Partisan Views on Voter Registration as Reflected by the Media: Any Path Forward?

By Lynne Holt and Mary Galligan

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Background

In the months preceding and immediately following the 2016 presidential election much ink has been spilled on the subject of voter fraud. President Trump's claims of voter fraud elevated the public's focus on the integrity of the voting process and may have diverted attention from problems with voter registration that were more readily substantiated. Voter registration problems may involve fraud which implies intentional deception but they more often result from inaccurate and outdated information on voter rolls.

When asked during an interview with Bill O'Reilly on Fox News about his claim of widespread voter fraud in the November 2016 election, the President replied: "Forget all that. Just take a look at the registration, and we're going to do it. And I'm going to set up a commission to be headed by Vice President Mike Pence, and we're going to look at it very carefully."[1] Then on May 16, 2017, the President issued an executive order that established the Presidential Advisory Commission on Election Integrity with a charge to its members to "study the registration and voting processes used in Federal elections."[2] The executive order is broad in that it requires the Commission to submit a report identifying the laws, rules, policies, activities, strategies, and practices that both undermine and enhance voter confidence in federal election voting process and the vulnerabilities in the system that could lead to improper voter registration practices and fraud. While fraud is still part of the study, registration will assume a central role. Given the President's reframing of the problem, we can now shift our scrutiny to an issue that has been often overlooked in the voter fraud debate -- improved accuracy in voter registration rolls.

Accurate voter registration records are important because they are used to: determine who is eligible to vote, establish precincts, and assign voters to polling locations. Registration information also is used for communicating with voters and for ballot distribution, as well as for auditing election outcomes. Without accurate registration records, election officials face an uphill battle in detecting problems with an election regardless of whether fraud is involved.

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[1] Callum Borchers, "Trump Walks Back False Voter Fraud Claim in Interview with Bill O'Reilly," *Washington Post,* February 5, 2017, https://www.washingtonpost.com/news/the-fix/wp/2017/02/05/trump-walks-back-false-voter-fraud-claim-in-interview-with-bill-oreilly/?utm_term=.d245e847629b.

[2] Executive Order No. 13799, "Establishment of Presidential Advisory Commission on Election Integrity," Federal Register Doc. 2017-10003, May 16, 2017, https://www.federalregister.gov/documents/2017/05/16/2017-10003/establishment-of-presidential-advisory-commission-on-election-integrity.

Media Reflection of Political Ideology

It is understandable that voters are confused with the distinction between voter fraud and registration problems because the public relies on the media for explanations of the issues and the pros and cons of proposed solutions. Research has shown that voters gravitate to news sources that are most likely to reinforce their predispositions. That was a finding of a 2014 Pew Research Center report.[3] For the report, Pew posed 10 questions to 2,901 American adults to discern their political ideology. The responses were then divided into five categories in terms of political ideology: consistently liberal, mostly liberal, mixed, mostly conservative, and consistently conservative.   Table 1 shows the political demographic profile of respondents [4]

Table 1 Political ideology Based on Pew Research Center Report	
Surveyed by Web + Phone	
Consistently conservative	9%
Mostly conservative	17%
Mixed	38%
Mostly liberal	22%
Consistently liberal	14%
Source: Pew Research Center. 2014. *Political Polarization & Media Habits: From Fox News to Facebook, How Liberals and Conservatives Keep Up with Politics. Appendix A.*	

Nearly half, 47% of those classified consistently conservative, identified Fox News as their greatest source for political and government news, and almost a third of those classified as mostly conservative also relied on Fox News.   The two most liberal categories of respondents distrusted Fox News more than trusted it and the most liberal groups expressed trust for a greater number of media sources than did their conservative counterparts. Reflecting that greater mix of trusted sources, the most liberal respondents tended to rely on CNN (15%), NPR (13%), MSNBC (12%), and the New York Times (10%) for their political news. For their part, the two most conservative categories of respondents distrusted those sources more than trusted them.[5]

Although there are many issues related to voter registration that could ultimately impact vote results, voter proof of citizenship dominated news coverage and became almost a pass phrase for prevention of voter fraud in the conservative press. Consider this defense of state proof- of- citizenship laws offered in

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[3] Amy Mitchell and Rachel Weisel, "Political Polarization & Media Habits: *From Fox News to Facebook: How Liberals and Conservatives Keep Up with Politics*," Pew Research Center, October 21, 2014, http://www.journalism.org/files/2014/10/Political-Polarization-and-Media-Habits-FINAL-REPORT-7-27-15.pdf.
[4] Ibid.
[5] Ibid.

a post-election op-ed by John Fund and Hans von Spakovsky on Fox News:

> The Justice Department has also opposed every effort by states—such as Kansas, Arizona, Alabama and Georgia—to implement laws that require individuals registering to vote to provide proof of citizenship. This despite evidence that noncitizens are indeed registering and casting ballots.
>
> In 2015 one Kansas county began offering voter registration at naturalization ceremonies. Election officials soon discovered about a dozen new Americans who were already registered—and who had voted as noncitizens in multiple elections.
>
> These blatant attempts to prevent states from learning if they have a real problem with illegal votes makes it impossible to learn if significant numbers of noncitizens and others are indeed voting illegally, perhaps enough to make up the margin in some close elections.[6]

Countering that perspective, the New York Times was critical of the impact of Kansas' proof- of-citizenship law, citing a federal judge's conclusion that thousands of Kansas voters were prevented from registering for federal elections in 2016, while only three non-citizens had voted between 1995 and 2013.[7]

However, the nuances of both pieces may be missed by a large segment of news consumers. According to a Pew Research Center report released in May 2016, 62% of Americans get their news from social media. Among Americans, 9% get their news from Twitter and may only see retweeted headlines and not read the content.[8] The Fox News headline for the op-ed noted previously reads: "Why Trump's probe of voter fraud is long overdue," whereas the New York Times headline reads: "The Struggle to Vote in Kansas."

Leading up to establishment of the Presidential Advisory Commission on Election Integrity, headlines in on-line counterparts of the main conservative (Fox News) and liberal (CNN and MSNBC) news sources identified by respondents in the Pew survey, display the outline of the debate as shown in Table 2.

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[6] John Fund and Hans von Spakovsky, "John Fund and Hans von Spakovsky: Why Trump's Probe of Voter Fraud is Long Overdue." *Fox News Opinion*, January 25, 2017, http://www.foxnews.com/opinion/2017/01/25/john-fund-and-hans-von-spakovsky-why-trumps-probe-voter-fraud-is-long-overdue.html.

[7] The Editorial Board, "The Struggle to Vote in Kansas," *The New York Times,* July 5, 2016, https://www.nytimes.com/2016/07/05/opinion/the-struggle-to-vote-in-kansas.html.

[8] Jeffrey Gottfried and Elisa Shearer, "News Use Across Social Media Platforms 2016," Pew Research Center, May 26, 2016, http://www.journalism.org/2016/05/26/news-use-across-social-media-platforms-2016/. The survey which formed the basis for the report's conclusions was conducted in February 2016. Since that time, tweeting has become an increasingly acceptable form of political communication given the President's adoption of that practice.

Topic	Fox	CNN	MSNBC
Table 2 **Examples of Headlines by News Source**			
Fraud prosecutions	Voter fraud in Kansas State announces first conviction by a non-US citizen; April 14, 2017	Reality Check: Trump's claims of 'large scale' voter fraud Trump campaign intensifies reports of voter fraud without evidence; October 18, 2016	Texas governor helps debunk his own voter-fraud argument The Texas Governor justified his position of needing to crack down on voter fraud by pointing to a link to a news story that only a handful of cases prosecuted in Texas since 2002 involved in-person voter fraud; March 15, 2016
2016 Election	Top Trump aide says White House has 'enormous evidence' of voter fraud Trump aide Stephen Miller claims that everyone is aware of the problem of illegal voting in New Hampshire and the article referred to claims of voter fraud occurring in other states. February 12, 2017	People of New Hampshire sound off against WH voter fraud claims New Hampshire residents including the state GOP chairman and the New Hampshire Secretary of State's office push back against voter fraud allegations; February 15, 2017	Sen. Shaheen: This is a totally made up charge The Senator's comment refers to the Trump campaign allegation that people were bussed to New Hampshire to vote illegally. She claimed this was a voter suppression tactic against a state which allows same day voter registration; February 15, 2017
	Kansas Secretary of State: There is Proof of Widespread Voter Fraud; Kobach claimed White House provided "enormous evidence" to support existence of widespread fraud; February 13, 2017	CNN's Kate Bolduan Shuts Down Trump's Voter Fraud Expert Kris Kobach Interview questioning Kobach's claim of widespread rampant voter fraud; *Daily Beast* February 13, 2017.[9]	White House clings to non-existent evidence of voter fraud Despite a lack of evidence, reports of voter fraud persist and claims of fraud are characterized as lies; February 13, 2017

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[9] For live interview, see You Tube: "Trump Aide Repeats False Claims of Voter Fraud," Live CNN, February 13, 2013, https://www.youtube.com/watch?v=vgoju5ECE1g.

Topic	Fox	CNN	MSNBC
	Trump's vote fraud claims explained	FEC commissioner asks Trump for voter fraud evidence	Trump voter-fraud allegations start to look 'deranged'
	Arguing that Trump alleged voter fraud because losing is "bad." Concluding that fraud claims won't matter in the election outcome but, even if without merit, will have the effect of solidifying Trump as a winner in the eyes of his supporters; November 28, 2016	An FEC Commissioner asks Trump for evidence to support claim of massive voter fraud in New Hampshire; February 10, 2017	Labeling some allegations of vote fraud in the 2016 election delusions; February 10, 2017

Table 2
Examples of Headlines by News Source

Ideologies and Perspectives on Voter Fraud and Registration Problems

Different media sources reflect divergent public opinions regarding voter registration improvements and also define the problem differently. In a polarized political environment that is not likely to change. Yet conflation of voter fraud (largely unsubstantiated) with voter registration issues potentially prevents states from implementing measures that could increase participation by eligible and legitimate voters in the election process. One of the chief problems is the maintenance of updated and accurate voter registration records which, at least on the surface, would appear to garner support from both sides of the political spectrum.

However, what one would expect to be a consensus does not emerge because the two ends of the political spectrum set different goals for voter registration improvements and therefore seek divergent reforms. For their part, conservatives have adopted a position that registration process improvements should be aimed primarily at preventing fraud. Thus, their toolkit of reforms includes requirements for registrants to provide documentary proof of citizenship and use of multi-state databases to identify voters registered in more than one state at the same time, among others. The former requires verification prior to registration and the latter may be used to remove former residents from voting rolls, thereby preventing people from voting in two states and preventing illegal voting under a former resident's name. On the other hand, liberal-backed reforms tend to be aimed at making the ballot more accessible by removing barriers to registration and updating registration records. Among improvements to achieve that goal include automatic voter registration (AVR), election-day registration, online registration, and registration

portability.[10]

The broad goals of improving election integrity can result in policies that work at cross-purposes. For example, some efforts to prevent vote fraud result in vote suppression. In a recent *Political Science Quarterly* article, an analysis of three cases involving exaggerated claims of voter fraud supported that finding.[11] The cases were Democratic Senator Gale McGee's campaign to authorize postcard registration in the 1970s; President Jimmy Carter's attempt to enact Election Day registration; and the campaign for comprehensive voter registration reform that ultimately became the National Voter Registration Act of 1993 (The Motor Voter Act). Due to potential voter fraud arguments, the Motor Voter Act almost failed in Congress to be enacted and its eventual passage reflected the partisan nature of the vote with few Republicans in support.

The maintenance of accurate registration records is not always easy because people register to vote in many ways in accordance with state law. The U.S. Election Assistance Commission summarizes the options as follows:

> Individuals can register to vote by mail when applying for a driver's license or identity card at their State's driver's licensing offices, at offices providing public assistance, at offices providing State-funded programs for people with disabilities, and at Armed Forces recruitment offices. Many States also offer voter registration services on their Web site. An individual can obtain a registration application from either the local election official in his or her county or city or town of residence, or through registration outreach programs sponsored by various private groups. Federal registration forms and many State forms are now accessible on the Internet. The National Mail Voter Registration Form, available from the EAC, is the one document that allows individuals to register to vote from anywhere in the United States. (North Dakota does not have voter registration; Wyoming and the four territories do not accept this form; New Hampshire accepts the form only as a request for an absentee voter mail-in registration form.) The form is available at www.eac.gov.[12]

There is more evidence pointing to inaccuracy in voter registration records than there is of outright voter fraud. In 2008, one study estimated that up to 3 million eligible voters were unable to vote because of registration problems and the percentage of eligible voters who could not vote due to registration problems increased from 2% in 2008 to 2.8% in 2012.[13] The Pew Research Center reported in 2012 findings from research it had commissioned that an estimated 24 million registrations across the country were invalid or included serious inaccuracies. Pew also found that more than 1.8 million deceased individuals were listed as voters and approximately 2.75 million people were registered in more than one

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[10] Brennan Center for Justice, "Voter Registration for the 21ST Century," no date, https://www.brennancenter.org/sites/default/files/analysis/VRM_2_Pager.pdf.

[11] Margaret Groarke, 2016, "The Impact of Voter Fraud Claims on Voter Registration Reform Legislation," *Political Science Quarterly*, 131(3): 571-594.

[12] U.S. Election Assistance Commission, "The 2014 EAC Election Administration and Voting Survey Comprehensive Report: A Report to the 114th Congress," June 30, 2016, at 18, https://www.eac.gov/assets/1/1/2014_EAC_EAVS_Comprehensive_Report_508_Compliant.pdf.

[13] The 2008 and 2012 data are cited by Wendy Weiser, Jonathan Brater, Diana Kasdan, and Lawrence Norden, "How to Fix the Voting System," Brennan Center for Justice, 2013, http://www.brennancenter.org/sites/default/files/publications/How_To_Fix_Voting_System.pdf.

state.[14]

During the 2016 general election, there were several reports of voter registration problems. Perhaps the most widely publicized problems were in North Carolina where nearly 7,000 voters were illegally removed from the state's voter registration lists.[15] North Carolina voters also complained that they could not be found on the voter rolls when they showed up for early voting despite having registered with Department of Motor Vehicles.[16]

Security of online voter registration systems also became an issue in 2016 when prior to the presidential election the Indiana Secretary of State claimed that thousands of names and birthdates had been changed in the Statewide Voter Registration System leading to accusations of voter fraud.[17] Other reports of hacking attempts raised concerns about voter registration systems.[18] Also during the 2016 campaign, multiple lawsuits in Kansas challenged suspension of thousands of voters' registrations because registrants did not present proof of citizenship as required by that state's law.[19] (A federal appeals court subsequently blocked inclusion of the proof-of-citizenship requirement on federal voter registration forms in Kansas and two other states -- Alabama and Georgia--which had the same requirement.)

Reports of Russian hacking of voter records have continued to surface months after the election. Although the magnitude of Russian efforts to delete and modify voter records is undetermined at the time of this writing, Illinois, for example, has reported that as many as 90,000 voter records were compromised.[20]

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[14] The Pew Center on the States, "Inaccurate, Costly, and Inefficient Evidence That America's Voter Registration System Needs an Upgrade," Issue Brief, February 2012, http://www.pewtrusts.org/~/media/legacy/uploadedfiles/pcs_assets/2012/pewupgradingvoterregistrationpdf.pdf

[15] Pete Williams, "Judge Says North Carolina Illegally Purged Voter Lists," *NBC News*, November 4, 2016, http://www.nbcnews.com/news/us-news/judge-says-north-carolina-illegally-purged-voter-lists-n677431

[16] Mark Abadi, "Widespread Voting Problems Were Reported in a Critical Swing State," *Business Insider,* November 8, 2016, "http://www.businessinsider.com/north-carolina-voting-problems-2016-11.

[17] John Tuohy, "Top Indiana Election Official Alleges More Voter Fraud," October 18, 2016, http://www.indystar.com/story/news/2016/10/18/state-alleges-more-voter-fraud-names-and-birth-dates-changed-on-forms/92365268/.

[18] Associated Press, "U.S. Official: Hackers Targeted Voter Registration Systems of 20 States," *Chicago Tribune,* September 30, 2016, http://www.chicagotribune.com/news/nationworld/ct-hackers-target-election-systems-20160930-story.html. See also Brennan Center for Justice, "Voting System Security and Reliability Risks," August 30, 2016, https://www.brennancenter.org/sites/default/files/analysis/Fact_Sheet_Voting_System_Security.pdf. *See also* Michael Kan, "Hacked Voter Registration Systems: a Recipe for Election Chaos " *PCWorld.* October 5, 2016, http://www.pcworld.com/article/3127802/security/hacked-voter-registration-systems-a-recipe-for-election-chaos.html.

[19] Bryan Lowry, Kansas Judge Rules 17,500 Suspended Voters Can Cast Ballots in all Races," *The Kansas City Star*, July 29, 2016, http://www.kansascity.com/news/politics-government/article92732812.html; See also Joshua Berlinger, "Judge Strikes Blow to Kansas' Voter ID Requirements *" CNN Politics*, updated May 18, 2016, http://www.cnn.com/2016/05/18/politics/kansas-voter-identification/. See also Spencer S. Hsu, "U. S. Appeals Court Leaves Proof-of-citizenship Voting Requirement to Federal Panel " *The Washington Post*, September 26, 2016, https://www.washingtonpost.com/local/public-safety/us-appeals-court-leaves-proof-of-citizenship-voting-requirement-to-federal-panel/2016/09/26/393be7c6-8407-11e6-ac72-a29979381495_story.html?utm_term=.2d023f10f2bd. See also Colleen Slevin, "Court Considers Kansas Rule that Voters Prove Citizenship, "*U.S. News*, August 23, 2016, https://www.usnews.com/news/us/articles/2016-08-23/kansas-asks-court-to-exclude-voters-over-citizenship-proof.

[20] Michael Riley and Jordan Robertson, "Russian Cyber Hacks on U.S. Electoral System Far Wider than Previously Known," *Bloomberg Politics*, June 13, 2017, https://www.bloomberg.com/politics/articles/2017-06-13/russian-

Voter ID laws, often enacted as a fraud prevention measure, can present problems when voter rolls are not kept up to date. This happens most frequently when a voter has an approved ID card but it does not match information about the voter in the registration files.   That could be one result of voter ID laws which may prove problematic if voter registration rolls have been compromised by hacking or other means.

Concerns about the accuracy of voter registration rolls are not new. States have implemented federal requirements in the past to upgrade the electoral process, particularly with respect to elections of federal officeholders. The 1993 National Voter Registration Act ("Motor Voter Act") set minimum regulatory guidelines for allowing states to remove names of voters from registration rolls under certain circumstances (change of residence, death, and, depending on state regulations, mental incapacity and felony convictions).[21] The Motor Voter Act provided a means for local election officials to ascertain current voter addresses by using the confirmation notice which is sent to registered voters asking them to confirm that they continue to reside at the address on file. States vary considerably in the ratio of confirmation notices sent out, from less than 5% of total registered voters in South Carolina to 36% of registered voters in Arizona for the 2014 election cycle.[22] Confirmation notices are not always deliverable, with reports of high percentages of non-deliverability for the 2014 election cycle in South Dakota (63.5%), North Carolina (51.4%), Oklahoma (35.2%), New York (33.5%), and Florida (32.9%).[23] States were allowed to adopt other measures for voter roll maintenance provided they were uniform, non-discriminatory, and in compliance with the federal Voting Rights Act.

Voter Registration Reform Measures

Following the 2000 presidential election debacle and Florida's problems with the election process, the Help America Vote Act, enacted in 2002, required states to maintain statewide voter registration systems. No federal government agency was designated to maintain, manage, or administer a national voter registry. Unofficially, private organizations such as Electronic Registration Information Center (ERIC),[24] and Interstate Crosscheck,[25] are used by election officials to check registration rolls. However, those systems may lack the rigor necessary to prevent removal of legitimate voters from registration rolls.[26]

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breach-of-39-states-threatens-future-u-s-elections.

[21] The U.S. Department of Justice, "The National Voter Registration Act of 1993 (NVRA)," updated September 1, 2016, https://www.justice.gov/crt/national-voter-registration-act-1993-nvra.

[22] See ftn. 12, at, at 22-23.

[23] Ibid. at 23.

[24] Electronic Registration Information Center (ERIC), "Who We Are," http://www.ericstates.org/whoweare.

[25] Scott Rothschild, "Program Run by Kobach Checks Voter Registration Records of More Than 100 Million People, " LJWorld.com., April 20, 2014, http://www2.ljworld.com/news/2014/apr/20/program-run-kobach-checks-voter-registation-record/.

[26] ERIC has more data points than Crosscheck to facilitate its work in checking voters' eligibility to vote in a given state but it is unclear whether either program reduces the number of unlawful double voting incidents. See Advancement Project, "Questions & Answers: Interstate Crosscheck Program ("Crosscheck") & Electronic Registration Information Center ("ERIC")." Based on publicly available information, August 12, 2015, http://b.3cdn.net/advancement/1d6cccf4b34b9645da_hdm6i29rp.pdf. Indeed, one article using simulations makes the case that data matching systems can inflate the number of double registrations because statistical probability accounts for genuine matches of names and birthdates when voter lists are compared. See Michael P. McDonald and Justin Levitt, 2008, "Seeing Double Voting: An Extension of the Birthday Problem," *Election Law Journal*, 7(2): 111-122.

Despite those efforts, there seems to be some agreement that the voter registration process and maintenance of accurate voter rolls could benefit from additional improvements. However, there may be less consensus on how to address those problems.

Table 3 lists each measure and the number and list of states that have adopted the measure:

Table 3 Registration Modernization Reform Measures	
Measure	**Number of states**
Automatic voter registration	Eight plus District of Columbia
Same-day registration	Fourteen plus District of Columbia
Online registration	Thirty-eight plus District of Columbia
Portability	Twenty-one plus District of Columbia
Source: Brennan Center for Modernization, "Voter Registration for the 21st Century," no date, https://www.brennancenter.org/sites/default/files/analysis/VRM_2_Pager.pdf.	

Automatic voter registration has been the most controversial measure in recent months in large part because it has been adopted and implemented by the fewest states to date. Eight states and the District of Columbia have authorized automatic voter registration (AVR) to date: Alaska, California, Colorado, Connecticut, Georgia, Oregon, Vermont and West Virginia.[27]   The Illinois, New Jersey, and Nevada legislatures adopted legislation to authorize AVR but it was vetoed by the respective governors. In Nevada, an initiative for AVR will appear on the 2018 ballot.

The Brennan Center for Justice advocates the adoption of AVR laws, noting that they would increase accuracy, reduce errors, and enhance security by making the registration process less vulnerable to manipulation than a paper-dependent process.[28]   The nonpartisan National Conference of State Legislators summarizes arguments for and against AVR as shown in Table 4.

Table 4 Arguments for and against Automatic Voter Registration	
Arguments for AVR	**Arguments against AVR**
Automatic enfranchisement. Eliminates voter	Overreach of government to tell citizens what to

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[27] Brennan Center or Justice, "Automatic Voter Registration," June 12, 2017, https://www.brennancenter.org/analysis/automatic-voter-registration.
[28] Brennan Center for Justice, "The Case for Automatic Voter Registration," September 22, 2015, last updated July 21, 2016, at 7, https://www.brennancenter.org/sites/default/files/publications/Case_for_Automatic_Voter_Registration.pdf.

Table 4 Arguments for and against Automatic Voter Registration	
Arguments for AVR	**Arguments against AVR**
concerns over registration deadlines and application submittals	do. infringement of First Amendment Right to free speech
Should lead to cleaner voter registration rolls	Infringement of First Amendment Right to free speech
Should contribute to reduced use of provisional ballots which are more costly and could result in discrepancies with other voter registration information	Potential for fraud as the process may be inadequate to filter out non-citizens' access to state identity cards in some states
May lead to increased voter turnout	No guarantee it will result in greater voter turnout
Source: National Conference of State Legislatures, "Automatic Voter Registration," March 8, 2017, http://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx#benefits auto reg.	

As in the public debate over voter fraud, public attitudes toward registration reform measures split along partisan lines. While a poll by HuffPost/YouGov in March 2015 showed more overall support than opposition to both AVR and same-day voting (over half the respondents supported the two measures), Republicans were markedly less supportive than Democrats.[29] Interestingly, Republicans were more likely to support AVR (53%) than same-day registration (36%), whereas over 7 in 10 Democrats supported both measures. A more recent Gallup poll (August 2016) shows a similar split with 80% of Democrat respondents supporting AVR compared to 51% of Republicans. (No question was asked in that poll about same-day registration.) Despite half of Republican respondents' support of AVR, the measure has nonetheless turned out to be a more politically polarizing issue than has same-day registration.

Coverage in the media reflects the poll responses to AVR, with liberal-leaning sources supporting AVR and conservative media taking a more critical position. An article on Oregon in the New York Times, which has a more liberal readership based on Pew Research Center's categorization, cited that state's AVR law as a success based on the turnout of the 2016 presidential election.[30] Of those Oregonians registered to vote through the AVR process, 43% voted in the 2016 presidential election. Despite the headline, "Automatic Voter Registration a 'Success' in Oregon," the article reached a qualified conclusion: specifically, this was only one election cycle and more data would be needed to draw more robust conclusions about the impact of AVR. Moreover, the article suggested that many people may have registered anyway regardless

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[29] Both in 2016 and 2017 Representative Robert Brady, a Democrat from Pennsylvania, sponsored an AVR bill in Congress. (HR 2694 and HR 2876, respectively)

[30] Niraj Chokshi, "Automatic Voter Registration a 'Success' in Oregon," *The New York Times*, December 2, 2016, https://www.nytimes.com/2016/12/02/us/politics/oregon-voter-registration.html?_r=0.

of the opt-in registration AVR.[31] Other liberal-leaning media outlets, such as the Huffington Post, Mother Jones, Salon, and the Nation, have taken positions to strongly support AVR or criticize gubernatorial vetoes of AVR legislation.[32]

By contrast, the conservative outlets characterize AVR as ripe for abuse. The National Review cites "Automatic voter registration of welfare recipients without local verification checks" among measures that are the product of activist groups funded by George Soros.[33] Code words of "welfare recipients" and "George Soros" were arguably used to build resistance from conservative readers. Fox News described a potential loophole in California's automatic registration law, namely that illegal immigrants can obtain driver's licenses and then become automatically registered to vote under the federal Motor Voter Act. The article points out that California has no separate registration verification system.   While the article cites the Brennan Center's reasons for supporting AVR, its headline, "Experts: California voter registration system 'highly susceptible' to fraud," speaks only to the conclusion that AVR results in abuse of other voter registration laws.[34]

Future Approaches—Any Path Forward?

What is the most effective set of strategies going forward? Perhaps policymakers might focus on measures that are most likely to be supported by the public and by both the conservative and liberal media. Among the registration modernization measures summarized above, online registration has been adopted by a majority of states, some blue and some red o partisan resistance may not be as much of an issue in the remaining 12 states as it would be for other changes.

By contrast, AVR policies are most likely to be polarizing as reflected in the media coverage.   Because so few states have enacted automatic voter registration laws and, as of March 2017, only two states -- Colorado and Oregon -- have implemented them,[35] little is known about the implications for turnout and voter fraud. AVR policies risk generating polarized responses from the politicians and the public which will be echoed in the media much like the reactions that have surrounded voter ID laws.   Specifically, in her capacity as presidential candidate, Hillary Clinton supported AVR in 2015, and Bernie Sanders

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[31] Ibid.

[32] Wendy Weiser and Adam Gitlin, "The Faulty Logic of Chris Christie's Automatic Voter Registration Veto," *Huffington Post*, August 19, 2016, http://www.huffingtonpost.com/wendy-weiser/chris-christie-automatic-voter-registration_b_11615180.html. See also AJ Vicens "Why Doesn't Every State Have Automatic Voter Registration?," *Mother Jones,* May 12, 2016, http://www.motherjones.com/politics/2016/05/automatic-voter-registration-gaining-steam; See also Sean McElwee, "Automatic Voter Registration Isn't a Sexy Topic — but it's Crucial to Democrats and Progressives Regaining Power," *Salon*, February 19, 2017, http://www.salon.com/2017/02/19/automatic-voter-registration-isnt-a-sexy-topic-but-it-is-crucial-to-democrats-and-progressives-regaining-power/. See also Ari Berman, "Texas's Voter-Registration Laws Are Straight Out of the Jim Crow Playbook," *The Nation*, October 6, 2016, https://www.thenation.com/article/texass-voter-registration-laws-are-straight-out-of-the-jim-crow-playbook/.

[33] Referring to findings of J. Christian Adams, a former Justice Department election lawyer in the Voting Rights Section of the Department. See Michelle Malkin, "Be Vigilant for Voter Fraud in November," *National Review*, October 5, 2016, http://www.nationalreview.com/article/440706/voter-fraud-2016-election-integrity-vital.

[34] Malia Zimmerman, "Experts: California Voter Registration System 'Highly Susceptible' to Fraud," *Fox News Politics*, February 1, 2017, http://www.foxnews.com/politics/2017/02/01/experts-california-voter-registration-system-highly-susceptible-to-fraud.html.

[35] Ballotpedia, Automatic Voter Registration, June 2, 2017, https://ballotpedia.org/Automatic_voter_registration.

introduced legislation calling for national automatic voter registration.[36] While AVR has been supported by Democratic presidential candidates it was not endorsed by any Republican presidential candidates. Perhaps if Republican respondents to opinion polls begin to show more support for AVR, politicians and the media may more readily support the measure.

Where do we go from here? The public needs to agree on the objectives of changing registration and voting processes. Media coverage reflects the polarization in this country with liberal sources supporting one set of strategies and conservative sources supporting another based on the leanings of their customers.   In contrast to voter ID laws, voter registration modernization initiatives, such as portability, same-day registration, and online registration, have attracted less media attention in recent months. Perhaps the most effective strategy is to support voter registration modernization efforts that are starting to elicit consensus from policymakers and voters in both red and blue states as well as support from both liberal and conservative media sources.   That may mean broader adoption of portability policies, now embraced by 21 states, and online registration procedures adopted in 38 states and the District of Columbia. It also may mean nationwide adoption of a robust crosscheck database with multiple data points.   In addition, state efforts to utilize more effectively existing voter registration tools such as confirmation notices may yield some benefits.

All these registration reform measures as well as other electoral reform initiatives will require ongoing scrutiny, not only because they are relatively new but because their impact is still uncertain. Complicating matters is the finding that cyber-attacks on voter records in several states occurred leading up to the 2016 presidential election. As a recent study on American election flaws observed: "The introduction of electoral reforms introducing convenience voting may seem like a straightforward 'fix' for low turnout, and the results may be positive, but in practice, any effects need to be carefully monitored, with systematic evaluation research examining the implementation of any new regulations."[37] The words "systematic evaluation research" are particularly critical given the tendency of politicians and their constituents to look for simple explanations for often complicated issues.

As efforts continue to modernize and update voter registration access and processes, we can expect to see more of the same tactics of exaggerated potential voter fraud claims that were used in earlier decades to derail registration reform. The best way to combat such arguments is to ask for proof of effectiveness in reaching the goal of greater integrity of the voting system without adverse consequences.

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[36] Associated Press "Automatic Voter Registration Plan Draws Cheers, Concerns," *Chicago Tribune*, October 18, 2015, http://www.chicagotribune.com/news/nationworld/midwest/ct-automatic-voter-registration-20151018-story.html.

[37] Pippa Norris, "Why American Elections Are Flawed (And How to Fix Them)," Faculty Research Working Paper Series, Harvard Kennedy School, RWP16-038, September 2016, at 16, https://research.hks.harvard.edu/publications/getFile.aspx?Id=1431.