

Poll watching: Tova Wang on election reform

by [Meg Murphy-Sweeney](#) in the [April 7, 2009](#) issue

Politicians and activists were making sweeping accusations about voter fraud during the 2008 election season, warning that thousands of illegitimate registrations had been submitted and that election theft was imminent. Is the registration system vulnerable to fraud? How can it be improved? Tova Wang is a nationally recognized expert on election reform, coauthor of a report on voter fraud commissioned by the U.S. Election Assistance Commission, and vice president for research at Common Cause, a citizens' lobbying group. I talked to her about the voter registration controversies of 2008 and proposals for improving the voting process.

During last year's campaign season, some people—including presidential candidate John McCain—said that the Association of Community Organizations for Reform Now (ACORN) was trying to steal the presidential election by conducting fraudulent voter registration drives. What exactly was ACORN being accused of doing? Was there any truth to the accusations?

ACORN was accused of committing some sort of election fraud. ACORN pays people to register new voters. It had some workers who, instead of doing the hard work of going out into neighborhoods and getting people to fill out voter registration forms, decided to just fill in names themselves. In almost all if not all of the cases, ACORN, through its own vetting system, identified those registration forms as not having been filled out by real voters. But because the organization is required to turn the forms in to the county registrars—it is not allowed to just rip them up—it sent them in, alerting the registrars to the fact that they were not legitimate. People seized on the fact that these illegitimate cards had been submitted, jumping to the conclusion that there was voter fraud going on.

You get instances in every election where someone will register to vote as Mickey Mouse or Superman. The reality is that—and you can ask election officials and

registrars about this—there has been virtually no case in which a phony registration form has actually resulted in someone voting illegally. It is illegal to submit a phony registration form, but people need to separate registration fraud from voter fraud. It's voter fraud that will impact the outcome of an election, not the type of thing that went on in the ACORN case.

Do you think the people who were raising concerns about ACORN understood this distinction?

Hard to say. We do know that in some places there were plans to challenge the registration of every voter registered by ACORN, and some elected officials were saying that ACORN's practices might throw into doubt the legitimacy of the entire election. There was definitely a lot of political hay being made out of something that was blown out of proportion.

ACORN has problems and ACORN admits that. We all would love to see a day in which we wouldn't need ACORN or any other group to go out on the streets and stand in front of supermarkets doing voter registration. We are virtually the only country in the industrialized world that puts the onus of being registered on the individual citizen. If we could ever come to a day when the government took responsibility for creating and maintaining a voter registration list, the ACORNs of the world could do what they do best, which is other types of community organizing.

There's so much controversy surrounding voter registration drives. Why do we even have them? Can't we just have government agencies register people?

The National Voter Registration Act (called the Motor Voter law) is really the only mechanism through which the government gets involved at all in voter registration, and that law has not been fully implemented. Because of Motor Voter, people have the opportunity to register when they get a driver's license, but that doesn't affect a huge number of people. Citizens are also supposed to be given voter registration opportunities and assistance at agencies that provide public services, but over the last several years the agencies have simply not been doing it. That's started to improve dramatically lately as advocacy organizations have worked with state and local officials and have threatened to sue and have actually sued in some instances to force them to comply with the NVRA. But it's really the Justice Department's job to ensure compliance. We hope that the new administration will make this a priority.

We also heard last year that many registrations were being purged or not being accepted in the first place because they didn't match other government records. What was going on there?

Under the Help America Vote Act, which was passed in 2002, states were required to create statewide voter registration databases and to link those databases with motor vehicle records, vital statistics and other state records so they could make sure that lists included only people who should be on the lists at that time.

In some states, and this was particularly a problem in Florida, if any little thing on your voter registration form didn't exactly match what was in the existing state database—it could be something like a middle name not being used or a number being transposed—the process would reject your form and make you jump through all sorts of additional hoops in order to get your registration processed so you could vote on Election Day. That was never the purpose of that provision of HAVA, and there was no reason to believe that any of these people were not legitimate voters.

Common Cause and other groups were able to step in and ameliorate a lot of the problems. In Florida we got the list of all the people who were in this position, called them and tried to help them through the process to make sure that they were able to vote.

And then there were the people who registered to vote and showed up on Election Day but for whatever reason weren't on the list, and it's unclear why that was the case—it may have been administrative error, or they registered at the Department of Motor Vehicles and it never passed along their registration. There were all sorts of problems. In some instances secretaries of state were illegally purging people from registration lists in violation of the Motor Voter law. Certainly the main culprit in the denial of voting rights in 2008 was problems with voter registration.

Does the option of early voting give people a chance to clear up problems with their registration?

That is one of the advantages of early voting. But the best way to deal with the problem is with same-day registration, which permits you to register at the same time you vote, even on Election Day. This option is now available in nine states. It works beautifully. It eliminates all the problems that may arise due to registration errors.

If your name's not in the poll book and your state doesn't allow you to fix your registration, don't you get to cast a provisional ballot?

You do, but there's a pretty significant chance that the ballot won't be counted. Each state has a different process for deciding whether to count a provisional ballot, and the process can even vary county by county. In many places if it turns out that you voted in the wrong precinct—whether that was your fault or because someone at the polling place directed you to the wrong table—your provisional ballot will not count.

In states that allow registration on Election Day, what happens if you come to the polls and your name is not on the books?

You just reregister. That's not the main function of Election Day registration, but it's certainly one of the fringe benefits of it: that errors can be rectified in such a way that you would be able to vote by regular ballot if there was an error in the processing.

Would somebody be able to go to multiple polling places and register to vote? Do states with Election Day registration risk having people vote more than once?

Different states have different ways to prevent this—like requiring some form of identification if you're registering to vote on Election Day. It's very stupid to vote in more than one place anyway because you'll probably get caught, and it's a felony that will get you up to five years in prison. Cases of voting more than once are extremely rare.

I understand that Common Cause and some other organizations have been calling for universal voter registration. How does that work?

A better term for it is automatic permanent registration. Under such a system, the government gets people on the rolls in the first place and then keeps them on. At the outset the existing voter registration lists would be supplemented by other government databases that already have all the information necessary for registering voters. That information would be downloaded into a single voter registration list. At every point of their interaction with the government, citizens who are unregistered would be put on the registration list unless they opted out.

Then if you moved, at least within a state, you wouldn't have to fill out a new registration form. Your change of address with the postal service or the DMV, for example, could automatically update your registration status. Your voter registration would essentially become portable.

So the current system hurts people who move a lot because each time they move their registration can become invalid?

Yes, and this especially affects urban people, people with lower income, to some extent minorities, people who are not homeowners, students. Registrations can become invalid for people whose homes are in foreclosure; that was a big concern last year. The United States is a highly mobile society. Huge numbers of people move every year—even when there isn't a mortgage crisis.

Would automatic permanent registration make it too easy for noncitizens and other people who are ineligible to vote to wind up on the rolls?

Nothing about automatic permanent registration would make it any easier than it is now for noncitizens to get on the rolls. All the protections that are in place now would remain under such a system. For all the talk by some, it is an extremely rare occurrence for a noncitizen to register, and when it does happen, it is usually a completely innocent mistake. And the rare case of a noncitizen getting on the registration list almost never results in that person actually voting. With the threat of jail time and certain deportation, the last thing a noncitizen wants to do is show up at a polling place on Election Day.

We need to start taking a cue from what other industrialized countries, like Canada, have done for decades and put the responsibility on the government to do its part to make voting accessible to people. Automatic permanent registration would be an enormous step in that direction.