

EXPANDING VOTING RIGHTS

THE PROBLEM

America's arcane voter registration system, along with other barriers to voting, hinders democratic participation and voter turnout. Voter turnout in the United States remains low compared to other democracies. In the 2016 presidential election, only 60.2% – 139 million – of eligible Americans voted¹ and 92.6 million eligible voters did not.

Voter turnout is dramatically lower in non-presidential and non-federal elections. In the 2014 election, just 36.6% of eligible citizens voted, the lowest in a midterm since World War II.² Mayors are often elected with single-digit turnout and scholars estimate that local elections generate an average turnout of approximately 25-30% of the voting age population.

Moreover, more than a decade of attacks on voting rights and democratic participation by state legislatures and the Supreme Court have added additional barriers to voting in many states including voter ID requirements, restrictions on non-profit voter registration drives, and reduction of early voting and polling places on Election Day. These restrictions have a disproportionate impact on young voters, low-income voters, and voters of color.

The economic dimension of this problem is significant: in 2014, "only 36% of those whose family income was less than \$50,000 turned out, compared to 64% of those from households earning more than \$75,000."³ This gap in voting is aggravated by the influence of corporate lobbying and spending on elections and has profound consequences for public policy. A recent study of congressional votes "reported that legislators were three times more responsive to high-income constituents than middle-income constituents and were the least responsive to the needs of low-income constituents."⁴

THE SOLUTION

A wide array of policies to increase voter participation should be adopted by state governments, including automatic voter registration, same-day registration, expansion of early voting and no-fault absentee and vote

by mail statutes, voter registration modernization, and restoration of voting rights for formerly incarcerated citizens.

But cities and counties have a key – and underappreciated – role to play in this movement. When it comes to voter registration and voting, counties and cities are where the rubber hits the road – where voters are registered, election machinery is operated, and voters cast their ballots. And cities are where people live; 48% of US residents live in the 35 largest metro areas. Changing voting policies in large cities can potentially expand access to voter registration and voting for tens of millions of people.

Innovative local leaders can adopt reforms that will facilitate increased civic participation, strengthen the responsiveness of local government to community needs, and provide models for state and federal reform.

Moreover, in the aftermath of the 2016 election, we expect new attempts in Congress and in some states to further restrict access to registration and the ballot, including congressional attempts to federalize voter restrictions like voter-ID and proof-of-citizenship and more aggressive voter suppression laws in several states. Although cities and counties cannot directly reverse the restrictive voting laws passed by the state legislatures or Congress, some jurisdictions have legal authority to expand access to voter registration and the ballot box for local residents. The following represent some examples of creative solutions that cities have adopted:

FACILITATE AND INCREASE VOTER REGISTRATION

Local Agency Registration: City and municipal agencies, as public entities should integrate voter registration as part of all their agency transactions. As an example, in December 2014, **New York City** (NYC) passed two pieces of legislation that strengthened the city's Pro-Voter Law and expanded voter registration opportunities in the city. Only half of NYC's 8.5 million residents are registered to vote. One of the laws ensured that NYC public agencies covered by the Pro-Voter Law, but currently

in gross noncompliance,⁵ will be required to offer New Yorkers the opportunity to register to vote as part of their agency transaction. City agencies must also comply with requirements for language access and training for agency staff.⁶ Twenty-six NYC agencies are currently required to offer voter registration, provide voters assistance in completing registration applications, and increase language assistance for limited-English-proficient citizens. Instead of shying away from a diverse voting populace, NYC has embraced access, as a model for cities across the country. Specifically, all cities should ensure that voters are given the opportunity to register at public libraries, community centers, police stations, housing departments, and the other places where citizens interact with municipal government.

Renter Registration: Cities and counties can make voter registration easier. **Madison, WI** and **East Lansing, MI** adopted ordinances requiring landlords to provide their tenants with voter registration forms.⁷ These laws will help the cities' large number of college students register and stay registered to vote. Such requirements are also valuable because renters are disproportionately lower income and/or people of color.

High School Registration: Local governments can also play a key role in ensuring that high school students register to vote when they become eligible. For example, in **Broward County, FL**, the Supervisor of Elections conducts an annual high school registration drive, which in 2016 registered approximately 12,000 students.⁸ School boards can support voter registration efforts by requiring opportunities be available for high-school students on school grounds.

EXPAND THE FRANCHISE TO NEW VOTERS

Pre-Registration of High School Students: In some states, municipalities have the legal authority to set voter eligibility requirements for local elections. Youth Voting: Fifteen states and Washington, D.C. permit 16- and/or 17-year olds to pre-register to vote, so that they will be eligible to vote at the first election after they turn 18.⁹ Where legally possible, cities should move further and fully enfranchise youth, as **Takoma Park, MD** recently did.¹⁰ Research shows that voting is habitual and that norms related to political participation in high school have lasting impacts, so that promoting participation among 16- and 17-year-olds will increase turnout for years to come.

Restoring Voting Rights for Formerly Incarcerated Citizens: Approximately 5.3 million Americans in 48 states are denied the right to vote because of a past felony conviction.¹¹ Many of these policies were adopted after the Civil War with the explicit purpose of disenfranchising ex-slaves. These laws continue to have a tremendously harmful impact: 13% of black men are disenfranchised—7 times the national average.¹²

Takoma Park granted all previously incarcerated felons

the right to vote in municipal elections once they complete the prison sentence, before the State of **Maryland** recently restored voting rights to all people with felony convictions upon release from incarceration.¹³ In **Minnesota**, law restores the right to vote to ex-felons after completing probation or parole but the state does not provide individuals with notice when their rights have been restored. **Minneapolis** adopted a "Restore Your Voice" initiative to "inform disenfranchised ex-felons of their voting rights."¹⁴

PUBLIC FINANCING OF LOCAL ELECTIONS

The overwhelming evidence is that our system of campaigns funded by private dollars skews public policy in favor of the wealthy and forces elected officials to spend time raising money instead of focusing on governing. This system also distorts political representation, limiting who can run, who can win and who governs.

Cities and states cannot ban political spending, but they can reduce the outsized influence of wealthy contributors and democratize campaign funding through public financing. In **New York City**, candidates for mayor and city council receive \$6 in matching funds for every \$1 that they raise from a city resident (up to a limit of \$175 per resident). Candidates who participate in the program commit to limit their total spending. The program reduces the influence of moneyed interests, permits middle-class candidates to run competitive races and win, and engages a broader segment of the population in the electoral process.

LANDSCAPE AND RESOURCES

The **Center for Popular Democracy** works with national partners, base-building organizations and state and local allies around the country to defend and expand voting rights at the local and state levels. **The Brennan Center, The Pew Charitable Trusts Elections Initiative**, and **Demos** have excellent resources on voter registration modernization and campaign finance reform. The Brennan Center also has examples of cities and municipalities that have implemented early voting and on cities trying to support voting capacity, such as Los Angeles, as they work to design their own system. For cities looking for ballot design ideas, The Brennan Center offers examples from Florida counties that are working to increase ballot usability. **CIRCLE** has valuable information on youth participation.

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