
Evidence-based Voter Registration Reforms: Policy Options to Help Increase Turnout in New Mexico

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Background

Free and fair elections are the keystone to a stable democracy, ensuring the will of the people is reflected in policy outcomes produced by elected officials. At a minimum, free and fair elections require that the electorate is able to safely exercise their constitutional right to participate in elections. Voter registration remains one of the biggest and most obvious barriers to political participation in the United States. While voter registration is automatic in most industrialized democracies, the United States requires individual citizens to take the initiative to register to vote. As a result, partisan and non-partisan voter registration organizations, political parties, election officials, and other voters play a big role in registering new voters before each election cycle. Ensuring that eligible voters have reliable, and efficient access to the registration process is an essential priority for protecting the right to vote in New Mexico.

The City of Albuquerque recently concluded a city council election that generated 8.2% voter turnout, the lowest turnout rate of eligible voters since 1974. The October 6, municipal election had a mere 28,846 ballots cast out of the city's 350,072 registered voters. This follows a similarly low turnout for the 2013 Mayoral race, and a school board election that resulted in just 3% of eligible voters turning out. Voter participation is a complex phenomenon influenced by not only individual, but also system level factors. In an effort to increase democratic participation in the state, we focus our attention on two aspects of the election system where we believe changes could yield increased turnout. In this policy memo, we begin with suggested revisions to the voter registration system, with future briefs set to discuss the consequences of New Mexico's closed primary system, municipal voter-ID laws, and other structural barriers to the ballot box.

Implement Automatic and Online Voter Registration

State governments, usually via the Secretary of State or a state appointed election board, administrate voter registration for state and federal elections. Consequently, the process by which eligible voters register to vote varies substantially across the nation. In March of 2015, Oregon became the first state to automatically register any eligible voter with a driver's license.¹ In October of 2015, California followed Oregon to become the second state to automatically

¹ In 1998, Oregon became the first state to conduct elections via vote-by-mail.

register voters.² Other states have implemented same day voter registration, online voter registration, and other policies aimed to make voter registration more accessible to their electorates, recognizing that this increases engagement among citizens. Given the low turnout rates across recent state and local elections, it is time for New Mexico to take more aggressive steps to reverse these trends. If New Mexico implemented automatic registration, a substantial burden for citizens of the state would be lifted.

The National Voter Registration Act of 1993 – often called the “Motor Voter” law – requires that states let citizens register to vote when they conduct transactions with motor vehicle agencies or state benefit offices. But as government services increasingly move online, fewer citizens are using state offices, and the relevance of Motor Voter registration is dwindling. To revive voter registration efforts, online registration options must be incorporated into state government websites. For example, when citizens go online to pay state taxes, update licenses or motor vehicle records, or use state health insurance exchange websites, their addresses and basic voter information should be automatically updated, and eligible voters should be given an opportunity to register to vote.

In April of 2015, a bill to establish online voter registration passed through the New Mexico legislature without a single dissenting vote and signed into law by Governor Susana Martinez. The law stipulates that by January of 2016 voters should be able to update their information online and that by July of 2017, eligible voters should be able to register to vote for the first time using the online system. Specifically, the law directs the Secretary of State that the online registration system should “allow a qualified elector to submit a new certificate of registration form electronically through a web site authorized by the secretary of state or through any computer system maintained by a state agency for electronic voter registration that is approved by the secretary of state; provided that the person is qualified to register to vote and has a current or expired New Mexico driver's license or state identification card issued by the motor vehicle division of the taxation and revenue department.”

While the law does not mandate that the Secretary of State allow registration through websites other than the Secretary of State website, there is an option to include voter registration in other state agency websites. As New Mexico builds its online voter registration system, it will be very important to include voter registration links on other, high traffic state websites. In the ideal, it should move towards making various state databases interoperable, to update voter registration seamlessly and automatically. Most notably, this should be done at bewellnm.com, the New Mexico Health Insurance Exchange.

Moreover, since Internet traffic is increasingly [mobile](#) these days, online voter registration must work well on phones and tablets. Furthermore, to ensure equitable access to voter registration the registration website should work in English, [Spanish](#) and other languages spoken in New Mexico such as the [eight Native American languages recognized by the Secretary of State](#). In order to preserve the voter mobilization efforts of third party groups, who currently bear a large responsibility for registering first time voters, the online system should allow for groups such as political parties, Google, non-profit organizations, and independent developers to build their own

² In June of 2015, Congressional Democrats introduced a bill to implement nationwide automatic voter registration, but the bill is stalled in committee.

apps and [innovate](#). For example, the Presidential Commission on Election Administration Commission has made available Rock the Vote's existing, proven and complete online voter registration source code under an open source royalty-free license at no charge. That code, developed in part by MIT, can be downloaded [here](#).

Move Registration Dates Closer to Election Day

Throughout the United States, registration deadlines vary widely, from up to 30 days before Election Day to Election Day itself. Early deadlines have the effect of preventing some people from voting, especially in states that lack Election Day registration, as interest in the election among the public gets higher as we approach the finish line of the campaign. New Mexico voters must currently register to vote 28 days prior to Election Day. NM's 28-day registration deadline is one of the worst in the nation. As voter registration becomes more accessible with online registration, it is important that New Mexico turn it's attention to the consequences of a 28-day deadline. For example, it is possible that online registration options may result in the assumption that citizens may register to vote at anytime prior to the election, and be eligible to participate. As a result, it is possible that the 28-day requirement will result in several newly registered voters unhappily discovering that they are unable to vote in the next election. New Mexico's registration deadline must be relaxed to ensure that newly registered citizens have the opportunity to exercise their right to vote.

Election Day registration is the gold standard, and is the next logical step for ensuring that all New Mexicans can participate in the democratic process. Evidence suggests that Election Day registration brings modest, but meaningful increases in participation. For example, the 2012 presidential election, four of the top five states for voter turnout all offered same-day registration, and states that allow election day registration consistently lead the country in voter participation. Notably, Election Day registration reduces disparities in voting, increasing the percentage of low-income people in the electorate. As of 2015, 12 states and the District of Columbia permit Election Day registration. Unregistered can arrive at the polling place, show proof of residence, sign an affidavit affirming their citizenship, and register on the spot. Election Day registration has a 40-year track record of success in states such as Maine, Minnesota and Wisconsin.

At a minimum, New Mexico should consider offering Election Day address correction. Eight states allow Election Day address correction – sometimes referred to as portable registration. Portable registration permits voters who have moved within the state, to cast valid ballots at the polling place for their current address, even if they did not update their registrations before Election Day. Unlike Election Day registration, Election Day address correction does not allow first-time registrants, but still facilitates voting for large numbers of citizens. Since renters and young people are more likely to move and to need to re-register, Election Day address correction also reduces disparities in the electorate.

Conclusion

We believe that New Mexico is facing a critical juncture in our state's political history, with substantial reforms needed to engage the electorate in our election process. There is no doubt that we are experiencing a period of sobering civic engagement including levels of turnout so low

that the validity of elections may be called into question. We have opened up a more long-term discussion of efforts needed to address this growing problem in New Mexico with some specific suggestions for changes to our voter registration process in the state. This should start with a carefully planned and timely implementation of on-line registration. This should include making on-line registration accessible on smart-phones and tablets and in multiple languages. In regard to the deadline for registering in advance of an election, New Mexico must relax the 28-day requirement and consider the benefits of same day registration. As a more incremental option, New Mexico could offer a same day address correction, and a registration deadline closer to Election Day. Finally, the most effective approach to facilitate civic engagement would be to make voter registration automatic for all eligible citizens.

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