



RESTRICTIONS ON VOTER REGISTRATION DRIVES

Summary

- 54 million eligible Americans are not registered to vote.
- In the 2004 election cycle, non-profit organizations registered millions of Americans to vote, many for the first time.
- Voter registration drives help citizens who face the greatest barriers to voting
- Many states have recently enacted burdensome restrictions on voter registration drives, enforced with heavy fines and criminal penalties.
- These laws require voter registration groups to go through complicated procedures before conducting voter registration drives.
- Many of these new laws have shut down or substantially impeded voter registration drives
- Laws restricting voter registration drives do not address any real problems.

54 million eligible Americans are not registered to vote. More than 25% of the voting-age citizen population is not registered to vote. Among minority groups, this percentage is even higher – more than 30% for African Americans and more than 40% for Hispanics.

In the 2004 election, non-profit organizations registered millions of Americans to vote, many for the first time. In 2004, 49.6 million voter registrations were submitted – 4 million more than in 2000. A large part of this surge was due to non-profit groups, who ran voter registration drives and get-out-the-vote efforts to get new voters interested and engaged in politics. At least ten million new registrations were submitted by larger groups alone, over 20% of the total number of registrations. The total impact of voter registration drives was likely higher; for instance, in one Florida county, almost half of new registrations came from voter registration drives.

Voter registration drives help citizens who face the greatest barriers to voting.

Many non-profit voter registration drives target groups like the elderly or disabled, who may find it difficult to travel to a government office to register to vote or to obtain a voter registration application online; low-income populations and minority communities who have been traditionally disenfranchised; and students who may find it difficult to establish residence and vote where they live. These groups have traditionally faced the greatest barriers to registration and voting.

Many states have enacted burdensome restrictions on voter registration groups, enforced with heavy fines and criminal penalties. Instead of praising civic groups who register voters for their contribution to democracy, many states have cracked down on those groups. California, Colorado, Florida, Georgia, Maryland, Missouri, New Mexico, Ohio, and Washington have each enacted laws that restrict voter registration drives. These restrictions include strict deadlines on voter registration drives, such as New Mexico's requirement that drives turn in forms 48 hours after completion, and requirements, like those in Ohio and Colorado, that individuals pre-register with the state and disclose personal information before helping their neighbors to register to vote. In most states, these laws are enforced by criminal penalties, including jail time, or by steep

finer. The Florida law, for instance, holds individual volunteers and the groups they work for jointly liable for \$250 for each form returned more than 10 days after completion, \$500 for each form received after the state voter registration deadline, and \$5000 for each form not submitted.

Many of these new laws have shut down or substantially impeded voter registration drives.

These new restrictions often have hidden costs for voter registration drives. Many groups are simply unable to comply with the new laws without abandoning or cutting back on their voter registration efforts. These groups review forms for completeness and accuracy. They monitor their volunteers and follow up with voters if they need more information, and with elections officials to guarantee that voters get on the rolls. Tight deadlines can stop this review process, and even a longer deadline is a problem when it is enforced with heavy penalties. For instance, the League of Women Voters of Florida had to shut down operations rather than risk that state's fine scheme: just 14 forms lost in a hurricane or car accident could have bankrupted the organization.

Laws restricting voter registration drives do not address any real "problems."

Some state lawmakers claim that these new laws protect against "fraud" and help voters by ensuring that their forms are submitted on time. The evidence shows that voter registration drives do not change the patterns of when and how voter registration forms are submitted, except by increasing the number of voters who register. In lawsuits in Ohio and Florida, the states have been unable to show that voter registration drives cause any real problems. Instead, all they have shown is that voter registration drives lead to more voters registering, which means that state and county officials have to work harder to process the increase in new voters. That is a good thing – and not something that the state has a legitimate interest in stopping.

THE WORK OF THE BRENNAN CENTER

► **Expanding voter registration through litigation.** The Brennan Center has taken a leading role in developing legal theories to challenge voter registration restrictions. The Center currently represents plaintiffs in two lawsuits challenging these restrictions and has already won ground-breaking legal victories. In *League of Women Voters of Florida v. Cobb* in Florida, the Brennan Center and co-counsel won a preliminary injunction stopping enforcement of a law that imposed heavy fines on voter registration drives for minor mistakes (and could have bankrupted the League of Women Voters of Florida), and that discriminated in favor of political parties. In *Project Vote v. Blackwell* in Ohio, the Brennan Center and co-counsel have also won a preliminary injunction blocking a requirement that would have forced individual volunteers and workers to personally deliver each form to election officials, as well as a burdensome set of rules that applied only to paid voter registration workers.

► **Providing legal analysis and legislative and administrative counseling.** The Brennan Center submitted official comments on proposed new rules in New Jersey and prepared a detailed analysis of New Mexico's voter registration restrictions for advocates and policy-makers. We continue to advise advocates and voter registration groups nationwide, including in New Mexico and Colorado.