands including limiting voter registration to the registrar's office rather than each polling places on Election Day made it into the final bill.

In the first section of the paper, I will introduce the broad issues surrounding voter registration and voting, focusing on the arguments about why registration deadlines affect the decision to vote. In the second section, I discuss the historical background of Election Day

registration and why election reformers like EDR so much. In the third section, I summarize literature on EDR, focusing on the relationship between Election Day registration and turnout at the polls. In the fourth section, I discuss a popular theory for why some states adopt restrictive election reforms while others adopt permissive reforms. In the final section of the paper, I discuss how EDR was enacted in Connecticut.

Registration Deadlines and Voting

Among the world's political systems, democracies offer their citizens a very unique opportunity; the people may play a part in the governance of their society (Rosenstone and Hansen 2003). In the United States, citizens are able to become active in the political system in a variety of ways. One's level of involvement in politics differs from person-to-person. Some people write checks or volunteer for a political campaign, while others join interest groups that engage in lobbying. Some citizens write letters to the editor of their local newspaper, while others sign petitions. Some people participate in protests and demonstrations, while others participate in community affairs and local organizations. Some citizens vote, while others stay home on Election Day.

Given the importance of elections in democratic societies, why do some people vote while others do not? One potential explanation is the nation's cumbersome voter registration process (Wolfinger and Rosenstone 1978). Measuring and explaining how voter registration requirements influence turnout at the polls and what types of people are more affected by them is a vibrant area of research for political scientists? Generally speaking, electoral participation is a two-step process, in which individuals must first register and then vote. In order to vote in most states, individuals must first establish their eligibility by registering before Election Day. And if one moves, one must re-establish one's eligibility to vote by re-registering at one's new address.

According to Wolfinger and Rosenstone, registration “raises the costs of voting,” and “is usually more difficult than voting, often involving more obscure information and a longer journey at a less convenient time, to complete a more complicated procedure” (1978, 61).

Compared to registration, voting is a low-cost activity.¹ In fact, the need to register is the main cost associated with voting. The need to register also influences the type of individuals who become registered, and may negatively affect voter turnout rates among some groups (Highton 2004). Empirical research examining registration separately from voting has shown that people that are registered to vote tend to be better educated, older, politically interested, and more socially connected than individuals not registered to vote (Erikson 1981, Mitchell and Wlezien 1995), and individuals who are registered to vote have extremely high turnout rates and “even unlikely registrants are relatively frequent voters when they do register” (Erikson 1981, 271). The point which will be picked up below when discussing Election Day registration, is that even though registration requirements are not the only obstacle to voting, easing the conditions needed to vote may boost turnout at the polls among those least likely to participate.

The Background behind Election Day Registration

If the need to register to vote actually does raise the cost of voting, states with the most permissive registration laws might be expected to have higher rates of voter turnout. After examining the veritable hodgepodge of voter registration laws from across the country, Wolfinger and Rosenstone (1978), in their book *Who Votes*, contended that the nationwide adoption of the following reforms would make it easier for citizens to participate in politics by reducing the cost of voting: (1) having the local registrar’s office open during a regular forty-hour work-day week; (2) making voter registration opportunities available during the evening and/or on Saturday; (3) allowing absentee registration; and (4) eliminating the closing date and

allowing citizens to register at the polls on election day. Wolfinger and Rosenstone conclude, "The more permissive the registration laws, the lower the time, energy, and informational costs of voting" (1978, 80), and that eliminating the closing date would give the greatest boost to voter turnout.

Electoral reforms affect different stages of the two-step process. Rigby and Springer (2011) identify three distinct approaches to reform: (1) reforms that make stage one (registration) of the process easier, (2) reforms that make stage two (voting) of the process easier, and (3) reforms that eliminate the potential for the first step (registration) of the process to prevent people from engaging in the second step (voting). Electoral reforms such as mail-in registration and internet registration make the first stage of the process easier, while reforms such as early voting and no-excuse absentee voting make the second stage of the process easier. A reason EDR is so appealing to many election reformers is that it "makes voting more accessible by making voting a one-stop process" (Neuborne 2001, 6), thus eliminating the gap between registration and voting.

Many in the election reform community believe American politics could be radically altered if election-day registration systems were adopted across the country. Burt Neuborne of the Brennan Center for Justice at NYU School of Law nicely summarizes this point of view:

EDR would raise the level of political engagement in traditionally nonvoting communities. Early registration inhibits engagement by making the value of registration abstract. The deadlines lapse before the campaigns heat up. Only at the end of the campaign season, when press coverage is most intense and the candidates are competing at their highest levels, does the importance of participation become concrete. EDR allows citizens to register when their interest in participation is at a peak. Additionally, grass-

roots organizations can harness the momentum of the election cycle to turn out unprecedented numbers of voters (Neuborne 2001, 6-7).

Before Connecticut, only eight states had adopted Election Day registration. During the early 1970s, Maine, Wisconsin, and Minnesota adopted EDR. President Jimmy Carter, taking note of the apparent success of Election Day registration in increasing voter turnout in the first three EDR states made the adoption of a national same-day registration provision the centerpiece of his election reform agenda designed to increase voter participation. However, despite having large Democratic majorities in both houses of Congress, a bill creating a national Election Day registration system failed to pass in 1977 (Knack 2001).

A second group of states adopted EDR during the mid-1990s, partially in response to the National Voter Registration Act (NVRA). In 1993, President Bill Clinton signed into law the NVRA. In addition to creating requirements for how states maintain voter registration lists for federal elections, the NVRA (also known as the Motor-Voter Act) requires that states allow individuals an opportunity to register to vote in at least three ways. *Section 5* of the Act mandates that individual's applying for a driver's license or seeking to renew a driver's license be provided with the opportunity to register to vote. *Section 7* of the NVRA requires opportunities to register to vote at all government offices including those that provide public assistance. *Section 6* of the Act provides that citizens can register to vote by mail with no witnessing requirements ("About the National Voter Registration Act" 2012). States were given an opportunity to escape NVRA if they instituted universal EDR at the polls before 1994. Subsequently, Idaho, New Hampshire, and Wyoming adopted election-day voter registration systems to avoid having to implement all of the mandates of the National Voter Registration Act (Knack 2001). Two other states switched over to Election Day registration: First, Montana adopted EDR in 2006 and then Iowa, in 2008.

Even though the policies vary somewhat from state to state, Election Day registration is basically a voter registration rule that allows citizens to register and then vote on Election Day. Usually, a person eligible to vote shows up at a designated polling place, provides proof of identification and residency, fills out a registration form, and votes. In six states (Idaho, Iowa, Minnesota, New Hampshire, Wisconsin, and Wyoming), individuals are allowed to register and vote at every poll site. Maine has, for all practical purposes, allowed registration at the polls since the law passed in 1973. Montana is the only state that limits same day registration to only one location—the offices of the county clerks (Carbó 2012).

Election Day registration and Voter Turnout

Research shows that states with Election Day registration tend to have higher voter turnout (Knack 2001, Knack and White 2000, Brians and Grofman 2001, Fenster 1994). Historically, states with Election Day registration have an average voter turnout rate of roughly 10 to 12 percentage points higher than non-EDR states (Carbó 2012). More than a million Americans registered and voted on Election Day in 2008. During the 2008 presidential election, voter turnout was seven percentage points higher in states with Election Day registration. The five states with the highest turnout—Minnesota, Wisconsin, Maine, New Hampshire, and Iowa—were all EDR states (Carbó 2012). During the 2010 midterm elections, average turnout in Election Day registration states was nearly 6 percentage points higher than in non-EDR states (Carbó and Eaton 2011).

Researchers concluded a long time ago that registration deadlines reduce voter turnout by about 6 percent to 9 percent (Fenster 1994). A number of studies have investigated the impact of Election Day registration on voter turnout. Adoption of EDR may increase turnout by between 3 percent and 6 percent. In a pre- post quasi-experimental design comparing states that changed

their election law to allow day of registration voting and a control group that did not, Fenster (1994) found that states that adopted Election Day registration greatly improved their turnout rank relative to non-adopting states and that EDR significantly increased turnout during presidential and midterm elections between 1960 and 1988. Comparing the three states that adopted EDR during the 1990s to non-reform states, Knack (2001) found that the implementation of Election Day registration improved turnout by 6 percentage points during the midterm elections (1990-1994) and 3 percentage points during the presidential elections (1992-1996). Analyzing turnout data from the 2000, 2004, and 2008 Voter Supplements Files of the U.S. Census Bureau's Current Population Surveys (CPS), Larocca and Klemanski (2011) showed that EDR had a positive and significant effect on turnout across all three elections.

What types of people are likely to take advantage of the opportunity to register to vote close to or on Election Day? Studies have shown that the young and the residentially mobile are quite responsive to the opportunity to register on Election Day. Using state-level aggregates from the CPS Files from the 1990 and 1994 midterm elections, Knack and White (2000) examined differences in turnout by age, education, income, and residential mobility. They found that in states that adopted EDR, there were large and significant improvements in the turnout rates of young people relative to older people, and of the recently mobile relative to the non-mobile. More recently, analyzing turnout data from the 2000, 2004, and 2008 CPS files, Larocca and Klemanski (2011), found that Election Day registration had a consistent and positive impact on turnout among 18- to 25-year olds and voters who have lived in their residence for one to six months, but only if voting the same day of registration is allowed at the polling place.

It is claimed that registration requirements cause inequalities in turnout rates across various groups in U.S. society, contributing to a "socioeconomic skew" of the voting population.

According to Wolfinger and Rosenstone, “The costs of registering do not fall equally on everyone. Those with the least education—who are least able to cope with the bureaucratic hurdles of registration—are most affected by these provisions” (1978, 88). Research suggests that Election Day registration may diminish socioeconomic differences among voters. Analyzing data from the 1980 and 1992 CPS files, Highton (1997) examines turnout by individuals living in states that have minimal (EDR) or no registration costs for their citizens to individuals in the rest of the country. He found that while registration barriers do not completely explain the gap in turnout disparities between well-educated and less-educated people, in states with Election Day registration, the effect of education on voter turnout is reduced because less educated citizen’s vote at higher rates while the turnout of the better educated is nearly unchanged. Using data from the CPS files to generate state-level estimates of income bias in registration and voting for elections from 1978 to 2008, Rigby and Springer found that in states where registrations were most skewed across income groups (i.e., overrepresentation of the rich and underrepresentation of the poor among registered voters), the option to vote and register on Election Day reduced inequality in voting. They concluded that “EDR is the electoral reform that demonstrated the most potential to promote equality in political participation” (2011, 432).

Why Some States Promote Political Participation While Others Do Not?

Much of the research on election reform laws examines their impact on voter turnout and on who shows up at the polls on Election Day. Far less attention is paid to why these laws come about in the first place. Why do some states pass laws that expand the opportunity for their citizens to participate in the selection of their elected officials while in other states laws are passed that restrict voting rights and depress voter turnout? One potential explanation may

simply be that due to different cultural norms, some states value and promote participation by their citizens more so than others.

One way to explain why some states adopt restrictive election reforms while others adopt permissive reforms is political culture. In 1966, Daniel Elazar wrote *American Federalism: A View from the States*. He described political culture as "the particular pattern of orientation to political action in which each political system is imbedded" (1966, 84-85). Elazar points to different aspects of political culture that may shape views in states about the role government should play in society and the role citizens should play in the political system, affect the kinds of people who become involved in politics, and influence the way in which politics is practiced and public policy is formulated by political leaders.

Elazar identified three distinct (but connected) types of political cultures, the moralistic, individualistic, and traditionalistic. At one end of the spectrum is the moralistic culture, which is the most citizen-oriented. The moralistic culture views government as noble and devoted to advancing the public good. The creation of new programs to improve society is welcomed. Because government service is viewed as serving the best interest of society, corruption is not tolerated. Emphasizing democratic governance, citizen's participation is valued and expected. Not only should citizens have an opportunity to become involved in politics, but, "it is the duty of every citizen to participate in the political affairs of his commonwealth" (Elazar 1966, 90).

At the opposite end of the spectrum is the traditionalistic political culture (viewed through the narrow lens of the role of common people in society), which is more restrictive and regards government as a tool for "securing the continued maintenance of the existing social [economic, and political] order" (Elazar 1966, 93). The creation of new programs for the so-called good of the commonwealth is not welcomed. The traditionalistic culture is the least

citizen-oriented. On the one hand, elites are expected to dominate the political system, and political leaders should come from the upper echelons of society. On the other hand, ordinary citizens are not expected (nor encouraged) to participate in politics because it may upset the status quo. For the common man and woman, voting is even considered optional.

Positioned somewhere between the moralistic and traditionalistic cultures is the individualistic culture, which views government primarily as a marketplace for competing ideas, interests, and demands (especially economic demands). Because advancing the public good and promoting the general welfare is less of a concern, individualistic cultures minimize the role of government beyond promoting and maintaining an orderly market place. Politicians run for office to advance themselves materially and professionally. Politics is viewed as more-or-less dirty; as a result, a certain amount of corruption is tolerated. To the extent citizens become involved in the political system, participation is viewed from a utilitarian standpoint, something done in large part, for the purpose of improving one's social and economic position. Hence, citizen involvement in politics is not necessarily valued (but, neither is it discouraged).

Elazar's culture typology suggests that some states will value and promote turnout more than others. In a moralistic political culture, one would expect laws that promote (rather than restrict) the opportunity to register to vote. By comparison, in a traditionalistic political culture, one would expect laws that hinder (rather than promote) the opportunity to register to vote. Finally, in an individualistic political culture, one would expect laws that neither promote nor restrict the opportunity to register to vote.

Even though his cultural typology is well-known and widely used, critics of Elazar argue that his theory is too intuitive, hence lacking in precision, and that the components of his three political cultures "do not lend themselves to direct measurement" (Sharkansky 1969, 67).

Nonetheless, Elazar's typology has proven to be useful to political scientists because it "may signal predispositions that affect the behavior of state citizens, and the programs of state or local governments" (Sharkansky 1969, 68).

Is Elazar's theory correct, that in some states voter turnout is higher than in others because some states value and promote turnout more so than others? In one of the earliest investigations using the Elazar typology, Sharkansky (1969) showed that states with traditionalistic cultures had the lowest turnout at the polls and the most restrictive registration laws, while states with moralistic cultures tended to have high voter turnout and the least restrictive rules about voter registration.² Using a causal model technique to analyze state voter registration and turnout data, King (1994) found that political culture not only positively and significantly influenced rates of voter turnout during the 1988 and 1992 presidential election, but that it also affects turnout indirectly through its effect on voter registration requirements and rates of voter registration. Specifically, states that promote participation by their citizens (moralistic) have less restrictive voter registration requirements and achieve higher rates of turnout at the polls. Other studies have found a similar relationship between political culture, registration requirements, and turnout at the polls (Johnson 1976). According to Sharkansky (1968), the primary culture of Connecticut is moralistic, while the secondary culture is individualistic.³

Enacting Election Day Registration in Connecticut

The controversy surrounding the 2000 Presidential Election (and later, a corruption scandal that would take down a governor) put the issue of election reform squarely on the political agenda in Connecticut. Prior to the 2000 Presidential Election, opposition to Election Day registration was a hurdle impossible to overcome. Citing the potential for fraud and an

onerous amount of additional work, a bill proposed back in 1977 by President Jimmy Carter to allow eligible voters to register and vote in Federal elections on Election Day drew a sharp rebuke from local registrars and the state's flagship newspaper, *The Hartford Courant*:

Anyone who knows the enormous amount of work that registrars and city and town clerks must perform on Election Day—including all manner of questions from polling places, many of which require research and opinions on the law—would not ask them to do any more than those election duties. The state's registrars and town clerks are against election-day voter-making sessions, because it would simply be too much work. And of course they are right. Enough is enough. ("Election-Day Registration?" 1977, A14)

Although the Congress did not adopt Election Day registration in 1977, that year, Connecticut's voter registration deadline was shortened from four weeks to 21 days before the general election (Public Act 77-330). In 1987, State Representative Miles Rapoport introduced a bill in the Connecticut General Assembly to adopt Election Day registration. The bill failed to get enough support to make it out of the legislature. In 1991, the registration deadline was cut once again from 21 to 14 days before the election (Public Act 91-351).

By the early 2000's, Connecticut had all the characteristics of a high-turnout state—compared to other states, Connecticut was wealthier and better educated, and had a larger elderly population—however, according to a report released in February 2002 by the U.S. Census Bureau that caught the attention of lawmakers and election reform advocates in the state, it had fallen out of the top third of states in voter turnout to the bottom half between 1996 and 2000 (Swift 2002).⁴ The Census Bureau's survey of turnout by eligible voters, *Voting and Registration in the Election of 2000*, showed that states with the least restrictive registration requirements had the highest turnout at the polls. In 2000, voting participation was at or above 70 percent in states

with either Election Day or no registration. Connecticut, which required citizens to register at least 14 days before the general election, had a voter turnout rate slightly below 60 percent (Jamieson, Shin, and Day 2002).⁵⁶

During the 2002 and 2003 legislative sessions, State Representative Andrew M. Fleischmann, a Democrat from West Hartford, introduced a bill to eliminate Connecticut's 14-day deadline to register before the general election and permit citizens to register and vote on Election Day. Under Fleischmann's bill, eligible voters would have been allowed to register to vote at their local town hall on Election Day. They would have then been required to carry a slip of paper with them to their local polling place.

Advocates for Election Day registration argued that allowing same day registration and voting could help boost voter turnout, especially by young voters and people who move frequently. "The half dozen states with Election Day voter registration had much better rates of participation than the rest of the country," Fleischmann contended. "There's no reason our state should be second to any other in that regard. It just seems like a common sense step for us to take" (Swift 2002). By 2003, the *Hartford Courant* no longer opposed EDR and now, because of the potential to increase turnout, endorsed Fleischmann's proposal on its editorial page. "Obviously, government officials should do everything possible to eliminate barriers to voting, such as the 14-day registration deadline," wrote the editors. "Connecticut ought to set a goal of being No. 1 in the nation in the percentage of citizens who vote. It should strive to surpass Wisconsin, Main and Minnesota, three states that allow Election Day registration and where no fewer than seven in 10 eligible voters voted in the last presidential election" ("Voter Turnout" 2002, A6).

Advocates for EDR also claimed that the 14-day registration deadline disenfranchised potential voters because it ran counter to the ordinary progression of political campaigns and voter interest, which generally peaks as Election Day draws near—e.g., political parties and other independent groups run a disproportionate number of political television advertisements supporting or opposing particular candidates just before the election. Likewise, it undermined the use of voter mobilization efforts by independent organizations and political parties—direct mailings, leaflet distribution, phone banking, voter registration drives, and door-to-door canvassing—at a time when people are most interested in candidates and election issues. “You know how in our everyday life, many people don’t pay attention until the last two weeks before the election,” said Americo Santiago, policy director and program manager for DemocracyWorks. “By that time, it’s too late to [register and] vote” (Swift 2002, B1).

Opponents voiced strong reservations about adopting Election Day registration, worrying that the added task of registering thousands of new voters on Election Day would overwhelm local registrars of voters with more paperwork and be an administrative nightmare for poll workers on an already chaotic day. “Election Day is already hectic,” said Ed Dzwonkowski, New Britain’s Democratic registrar of voters. “We’re very busy and we need some breathing room to get ourselves organized for the election” (Klimkiewicz 2003, B4).

Opponents also argued that by having a registration deadline weeks in advance of Election Day, local election officials would have the time to process new voter applications prior to Election Day and perform their other duties such as making sure voting machines are delivered and the recruiting and training of poll workers is complete. “There’s no reason for it,” Jean Natale, Danbury’s Republican registrar of voters said. “There is absolutely no reason why they can’t make a two-week deadline before the election. It’s not like [Election Day] is a

surprise.... We have other obligations during those last two weeks, and I don't see why we should disrupt our process because of others' procrastination" (Klimkiewicz 2003, B4).

The biggest concern voiced by opponents of EDR was that it would make elections more susceptible to fraud. The fear was that if voters were allowed to both register and vote on Election Day, theoretically, they could go from polling place to polling place and vote as often as they wanted. Furthermore, people from other states could come to Connecticut, illegally register to vote, and cast a ballot unnoticed. To guard against the potential for voter fraud, then Secretary of the State Susan Bysiewicz was in the process of creating a centralized, computerized statewide database of registered voters. The idea of a statewide voter database was not a new idea; going back to 1994, the last two Secretaries had been trying to put one together. The Secretary's belief was that once voters names were on the list, they could not register and vote in more than one town. Some of the state's registrars were open to the idea of Election Day registration if a statewide registration registry could be created. "I don't think anyone says it's an awful idea [EDR]," said Rae Tramontoano, the Republican registrar in New Haven, and then president of the Registrar of Voters Association of Connecticut. "We would just like a little more safeguards" (Swift 2002, B1). While most of Connecticut's cities and towns eventually agreed to join the central database, some refused to participate.

After failing to come up for a vote in 2002 due to a State budget crisis, in 2003 Fleischmann's Election Day registration bill, *Public Act 03-204*, won approval in the General Assembly. The bill passed 83-63 in the House of Representatives (20 out of 89 Democrats voted against EDR while 14 out of 57 Republicans vote for EDR) and 27-9 in the Senate (only 2 out of 21 Democrats voted against EDR while 8 out of 15 Republicans voted for EDR). Citing the potential for fraud because a centralized voter registry was not yet complete, then Republican

Governor John G. Rowland vetoed the bill. "Without an accurate, complete, up-to-date and real-time centralized voter registration database," the governor said in his veto message, "there would be few safeguards in place to prevent an individual, particularly one without a photo identification, from registering and voting in multiple towns on Election Day" (Keating 2003, B1). When Rowland issued his veto message, six cities with large populations that worried about the potential for fraud and a possible stampede of new voters in their municipalities on Election Day—New Britain, Danbury, Bristol, Norwalk, Shelton and Wallingford—had refused to put their voter registration lists on the state's centralized voter registry (Keating 2003, B1).

The governor's veto came as a surprise to many people. Although the Republican Governor had not agreed to sign the bill beforehand, there was bipartisan support in the legislature; a majority of Republicans in the Senate voted in favor of the bill. Although the state's centralized voter registry was not complete, the Secretary of the State dismissed the governor's concern about the potential for fraudulent voting behavior. "I do believe we have significant protections against voter fraud," Bysiewicz said. "Our system of government does assume the honesty and integrity of the voter" (Keating 2003, B1). She also noted that the recently passed Help America Vote Act (HAVA) would compel the six cities that had refused to join the registry to participate by January 2004. "I am very angry about this," said Representative James O'Rourke, then co-chair of the Government Administrations and Elections Committee (GAE). "Less than half the eligible adults voted in the last election but I guess that was good enough for the governor" (Keating 2003, B1).

Rowland's veto also came as a surprise because election reformers had worked closely with the secretary of the state's office, and local registrars and town clerks to craft a bill that would minimize the possibility of fraud being perpetrated at the polls. *Public Act 03-204*

required applicants to register at the local registrar's office and show identification with their name, address, and photo. If their identification did not include a photo, the registrar would take one. Next, the new registrant would have to sign a sworn statement that they met the eligibility requirements to register and declare that they had not voted anywhere that day (the statement also notified them that the penalty for a conviction of perjury was a sentence of up to five years in prison, a fine up to \$5,000, or both). If the registrar accepted their application to register to vote, the registrar would then give them an acceptance letter, attached a copy of their identification and photo, and sealed and signed the notice and copies. Finally, the person would take the notice and copies to the polling place, and then vote. Interestingly, the EDR bill that would eventually pass and become law nearly a decade later is essentially the same as the one vetoed by Governor Rowland.

On July 1, 2004, a corruption scandal and impeachment inquiry forced Governor Rowland to resign from office, bringing to an end what up to that point had been an impressive 25-year political career (Lender, and Mahoney 2004, A1). By the end of the year, the former governor would plead guilty to a single conspiracy charge to steal honest service in a deal with Federal prosecutors. He was later sentenced to one year and one day in prison. In the aftermath of the Rowland scandal, calls for reforms grew louder. About a year later, then Republican Governor Jodi M. Rell signed into law a landmark campaign finance bill. To reduce the influence of special interest money, the newly created Citizens Election Fund banned contributions from lobbyists and state contractors and created a voluntary system of publicly financing campaigns for state office, beginning with the 2008 legislative races (Paziniokas 2005).

In an effort to force the state to adopt an Election Day registration system, several months after Rowland's resignation, the Brennan Center for Justice at New York University School of Law, the Connecticut Civil Liberties Union and several prominent Connecticut law firms, filed a lawsuit on behalf of a coalition of citizen's advocacy groups—ACORN, Connecticut Common Cause, Connecticut Citizen Action Group, Connecticut Public Interest Research Group, People for the American Way, Connecticut Working Families Party, and DemocracyWorks—and Connecticut residents representing unregistered citizens who wanted to vote during the November 2004 presidential election. The plaintiffs in the case sued Secretary of the State, Susan Bysiewicz (who, ironically, was a long-time supporter of EDR), in Federal District Court, contending that the state's 14-day registration requirement was unconstitutional.

In their *Amended Complaint for Declaratory and Injunctive Relief*, the group asked the judge to strike down the registration requirement as a violation of equal protection and due process rights:

Plaintiffs bring this action to challenge as unconstitutional Connecticut's arbitrary and unreasonable failure to allow citizens of the state to register and vote on the day of a general election. Specifically, plaintiffs—eligible voters who will want to vote in the next election for offices other than President and Vice President but will be barred by the registration deadline, and organizations that rely on voter registration to recruit members and advance their political goals—allege that the current 14-day registration deadline for voting in general, non-presidential elections violates the First and Fourteenth Amendments to the United States Constitution. (*ACORN v. Bysiewicz* 2004, 2)

Specifically, the plaintiffs argued that there was neither a compelling or rational reason to impose a 14-day bar to voting in general non-presidential elections, for several reasons. First of

all, between 2,000 and 11,000 Connecticut residents were motivated to register and vote during the last days before Election Day “when political campaigns and media coverage of election issues are at their peak” (*ACORN v. Bysiewicz* 2004, 2). But, because of the state’s registration deadline, they were unable to exercise their right to vote. Second, Connecticut already permits individuals who are newly eligible to vote in the general election or seek to vote in the primary election to register by noon the day before an election. Third, since 1997, the state allowed unregistered voters to vote for the president and vice-president through “presidential ballots” on Election Day. But, these same voters were not allowed to vote in any other federal, state, or local elections. And last, Connecticut had established a computerized registration database that would allow election officials to immediately verify registration applications.

The case went to trial in May 2005; on December 15, 2005 Judge Mark R. Kravitz ruled in favor of the Secretary of the State. Even though reformers had failed to convince the Court to declare the state’s 14-day registration requirement unconstitutional, earlier that year, the General Assembly moved Connecticut’s voter registration deadline to 7 days before the election if done in person (the 14-day requirement remained in place for voter registrations done by mail). However, in spite of having one of the most permissive requirements in the country at the time, legislative efforts to adopt a system that would allow residents to register and vote on Election Day in Connecticut continued.

In 2007, the Senate approved a bill sponsored by Democratic Senator Gayle Slossberg, co-chairwoman of the GAE committee, which would have allowed a test run of EDR. The bill never came up for consideration in the House (Slossberg 2008). In 2009, the House approved an EDR bill largely along party lines 81-65 (Keating 2009). All but one Republican (37 members in the House) voted against the measure. Three members of the Democratic caucus broke ranks and

voted no. Nonetheless, because there was no strong coalition in either chamber in support of Election Day registration, no bill to allow Connecticut residents to register and vote on Election Day made it out of both houses of the legislature between 2003 and 2012. There were several reasons why no bill was approved by the General Assembly. Lacking confidence in the reliability of the statewide voter registry and a fear of being inundated with unregistered voters on Election Day, many local registrars continued to strongly oppose EDR. This skepticism was also shared by some of the leaders of the Democratic caucus that controlled both the House and Senate and then Republican Governor Rell (“Let Them Sign Up” 2008).

The outcome of the 2010 election was a decisive moment in the campaign to pass an Election Day registration law in Connecticut. Senator Christopher J. Dodd and Governor Rell decided not to run for reelection. State Attorney General Richard Blumenthal ran for Dodd’s Senate seat and Secretary of the State Bysiewicz ran for the Attorney General slot. In a closely contested race, Stamford Mayor Dannel P. Malloy won the Governorship (by 6,404 votes) and a member of the State House of Representatives, Denise Merrill, won the contest for Secretary of the State. Dan Malloy became the first Democrat elected governor of Connecticut since 1986. Both the new governor and Secretary of the State were strong proponents of electoral reform and staunch supporters of Election Day registration.

In a joint press conference held on MLK Day, January 16, 2012, the Governor and Secretary of the State unveiled an election reform package. They proposed that the legislature adopt Election Day registration, no-excuse absentee voting (which would require an amendment to the state’s Constitution), and on-line voter registration. They also pushed for an increase in criminal penalties on those who tamper with voting equipment or who interfere with, threaten or

intimidate voters (“Making It Easier to Vote” 2012). The Governor framed their election reform proposals in the context of the struggle for voting rights during the 1960s:

“Today, I can think of no better statement to make in memory of Dr. King than to expand and assure access to voting rights, given everything he stood and worked so hard for,” said Governor Malloy. “While some states are suppressing voter turnout, we are moving in the opposite direction and working to improve access to elections and align our electoral system with 21st century technology. Voting is a great responsibility, and an enormous opportunity, and, following in the footsteps of Dr. Martin Luther King Jr., we have an obligation to make every effort to preserve citizens’ access to the polls.” (“Gov. Malloy and Secretary” 2012, 1)

Calling the right to vote “a bedrock civil right” (“Making It Easier To Vote” 2012), the Secretary of the State in her comments, referred to a report recently released by the NAACP that described how 14 states had passed 25 various measures designed to restrict or limit the ballot access of voters, threatening to disenfranchise more than 5 million people, a disproportionate number of whom are people of color, the young, and the elderly.

Governor Malloy’s and Secretary of the State Merrill’s support were critical to moving the idea of Election Day registration forward. To the election reform community, all the pieces appeared to be coming together, although a lot of work still needed to be done to get an EDR bill on the governor’s desk for his signature. Even though Democrats controlled both chambers of the legislature, because the House and Senate Republican caucus along with some moderate Democrats were staunchly opposed to a same-day voter registration law, it was critical to have reform minded allies in the legislature in powerful places. Fortunately for the reformers they had those allies. The leaders of the House and Senate, Speaker of the House Chris G. Donovan and

Senate President Pro Tempore Donald E. Williams, Jr., both supported EDR. Likewise, the co-chairs of the Government Administration and Elections committee, Senator Gayle S. Slossberg and Representative Russell A. Morin, were also key supporters of EDR. Moreover, many of the long-term concerns of local registrars had been addressed, such as limiting voter registration to the registrar's office rather than busy polling places. When bills were raised in their respective chambers, Slossberg and Morin led the floor debates.

A group of reform-minded advocacy organizations—Common Cause in Connecticut, Connecticut Citizens Action Group, Demos, and League of Women Voters—that had been working on Election Day registration for a number of years were cautiously optimistic about the prospects of an EDR bill making it to the governor's desk for his signature after successfully navigating through the legislative process. These were the same organizations that helped push through the legislature other election reforms, including a law which restored the voting rights of citizens convicted of a felony and placed on probation and the creation of the Citizen Election Fund.

As the Executive Director of Common Cause in Connecticut, Cheri Quickmire, explained, the leaders of the reform advocacy groups understood from other successful campaigns that to effectively move an EDR bill through the legislature, they would need both an inside and an outside strategy (C. Quickmire, personal communication, August 2, 2012). The inside strategy entailed supplying experts to testify during committee meetings and holding one-on-one meetings to educate lawmakers, get their support, and develop key political allies who could be called upon to influence their colleagues in the legislature. Success would also depend on a public outreach and education campaign to mobilize broad support for EDR outside the legislature. The strategy to educate the public included the use of email alerts to group members,

election reform workshops in cities across the state, meetings on college campuses with students, house parties, letters to the editor of newspapers, phone banks, and advertisements in the media, particularly print and radio.

After more than five hours of vigorous debate, by a vote of 83-59, on April 30, the Connecticut House of Representatives voted to allow EDR.⁷ The vote fell largely along party lines. Nine conservative Democrats voted against the measure; only one Republican voted in favor (Keating, 2012). Several days later, on May 5, Republicans and Democrats clashed for hours in the Senate before a bill allowing Election Day registration finally passed 19-16, again, largely along party lines (Altimari & Keating, 2012). Roughly a month later, on June 4, 2012, Governor Malloy signed into law House Bill 5024, *An Act Concerning Voting Rights*. Connecticut residents will now be able to register to vote and cast a ballot on Election Day starting in 2013. Potential voters can begin to register online starting in 2014.

Conclusion

In Connecticut, one in three eligible voters are not registered to vote; a disproportionate number of them are young, people of color, and people who have recently moved. It is argued in the literature that voter registration requirements contribute to low voter turnout and that states that adopt more permissive registration requirements such as Election Day registration show a marked increase in turnout at the polls, and that EDR helps diminish socioeconomic differences among voters. Beginning in the fall of 2013, Connecticut will get to test these theories. Twenty-five years after it was first introduced in the General Assembly by Representative Miles Rapoport, on June 4, 2012, Governor Malloy signed into law House Bill 5024, *An Act Concerning Voting Rights*, legislation that making Connecticut the ninth state to adopt Election Day registration.

In a year when many states passed laws that restrict rather than promote participation in the political system by their residents, what made Connecticut so different? First, Connecticut has a political culture that appears to value and expect state residents to be active in the political system, and is reform-oriented when it comes to the way in which politics is practiced and public policy is formulated by political leaders. Between 2000 and 2012, a bevy of election reform bills were introduced and passed by the General Assembly, including bills designed to modernize voting machines and other equipment, a measure that restored the voting rights of citizens convicted of a felony and sentenced to probation, a direct primary law that encourages more candidates to participate in elections by wresting away from party bosses and activists the nomination process and allowing candidates for office to petition their way onto the primary election ballot, and in December of 2005, in response to the arrest and imprisonment of a former governor, the passage of the Citizen's Election Fund, a landmark publicly-funded campaign finance system designed to stop the flow of special-interest money.

Second, over the years, the partisan divide over Election Day registration sharpened; unlike in earlier years, by 2012, only a handful of Republicans in the legislature supported EDR. One-party control of both the governor's office and the legislature (with sizable Democratic Party majorities in both chambers) for the first time since 1986 made it easier for the measure to pass. Third, having a governor and secretary of the state both deeply committed to not just Election Day registration, but a broader election reform agenda was also significant. "The fact that every one of these important election reforms was raised is a testament to strong leadership by the Governor, Secretary of State, and the Deputy Secretary of State, Jamie Spallone, a former State Representative from Essex and former co-chair of the GAE" (Quickmire 2012).

Fourth, Connecticut had a group of battle-tested citizen's advocacy groups that worked both inside and outside the legislature to build support for EDR. Their two-pronged attack, working inside the legislature with strategies such as providing testimony at public hearings, and holding one-on-one meeting with legislators, and outside the legislature with strategies such as email alerts, letters to the editors of newspapers, and conducting election reform workshops to educate and mobilize citizens paid off. And last, by the time the measure came up for a final vote, many local registrars now accepted the bill because the governor, secretary of state, and legislative leadership supported the measure, and because several of their long-standing concerns had been addressed in the final bill.

The view held by election reformers in Connecticut is that the requirements to vote are unnecessarily complex and too difficult for many citizens. By adopting Election Day registration, Connecticut cemented its national reputation as a citizen-oriented state that does a lot more than others to make the right to vote easy to use for every citizen entitled to cast a ballot.

Foot Notes

¹ Anthony Downs wrote in his book, *An Economic Theory of Democracy*, "every rational man decides whether to vote just as he makes all other decisions: if the returns outweigh the costs, he votes; if not, he abstains" (1957, 260). Aside from being a low-cost activity, voting is also a low-benefit activity. The reason is very simple. No matter how interested a voter is or well informed they become, it is highly improbable that their one vote will decide who is elected the next president of the United States, or for that matter, who the next mayor of their local town will be because "it is lost in a sea of other votes" (Downs 1957, 246).

² Sharkansky (1969) converts Elazar's classification scheme into a unidimensional scale with moralistic and traditionalistic cultures at opposite ends of the continuum and individualistic culture in the middle (M MT MI IM I IT TI TM T). The unidimensional scale from moralism to traditionalism created by Sharkansky has been the subject of much criticism. The critique is that it imposes linearity on what is really a nonlinear construct. However, depending on which particular aspect of culture is the focus (for example, the role individuals are expected to play in the political system), operationalizing political culture as a unidimensional continuum should make sense (King 1994). But, a different ordering of the cultures should make sense if other aspects of Elazar's theory are being examined (Kincaid 1980).

³ Sharkansky hypothesizes that, "The closer a state's culture is to Traditionalism, the lower it will score on measures pertaining to political participation" (1969, 70). Based on Sharkansky's Moralistic-Individualistic-Traditionalist unidimensional scale of culture (M MT MI IM I IT TI TM T), in 7 out of 8 states that adopted Election Day registration (Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, and Wisconsin) before Connecticut, the state's primary culture is moralistic. In 5 out of 8 states that adopted EDR (Idaho, Iowa, Maine, New

Hampshire, and Wisconsin) before Connecticut, the state's secondary culture is traditionalistic. In the case of Wyoming, the primary culture is individualistic, while the secondary culture is moralistic.

This does not suggest that political culture is the only or even primary factor that explains why a state has higher turnout or adopts Election Day registration. The adoption of EDR in most states is likely a function of both broad factors such as political culture and more particular factors such as one-party control of the legislature. For example, Wyoming's decision to allow citizens to register on Election Day probably has to do with both the political culture of the state (IM) and a number of idiosyncratic reasons. Specifically, Wyoming's decision to adopt EDR appears to be quite strategic. The National Voter Registration Act (NVRA) require most states to follow specific requirements relating to voter registration, such as allowing voters to register at all federal, state, or nongovernmental offices that provide public assistance. The Act also prohibits removal of voters for failing to vote until at least two elections have passed. However, NVRA allows states to opt out of the Act's provisions if they meet certain criteria, most notably by allowing for Election Day voter registration. Wyoming's decision to adopt EDR was not because of a reform-minded political culture. Rather, it was the result of multiple factors including the desire by Wyoming lawmakers to mitigate the effects of Federal law on voter registration in the state.

Because it adopted Election Day registration, Wyoming is exempt from the "Motor Voter" law and does not allow registration at the DMV. There are three ways to register to vote in Wyoming: appear in person at the county registration office, at the polls, or register by mail. All registrants must fill out a state-issued form detailing their eligibility to vote and provide an acceptable form of identification. If registering by mail, the voter registration form must be filled

out and signed in front of a notary or registry agent. The form must then be mailed to the local county clerk with a copy of the registrant's identification. Because all registrants are required to appear in person and provide acceptable identification, third party registration drives are not feasible unless the registrant can deliver the registration materials. Wyoming is also exempted from the provisions of the Act requiring restrictions on voter purges. The state purges voters after failing to vote in only one general election unless they take affirmative steps to prevent their removal from the rolls ("Registering to Vote" 2012).

Moreover, Wyoming is a solidly conservative state. Looking at just the last 10 presidential election cycles, the Republican nominee has won the state. And, although it is not an indicator of Republican dominance of the state legislature in the early 1990s when EDR was adopted, after the 2010 election, Republicans had a 50-10 advantage in the House (since 2001, the highest number of Democrats was 20) and a 26-4 advantage in the Senate (since 2001, the number of Democrats has been as low as 7). Perhaps an important factor that also helps explain the adoption of laws like Election Day registration is single-party control. And, even if we assume that Democrats would be advantaged by the adoption of Election Day registration, in a state like Wyoming, the impact would be quite negligible ("Registering to Vote" 2012).

⁴ According to data from the U.S. Census Bureau ("State and County QuickFacts" 2012), in 2000, non-Hispanic whites made up 77 percent of the Connecticut's population, and blacks and Hispanics each made of 9 percent. In 2010, the number of Non-Hispanic whites in the state decreased to 71 percent, while the number of black and Hispanic residents increased (11 and 13 percent respectfully).

⁵ Connecticut's voter turnout rate has slowly increased since the 2000 Presidential Election. In 2000, Connecticut's citizen voting-age population turnout rate was 59.5 percent. By

2004, the turnout rate was 63.2 percent. In 2008, the rate was 67.2 percent (“Voting and Registration” 2012).

⁶ Although the largest group of registered voters in Connecticut is not affiliated with either political party, registered Democrats outnumber registered Republicans. In 2000, 24 percent of registered voters were Republicans, while 35 percent of registered voters were Democrats. By 2004, the number of registered Republicans dipped to 22 percent, and the number of registered Democrats dipped to 34 percent. In 2008, the slightly downward trend for Republican identifiers continued (20 percent), but the number of Democrats identifiers increased slightly (37 percent). By 2010, the number of residents affiliated with the Republican Party remained at 20 percent, while the number of residents affiliated with the Democrat Party fell a bit to 36 percent (Connecticut Secretary of the State 2012).

The last time a Republican Party nominee for the presidency won a majority of the vote in Connecticut was in 1988. Since the 2000 election, the Democratic Party nominee has won the state by at least 10 percent. In 2000, the Vice-President, Al Gore, won the state over George W. Bush, 56 percent to 38 percent. In 2004, President George W. Bush won the state over his challenger, John Kerry, 54 percent to 44 percent. In 2008, Barack Obama got the better of his opponent, John McCain, defeating him 61 percent to 38 percent (Connecticut Secretary of the State 2012).

⁷ The General Assembly debated three issues simultaneously: 1) House Bill 5022, which would increase penalties for voter intimidation, 2) House Joint Resolution 2, which would place on the ballot in a statewide referendum a proposal to amend the state constitution so that the Connecticut general Assembly would have greater authority to permit increased voting accesses

such as early voting or no-excuse absentee ballot, and 3) House Bill 5024, which would enact Election Day registration and permit online registration.

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