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**Expanding Access to the Vote: An Analysis of Voter Registration Reform in
the United States, 1970-93**

by
Margaret M. Groarke

A dissertation submitted to the Graduate Faculty in Political Science in partial
fulfillment of the requirements for the degree of Doctor of Philosophy, The
City University of New York

2000

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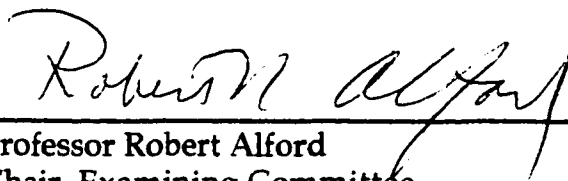
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This manuscript has been read and accepted for the Graduate Faculty in Political Science in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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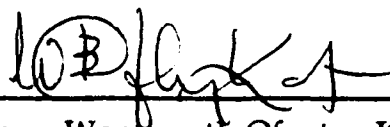
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Abstract

**Expanding Access to the Vote: An Analysis of Voter Registration Reform in
the United States, 1970-93**

by

Margaret M. Groarke

Advisor: Professor Robert Alford

The National Voter Registration Act (NVRA), which dramatically simplified the process by which Americans register to vote, is significant because of the long and unresolved debate, among both academics and policy practitioners, about why voter participation is so low in the United States. It was also significant because it reversed the steps taken at the turn of the century to require personal registration, a uniquely American phenomenon that bears some of the blame for our low voter turnout. We cannot separate institutions and laws, from the political process that created them, and just as there were political motivations for instituting registration, there were political interests at work in the debate over easing those requirements. It is commonly believed that Democrats will support registration reform legislation, but this dissertation demonstrates that Democratic support was tempered by their reluctance to change the rules of the game under which they were elected. Two related factors appear to have played significant roles in overcoming the reluctance of legislators: the persistent lobbying of a coalition of public interest groups, and the state-level reform of voter registration laws (often at the insistence of the public interest groups).

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I met Jordan Moss as I was beginning the research that led to this dissertation, and he became my friend and partner. It's hard to imagine having done it without his support. I look forward to accompanying him through his first book, and the many projects we will undertake in life together.

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List of Abbreviations

ACLU – American Civil Liberties Union

ACORN – Association of Community Organizations for Reform Now

DLC – Democratic Leadership Council

DNC – Democratic National Committee

EDR – Election Day Registration

FEC – Federal Election Commission

Human SERVE – Human Service Employees Registration and Voter Education

LCCR – Leadership Conference on Civil Rights

LWV – League of Women Voters

MALDEF – Mexican American Legal Defense and Education Fund

NAACP – National Association for the Advancement of Colored People

NASS – National Association of Secretaries of State

NVRA – National Voter Registration Act

PAC – Political Action Committee

PFAW – People for the American Way

RNC – Republican National Committee

SCLC – Southern Christian Leadership Conference

US PIRG – United States Public Interest Research Group

VAP – Voting Age Population

VRA – Voting Rights Act

Chapter 1 Introduction

When he signed the National Voter Registration Act into law in 1993, President Clinton said, "The victory we celebrate today is but the most recent chapter in the overlapping struggles of our nation's history, to enfranchise women and minorities, the disabled and the young, with the power to affect their own destiny and our common destiny by participating fully in our democracy"(White House, 1993). The law, scheduled to go into effect in 1995, required most states to offer voter registration as part of the regular application process in motor vehicle agencies, public assistance agencies, agencies serving the disabled, and by mail. A handful of states were declared exempt because they already had election day registration or did not require prospective voters to register at all. While opponents of the law minimized its likely impact, proponents expected that some 40 million additional persons would register and vote by 1998.

As the signing ceremony began, those in attendance heard the recorded voice of Lyndon Johnson, speaking as he signed the Voting Rights Act into law in 1965. Sitting in the audience were relatives of the late Senator Gale McGee (D-WY), who had fought hard for a national postcard registration system in the early 1970s. Their presence, and Johnson's voice, were reminders that the recent efforts to facilitate the voter registration process reached back at least three decades. It was the latest step toward a more open

electoral process, and in some ways a reversal of a previous and retrograde step.

Registration was not always required for voting in the United States; the states began to require registration in the closing decades of the 19th century. The design of registration systems in the states exerted a great, though often silent, influence on which persons were able to exercise their franchise. As Stanley Kelley, et al, wrote: "Electorates are much more the product of political forces than many have appreciated . . . Within limits, they can be constructed to a size and composition deemed desirable by those in power" (Kelley et al, 1967, 375).

The voter registration systems most obviously designed to disenfranchise were those enacted in Southern states after passage of the 15th Amendment. Between 1871 and 1910, Southern states replaced race-based restrictions on the vote with registration requirements, literacy tests, poll taxes, white primaries and other mechanisms intended to prevent African-Americans from voting. Although several Southern states enacted grandfather clauses, good character clauses and other mechanisms for allowing illiterate or poor whites to vote, Kousser convincingly argues that Southern Democrats also intended to disenfranchise poor white Republicans (Kousser, 1974).

Northern states, too, enacted registration requirements at the turn of the century. They also established citizenship requirements for the franchise and instituted the use of the non-partisan Australian ballot to replace the

individual party ballots previously used. The efforts to pass these laws were framed in terms of preventing election fraud. Episodes of fraud, some of them outrageous, are reported in the literature, but it is impossible to determine how widespread fraud was. Was the drop in turnout at the turn of the century an artifact of the elimination of fraudulent votes, or were legitimate voters disenfranchised? Even Philip Converse and Jerrold Rusk, who argue that fraud was pervasive, admit that the “unintended effect . . . was to put up an additional barrier to the vote, eliminating many honest votes on the part of marginally involved citizens” (Converse 1974, 1040). Walter Dean Burnham argues that the 19th century turnouts were real, and that the sharp decline in party competition after the election of 1896 is responsible for the 20th century turnout decline, and argues that personal voter registration was a “highly significant intervening variable” in that process (1974, 1012). Agreeing with Burnham that the 19th century turnouts were real, and that declining party competition discouraged voters, Piven and Cloward persuasively argue that voter registration systems must be seen as a political construction by which the demobilization that occurred at the turn of the century survived once political competition returned (1988, 96-112). Whether intentionally or not, those who proposed personal registration and other electoral reforms must have known that such measures would discourage voters. The personal registration requirement was a procedural obstacle to the franchise; otherwise eligible citizens who had failed to fill out the appropriate form by the appropriate date would not be permitted to vote

in an election. Whether those involved intended to disenfranchise voters, as is abundantly clear in the South, or whether, as in the North, poor, illiterate and immigrant voters were the intentional or unintentional victims of a drive for reform, it is clear that cumbersome voter registration procedures decrease voter participation. As a contemporary observer noted:

The object of the registration law is to prevent illegal voting by providing in advance of election an authentic list of the qualified voters. Necessarily an efficient system of registration must involve a certain amount of inconvenience to voters, and probably under the best system that could be devised some qualified electors would lose their votes through inability to avail themselves of the opportunities or to comply with the conditions of registration. (Mack, 1905: 302)

Just as it was clear in that era, it has been proven time and again by political science research: easing registration would have at least a modest impact on voter participation. In Who Votes?, Wolfinger and Rosenstone predicted that if every state eliminated closing dates, kept registration offices open 40 hours a week, plus some weekends or Saturdays, and made absentee registration available for the sick and disabled, "turnout would increase by approximately 9.1 percentage points"(1980: 72-3). G. Bingham Powell used a comparison of the U.S. with 20 industrialized democracies to show that while favorable citizen attitudes made Americans 5% more likely to vote, turnout in the United States is reduced 13% by the party system, and 14% by registration laws (1986: 35). In 1987, Curtis Gans estimated that "More than six million voters might be added to the rolls if election day registration were adopted in all states" (Committee for the Study of the American Electorate,

1987). A study completed before passage of the National Voter Registration Act of 1993 predicted that its provisions—mail registration and registration in motor vehicle bureaus and other government agencies—would increase registration by about 13 percentage points and turnout about half as much (Knack, 1993).

The National Voter Registration Act was the most recent of several attempts to make voter registration easier. Senator Gale McGee, a Democrat from Wyoming, tenaciously advocated postcard registration in the early 70s. During the 1976 presidential campaign, the groundswell of enthusiasm from Congressional Democrats for postcard registration was supported by Presidential candidate Jimmy Carter. Once elected, Carter made election day registration (EDR) one of the reforms for which he pledged to fight. Despite a Democratic majority in Congress, he never succeeded in making his proposal law. Representative John Conyers and some civil rights organizations continued the call for EDR over the next decade, although they were not successful in getting it placed high on the congressional agenda. Then in the late 1980s, civil rights groups, good government groups, and voting rights organizations came together as a coalition to work for national voter registration reform. They began with a proposal that included election day registration, mail registration, and registration in government agencies. Their work resulted in the passage of the National Voter Registration Act in 1993.

While the NVRA did not abolish personal voter registration, nor impose on the government (rather than the citizen) the obligation to register

all eligible voters, it does obligate the government to significantly increase citizens' opportunities to register. Why, after a century of personal registration requirements, and three decades of reform efforts, was it possible to reform the voter registration system in 1993? To answer this question, we must look at the ways social scientists have explained expansions of the franchise.

Granted, no new groups within the population gained the right to vote as a result of the legislation. But just as the imposition of registration requirements, and other changes in electoral laws which had the effect of reducing registration and participation in elections, were restrictions of the franchise, the elimination of such provisions, or their replacement with less onerous requirements, must be considered expansions of the franchise.

EXPLAINING EXPANSIONS OF THE FRANCHISE

Developmental Theories

While a universal and effective franchise is central to democracy, its development has not been simple. The franchise was extended slowly over time, at different times in different countries, and was sometimes reversed. Several factors have been identified by social scientists as important in explaining the expansion of the franchise — the evolution of ideas about citizenship, public opinion, modernization and prosperity, the interests of state-building elites, political parties, social movements, and interest groups. A review of this literature will allow us to see which factors hold promise for

explaining the path of voter registration reform in the 20th century United States.

T.H. Marshall's essay "Citizenship and Social Class" is the classic statement of the evolution of the ideas of citizenship, and of the rights of citizenship. Marshall describes what he calls the "modern drive toward social equality" (1965: 78) which has occurred in three distinct phases — the establishment of civil rights in the 18th century, political rights (including the vote) in the 19th century, and social rights in the 20th. To replace the personal relationships of feudal society, modern society invented citizenship: "A uniform collection of rights and duties with which all men — noble and common, free and serf — were endowed by virtue of their membership of the society" (79). Gradually, additional elements are added to the rights that inhere in citizenship. Alexis deTocqueville was even clearer in declaring the inevitability of universal suffrage: "Once a people begins to interfere with the voting qualification, one can be sure that sooner or later it will abolish it altogether" (Tocqueville, 1969: 59). Neither Marshall nor Tocqueville identifies the agent or mechanism that causes the move from one stage in the development of rights to another. The evolution of rights would seem to predict a similar trajectory in Europe and the United States, yet women in the United States got the vote before women in most of Western Europe.

Such an evolutionary theory does not adequately explain the expansions and contractions of voting rights that make up the history of voter registration in the United States. The most glaring example is the

history of racial restrictions on voting rights. After the Civil War, the Fifteenth Amendment prohibited racial qualifications for voting rights. Eric Foner estimates that almost ninety percent of blacks voted in southern states during Reconstruction (1988, 291). After Reconstruction, Southern states replaced race-based restrictions on the vote with registration requirements, literacy tests, poll taxes, white primaries and other mechanisms intended to discourage blacks and poor white Republicans from voting (Kousser, 1974).

Attempts to identify the prerequisites of democracy through comparative quantitative analysis have found another kind of evolutionary argument: that modernization and prosperity encourage the growth of democracy. S.M. Lipset's "Some Social Requisites of Democracy: Economic Development and Political Legitimacy" presents economic development and political legitimacy as "structural characteristics of a society which sustain a democracy" (1969: 153). Using indices of wealth, industrialization, education and urbanization to examine 49 nations of Europe and Latin America, Lipset argues that wealthier nations are more likely to sustain a stable democracy, and that each of the other factors is also positively related to democracy. Critics have argued that these factors may distinguish the advanced democracies from the lesser developed countries, but do not differentiate among the advanced democracies—most of these countries have identical perfect scores on the democratic variables, but widely divergent levels of wealth, education and communications (Neubauer 1969, McCrone and Cnudde 1969). If, as McCrone and Cnudde suggest, modernization and wealth

is a threshold condition for the development of democracy, the United States long ago reached that threshold.

Another major factor believed to help explain the expansion of the franchise has been the role of state-building elites. The need to maintain legitimacy and the need to mobilize for war influence state elites to extend the franchise to new groups.¹ As evidence of state elites' use of the franchise to consolidate power, Stein Rokkan points to the extensions of the suffrage in 1867 by two great Conservative leaders, Disraeli and Bismarck. Their actions, Rokkan says, were "motivated by a profound belief that the entry of the working classes into the electorate would strengthen the unity and stability of the nation state" (Rokkan, 1970: 31). By extending the vote to the lower classes, these Conservative leaders hoped to integrate them into the national community in an orderly fashion. Bismarck and Disraeli feared that segments of the populace left out of the political community would be vulnerable to the appeals of left-wing parties. Their primary purpose in extending the franchise was not to give voice to the frustrations of the working classes, but to enlist their support. State-building requirements — chiefly the need for legitimacy and war mobilization — are factors of particular importance in the early years of nation-building, but have been seen to be applicable to more established nations as well. Similar arguments have been used to explain why 18-21 year olds won the vote during the Vietnam War (Eshleman 1989, 10-13,

¹ A good review of this work, which I drew on more heavily than may be evident, is Alford and Friedland's Powers of Theory, chapter 11, "The managerial perspective on the democratic state."

Congressional Digest, 1970). As Senator Jacob Javits (R-NY) expressed it,

Self-styled student leaders who urge such acts of civil disobedience would find themselves with little or no support if students were given a more meaningful role in the electoral process (U.S. Congress 1968, 11-12).

It would be difficult to find a relationship between war mobilization and the National Voter Registration Act. The legitimacy of the government was an issue, however, to the extent that declining voter participation signified a loss of legitimacy in the eyes of the American people. This was a point frequently made in Congressional speeches and in newspaper editorials, and in later chapters I will give the evidence that concern with decreasing turnout fueled interest in voter registration reform.

The Role of Political Parties

Elites rarely form a monolithic group, let alone a single "ruling class." Landed elites and financial (or mercantile) elites, regional elites, state elites and business elites are sometimes allied and sometimes divided on crucial issues, including the franchise. Among the elite theories are those that focus attention on the divisions among political elites—the political parties—and among the groups and interests, elite and non-elite, that support them.

Political parties need to mobilize voters to win elections, and one way to do that is to expand the universe of potential voters. Consistent with his ideas regarding the scope of conflict, E.E. Schattschneider credits parties with expanding the electorate in their efforts to compete with one another. In Schattschneider's view, parties are the main engine of expansion: "In the

search for new segments of the populace that might be exploited profitably, the parties have kept the movement to liberalize the franchise well ahead of the demand"(1942: 47). The motivation, then, for political parties to empower a constituency is that it serves to build the power of the party against its competitors.

Stein Rokkan, in discussing the role of state elites, also notes that competition was a powerful motivation: "the decision to extend the vote was not uniformly a response to pressures from below, it was as often the result of contests for influence at the top and of deliberate moves to broaden the bases for an integrated national power structure"(Rokkan 1970: 31). The debates in national legislatures over extensions of the franchise were, Rokkan notes, often bitter, and turned on questions of what the likely effects would be for the balance of power among parties, and on the methods that could be used for controlling and channeling the new electoral forces.

Parties may not always see expansion of the franchise as their most advantageous strategy. Unlike attempts to explain the expansion of the franchise through economic development or the evolution of ideas, a focus on the role of parties leaves open the possibility of backward steps. Just as parties can extend the vote to their supporters in an effort to consolidate their power, parties who have gained power in a divided society may find it useful to disenfranchise their opponents, as the Republicans did in 1865 by disenfranchising those who had served or supported the Confederate Army (Cunningham 1991: 374), and Southern Democrats did by disenfranchising

blacks after Reconstruction (Kousser 1974). A particular extension of the right to vote will likely favor one party over another, as Rokkan notes, and the party which expects to lose out may try to obstruct its expansion. Parties seem to find it more difficult to advocate limiting the vote than extending it — probably because there is greater possibility of resentment on the part of the newly disenfranchised, and if a party tries and fails to curtail voting privileges, the targets of their efforts may retaliate in the next election. Given the potential dangers to parties of fiddling with the franchise, it seems likely that parties would choose it as a strategy only when other factors pressure them to do so — for example, demands from the disenfranchised.

Which parties, then, will choose to expand the electorate, and when? In his work on party mobilization strategies, Martin Shefter offers a framework for understanding when and why parties choose to mobilize new voters. While the broad term "mobilization" is frequently used to refer to strategies to activate those who are already enfranchised, it is clear from the examples he uses (the construction of the German Social Democratic Party, the American civil rights movement) that Shefter is primarily referring to "the entry of new voters into the political system" (Shefter 1984: 144). Political parties in power can extend the franchise to new groups, or facilitate access to the franchise; political parties in opposition can advocate for the expansion of the franchise; parties both in and out of power can mobilize the enfranchised to participate. But mass mobilization is neither easy nor risk-free, and Shefter says that only parties which face substantial opposition and

lack other means of gaining or retaining power will choose to mobilize a large popular following (Shefter 1984: 140).

Parties are formed, Shefter says, either by leaders who do not have power but wish to obtain it ("externally mobilized"), or by leaders who occupy positions of power but need popular support to maintain power in the face of external opposition or internal divisions ("internally mobilized"). Externally mobilized parties which have limited resources are particularly likely to try to organize a mass following in order to substitute numbers for their other deficiencies. Parties of the left, which seek to represent the working class, typify this situation: while their potential supporters are numerous, their financial resources are limited, and such parties need to rely more heavily on collective action to achieve their goals (Shefter 1984: 141).

Parties that are in power, by definition, have strategic alternatives to mass mobilization—they may repress their opponents, or they may co-opt them. Shefter identifies four conditions under which internally mobilized parties would choose to mobilize: (1) if "serious cleavage opens up within the political class which divides it along functional or sectoral lines," and which is difficult to compromise; (2) If they can insulate themselves from displacement; (3) if "no single public or private institution so completely overshadow all others in civil society that politicians are able to maintain themselves in power simply by allying themselves with it"; (4) if they cannot intimidate opponents, as in situations where they need active loyalty, not

sullen acquiescence (i.e., war mobilization) or when the disapproval of foreign nations would be costly. (Shefter 1984: 145).

One problem with using Shefter's framework is that it is difficult to distinguish clearly between externally and internally mobilized parties, or outsider and insider parties. Particularly in the American system, where federalism and the separation of powers allow both parties to hold significant power at the same time, it is difficult to define either the Democratic or Republican Party as insiders or outsiders. Since the New Deal, it has been popularly believed that the Democratic Party — the "party of the common man" — wants to enfranchise more of its supporters (poor, young, Black, Hispanic) and meets resistance from the Republican Party. When Jimmy Carter was running for president, the Democratic Party pushed for national postcard voter registration, behavior Shefter might expect from an outsider party — yet the Democrats then held majorities in both houses of Congress. The party in power in the legislative branch, they were the party out of power in the executive branch, and some Democrats thought postcard registration could deliver them the White House. Yet Democratic enthusiasm for voter registration reform was not always high: Senator Gale McGee, an early Democratic champion of voter registration reform, had to use a filibuster against the Democratic Senate leadership to bring his bill to the floor in 1973. Elected representatives of both parties know their future depends on their ability to win reelection, and thus are wary of doing anything to upset the electoral arrangements that have worked for them in the past.

Parties can be seen as both insiders and outsiders because parties are not monolithic entities. As Schattschneider wrote, "American parties are loose leagues of state and local party bosses for the purposes of electing a president" (Schattschneider 1970, p.83) and intra-party conflict over mobilization strategy may be one result. Some members of Congress are likely to be more concerned with the effect of easier voter registration procedures on their own re-election, or on politics in their home state, than the impact on Congress or the race for the White House. The President, the highest elected official of his or her party, may try to influence votes in Congress on registration reform legislation, can decide to sign or veto the legislation if it passes, and depending on the specific legislation passed, may have some discretion in deciding how vigorously to implement it.

This dissertation will explore the conflicting party interests which made the fight for the NVRA such a long one, and suggest an extension of Shefter's analysis to recognize different interests within a party — national party vs. state party, liberal vs. conservative party factions — which lead to different interests with respect to the franchise.

The Role of Movements and Interest Groups

The role of popular forces—movements, pressure groups, and public opinion—has received much less attention than the role of elites. Popular forces have often demanded the franchise, but few scholars consider popular demands decisive elements in winning the vote. Goran Therborn, in whose work movements figure more prominently than in most of what has been

written on the franchise, clearly states, "Bourgeois democracy has always succeeded mass struggles of varying degrees of violence and protractedness"(Therborn 1977). In his brief historical summaries, there is frequent mention of working-class strikes demanding the franchise, some with the support of Liberal or Labor parties. Therborn also credits the "enormous role of the labor movement" and specifically the Second International (Therborn 1977: 23). But he just as emphatically argues: "The fight of the working class for universal suffrage and freely elected government was never by itself sufficient to enforce the introduction of bourgeois democracy" (Therborn 1977: 31).

Those writing about particular 20th century expansions of the franchise do give considerable weight to the role of movements. The American women's suffrage movement and the various pressure groups that participated in it get most of the credit for achieving the female franchise (Evans, 1989; Catt, 1923). Referring to the SCLC's voter registration campaign in Selma, Alabama and the violent reaction to it, David Garrow writes, "The events of Selma . . . heavily influenced production of the Voting Rights Act of 1965"(Garrow, 1978: 135). Yet he, like Therborn, asserts that other factors also played a crucial role; "Scholars have suggested, often without equivocation, that had it not been for Selma, there would have been no Johnson administration initiative on voting rights in 1965. Such an account certainly is not implausible, although when the actual evidence is weighed, it is clearly incorrect"(p. 133).

There was no mass movement in support of voter registration reform during the period of my study, although organized interests advocated reform. These organizations can be described as public interest groups: "organizations working in a policy area of benefit to the whole community"(Wilson 1981, p. 83). How effective are such groups in pressuring for legislation/ policy change? Public interest groups have certain advantages: their goals are generally ones which, in theory at least, society in general favors (ie., democracy, a healthy environment); to the extent that they are membership organizations, their membership is more active than most, and can be mobilized for letter-writing or phone-calling campaigns; they generally have good press relations and have learned to make effective use of litigation(Wilson, p. 93-5). Many are tax-exempt non-profit organizations, which facilitates fundraising, but can also be a hindrance to policy-influencing activities. Tax-exempt non-profits cannot engage in partisan political activity, cannot make campaign contributions, and their direct policy advocacy is limited (Shaiko in Cigler and Loomis 1991, p. 109).

Scholars tend to agree that the influence of public interest groups, which achieved many victories in the 1960s and early 1970s, has declined since the late 70s (Wilson 1981; McCann 1986; Cigler and Loomis 1991). Influence has declined because of declining membership, the counter-mobilization of business opposition, and conflicts between competing groups, which weakens the perception that they speak for the public interest(Wilson, p. 99-100). To these, McCann adds renewed conservatism in congress, greater

public concern with economy and crime, losses of private foundation funding, and direct attacks on public interest groups launched by the Reagan Administration(McCann, p. 127).

The scholarly literature on the recent influence of public interest groups would not lead us to expect that public interest groups played a significant role in voter registration reform. However, the intensity of interest group involvement in the campaign for the NVRA, as opposed to the slight to moderate involvement of such groups in earlier campaigns, makes their role seem worthy of closer examination.

The Role of Public Opinion

Broad shifts in public opinion about political participation or social equality—or shifts in the opinions held by pivotal constituencies—may translate into popular support for measures to expand participation. This may be one possible mechanism for Marshall's "modern drive toward social equality". Eileen McDonagh(1992) demonstrates the influence of public opinion on legislative votes in the Progressive Era in the United States. One of the three issues she studies is woman suffrage. In the absence of polls, McDonagh uses state referenda as indicators of public opinion on these issues, and finds that constituency support was decisive in influencing Congressional passage of such legislation. She reports: "We also discovered that longitudinal patterns of grassroots opinion, rather than turnover in House membership alone, were the most decisive influences accounting for the rise in House support for woman suffrage from 1915 to 1919"(945). In

1915, 15.8% of the Congressional districts in McDonagh's study supported woman suffrage; by 1919, 57.9% did. Over the same period of time, support in the House rose from 47.6 to 77.3 %.

What little late 20th century public opinion data exists on the question of easing voter registration requirements shows Americans' support for making it easier to vote, although the paucity of polling data and the limited press attention it received makes it unlikely that it had much influence on Congress.

The Institutional Context

The Changing Nature of Congress

Great changes took place in Congress in the 1960s and 1970s, a period known as the reform era. Although the boundaries of this era are somewhat imprecise, some point to the 1958 election as a significant catalyst, when 16 new Democrats were elected to the Senate, and 51 new Democrats were elected to the House. Over the next several years, the newly formed Democratic Study Group pushed for procedural reforms which weakened the power of committee chairs, and opened up new possibilities for individual members to pursue their legislative goals (Davidson, 1992; Sinclair 1989). Although many changes occurred in the Senate it, the prime legislative vehicle for institutional change in Congress, the Legislative Reorganization Act, passed in 1970, the same year that Senator McGee first introduced voter registration reform legislation.

The reform era did not last long, and in the post-reform era the pendulum swung back. After 1979, there was a decrease in the number of bills sponsored in both chambers, a sharp increase in the number of non-substantive commemorative bills, and a tendency to aggregate legislative proposals into omnibus bills that would be passed as a package. Party unity on votes has experienced a resurgence, and the House and Senate leadership has achieved new strength. Davidson credits these changes largely to the zero-sum economic politics of the 1980s; the stagflation of the late 70s, concern with the budget deficit and taxes have forced members of Congress to reign in their ideas for new government programs, he argues (1992: 13). Clearly the post-reform changes were also in part a reaction to the impact of the reform-era rules; as committee chairs lost control of the legislative agenda, party leaders in each house developed strategies to manage the legislative business. Although this is frequently and correctly referred to as a recentralization, many of the characteristics of the reform era remained. Senators have not, for example, returned to the norms of deference common in the pre-reform era. These changes in the institutional norms of Congress influenced the progress of voter registration reform legislation.

Role of Federalism

Given our federal system, another factor to consider is the influence of state election laws, and state efforts at voter registration reform, on national reform. Justice Louis Brandeis wrote, "It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve

as a laboratory and try novel social and economic experiments without risk to the rest of the country" (Walker, 1971, 354). Other states then copy successful programs from other initiators. Occasionally, the federal government will mandate programs nationwide after their successful initiation in one or more states. The national government, then, might be more predisposed to enact voter registration reform after it has been initiated in individual states. Further, given the partisan interests discussed above, individual legislators may be more disposed to support voter registration reform once the system in their own state has been liberalized.

The federal structure of our government also created a whole class of potential expert witnesses on voter registration systems — the state, county, and local election officials who administer them. Election officials knew better than anyone else how their systems would be affected by new legislation, and thus had an incentive to lobby Congress about national reform legislation.

Governors, state and local election officials, and their national associations were active in the debate over national voter registration reform. Some supported national reforms which were similar to successful programs in their own states, while others opposed national standards on the grounds that they would require major changes in their state laws, or require significant state expenditures. There are several possible explanations for the involvement of state officials: a concern for the administrative practicalities; partisanship; bureaucratic intransigence; and the nature of the state

registration system. The partisan factor is most obvious when it is the *elected* officials who express support or opposition. Governors, obviously, are party leaders in their states, and may get involved in the national policymaking process about election law if they feel their party stands to lose or gain.

Some election officials may also be motivated by partisanship, especially in states like New York where the parties appoint members of the Board of Elections. Much of the journalistic analysis of voter registration reform efforts painted the general opposition of elections officials as bureaucratic obstructionism. It is natural that elections administrators would resist Congressional legislation that would make their jobs more difficult. But election administrators could also legitimately claim to know more than almost anyone else about the possible results of any proposed reforms. They thus made for very credible witnesses, whether they spoke for or against reform.

The Interaction of Factors

No single factor in isolation can adequately explain the success or failure of voter registration reform. The interaction of several factors created conditions conducive to passage of the National Voter Registration Act of 1993. I have identified several factors worthy of attention: party competition, interest groups, public opinion, state interests and the influence of state-level reform. The strategies of parties and other organized interests, for example, may be interrelated. Parties must construct strategies that appeal to the groups they consider important elements of their electoral coalitions. Interest groups,

in constructing their strategies, need to consider what will appeal to party leaders whose cooperation they need to get legislation considered. Both parties and interest groups are likely to be influenced by public opinion. In analyzing the relative importance of these factors, we must be aware of how they influence each other.

My research will show that three of these factors interacted to make it possible in 1993 to pass national voter registration reform legislation. Party competition on a national level, as both parties seek to control the presidency, led Democrats to be increasingly supportive of, and Republicans steadily opposed to, voter registration reform; the pressure created by a coalition of organized interests kept the issue on the agenda despite the many obstacles to its enactment; and the liberalization of state registration laws lessened politicians' concern about the impact of the National Voter Registration Act on party competition in their own states (and on their own political futures).

State reform will show some impact, although not as much as I had expected. Shifting southern Democratic support was a necessary but insufficient condition of change; it happened early enough that it should have had an impact earlier. The quantity and quality of interest group support was greater in the third campaign, and the quality and quantity of opposition lower, than in previous efforts. In particular, the supportive groups developed collective strategies, so that they were able to use each group's strength and counter each group's weakness. I will analyze these collective strategies in detail.

RESEARCH DESIGN

This dissertation examines the efforts after 1965 to achieve federal voter registration reform legislation, which culminated in the effort to enact the National Voter Registration Act of 1993. How can we measure the relative importance of the factors we have identified in achieving voter registration reform? Since several efforts to liberalize voter registration procedures occurred over the years between 1965 and 1993, one strategy would be to compare the role of each factor in the various campaigns. By comparing, for example, interest group activity in each campaign, we can assess the likelihood that interest group pressure played a significant role in achieving voter registration reform.

To compare these campaigns, we need to delineate their boundaries. I focus on three campaigns:

1. The campaign for postcard registration, led by Senator Gale McGee of Wyoming, 1970-1974. I shall call this the "postcard" campaign.

2. A campaign centered around the 1976 election campaign, which includes the efforts of House Democrats to enact postcard registration in time for the election, and the efforts of candidate, and then President, Jimmy Carter to enact either postcard or election day registration, 1976-77. I shall call this the "election day" campaign.

3. The campaign by a coalition of organizations for a voter registration bill that would include several reforms, 1987-1993. It is this campaign which resulted in the passage of the National Voter Registration Act of 1993. I shall

call this the “motor voter” campaign after its popular association with vehicle registration.

While it is useful to compare the conditions surrounding each of these proposals, it is also important to remember that the various efforts are not isolated from each other. They occurred within the same 30 year period, many of the same people were involved, and the participants were aware of the failure of previous efforts, and could be expected to tailor their strategies to avoid the pitfalls of previous efforts. Thus we must look at these efforts as a continuum, even as we try to compare them. The following chapters will present these campaigns as part of a continuous narrative, while using a comparative analytical framework to organize the discussion.

In analyzing each of these campaigns, I will use both qualitative and quantitative data, as described below, to examine the role of party competition, interest groups, public opinion, state interests and the influence of state reform. Qualitative information includes the vast documentary record of the voter registration reform efforts, both in Congress and outside, media reports of events, and interviews with participants. I have examined the Congressional hearings, reports, and other documents related to this issue. Thanks to the Carter Center Library in Atlanta, I have been able to review numerous internal memos relevant to the Carter Administration election day registration effort. While this issue rarely captured the focus of public attention, there is a considerable journalistic record, in the New York Times, Congressional Quarterly, and many daily newspapers. In addition, I

have been given access to the files of the public interest group Human Service Employees Registration and Voter Education (Human SERVE), which kept comprehensive files not only on its own work, but on the other participants in the effort to expand voter registration, and on the congressional process. I have also received copies of documents from other organizations.

Participants interviewed included legislators who were active for and against the bills in question, and members of their staffs who were involved in the issue; representatives of interest groups who lobbied for and against these bills; and elections officials who became involved in the policy debate. Representatives of party organizations (ie., the Democratic and Republican National Committees) were also contacted. The list of interviewees was compiled by taking note of which persons and organizations were mentioned in press accounts, those who spoke at hearings on voter registration during the 1970-93 period, and by asking interviewees to refer me to other involved parties. For a list of interviews, see appendix A.

The Role of Political Parties and Partisan Elected Officials

Several kinds of information are available about party interests and voter registration reform. Roll call votes enable us to observe the amount of party support among members of Congress on relevant bills. The database of bills introduced (available through the Library of Congress web site), and transcripts of hearings allow us to observe party influence at work before a floor vote. This is particularly important, given the presumptive support of Democrats for making voter registration easier; one does not have to take a

public position on a bill that dies in committee. Interviews with participants in the legislative process enable me to explore the success and failure of various proposals to survive the committee process.

Analysis of roll-call votes during the three voter registration reform efforts between 1970 and 1993—the postcard, election day, and motor voter campaigns—showed variations in the Northern Democratic, Southern Democratic and Republican support for voter registration reform legislation. Northern Democrats generally supported such legislation, although the level of support rose and fell. There was little Republican support. Southern Democrats were the most interesting group, as most opposed the early postcard legislation, but support among Southern Democrats grew over the 70s and 80s.

The attitude of the Democratic and Republican parties toward voter registration reform is generally explained in terms of their respective constituency bases. Polls taken in 1983 and 1984 showed that the unregistered were predominantly Democrats: 47% of the unregistered voters described themselves as Democrats, 34% as Republicans, and 19% as independents (Pear, 1984: 36). Democratic allegiance has long been stronger in the lower-income and less-educated strata of the population, and has become steadily more so in the second half of this century. Blacks and Hispanics, both underrepresented among voters, are predominantly Democratic voters (Flanigan and Zingale, 1998: 90-94). The demographic breakdown in an

American National Election Survey post-election poll in 1988 demonstrates the partisan voting patterns of these demographic groups (see table 1.1).

If we could explain everything in terms of the constituency bases of the parties, we would expect that the Democratic Party would consistently push for liberalization of voter registration procedures, and the Republican Party would never support such action. However, we will then need to explain why large numbers of Democrats did not support voter registration reform in the 1970s, why it was not possible to enact voter registration reform in 1977 when the Democrats controlled the both houses of Congress and the White House, and why there has occasionally been some Republican support for it.

Shefter's theories about mobilization strategies offers an alternative way to understand the positions of Democrats and Republicans on voter registration reform. If liberalization of voter registration is a mobilization strategy, parties out of power would be more likely to support liberalization than parties in power. Outsider parties have more to gain, and less to lose, than parties which already have power.

Should we then expect election cycles and the balance of power between Democrats and Republicans to influence the rise and fall of support? Voter registration reform was considered in 1971-3, but neither party generated excitement about the bill during the 1972 presidential campaign. Democratic support was high in 1976, because of the approaching election, and faded shortly thereafter. 1984 was a big year for voter registration drives, as left-leaning organizations tried to mobilize opposition to Reagan, and the

Christian right sought to counteract their efforts. Before the next presidential election, the reform coalition had gathered to support comprehensive voter registration reform legislation. The bill passed both houses of Congress in 1992, another presidential election year, but was vetoed by President Bush. Bush's veto was criticized, first by Ross Perot, then by Bill Clinton. After his defeat, the bill passed both houses again and was signed by President Clinton as he had promised before the election. A relationship between election cycles and support for voter registration reform appears strong only on occasion, and is only significant as part of larger party strategy.

Democrats were not necessarily in agreement on what strategy would be most successful for the party. The strategy of the progressive wing, associated with Jesse Jackson, is to emphasize the party's liberal agenda, and make up whatever votes it loses among moderate and conservative voters by making a greater effort to mobilize the huge number of Americans who do not vote at all (Mayer 1996: 165). The conservative wing of the party, which founded the Democratic Leadership Council (DLC) in 1985 after the defeat of presidential candidate Walter Mondale to exert a stronger influence on the direction of the party, preferred to focus more attention on attracting middle-class and suburban voters with more moderate policies. Although the founding of the DLC seemed like a deliberate departure from the mobilization strategy the progressive wing of the party had tried to encourage in 1984, the president who ultimately signed national voter registration

reform into law in 1993 was, ironically, a founding member of the DLC, and had been sued as governor over Arkansas' restrictive registration policies.

Will "outsider" Republicans also press for wider voter registration?

The answer depends on whether they would expect liberalized registration to mobilize more of their supporters. Since the Republicans usually expect voter registration reform to aid the Democrats, I will show that they do not support it even when they are outsiders (unless they expect, because of the design of the particular reform bill, or because of the existing political situation, that a substantial number of the new registrants will vote Republican). Republicans, even when outsiders, are not likely to be supporters of motor voter, postcard, or election day registration bills because their constituency base is different—when they choose to mobilize, they utilize targeted methods, such as voter registration drives in fundamentalist churches, phone registration campaigns, etc. Many third parties and independent candidates, however, are likely to support voter registration reform.

Interest Groups

Measuring the impact of interest group activity on changes in public policy can be difficult. Organizations are eager to claim that their lobbying played a significant role in achieving the victory, while other participants who resented their pressure may be loath to recognize their impact.

Organizations can engage in a number of strategies to support a piece of legislation. They can, first of all, be involved in the drafting of legislation. A group that helped write a bill clearly played a more central role than a group

that agrees to endorse a bill that has been introduced by a member of Congress. Second, a group can endorse a bill. Such endorsements are often announced in a letter to Congress, although whether evidence of a long-ago endorsement still exists is at the mercy of the organization's record-keeping, and that of the Congressional committee. Sometimes, letters of endorsement are included in a published hearing, but an organization may endorse a bill after hearings have been held, and thus their endorsement would not be noted in the hearing record. Third, a group can testify at a Congressional hearing in support of a bill. Not every organization that wishes to testify before Congress will be invited to do so, and therefore failure to testify, especially by a small or little-known organization, cannot be taken as proof that they were not involved. Since most congressional hearings are published, an accurate record of who did testify is available. Fourth, an organization might lobby individual members about a bill. Fifth, it might encourage its members to contact their representatives and support the bill. Information about either lobbying, of the conventional or grassroots variety, would be available from the organization, and possibly from the targets of such efforts. Sixth, it might engage in more public actions to support the bill – press conferences, demonstrations, and advertising. Again, the organization might maintain informational files about its efforts, and the media may also report on them. Where campaign contributions are involved, the money trail can be followed, but in this case, the groups that pushed for reform were

largely public interest or “good government” groups, and PAC contributions were not part of their strategy.

Here the comparison between various campaigns may be helpful. To the extent that there was a greater level of interest group activity in the victorious campaign for the NVRA than there was in previous, unsuccessful, campaigns, I will draw the conclusion that interest group activity had an impact. To this end, I have collected several measures of interest group activity in each period: information on the organizations nominally supporting it; those who testified at hearings; those who made it a top priority. In addition to counting the organizations who have taken various steps, I collected basic information about the history and goals of the significant participant organizations, and conducted interviews with representatives of several organizations. Organizations working in opposition to the proposed legislation cannot be ignored; significant opposition can defeat a bill. Thus I also counted the number of groups testifying against it, speaking out against it, and doing other opposition work.

Interviews also provided a great deal of information about the intensity of interest group activity, and other questions. Through interviews with legislators, reformers, and their opponents, the following questions were addressed:

- What did the reform advocates do?
- What kinds of groups—good government groups, civil rights groups—were involved, and what impact did their differences have on their effectiveness ?

- What resources did they have, and how did they use them?
- How important is the support of these particular groups to those making the decisions?
- Do reform advocates think they had an impact? Do other participants mention them as playing an important role?

Public Opinion data on Easing Voter Registration

If public opinion played a major role in supporting voter registration reform, we would expect to see both evidence of significant public support for reform, and evidence that members of Congress knew of and were influenced by this public support. Also, in making a comparative argument, we would expect to see more of both kinds of evidence in the third campaign than in the previous ones.

Exploration of the American National Election Survey, the General Social Survey, the Harris Survey, the Gallup Poll, and USA Today polls has turned up few questions related to opinions about voting rights or the difficulty of voter registration procedures. All appear to be one-time questions, making it difficult to look for shifts in public opinion. Keeping this difficulty in mind, in the following chapters I discuss public opinion on voter registration issues in the context of each campaign. As McDonagh did, I explore other ways to gauge public opinion on the issue. Constituent mail to legislators can also be used as a measure of citizen interest in an issue. In interviews with participants, I asked whether they were aware of public opinion, or heard from the public about the issue in any way.

Federalism: the Experience of the States and Election Officials

The Constitution gives to states the right to decide "the Times, Places and Manner of holding Elections for Senators and Representatives." It also states that "Congress may at any time by Law make or alter such Regulations." By 1965, Constitutional amendments and federal laws had largely defined who could register to vote, but the process was still very much in the hands of the states. State registration systems varied widely. In 1972, 22 states used mail registration for some categories of citizens (ie., those in the military, disabled voters), but only 5 states allowed mail registration for all voters. Only 14 states allowed deputization of registrars, and 17 had a provision allowing or requiring evening or weekend registration hours. Residency requirements, in 1972, ranged between 0 and 50 days, with 5 states requiring residence of more than 30 days (Mitchell and Wlezien, 1995). Between 1975 and 1993, many states liberalized their voter registration procedures, beginning with Michigan, which established the first motor-voter system in 1975.

Public interest groups saw voter registration reform on the state level as a sign of hope. The founders of Human SERVE hypothesized that state-level implementation of agency-based voter registration would

help create the political conditions for national voter registration reform along European lines. As registration levels rise, showing that the poor and minorities can no longer be kept out of the system, the political motive for opposing registration reform would be commensurately reduced, while the prospect of winning the allegiance of new voters might itself motivate entrepreneurial politicians to become advocates of reform (Piven and Cloward 1985a: 593).

This dissertation will examine whether members of Congress are more likely to support voter registration reform once registration procedures have been liberalized in their home states, by comparing the votes of legislators from states which had and had not liberalized their registration systems. I will consider the ways in which state reform made national reform possible.

As I discuss the three campaigns, I will take note of election officials testifying for and against voter registration reform. Although at least some election officials continued to oppose national legislation even after passage of the NVRA, I will show that members of the reform coalition and members of Congress designed their proposal in the third campaign to answer some of the election officials' most serious concerns, and worked to win support from election officials and their national associations, smoothing the way for passage of a bill.

PLAN OF THE DISSERTATION

Chapters two, three, and four will describe the three campaigns for voter registration reform, with the most attention paid to the successful effort to pass the NVRA. These chapters will analyze the role of the five aforementioned factors in each campaign. Chapter 2 will discuss the postcard and election day registration campaigns. Chapter 3 will explain some the factors that led to greater opportunities for voter registration reform in the late 1980s, and chapter 4 will discuss the development, membership and early activities of the reform coalition. Chapter 5 covers the activities of the

coalition and Congress during the third campaign, the motor voter campaign. In chapter six, I will draw some conclusions about the relative importance of the five factors under study, as well as their evolution over time.

Table 1.1. The Two-Party Vote in 1988, by demographic groups

Survey Question: (IF R VOTED:) How about the election for President? Did you vote for a candidate for President? (IF YES:) Who did you vote for? (Answers are coded Democratic or Republican. Respondents who did not vote, or did not vote for a major party candidate are not included in this table).

	Democrat	Republican
White	41.0	59.0
Black	91.8	8.2
Other	79.3	20.7
Hispanic	64.8	35.2
Non-Hispanic	45.4	54.6
EDUCATION		
Grade school	61.0	39.0
High School	51.3	48.7
College	42.3	57.7
INCOME %iles		
0-16 percentile	59.0	41.0
17-33	56.0	44.0
34-67	49.3	50.7
68-95	39.6	60.4
96-100	23.3	76.7
TOTAL	46.3	53.7

Source: National Election Studies, Post Election Survey, 1988.

Chapter 2 The Postcard and Election Day Registration Campaigns

The early 70s seemed to be an auspicious opportunity for voter registration reform. The efforts of the Civil Rights Movement, and the passage of voting rights legislation, had reduced the difference between white and black voter turnout rates in the South from 44.4 points in 1952 to 17.8 points in 1964. In 1972, the difference shrank to 2.5 points (Table 2.1). Young adults had just been enfranchised by the 26th Amendment. Several states had liberalized their registration procedures, and could serve as exemplars for the rest of the nation. The removal of these barriers focused attention on the remaining obstacles presented by the difficulty of the registration process itself, and the variability of local implementation of registration laws.

In other ways, however, the early 70s was an inauspicious time for national voter registration reform. Opposition to civil rights legislation had been framed in the language of states' rights, and so sensitivity to federal interference in matters of state authority had increased. In Oregon v. Mitchell (1970), the Supreme Court ruled that Congress could set age requirements for voters in federal elections by statute — but could not do so for state and local elections, leading to the need for the 26th Amendment, which lowered the voting age to 18.

The 70s ended without significant voter registration reform. Neither the postcard nor the election day registration campaign was successful. This chapter will show how regional divisions among congressional Democrats, and the low level of interest group mobilization, prevented reform from

being enacted in the 70s. Throughout the 70s, the Democratic Party had a majority in both the House and the Senate. Solid Democratic support for liberalizing voter registration laws would have made it possible to pass such legislation. Democrats, however, were not united. While Northern Democrats, when given the chance to vote on voter registration reform legislation in the early 70s, voted solidly in favor of it, Southern Democrats voted overwhelmingly against reform, and some were leaders in the fight against voter registration bills. Republicans were fairly unified in opposition. Youth and student organizations, and good government groups like the League of Women Voters testified for registration reform, but do not appear to have done the kind of lobbying which might have won them votes. Civil rights organizations, which presented such riveting testimony about registration difficulties before the House Judiciary Committee, were conspicuously absent at hearings on postcard or election day registration.

Identifying Registration As a Problem

Between 1965 and 1975, enforcement of the Voting Rights Act gradually eliminated many of the legal restrictions that kept people from the polls — and yet voter turnout declined. In the 1964 election, 62% of the voting age population voted; in 1968 61% did, and in 1972, only 55% turned out (www.fec.gov). Attention began to turn to the registration system itself as part of the problem. As late as 1972, only 14 states had laws that allowed deputization of registrars. In 17 states, the law allowed registration during evening and/or weekend hours. Only five states extended mail registration

to all voters, although 17 others provided for mail registration in some special circumstances (Mitchell and Wlezien, 1995). The fact that these states had such laws on the books is no guarantee, of course, that they implemented them. When Congress held hearings in 1971 on enforcement of the Voting Rights Act, much of the testimony concerned ways in which the discretionary power of election officials undermined the Act.

Organizations representing students and other newly enfranchised young voters were especially aware of the difficulties presented by the registration process. One such organization was Frontlash Inc., a nonpartisan labor-funded organization devoted to mobilizing young people to vote. Charlotte Roe Kemble, Frontlash's executive director, stated the problem to the House Post Office Committee:

The most significant barrier that discourages or prevents potential voters from expressing their will at the polls is the current system of voter registration. The laws and administrative policies of many states abound with rules that serve to limit rather than to expand voting participation. In most communities, the first-time voter or new resident seeking to enroll faces a maze of difficult, confusing and frequently inaccessible registration procedures (US Congress, House 1972, 409).

As significant as the difficulty of the process was the discretion exercised by local election officials. Using one Texas county as an example, Kemble said, "The local election officials there made it extremely difficult for students to register, partly, I suppose, because they were fearful of the impact their voting might have in that community. They made them fill out long forms and

practically swear they would stay in the community forever" (US Congress, House 1972, 411).

During the 1960s, three groups issued reports calling for the liberalization of voter registration requirements. The President's Commission on Registration and Voting Participation was established by President Kennedy in March 1963, and was chaired by Richard Scammon, Director of the Census Bureau at that time. Its November 1963 report described the complex psychological and legal factors influencing voting participation, and made 21 recommendations to end restrictive legal and administrative obstacles to the vote.

The Commission recommended states adopt the following standards:

1. Create state voter commissions.
2. Make registration easily accessible to all citizens.
3. Have state residence requirements of not over six months.
4. Have local residence requirements of not over 30 days.
5. Allow new residents to vote for President.
6. Extend voter registration to as close to election day as possible.
7. Keep voter lists current.
8. Not purge voter lists save at four-year intervals.
9. Use voter lists only for electoral purposes.
10. Provide absentee ballots.
11. Eliminate literacy tests.
12. Consider making election day a half-day legal holiday.
13. Eliminate long waiting periods at the polls.
14. Open polling places throughout the day and until 9 in the evening.
15. Provide every possible protection against fraud.
16. Consider voting by 18, 19, and 20-year-old citizens.
17. Maintain openness of candidacy to all.
18. Extend voting rights to those living on Federal reservations.
19. Extend absentee voting to all elections.
20. Eliminate the poll tax as a qualification to vote.
21. Inform other states of electoral practices (US Congress, Senate 1971b, 191-2).

The elimination of the poll tax was achieved by the ratification of the 24th Amendment to the US Constitution in 1964, and the extension of the vote to 18-, 19-, and 20-year-old citizens was achieved by the ratification of the 26th Amendment in 1971. Many of the other "standards" fell within the jurisdiction of the states, and a few, like number 13, were matters more of good local administration than of state or federal policy. Although the Commission called for making registration "easily accessible to all citizens," it did not advocate any specific methods of registration.

A second report was sponsored by the National Municipal League, which had advocated "a system of elections which makes voting easy, honest, and effective" since its founding in 1893 (Willoughby 1969, 540). Supported by business interests and prominent citizens, the League advocated Progressive reforms like personal registration, secrecy in voting and non-partisan ballots at the turn of the century; these reforms were promoted with the argument that they would make elections more honest, but they also had the effect of reducing turnout. From 1927 on, it campaigned for permanent (rather than periodic) registration. "In 1968, its Committee on Economic Development (CED) recommended uniform national standards for voter registration in federal elections (Financing a Better Election System). If the states failed to enact uniform laws, CED recommended a national system administered by a federal agency such as the Census Bureau or the Post Office" (Carlson 1971, 600).

To carry out its 1968 platform promise to "assume leadership in removing all remaining barriers to voter registration," the Democratic National Committee appointed a Freedom to Vote Task Force in 1969, chaired by former Attorney General Ramsey Clark. Its report, That All May Vote, pointed to registration as the villain, and the success of local action in several places (SD, ID, parts of CA and WA). The report advocated universal voter enrollment and declaring election day a national holiday in order to encourage greater voter participation. (US Congress, Senate 1971b, 84, 119)

The League of Women Voters also showed interest in this issue at that time; they established an "election systems project" in 1971, and administered a national survey about the administrative obstacles to voting in the various states (US Congress, Senate 1972, 594). The study, which involved interviews with government officials and observations of citizen experiences with registration and voting in more than 250 localities, concluded that "the current system of registration and voting functions inefficiently for citizens throughout the United States (underline in original)" (596). The League found that many registration and voting laws were non-specific; they were phrased as either broad minimum requirements or permissive statutes, allowing but not requiring a particular action. Such laws left a great deal of discretion to local administrators, which was rarely used to maximize access to registration.

In 29% of the communities where deputy registrars are allowed, election officials failed to use this method to reach citizens. While only 10 states expressly forbid evening and Saturday registration, 77% of the

communities studied had no Saturday registration and 75% had no evening registration in non-election months. Even during the heat of an election period . . . 38% of the communities provided no additional hours for registration (599-600).

These reports were not the only things drawing the attention of Congress to voter registration procedures. As Congress debated the extension of the Voting Rights Act in 1970, stories were told of how local voter registration procedures often acted as obstacles to the enforcement of the VRA. In 1971, a year after the Voting Rights Act had been extended, the Civil Rights Oversight Subcommittee of the House Judiciary Committee held hearings on the enforcement of the VRA. Testimony focused on the re-registration of voters in Mississippi, which had begun in some counties in 1969 and was under way in many counties as the hearing took place. Following a court ordered redistricting, registered voters in twenty-nine Mississippi counties were being required to re-register, ostensibly to ensure that every voter was registered in the proper district. Joseph L. Rauh, Jr., general counsel to the Leadership Committee on Civil Rights, testified that "the only purpose of re-registration in Mississippi is to reverse the trend" of dramatically increasing percentages of blacks registering to vote (US Congress 1971a: 210). Before the Voting Rights Act, it was estimated that 6.7% of nonwhites were registered to vote in Mississippi; as of 1967, the Justice Department reported, 59.8% of nonwhites were registered. As table 3.3 will show, Mississippi was an aberration in this respect; Mississippi had by far the lowest rate of black voter registration in the country, and in almost every

other Southern state, black registration had begun to increase *before* the passage of the Voting Rights Act. White registration in Mississippi had also increased markedly, from 69.9 before the VRA to 91.5 afterwards (US Congress 1971).

Mr. Rauh and other witnesses charged that, through registration rules, election officials were still trying to limit the electorate. Also raised in this discussion was the difficulty of the registration process itself. The fact that registration was only conducted at county seats, during business hours, was a hardship, particularly in rural counties where long distances had to be traveled to reach the county courthouse. Aaron Henry, President of the Mississippi State Conference of NAACP Branches, told the committee:

Some of this burden I feel should be shifted to people who are more able to bear it. I can't think of a better ally in this area than the Federal Government that ought to make it as easy for a person to become a registered voter as you put us on the Internal Revenue income tax roll once we become eligible to pay taxes.

I see no real difference between the two. Both are Federal registrations and you can imagine what would happen if everybody waited until they got ready to go down to register to pay their income tax, how this Government would really be run.

We don't have any neighborhood registration. ... Drew is 30 miles from Indianola, which is the county seat where registration takes place.

In order to become a registered voter, a person has to travel 60 miles to get there and back, which means people have to employ a car, or somebody to carry them and poor people don't have the money to do this. It should not be necessary to go to this kind of expense to obtain a right which is ours because we were born citizens of these United States.
(221)

The Postcard Campaign

The main champion of national voter registration reform in the early 70s was Senator Gale McGee (D-WY). McGee, a college professor serving his third term in the Senate, held hearings on voter registration in the Post Office and Civil Service Committee, which he chaired (US Congress, Senate 1971b). Voter registration bills were normally referred to the Judiciary Committee, but Judiciary Chairman Sam Ervin (D-NC) had "taken the lead" during the 1969 battle over renewal of the Voting Rights Act's temporary provisions "in opposing civil rights forces and introduced several amendments — all defeated — that would have weakened the act, particularly section 5" (Davidson in Grofman and Davidson, 1992, 29). McGee, Edward Kennedy, Daniel Inouye and others who introduced voter registration legislation doubtless feared their proposals would languish in Sam Ervin's Judiciary Committee. Congressional Quarterly reported that "a Republican-southern Democratic roadblock in the Senate Judiciary Committee appears to have been thrown in front of any voter registration law in 1971" (1971, 2300). Thus it made strategic sense to re-route voter registration bills. McGee's committee could claim jurisdiction because the proposals it considered made use of the postal system and/or the Census Bureau to register voters. On the first day of hearings, Senator Hiram Fong (R-HI), the Post Office Committee's ranking Republican, asked Kennedy whether the Judiciary Committee would feel "very jealous if this is taken out of its jurisdiction." Senator Kennedy said that as a member of the Judiciary Committee he hoped that, should the Judiciary Committee become involved, it would not subject the bills to

unnecessary delay. McGee followed up, "I want to have the record show that were this issue to become a jurisdictional dispute, that this committee would have jurisdiction . . . We have no quarrels with other committees, but we insist on action" (US Congress, Senate 1971b, 79).

The Post Office Committee considered four proposals: S. 2445, S. 2574, S. 1199, S. 2547. S. 2445, introduced by Senator Humphrey, would include voter registration forms with tax forms. "The IRS reaches 96 percent of the American people," Humphrey said. It would also make registration forms available at local post offices for those that don't file tax returns (US Congress, Senate 1971b, 59).

Senator Kennedy sponsored S. 2457, which proposed national postcard registration, to be administered by a new bipartisan division of the Census Bureau, which would compile lists and deliver them to the states. Forms would be widely available, with Kennedy noting in particular that they would be available in post offices, and to groups wishing to do voter registration. Kennedy explained his proposal thus, "In a sense, the federal government would simply be carrying out the ministerial function of registering voters. State and local officials would retain full control over the voter registration lists, but they would be spared the enormous financial and administrative burden of compiling them" (US Congress. Senate 1971b, 76).

Senator Daniel Inouye reintroduced the Universal Enrollment Act (S. 1199) he had first introduced in the 91st Congress. The bill would enact the recommendations of the DNC Freedom to Vote Task Force to send

enrollment officers out door-to-door to register voters. Inouye quoted an article by Stanley Kelley (1967) which argued that registration was a significant obstacle to voting. Inouye said the door-to-door enrollment method had been used successfully in Canada, Utah (97% registered), Idaho, Washington and parts of California. S. 1199 would only register voters for federal elections, but it included provisions allowing state and local authorities to include registration for state elections. Alternately, states could offer door-to-door registration themselves and receive federal funds.

McGee's own proposal, S. 2574, would have established a National Voter Registration Administration (NVRA) within the Census Bureau. Before every federal election, the NVRA would mail a postcard to every household, and persons wishing to register would return the card to the appropriate state or local election official. The bill also reduced the residency requirement for voting to 30 days, and allowed no state to set a registration deadline earlier than 30 days before an election. To encourage states to use the federal guidelines for all elections, the NVRA authorized the Federal government to pay 15 percent of the state costs of registration if they used mail registration for state elections, and 15 percent more if they also adopted the 30 day residency rule.

McGee was careful throughout the hearing to present voter registration reform as a nonpartisan issue. "This is a good government, good citizenship proposal. It has no connection in any way with partisanship and must not have at any time" (US Congress, Senate 1971b, 62). Humphrey said, "This is

not a partisan issue ... I raise the issue of partisanship only because I sense a feeling on the part of the [Nixon] administration that it would like to keep a safe distance from legislation on national voter registration" (US Congress, Senate 1971b, 61). Despite their protestations, sincere or not, the bills attracted significant Democratic support, and very little Republican support.

The 1971 hearing of the Senate Post Office Committee was apparently stacked to present these proposals in the best possible light. Seventeen witnesses spoke in favor of one or more of the bills under consideration. The only witnesses who appeared before the committee in person to oppose legislation, other than Senator Dole, came from the Nixon Administration; of the five agencies which testified, two (Justice and Treasury) opposed one or more of the bills. Witnesses in support of voter registration reform included representatives of three unions, the Democratic National Committee, three student organizations, and four participants in the Freedom to Vote Task Force.

The low and declining turnout in recent elections was repeatedly mentioned as a central impetus for voter registration reform. Only 61 percent of the potential voters had voted in 1968, and the electorate had grown by an estimated 11.5 million people since then as a result of the 26th Amendment. Senator Humphrey used a Washington Post article to show that, particularly in the South, intimidation and the selective administration of voter registration kept people off the rolls. A Census Bureau study of the 1968 election, and a Gallup Poll taken in 1969, were repeatedly cited by reform

supporters as evidence that registration was a significant barrier to voter participation.

Three witnesses appeared generally supportive of the committee's goals, but cautious about the specific proposals. Richard Scammon, head of the Elections Research Center and a previous director of the Census Bureau, said he thought the bills were "all very conservative" (US Congress, Senate 1971b, 184). He suggested eliminating registration altogether in rural areas where people would know each other, and putting the burden of registration on the government in the remaining areas. The bills being considered, in Scammon's view, were trying to incrementally improve a flawed system. He voiced the concern that a national system would be prone to errors, simply because the process would be further removed from the individual voter and precinct. "A precinct in Chicago ends up with a precinct in North Little Rock as the list of voters," he predicted (US Congress, Senate 1971b, 188).

Thomas Matthews, appearing on behalf of the American Civil Liberties Union (ACLU), expressed the organization's support of easing the way to voting, but he also expressed unease regarding federal involvement in such efforts. "[T]aking into account the size of our national electorate, the desirability of the shortest gap between registration and voting, and present limitations on even our best information-handling systems, we entertain serious doubts that any Federal registration system could achieve its principal goal of facilitating wider voter participation" (US Congress, Senate 1971b, 252). For essentially the same reasons, he said the ACLU doubted it would prevent

fraud. Matthews proposed instead that all states be encouraged to offer, in addition to their existing procedures, election-day registration. He proposed to encourage as much pre-election registration as possible, but leave the door open for unregistered people to register on election day. He used North Dakota as an example. Richard Smolka, the Director of the Institute of Election Administration at American University, in a written statement, urged the committee to consider the views of state and local election officials, only one of whom had addressed the committee so far (US Congress, Senate 1971b, 193).

Of the four proposals it considered at its 1971 hearing, the Post Office and Civil Service Committee voted 6-3 on November 2nd to send McGee's bill to the full Senate, with Republican Senator Henry Bellmon of Oklahoma joining the committee's five Democrats in supporting the bill (Carlson, p. 601). S. 2574 was reported out on November 9, 1971.

As McGee had expected, Senator Ervin raised jurisdictional objections to S. 2574. When it came to the Senate floor in March 1972, Ervin argued that McGee's committee "had no more jurisdiction in the field of elections than I have to select lingerie for the Queen of Sheba" (Congressional Quarterly 1972, 30:611). He tried, unsuccessfully, to refer the bill to the Judiciary Committee. Senators Hubert Humphrey, Ed Muskie, and Henry Jackson supported the bill, but were out on the Presidential campaign trail. Senate Majority Leader Mike Mansfield (D-MT) introduced seven delaying motions to buy time for the bill's supporters to get to Washington, but after 5 days of debate, the

Senate voted 46-42 to table the bill without their votes (Congressional Quarterly 1972, 30:611).

The motion that killed the bill was not introduced by a Republican, but by a Democrat — Senator James B. Allen of Alabama. Southern Democrats were almost as strong in their opposition to the bill as Republicans. While it was possible to make an argument for why the McGee bill was in the interests of the national Democratic Party — to mobilize a constituency to win the White House, for example — it was clearly not in the interests of conservative Southern Democrats, who were trying to limit the impact of the Voting Rights Act on their own political futures.

Eight Republicans voted against the motion to kill the bill, and 35 voted for it. Eleven Democrats voted to table the bill, and 34 Democrats opposed tabling. If we use as an index of partisanship the percentage of Democrats supporting the bill minus the percentage of Republicans supporting it, we find a strong partisan tilt to the vote, and an even stronger one if we exclude the Southern Democrats (The figures are 56.9 and 81.4). All six Southern Republicans voted for the motion to table (See Table 2.2).

Those in favor of the bill made one simple argument over and over again: the difficulty of registration requirements was responsible for the embarrassingly low voter turnout in the United States. Supporters pointed out that 47 million eligible Americans had not voted in the 1972 presidential campaign, and that the difficulty of voter registration requirements, and the confusing variations in laws from state to state, was an obstacle to their

participation. Almost thirteen percent of the respondents to a Census survey cited "Unable to register" as their reason for not being registered in 1972 — a figure that represented almost 5 million citizens. Another 6% could not satisfy the residence requirements, which ranged from 30 days in 32 states to as much as 2 years in Mississippi. Fifteen states required citizens to reside in the state for 6 months before they could register (Gallup Poll, December 7, 1969, reprinted in US Congress. House. 1973, 129, 154). Reform advocates argued that excessively difficult registration requirements discouraged participation.

Opponents of voter registration reform focused their rebuttals on four main points: apathy, not registration requirements, was the biggest obstacle to voting; federal legislation would interfere with the states' rights; postcard registration would increase fraudulent voting; and postcard registration would cost too much money.

Opponents argued that non-voters were apathetic and in some way "undeserving" of the vote. Senator Allen and many other opponents of postcard registration pointed out that while the Census found that thirteen percent of the population didn't vote because they were unable to register, 42.9% replied that they were not interested, and 7.6% that they didn't like politics. Allen and others argued that apathy was a far greater factor than registration laws (US Congress, House 1973, 129). In the Senate debate, Senator Allen asked his fellow Senators:

Why should we spend millions of dollars to hand the franchise, this priceless gift, this right that a person should be willing to fight for, and just present it to a

disinterested person on a silver platter? (Congressional Quarterly 1972, 30:612)

Paul Marston, a Maricopa County, Arizona registrar went as far as to argue that we shouldn't permit less-than-fully engaged citizens from voting: "Political decisions are made by the Indifferent — by that segment of the body politic which really couldn't care less. . . . Do we really want to extend the suffrage?" (US Congress. House. 1972, p. 98-103). Marston argued that indifferent voters are particularly susceptible to manipulation by unscrupulous candidates or parties. This argument echoed that of the Progressive Era reformers, who expressed concern that illiterate voters could be manipulated by party bosses, and therefore should be denied the vote.

Although supporters of the legislation emphasized over and over the difficulties presented by registration procedures, they did little to respond directly to the argument that non-voters simply didn't like politics. Senator Kennedy questioned how motivated a person should be required to be before they are allowed to vote:

To say that a man may choose not to accept a drink of water if the glass is put beside him, does not mean he ought to have to cross a desert when he decides he wants the water. And that's how our registration laws appear to many citizens — a Sahara they have to cross to earn the right to vote (1973a).

Neither Kennedy nor anyone else raised the possibility that being locked out of politics might cause one to become uninterested in voting. The

choice to be interested or not in politics, and the choice to vote or not vote, are made within an institutional framework that shapes those choices.

Fraud was raised as a major argument against the bill. Some election officials raised the concern that postcard registration and the 30-day limit on the residency requirement would eliminate their safeguards against fraud. Arizona Attorney General Gary Nelson said, "Logistically, there isn't going to be any time for investigation and checking and double-checking, say, within the State. You know, maybe I live in Las Vegas and I send postcards into Las Vegas, Phoenix, and Los Angeles, and I could get to all three of those places quickly in 1 day, and there is no way you are going to catch me, at least for awhile"(US House 1972, 89). Senator Allen facetiously nicknamed the bill "The Tombstone Registration Act," claiming that it would "facilitate the registration of persons not qualified to vote and who may not even exist" (US House 1973, 126).

Publicly, the bill's sponsors responded to concerns about fraud by pointing out that fraud was practically non-existent in the states which already used postcard registration (Smolka 1975; U.S. Congress) . The postcard registration bills of the 70s, and other registration reform bills that followed, included provisions making it a federal crime to register fraudulently. During the debate over election-day registration during the Carter Administration, Representative Frank Thompson (D-NJ), the bill's chief sponsor, said, "It's a ridiculous argument to say that this bill will increase fraud. Those opposed to the extra administrative procedures usually hang

their opposition on fraud. But in the past, almost all election fraud has been on the part of election officials and not individual voters. Also, the requirements and penalties of the bill are so stringent that there will be much less fraud than ever before" (New York Times May 15, 1977, XI, 4:3). Senator Humphrey suggested that the bill's opponents were focused on the wrong problem; "the greatest fraud in the electoral process is the impediment, the obstacles that are placed in the way of a man casting his ballot," he said (US Congress, Senate 1971b, 62).

Privately, many believed that the concern about fraud was a cover for concerns about the bill's partisan impact, as Vice President Mondale's chief of staff said, "Their public reason was fear of abuse and fraud. Their real reason was political" (Moe, 1998). Despite the low incidence of fraud, the specter of fraud would be raised against registration bills again and again.

Opponents also argued that the bill would usurp state responsibility for regulating voting procedures, or force states to set up complicated and costly dual registration systems. Some even raised dire predictions that new federal involvement in voter registration would "strike a critical blow to our present strong two-party system." (Congressional Quarterly 1972, 30: 612) Senator Bob Dole, Republican National Committee chairman, sent written testimony opposing any kind of Federal registration system. Dole argued that a national voter registration system would take power away from the states, and said that the states had not yet had sufficient opportunity to implement the Voting Rights Act Amendments of 1970 and the 26th Amendment. Further,

he feared that a central system would increase the Washington bureaucracy, and raised the specter of a central voting list — which he feared would be a Big Brother-like invasion of privacy. McGee several times asserted that his bill would involve no such central list.

Cost estimates varied widely. The General Accounting Office estimated in 1971 that the cost of mailing and printing each voter registration card would be 12 cents. The Census Bureau and Postal Service estimated that 240 to 320 million cards would have to be mailed every two-year cycle, leading to a cost estimate of between 28 and 38 million dollars. To this, others added the cost of a federal Voter Registration Administration, the cost to the states of processing additional voter registration applications, and the additional costs to the states of administering a larger voter registration list. Senator Fong estimated that the costs could go "as high as \$120 million" in a presidential election year (*Congressional Quarterly* 1972, 30: 612), and questioned whether it would raise voter turnout sufficiently to be worth the investment.

Because McGee's bill had been tabled in March, House advocates of voter registration reform scaled back their ambitions. As Chair of the House Post Office and Civil Service Subcommittee on Census and Statistics, Representative Charles Wilson (D-CA) held field hearings on voter registration systems in Arizona, California, and New York in spring and summer of 1972. He hoped to educate people about the possibilities of voter registration reform, and build consensus on what should be done (*U.S. Congress, House* 1972). The Committee discussed several bills, including

McGee's and Kennedy's (S. 2574 and S. 3420), and Mo Udall's door-to-door registration bill (HR 6089). Wilson offered a bill, H.R. 12016, that proposed to collect data on voter registration and further study the advantages and disadvantages of a national voter registration program. Richard Scammon, who had boldly suggested the previous year the elimination of registration requirements in rural areas, and placing the burden on the government to register voters in urban areas, this time favored a more cautious approach. He expressed support for the chair's bill, saying:

It seems to me that before one can proceed intelligently and knowledgeably in this area, particularly with regard to the costs involved, it would be wise if committees such as yours, Mr. Chairman, would undertake inquiry in this area in a fairly detailed way to deal with such matters. . . . Everybody wants to spend limited sums but not enormous sums for a purpose such as this. One of our handicaps has been the relative absence of this kind of detailed evidential material, which is more than my estimate or Mr. Hamel's estimate on a particular statistical problem. (US Congress. House 1972, 26-7)

Although McGee had invited no election officials to his hearing the previous year, there were thirteen at this hearing, including the Chief Electoral Officer of Canada. Only one was strongly in favor of national voter registration: Dr. Mary Jane Pew, who spoke on behalf of California Secretary of State Edmund G. Brown. Most of the rest were wary of federal involvement in their operations, and concerned about other practical issues — whether the postal service could really handle postcard registration, whether they might be inundated with voter registration applications if postcard registration were mandated. Most of them thought both postcard

registration and door-to-door registration impractical and / or unnecessary. "Do you suggest door to door registration, and then what is the next step?" asked Richard Romeo, a Democratic Elections Commissioner from Onondaga County, New York. "How do we bring them to the polls on election day, or are you suggesting door-to-door voting?" (US Congress. House. 1972, 503). Several were willing to support Wilson's bill — in effect, to study the problem — and a few spoke positively about Kennedy's proposal to give grants to states to improve their registration procedures. Grants to states were seen as less threatening to state control of elections than direct federal legislation.

Student groups were well represented. Students who had mobilized to win the 18-to-20-year-old vote were now trying to register their peers for the first time, and they found that voter registration requirements were often selectively enforced to discourage their participation. This was particularly true in college towns, where they were seen as transient residents with more liberal views than the general population. Good government groups spoke in favor of national reform legislation — the League of Women Voters, Common Cause and the Bipartisan Committee on Absentee Voting. Although Kevin Phillips later wrote, "Organized labor has expended considerable effort on behalf of Senator McGee's postcard registration bill," (1975) only three people representing unions spoke at the hearings. No civil rights groups testified, presumably because other issues were a higher priority at the time. And the groups that did testify were more focused on state and

local reform than on national legislation. The League of Women Voters, after the publication of Administrative Obstacles to Voting, stressed overcoming those administrative obstacles at the state and local levels, rather than pushing for national reform. Its Conference on Expanding the Electorate, held in Washington DC in August 1972, was designed to help local chapters plan strategies to push for better implementation of local laws, not for passage of new national laws (US. Congress, Senate 1973a, 131). The National Urban League established a Citizenship Education Department, which focused on registration in ten small cities. They also published a pamphlet entitled "Abridging the Right to Vote: A Study of State Restriction and Black Political Participation."

The Justice Department testified in opposition to Federal legislation for voter registration, and the Census Bureau Director, George Brown, raised several concerns about the ability of the Census Bureau to accomplish the tasks assigned to it by the various legislative proposals. No further action was taken in the House that year. McGee would later blame the death of voter registration reform legislation in 1972 partly on the fact that it was an election year (US Congress, Senate 1973a, 1).

Neither Kennedy nor McGee wasted any time in introducing voter registration reform legislation in the 93rd Congress. McGee introduced S. 352 to establish a Voter Registration Administration, charged with distributing a federal voter registration form through the Postal Service, federal agencies and state officials. Kennedy once again sponsored a voter registration bill, but

this time he got Senator Ted Stevens of Alaska (R) to co-sponsor it. Kennedy's new bill, S. 472, aimed to establish a voluntary program of Federal financial assistance to states for improved registration methods, computerization, and complete funding for mail registration. The program was to be overseen by the Bureau of the Census. Such legislation would undoubtedly be of benefit to Stevens' home state of Alaska, which had just established a registration requirement for the first time. In deference to Senator Stevens, many compliments were paid during the hearing to Alaska's outreach efforts, but Scammon pointed out that no registration system, no matter how progressive, can really be more open to voters than not having a registration requirement at all.

In 1973, McGee's committee again held hearings on postcard registration. In opening, McGee expressed the hope that intervening events had increased the chances for passage of his legislation: the fact that it was no longer an election year, that 18 year olds now had the vote, and the fact that the 1972 election had the "lowest participation of potential voters in modern history" (US Congress, Senate 1973a, 1). The Justice Department accepted the invitation to testify, and raised several objections, from skepticism that the bill would improve turnout to such technical problems as how many forms to send to a household (US Congress, Senate 1973a, 214). The Bureau of the Census, which had testified the year before that they had the capability to distribute the postcards, now testified, to McGee's obvious anger, that taking on voter registration posed dangers to its central mission.

Senator Bill Brock (R-TN) testified as a co-sponsor of S. 352 (US Congress, Senate 1973a, 230). Brock had headed the Committee to Reelect the President's youth campaign, and produced a much higher percentage of the youth vote than anyone expected. Of him, the Almanac of American Politics wrote: "Brock's experiences in 1972 led him to buck most other Senate Republicans and to back the 1973 measure to allow the postcard registration of voters. He was convinced — and offered survey data as evidence to support his belief — that a large percentage of those a little too apathetic to register otherwise would, if they voted, form part of Richard Nixon's New Majority" (1974, 938). Brock used an August 1971 Gallup poll to demonstrate that there might be a partisan advantage for Republicans in easing voter registration. New voters voted for Muskie over Nixon, but if 100% of potential new voters had voted, 39% would have supported Nixon, and 38% Muskie. Brock also reported that in 1948, nonvoters were 82% Democratic, but by 1956 they were 28% Democratic. "I don't think any party can take solace or comfort in the current situation or in a proposed situation," he concluded (US Congress, Senate 1973a, 231). As Senator McGee pointed out when he testified at a House Administration Committee hearing on his bill in 1973, Brock and Bellmon (OK), two Republican supporters of the bill, were in one-party Democratic states, where Republicans have an especially difficult time registering to vote (US Congress, House 1973, 5). In their home states, Brock and Bellmon were political "outsiders," in Shefter's schema, and saw potential in expanding the active electorate. Having won the presidency,

these Republicans could hope that registering the unregistered would make a Republican congressional majority possible.

McGee brought S. 352 to the Senate floor with improved federal reimbursements to states and specific penalties for fraud. Although McGee estimated the cost of the bill at \$50 million, Senator Fong estimated it at \$100-300 million, and complained, "we are using a cannon to shoot a fly" (Congressional Quarterly Almanac 1973, 726). Debate began on April 10, 1973 with consideration of numerous amendments, most proposed by the bill's opponents, and the Senate debated S. 352 intermittently for the next month (Table 2.3). Although the pattern of votes suggested that the bill could pass the Senate if brought to a vote, Senator Allen, leading the opposition, kept a filibuster going most of the month.

McGee, not afraid to play hardball for his bill, threatened on May 9 to hold the floor until the legislative authorization for wage and price controls expired. "I assure the Senator [Allen] that I have had five days in northwest Wyoming, where I was counting antelope, deer and other animals. So I am in great shape. If midnight is the challenge, I believe I can at least give it a try" (Congressional Record 1973, p. 7963). After 75 minutes, he won a promise that the floor would be restored to him after passage of the Economic Stabilization Act. The Senate voted 67-32 for cloture and 57-37 for the bill (See Table 2.4).

This didn't guarantee a favorable reception in the House. The Subcommittee on Elections had held hearings in June and July 1973 on H.R. 8053, a companion to McGee's bill introduced by Subcommittee Chairman John Dent (D-PA) (U.S. Congress. House. 1973). While members of the committee professed

to support efforts to increase voter participation, they asked challenging questions to witnesses who were supportive of the bill, and invited a large number of unsupportive witnesses, particularly election officials and members of Congress who were opposed, including Senator Fong. Of the 22 persons appearing before the committee, 11 spoke in opposition to H.R. 8053, 9 spoke in favor of it, and one spoke against election-day registration and for postcard registration. (One speaker, who only addressed the issue of exempting Puerto Rico, could not be classified as for or against the bill.)

Senator McGee was the first witness called before the committee. All but one member of the subcommittee — Kenneth Gray of Illinois, a Democrat — attended the first day of hearings, as did Wayne Hays of Ohio, the full committee's chair. Senator McGee remained in the witness chair for over two hours, and was questioned by every committee member in attendance. They questioned every aspect of the system, and expressed concern about the potential for fraud, the inefficiency of the Postal Service, the creation of another federal bureaucracy, the difficulties imposed on states by new voter registration requirements from the federal government and the danger of discouraging the efforts of private organizations engaged in voter registration, like the League of Women Voters. They asked Senator McGee to compare the British and American systems of registering voters, to explain why North and South Dakota have very similar turnout rates despite election-day registration in North Dakota, and why Texas has a very low turnout rate, despite its use of postcard registration. Although the questions were phrased with civility, and McGee responded in good

humor, the committee seemed quite skeptical of his proposal. Other supporters of postcard registration—two unions, two members of Congress, two youth organizations, La Raza and Americans for Democratic Action—were similarly grilled.

The use of Texas, which was brought up repeatedly during the hearing, perhaps demonstrates the real purpose of their questions. Texas ranks among the states with the lowest voter participation rates. In 1964, it ranked 45th, with 44 percent of the voting age population voting. By 1968, it had increased to 48 percent, but it would drop again to 45 percent in 1972. In response to a question from Representative James Harvey (R-MI), Senator McGee pointed out that Texas had a poll tax until 1965, had required annual registration until 1971, and had required voters to register or re-register before January 31st if they wished to vote in November, even if they had voted in the most recent election. Senator McGee offered no explanation for the low turnout in 1972, but turnout fell nationally as a percentage of the voting age population when the electorate was expanded in 1971 by the lowering of the age requirement. Despite the unique restrictions that made Texas a poor test of the efficacy of postcard registration, and despite the fact that 5 other states used mail registration for all voters, and 17 others for special categories of voters, the House committee members persisted in asking witnesses why the Congress should enact a system that wasn't working in Texas.

The only indication at the 1973 Senate hearing of the opinion of election officials had been a report from Jeanne Malchon of the League of Women Voters, who had just attended the first national meeting of election officials, sponsored by

the National Association of Secretaries of State in New Orleans, LA. Ms. Malchon reported that she thought that most of the election officials had developed a very positive attitude toward a more open electoral process (US Congress, Senate 1973a, 94). The House Committee was critical of McGee for not inviting election officials to testify before his committee, and they rectified his error by hearing testimony from the National Association of Secretaries of State, and five individual election officials, and accepting written testimony from five others. Not one supported postcard registration.

C.C. Wood, speaking on behalf of the Elections Committee of the National Association of Secretaries of State, reported that the group had seven objections to the proposal: it was unconstitutional, it would lead to chaos, it would increase fraud, states would lose the money they had invested in new voting equipment, it would require two sets of records, it would cause a loss of confidence in the electoral system, and it could place the presidential election in jeopardy, due to constitutional problems (US Congress, House 1973, 42). Election officials from the states of Virginia, Missouri, Idaho, and county officials from Union County, NJ, also criticized the proposals.

Citing concerns about politicization and privacy, Paul Squires of the Census Bureau stated the agency's objection to taking on a function they considered improper. The National Municipal League, while agreeing with the aims of the legislation, thought a federal postcard system would be ineffective and confusing. Richard Carlson, the director of the group's election systems project, suggested a door-to-door canvass.

Representative Frenzel, a Republican member of the Subcommittee on Elections and a Republican from Minnesota, said his state had just established postcard registration and that "every municipal clerk in my district" called it "an abomination" and "unworkable" (US Congress, House 1973, 20). Frenzel also reported that he had done a mail survey of secretaries of state, and that 29 of 38 respondents preferred the current system to federal postcard registration (US Congress, House 1973,155). Frenzel suggested the Canadian system as an alternative, saying he believed it would be more effective and cheaper. Since 1974 would be the first election in which Minnesota and Maryland could test the results of their new postcard registration systems, it was difficult to counter the testimony of the election officials.

After the hearing, the subcommittee tabled the bill. A look at the members of the subcommittee gives us some insight into their reluctance to consider H.R. 8053. Of the committee's five Democrats, three were from the South: Ed Jones of Tennessee, Robert H. Mollohan of West Virginia, and Dawson Mathis of Georgia. The three Republicans, Frenzel, Mathis and Ware, were all opposed, although Frenzel later voted on the House floor for the rule on the bill (The rule allowed for consideration of his substitute).

To force the House Administration Committee to release his bill, McGee held hostage a franking bill, refusing to schedule a conference until the House Administration and Rules Committee reported the voter registration bill. The subcommittee reported the bill to the full committee, without recommending passage, on October 16, and a month later the full committee voted it out. House

Administration finally reported out a substitute postcard registration bill on February 5, 1974, to be administered by the GAO instead of the Census Bureau. President Nixon spoke out against it in March, arguing that the bill's goal was "laudatory, but not practical," and argued that states' rights and the potential for fraud made the bill dangerous. In May, the House narrowly voted down the rule under which it was to be considered, 197-204 (See Table 2.5).

Lobbying for the bill was significant enough that, in reporting on this vote, Congressional Quarterly made its first mention of a lineup of interest groups and lobbying efforts for and against registration reform, despite its relatively complete coverage of the issue from 1971 on. Several unions testified. The student groups, which had previously testified, did not reappear, and the civil rights groups were once again absent. Opponents were active, including George Bush, then Republican National Committee chairman, who lobbied hard against it. Other opponents included the National Municipal League, the National Association of Secretaries of State, the American Conservative Union, and the American Civil Liberties Union (Congressional Quarterly 1974, 32:1255).

Labor blamed the defeat on the House leadership, Speaker Carl Albert (D-OK) and Majority Leader Tip O'Neill (D-MA), who were more concerned with committee reform legislation than postcard registration. Since no whip count was taken — the most routine manner of encouraging support for the party line — it is hard to imagine what efforts the leadership did put into the bill.

The House Subcommittee on Elections held hearings on a similar bill, H.R. 1686, in April and May of 1975, as did the the Senate Post Office Committee. Those

appearing to testify in support of the legislation included Senators Lloyd Bentsen, Alan Cranston, Wendell Ford, Walter Mondale, Rep. Wayne Hays, and a number of election officials. Hays, who had been quite skeptical of postcard registration during the 1974 hearing, was now the sponsor of the House bill, and spoke forcefully on its behalf. Speaking as opponents were Bill Frenzel, Vincent Barabba, Director of the Bureau of the Census, Senator Allen, Richard Smolka, and election officials from Florida, Kansas and Missouri. What was most interesting about these hearings, in contrast to previous ones, was that election officials appeared as both positive and negative witnesses. Election officials from Florida, Kansas, Louisiana and Missouri testified against the H.R. 1686 and S.1177; election officials from Minnesota and Maryland supported it; witnesses from California and New Jersey were divided. Minnesota, Maryland, Florida, and New Jersey were all using postcard registration at the time of the hearing. The witnesses who supported the bill spoke favorably of their experience; those who didn't also said that postcard registration worked well in their state, but that they feared that national legislation would require them to make expensive changes. "Why should one be penalized for leadership?" one Florida official asked (US Senate, 1975, 198). However, all the organizations representing election officials — the National Association of Secretaries of State, the International Association of Clerks, Recorders, Election Officials and Treasurers, and the International Institute of Municipal Clerks — passed resolutions opposing it.

Hard data were now available on the impact of postcard registration in the states. A study of Maryland's and Minnesota's experience, funded by the Ford

Foundation, was entered into the record. The findings were very favorable: the cost was low, there was but a single case of fraud, registration increased, and the turnout of postcard registrants was within 1.5 percentage points of that of previous registrants (US Senate, 1975, 715). "In Maryland, the five registration by mail counties, representing 57 percent of the state's population and 56.9 percent of the registered voters produced 73.6 percent of the increase in the total statewide registration" (717). The report credited postcard registration for stemming the tide of declining registration: "Registration levels for all jurisdictions [in Maryland and Minnesota using mail] dropped only 4.8 percent from 1970 to 1974, while registration in the rest of the nation dropped 6.1 percent" (718).

The House Administration Committee reported the bill favorably to the House in November, and after some amendments, it was reintroduced as H.R. 11552. Although H.R. 11552 was reported to the House in January, it languished unattended for some months. The Senate Post Office Committee, meanwhile, took no action. David Minton, who had served as General Counsel to the Senate Post Office Committee, and in July 1975 became Associate General Counsel to the House Post Office Committee, said, "The Senate had worked hard to pass the bill in the previous Congress, and was not going to lift a finger until the House got off its collective duff and acted." (Personal correspondence, 1/8/00). Minton also noted that several factors made it unlikely that the bill would succeed: President Ford was expected to veto it, no leading House Committee member was personally invested in it, and "The bill had no real constituency, in my view, except those who favor greater voter participation, and to some extent, organized

labor. The AFL-CIO did support the bill in the Senate, but I never knew how much of that was genuine support and how much of it was a favor to Senator McGee" (ibid.).

As the 1976 election approached, postcard registration legislation was resurrected. Party lines on the legislation were clear, and both parties were clearly focused on the election. The printed Senate hearing includes letters from the Republican National Committee, and the Republican state committees of Florida, New Jersey, Oklahoma, Illinois and Vermont opposing S.1177. The Democratic Party's platform called for the "passage of legislation providing for registration by mail in federal elections to erase existing barriers to voter participation" (Johnson 1978, 925), while the Republican platform opposed " 'federal post card registration,' " because of the "possibilities of fraud ... inherent in registration by mail" (Johnson 1978, 971). Congressional Quarterly reported that Democratic Party surveys showed that 70% of the unregistered would vote Democratic (Ott 1976, 2240). While the accuracy of this statistic is questionable, it explains why party leaders wanted to get the postcard registration bill passed in time to mail registration forms to all Americans before the November elections.

Democratic Presidential candidate Jimmy Carter was supportive of voter registration reform. In his campaign book, Why Not the Best?, he wrote, "Every effort should be extended to encourage full participation by our people in their own government's processes, including universal voter registration for elections." (Carter 1975, 169). He lobbied for the postcard registration bill, and promised to work for "universal voter registration" if elected. During the

campaign, he spoke at a Voter Education Project Banquet in Atlanta, Georgia, about his commitment to voter registration:

When I came here for the first VEP banquet, I made a brief speech. Nobody paid much attention to it. But for the first time I called for universal voter registration, in May of 1974. In December of 1974, I announced that I was a candidate for President of the United States. And I made a fairly brief speech to the National Press Club in Washington, D.C., and one of the things I called for was universal voter registration. Last month, I made an acceptance speech at the Democratic National Convention in Madison Square Garden and one of the things that was right in the heart of my speech was a call for universal voter registration. If I'm elected President, I want to put John Lewis out of business. (Carter, p. 159)

Urged on, according to the Washington Star, by Jimmy Carter, the House Democratic leadership moved to pass H.R. 11552, amended so that it would take effect immediately, allowing postcards to be distributed in time to register voters for the November election. The Washington Star editorial, "A Phone Call from Jimmy," read in part:

What's the big rush on postcard voter registration?

All of a sudden the House Rules Committee has cleared a registration-by-mail bill that has been lying around for months. And Frank Thompson Jr., the new head of the Administration committee, which did the original work on the bill, is carrying around a batch of amendments aimed at putting the postcard registration plan into effect for the fall election.

....
The present flurry of activity apparently flows from a telephone call Gov. Jimmy Carter made last week to House Speaker Carl Albert. The Democratic presidential nominee is reported to have said he hoped the bill could be passed now. Mr. Albert called Rules Committee Chairman Ray Madden and, lo and behold, the postcard

registration bill miraculously came unstuck.
(Congressional Record 1976, 25779)

On August 5, 1976, the bill was debated on the House floor. The Republicans, led by Representative Latta of Ohio, charged that Thompson's schedule for enacting the legislation and mailing out postcards to voters would, at best, flood election registrars with postcards in the last week before the registration deadline and leave them little time to verify the names (Congressional Record, 1976, 25781). A Republican opponent charged that the real purpose of passing H.R.11552 so late in the election calendar was to make registration forms available to organizations: "This is nothing more nor less than a Federal subsidy for special interest group registration drives" (25781).

During floor debate on August 9th, Bill Frenzel (R-MN) offered three amendments: to postpone implementation until January 1977, to exempt primary elections from inclusion in the postcard registration system, and a substitute which would authorize \$35 million for states to improve their registration systems. None were accepted.

An amendment to delete the mass mailing provision was offered by Democratic Representative Don Bonker of Washington, and passed, despite the opposition of the leadership and the bill's sponsors. Bonker, a former county elections supervisor, argued that the postcards could not be ready for the November election, and that it was wasteful to send postcards to every eligible citizen, when 70 percent of them were already registered. State election officials

lobbied heavily for the Bonker amendment, and it won 130 Democratic votes and was adopted (Table 2.6).

Democratic House Speaker Carl Albert was eloquent in his exhortations to the House to pass H.R. 11552:

Those opposing this historic reform, like those frightened men of the 19th century who fought the repeal of property qualifications for voting, even if they refuse to admit it to themselves, are fearful of the further democratization of American society (Congressional Quarterly 1976, 34: 2241).

Albert's zeal for democracy, no doubt heightened by the heat of the fast-approaching presidential election, did improve the Democratic vote for the bill. It was 6 points higher than in 1974, and the Northern Democrats — over whom the leadership exerted more control — voted 97.8% for the bill. House Democrats rallied around the bill, presumably hoping to register more voters in time for the fall election, in which their party hoped to take the White House. Having gained 52 seats in the House in 1974, House Democrats were probably eager to further increase their margin (Table 2.7).

The Senate did not bring H.R.11552 or a companion bill up for a vote. By the time of the House debate the Senate had already passed S. Resolution 498, which “invites the nation’s private sector to initiate an extensive effort to increase voter registration and voter turnout in the 1976 general election.” (The resolution was sponsored by Senator Thomas Eagleton (R-MO), and Majority Leader Mike Mansfield co-sponsored it.) Threats of a filibuster kept postcard registration from the floor.

Despite the support of a popular presidential candidate, and the enthusiasm of Democrats who thought postcard registration might win them the White House, the threat of a Senate filibuster and a presidential veto doomed the bill. Carter was elected President without the help of postcard registration, and Senator McGee was defeated by Republican challenger Malcolm Wallop.

The Election Day Registration Campaign

Shortly after their November 1976 victory, Carter asked Vice President Walter Mondale to draft a legislative package of election reforms. Richard Moe, who worked on Mondale's campaign staff and was his chief of staff during the Carter Administration, took the lead role in developing the proposals. In his first memo to the president on the subject, Moe suggested to Carter that they propose an alternative to postcard registration — election-day registration. Postcard registration had engendered a lot of opposition, and Moe argued that "even in those states where postcard registration exists, it alone is not sufficient to significantly increase voter participation (Memo, Moe to Carter, 1/29/77). Election-day registration had been used in Mondale's home state, Minnesota, since 1973, and was considered very successful. A study reported that turnout, as a percentage of the voting age population, increased from 68.4 to 71.7 between 1972 and 1976, and that 22.9% of those Minnesotans voting in the November 1976 election registered on Election Day (Smolka 1977, 26). Turnout in Minnesota was the highest in the nation in 1976.

The election reform package included proposals for public financing of congressional elections, direct election of the president, a revision of the Hatch

Act and “universal voter registration.” The voter registration proposal allowed states to enact their own election-day registration (EDR) systems, and established an EDR procedure which would be used in states that didn’t enact their own. It would provide states with grants to cover their new costs, and create stiff federal penalties for registration fraud. Moe also suggested that EDR be paired with postcard registration, to decrease the congestion of new registrations at the polls on election day.

Over the next few months, Mondale and Moe worked on the specifics of the proposal. By mid-March, they had worked out an agreement on a specific bill with “key House, Senate and labor leaders” (Stu Eizenstat to Jimmy Carter, 3/12/77), including Representative Frank Thompson and Senators Cranston, Kennedy, and Howard Cannon(D-NV), the new chair of the Senate Rules Committee. The state grants had been expanded to include bonuses for using EDR for state and local elections, and for increased outreach prior to election day. States would be allowed — in fact, encouraged by the grants — to use other registration methods in addition to EDR.

In announcing the election reform package on March 22nd, Carter made a show of bipartisan support for his proposal. Bill Brock, who was now Chairman of the RNC, and House Minority Leader John J. Rhodes appeared with him at the press conference. Brock had previously co-sponsored postcard registration bills in the Senate. Rhodes had voted against postcard registration bills in both 1974 and 1976 but now predicted that the bill would pass the House with “ a lot of Republican support,” observing that “the low public opinion rating Congress has

received is an indication that non-voters could be receptive to a Republican appeal" (Congressional Quarterly 1977, 35: 909). Redistricting after the 1970 census left Rhodes, a Goldwater Republican with a district that was, according to the Almanac of American Politics, "the bulk of the city's black and chicano populations, as well as the 30,000 students at Arizona State University in Tempe."

Bipartisan harmony quickly evaporated as it became apparent that other Republicans did not share Rhodes' optimism. The RNC passed a resolution at its April meeting stating that election day registration would "endanger the integrity of the franchise and open American elections to serious threat of fraud" (Congressional Quarterly Almanac 1977, p. 799), and that increased federal regulation would discourage participation (New York Times, May 1, 1977, 24). Rhodes was forced to withdraw his support. When hearings were held in April, the only Republican member of Congress to testify, Clair Burgener of California, testified against the legislation (U.S. Congress, House. 1977). Republicans made fraud the major issue, with Rep. Bill Frenzel (R-MN) and Senator Mark Hatfield (R-OR) leading the opposition.

In this they found that most election officials were their allies. Although election day registration would generally require persons to show identification, while mail registration would not, election day registration had the potential to overwhelm election administrators on the day of an election with large numbers of new and unregistered voters to process. The consequences for fraud and delayed election returns were hard to predict given the country's slim experience with EDR. In 1977, only Minnesota, Wisconsin, Oregon and Maine used election-

day registration, and North Dakota required no voter registration. Although Smolka's research on EDR in Minnesota and Wisconsin uncovered very few complaints of fraud (Smolka, 1977), these states had little problem with fraud historically, and so their experience was of little help to a state like Illinois or Kentucky, where fraud was a major concern.

Republican opposition, once again, was partially informed by their expectation that partisan advantage would redound to the Democrats. Little fraud was seen in these states (Smolka 1977), but it was widely reported that "In all four states which presently use some form of election-day registration, Democrats have gained seats in the legislature" (Congressional Quarterly, 1977, 1494). Richard Moe said, "The Republicans clearly didn't like it. They concluded that more people voting wouldn't help them" (Moe, 1997).

The Democrats were divided on the issue. Support from Southern Democrats had increased, although it still was much lower than that of Northerners; only 3 of the 14 Southern Democrats in the Senate voted for postcard registration in 1972, 8 out of 14 supported it in 1973 (42%). During the 1976 election, when the House leadership was actively pushing for postcard registration, 59% of Southern Democrats in the House supported it, but it was unlikely that as many would vote for EDR. Moe reported that big-city Democrats opposed it as well, naming in particular the cities of Philadelphia and Chicago. "They wanted to know who voted" (Moe, 1998).

The Democratic congressional leadership found it difficult to work with Carter and his administration, and this also caused problems for EDR. Carter had

run as an outsider, and remained one in Washington. With some notable exceptions, like Walter Mondale, Carter's early staff was composed largely of Georgia transplants, not experienced Washington hands. Tip O'Neill complained at length in his memoir about large and small ways in which he felt ignored or undervalued by the White House, from bad tickets to the Inauguration for his relatives to lack of consultation on the cancellation of water projects (1987). Early in the Administration, while Frank Moore was still setting up and staffing the Office of Congressional Liaison, he got a reputation for not returning phone calls; members of Congress and Congressional staff who were already suspicious of him because he didn't have Hill experience, were slow to forgive or forget (Moore, 1980).

The Carter Administration's difficulty in setting manageable legislative priorities was frustrating to the House leadership. Not knowing which among the president's many legislative proposals were the most important made it difficult to build support for his agenda. Bill Cable, who worked as a Congressional Liaison, said,

It wasn't until November, Thanksgiving, of the first year that we really sat down and created a priority document to look at what was important. What was important to the president? . . . At the point in time, my memory's a little vague on this, but at the point in time we created it, we had some sixty odd legislative initiatives that we had sent up in the first nine months. . . . we had more than consumed the legislative time available in the balance of the Congress. (Cable, 1980)

At the House Administration Committee hearings on H.R. 5400 in April, election officials from Chicago, Philadelphia, Los Angeles, and Rochester raised

major concerns about the possibilities of fraud. Four Secretaries of State testified on behalf of the bill, presumably due to the efforts of Dick Moe, who said he worked to gain support from Secretaries of State. A state senator from Wisconsin spoke about how well EDR worked in his state. Most of the witnesses were government officials of one sort or another. After some amendments, including one that delayed implementation until 1980, the House Administration Committee approved the bill on a straight party-line vote, 17-8.

Hearings on S. 1072, its equivalent, and other elements of the Administration's election reform package were held in the Senate Rules and Administration Committee in May. Fraud was once again the major concern, and it was given greater legitimacy by the disclosure that memos had been circulating within the Justice Department about the dangers of fraud under EDR, and how to combat them. Once again, almost all the witnesses were government officials. The non-governmental organizations speaking in support were the League of Women Voters, the Committee of Seventy, the New York City Bar Association, and the International Association of Clerks, Recorders Election Officials and Treasurers (IACREOT), a professional association that included many local election officials.

Moe says that Carter saw voter registration as a good government issue, but "It was not an issue that engaged him deeply" (Moe, 1998). The Carter Administration was unsuccessful in mobilizing broad public support for its proposal. Although White House staff memos state that the Carter Administration had support from organized labor, no one representing a union

testified at the Senate or House hearings. Carter did make a strong appeal for union support at the Convention of the United Auto Workers in May 1977:

Many working people don't vote because they don't have the time to go through the lengthy and needless registration procedures.

Vice President Mondale and I have worked out legislation that would let people register at the polls on the day of a Federal election. There are some powerful special interests, including the Republican Party, who are trying to kill the electoral reform bill because they don't want working people to register and to vote. I need you to help me get this bill passed through Congress. (Public Papers 1983, p. 893)

This forthright partisan rhetoric was not matched by the Administration's strategy for building a constituency for H.R. 5400; it frequently downplayed liberal Democratic support of the bill, in hopes of attracting more moderate support.

Carter Center files do not include a list of the organizations which endorsed H.R. 5400, but they do include information on the efforts to win the endorsement of various groups. Memos that circulated between the President, the Vice President, Richard Moe (the chief staffperson on the election-day registration bill), and the President's Office of Public Liaison, show that their strategy to build support for the bill involved reaching out to conservative and moderate groups, so that the bill would not be identified as a liberal bill. The Office of Public Liaison put considerable effort into attracting the support of senior citizen organizations — an odd choice, given that seniors are more likely to be registered, and more likely to vote, than any other social group. Some Latino groups signed on in mid-May, but many other groups were not contacted until much later; as late as July 8, 1977, four months after the bill was introduced, Jane Wales of the

Office of Public Liaison reported that she had had “preliminary discussions with a wide variety of interest groups” (Memo, Carter Center). Of the country’s major civil rights organizations, only the Mexican American Legal Defense Fund (MALDEF) is mentioned in the Carter Center papers — and in its hearing testimony, MALDEF gave only conditional support to the Carter legislation. MALDEF raised concerns about the lack of community participation in the development of voter registration plans, the confusion that might result if states used EDR for federal elections and not for state and local elections, and possible conflicts between S. 1072 and the Voting Rights Act.

The Administration’s efforts were unsuccessful in getting any organizations to champion the bill’s cause. While some organizations agreed to endorse the bill, it is not clear what specific action the groups took, if any, to push for the bill’s passage. Mary Brooks, the League of Women Voters’ senior lobbyist during the later Motor Voter campaign, said she thought the League was more concerned with passage of the ERA in the 1970s (Brooks, Interview, 1996).

Mondale, Moe, and the other Administration staff focused their efforts on getting the House to pass H.R. 5400. It was not an easy task. When the hearings were over and the bill was scheduled for consideration on May 23rd, the White House compiled a list of 46 Democratic members who opposed H.R. 5400, apparently an incomplete one (Memo, Marilyn Haft to Office of Public Liaison Staff. 5/17/77).

An apparent lack of public support for the bill only made the task of building a congressional majority harder. The Gallup Poll reported that the

public opposed Carter's EDR bill, 55% to 40% (New York Times, May 8, 1977, 15:1). This is the only poll I found in which the public was asked about Carter's election day registration proposal, and it is the only poll taken during any of the three campaigns in which a majority opposes liberalization of voter registration procedures. Both the New York Times and the Washington Post had reported that charges had been made that Carter's bill would facilitate fraud, which may have influenced respondents.

The reliably liberal Washington Post editorialized against EDR on May 20th, saying "we *do* want working people and others to register and vote — but not necessarily on the same day" (Washington Post, May 20, 1977). The Post argued that turnout had been declining as voter registration procedures had eased, and that other factors must be at work in the decline in voting. In addition, the Post echoed concerns about fraud and states' rights. By the end of June, the list of uncertain votes had grown to 94, 52 of whom would almost certainly vote no. At least 210 of the 292 Democrats were needed for passage. Frank Thompson hastily pulled H.R. 5400 from the calendar, and Tip O'Neill was quoted in the New York Times saying he didn't know why Carter had made the bill a priority (May 24, 1977, 16:6).

Mondale, Thompson and the House Democratic leaders tried to fashion a compromise bill that would win support. After a breakfast meeting in mid-June, they announced the addition of two anti-fraud provisions, and a provision to make EDR voluntary for the 1978 election, and delay mandatory implementation

until 1980 (New York Times, June 15, 1977 18:3). It did not dramatically increase support for H.R. 5400.

In mid-July, Vice President Mondale wrote a memo to President Carter, in which he said, "We were all shocked to learn today that the House Whip count shows us well short of the number of votes for passage. According to the count, we're not even close. The question now is whether we 1) try to go ahead and bull it through, 2) delay until September and try again, 3) compromise in order to pick up enough votes." Mondale believed that an out-and-out defeat for the bill would set back the effort for national voter registration, and was not worth the risk. Delaying the vote until September was not likely to win any extra votes, since, as Mondale put it, "I have talked personally with close to 50 members on this bill. Dick Moe has been virtually living on the Hill and has met with even more than that number. Frank Moore and his staff have worked on it constantly" (Memo, Mondale to Carter, July 14, 1977, Carter Center). Mondale suggested that the best chance was to make further compromises. Handwritten in the corner of Mondale's typewritten two-page memo is Carter's reply, "Fritz, I'll defer to your judgement." In mid-July, an announcement was made that H.R. 5400 would be amended to make EDR completely voluntary (it would still give financial incentives to states). When this did not win additional supporters, H.R. 5400 was postponed indefinitely with no vote ever having been taken on the bill.

Years later, Carter told a Harvard/ABC symposium on voter participation that "incumbency" was the major obstacle to his bill.

The key word was 'incumbency'. Incumbent members of Congress don't want to see additional, unpredictable voters registered. I'm speaking in generalities and there were obviously some exceptions. But I tell you what I say is true. The more senior and more influential members of the Congress – those who are the chairmen of major committees – have a very safe district. To have a 25 or 30 percent increase of unpredictable new voters is something that they don't particularly relish (Harvard/ABC News Symposium, 1983, 27).

Carter did not single out, as he had previously done, the Republican Party as an opponent of registration reform. Instead, he focused his attention on the “insiders” —the politicians already in office — of either party. Such politicians, as Shefter suggests, might be unwilling to take the risk of expanding access to the vote.

Why They Failed

Republican Opposition, Democratic Divisions

The partisan interests of members of Congress and other elected officials were important and obvious obstacles to voter registration reform in the 1970s. Members of both parties, inside and outside of Congress, saw political advantage or disadvantage in registration reform, and voted accordingly. Republican support was almost non-existent, with 9 to 29 percent of the GOP supporting it in floor votes.

The Democratic Party, by contrast, supported registration reform. The Democratic Party specifically endorsed postcard registration of voters for the first time in their 1972 party platform (Johnson 1978, 820). Democrats would later support registration by mail in 1976 and in 1984 (Democratic National Committee,

1984), 1988 and 1992 (National Party Conventions 1995). Although the Republican Party did not mention the issue in its 1972 platform, RNC Chair Bob Dole had testified against McGee's bill in 1971, and the party specifically opposed "federal post card registration" in its 1976 platform (Johnson 1978, 971) and in its 1980 platform (Johnson 1982, 198).

Nevertheless, Democrats were divided on the issue. Southern Democrats were initially as wary of voter registration reform as Republicans. This is not surprising, given that McGee presented his first proposal a mere six years after the Voting Rights Act was passed. The post-Reconstruction restricted Southern electorate was finally beginning to change, and those who had to stand for election were threatened by that change. Over the course of the 70s, support among Southern Democrats did grow, so that in 1976, 59.5% voted for the postcard registration bill.

Carter's belief that incumbency was his bill's greatest enemy fits an analysis of the situation suggested by Shefter: those in power will be unlikely to risk expanding the electorate unless they are in danger of losing power otherwise. To state it in Shefter's terms, those already in Congress, who *ceteris parabis*, had a high probability of being reelected, would be wary of expanding the electorate to include new voters. This would be especially true for Republicans, who had reason to suspect that many of those new voters would vote Democratic. It was also true for Southern Democrats; although the new voters would vote Democratic, they might not support the Democratic incumbent. This was true for many other Democrats, particularly in areas with strong party organization.

During the Carter Administration, DNC Chairman Kenneth Curtis said that election-day registration would lose Democratic support if it applied to primary as well as general elections. The New York Times explained: “with the re-election rate of incumbent members now running more than 90 percent, members of Congress tend to be more fearful of primary opposition within their own party than a successful challenge by the opposite party candidate in the general election” (May 18, 1977, 18:5).

Comparing the votes on postcard registration with contemporaneous votes on extending the Voting Rights Act (VRA) yields some interesting differences. Unlike the postcard and EDR bills considered in the 70s, the Voting Rights Act of 1965 applied only to a “state or political subdivision thereof in which less than 50 percent (the ‘triggering clause’) of the eligible voting age population had neither voted in the 1964 presidential election nor was registered to vote as of November 1, 1964” (Crotty 1977, 63). This meant that it initially applied only to the states of Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and 41 counties of North Carolina. The 1970 Act eliminated all literacy tests, and expanded the federal examiner program to cover all jurisdictions in which *either* registration or turnout had fallen below 50 percent in the 1968 or 1972 election, thus expanding its reach to some Northern urban areas, like New York City. Table 2.8 compares Senate votes on the 1970 VRA extension and the 1972 vote on postcard registration. Table 2.9 compares two House votes taken in 1975: one on extending the VRA, and one on postcard registration. The support of Southern Democrats for VRA and registration reform legislation was roughly the same for

both types of legislation, but increased markedly between 1970 and 1975. In 1970 and 1975, Southern Democratic support for extensions of the VRA was 7 to 9 percentage points higher than their support for postcard registration bills. Their support for both types of legislation increased roughly 40 percentage points over those 5 years (Tables 2.8 and 2.9). In the early 70s, Southern Democrats opposed civil rights legislation and voter registration reform legislation which would broaden the electorate to which they had to appeal; by the mid-70s, enforcement of the Voting Rights Act forced Southern Democrats to appeal to black voters, and so their support for the VRA and registration reform increased.

Although Republican President Richard Nixon initially opposed the renewal of the Voting Rights Act in 1970 and weakened enforcement of the law, there was significant Republican support for the VRA; 97% supported the 1970 extensions, and 68.6% supported the 1975 extensions. This is markedly different from their record on postcard registration: 18.6 percent of the Republican Senators supported postcard registration in 1972 and only 9% of Republican House members supported it in 1975. The VRA affected jurisdictions, primarily in Southern states, where Republicans were not electorally strong, while voter registration reform would affect the entire country.

Insufficient interest group involvement

The efforts at voter registration reform in the 1970s also appear to have been hampered by the lack of sustained support from outside of Congress. Although some organizations testified in support of the legislation, there is little evidence that any group made passage of postcard registration or EDR a priority.

The student organizations which fought for the 18-to-20-year-old franchise began to fade from the scene after their victory; civil rights organizations had other concerns, among them the extensions in 1970 and 1975 of the VRA, and litigation work to ensure that the VRA was enforced. A review of the NAACP's annual reports from 1971 through 1977 revealed no mention of postcard or election day registration. The League of Women Voters, while supportive, was more deeply involved in the battle for the Equal Rights Amendment.

A Disinterested-to-Hostile Public

In hearings, floor speeches, newspaper articles, members of Congress did not speak about public opinion about registration reform. The polls discussed in relation to registration reform were those which attempted to show how non-voters might vote if they became registered. Congressional representatives who supported reform pointed to the almost 20% of survey respondents who said they did not vote because they were unable to register, or unable to meet the residency requirements in their state. Those who opposed postcard or election day registration pointed out that a much larger percentage, 43%, had said they weren't interested in politics.

Congress appears to have known little about citizens' opinion of the reform proposals, and what they did know was not positive. No evidence exists that the public was polled on postcard registration during the 1970s – evidence that the issue was of low salience. One 1977 poll asked people whether they supported Carter's election day proposal, and found that the majority opposed it, 55-40 (New York Times, 1977).

Opposition from the States

The discussion of national voter registration reform drew state and local election officials into the role of inter-governmental lobbyists. Although initially left out of the discussion of reform by Senator McGee, state and local election officials soon appeared as witnesses at Congressional hearings on the subject. At the 1972 field hearings entitled "The Concept of National Voter Registration," 13 of the 47 witnesses heard were election officials. They did not present a united position on voter registration reform; six were opposed to federal action, two were supportive, and four provided information to the committee without taking a stand one way or the other. By the following year, the National Association of Secretaries of State had passed a resolution opposing national voter registration legislation, and each of the five election officials who testified before the House Committee, and the five who wrote letters to the committee, opposed the national bills (US Congress, Senate 1973a, 94). Election day registration was even more unpopular among election officials, because they feared having large and unpredictable numbers of registrants to process on election day. Given the political reasons for members of Congress to be cautious about registration reform, as well as the opposition of many election officials, who would be presumed to be the experts on the subject, the lack of a strong external constituency for the bill was a serious obstacle.

It would be many years before the idea again received congressional attention. In the meantime, the action shifted to the states; during the 70s and 80s, many states eased their voter registration procedures in one way or another. Mail

registration, for example, which in 1972 had been offered to all eligible voters in only 5 states, was available in 16 states by 1980 (Mitchell and Wlezien, 1995).

Reform on the state level would offer models for future national reform.

The experience of these previous battles on the national level also influenced the ones to come. Advocates of registration reform knew what arguments would be brought against their proposals, and they had to be prepared to confront them again. The failure of postcard registration and election day registration inspired the search for an alternate approach to registration reform that might attract more political support.

Table 2.1. Reported* voting in Presidential elections by blacks and whites in the South, 1952-1992

Year	%Blacks reported voting	%Whites Reported Voting	Difference in turnout between whites and blacks
1952	15.7	60.1	44.4
1956	16.9	62.1	45.2
1960	38.6	72.9	34.3
1964	53.3	71.1	17.8
1968	67.2	68.1	0.9
1972	60.9	63.4	2.5
1976	57.0	65.7	8.7
1980	69.8	70.2	0.4
1984	64.9	67.8	2.9
1988	52.9	60.4	7.5
1992	60.0	67.7	7.7

Source: American National Election Studies 1952-1992 Cumulative Datafile.

Survey Question: All years except 1962: In talking to people about the election, we (1972-1992: often) find that a lot of people weren't able to vote because they weren't registered or they were sick or they just didn't have enough time.

(1956-1960: How about you, did you vote this time?) (1964-1970: How about you, did you vote this time, or did something keep you from voting?) (1972-1976: How about you, did you vote in the elections this fall?) (1978-1988: How about you, did you vote in the elections this November?)

1962: One of the things we need to know is whether or not people really did get to vote this fall. In talking to people about the election we find that a lot of people weren't able to vote because they weren't registered or they were sick or something else came up at the last minute. Do you remember for sure whether or not you voted in the November election?

*Since this is a survey, the numbers in this table represent percentages of respondents who REPORT that they voted; these numbers are always slightly inflated, as some persons who did not vote claim to have done so.

Table 2.2. Senate vote to TABLE S.2574, National Voter Registration Act, March 15, 1972.

Motion to table, and thus defeat, the bill establishing a nationwide system of voter registration by mail for all federal elections.

<i>Vote</i>	D	R	D-South	D-North	R-South	R-North	South	Total
Yes	11	35	11	0	5	30	16	46
No	34	8	3	31	0	8	3	42
Not voting	10	2	3	7	0	2	3	12
Total	55	45	27	38	5	40	22	100
% of those voting who voted No, supporting Bill	75.5	18.6	21.4	100	0	21.1	15.8	47.7

Source: Congressional Quarterly Weekly Report 1972, 30: 633.

Table 2.3 Votes on S. 352, the National Voter Registration Act, which would require postcard registration for all federal elections, April 1973

Vote 90, April 11, 1973

Allen makes a motion to table a committee amendment. The committee amendment would broaden S. 352 so that it would apply to the election of federal electors, as well as all other federal elections. The motion failed.

Vote	D	R	D-South	D-North	R-South	R-North	South	All
Yes	10	28	9	1	6	22	15	38
No	41	8	5	36	0	8	5	49
% Voting No, Supporting Bill	80.4	22.2	35.7	97.3	0	36.4	25.0	56.3

Source: Congressional Quarterly Weekly Report, 1973. 31: 880.

Vote 91, April 11, 1973

Committee Amendment, which would broaden S. 352 so that it would apply to the election of federal electors, as well as all other federal elections. The amendment passed.

Vote	D	R	D-South	D-North	R-South	R-North	South	All
Yes	39	8	3	36	0	8	3	47
No	9	29	9	0	7	22	16	38
% Voting Yes, Supporting Bill	81.3	21.6	25	100	0	36.4	15.8	55.3

Source: Congressional Quarterly Weekly Report, 1973. 31: 880.

Vote 92, April 12, 1973 Fong (R-HI) motion to table a committee amendment.

Fong's motion would table a committee amendment to allow the Postal Service to deliver "a sufficient quantity" of forms, rather than an exact number, to residences. This was done to make it easier for the Postal Service to comply. The motion failed.

Vote	D	R	D-South	D-North	R-South	R-North	South	All
Yes	7	24	7	0	5	19	12	31
No	40	9	6	34	1	8	7	49
% Voting No, Supporting Bill	85.1	27.3	46.2	100	16.7	29.6	36.8	61.3

Source: Congressional Quarterly Weekly Report, 1973. 31: 880.

Vote 93, April 12, 1973

Committee amendment which would allow the Postal Service to deliver "a sufficient quantity" of forms, rather than an exact number, to residences. This was done to make it easier for the Postal Service to comply. The amendment was adopted.

Vote	D	R	D-South	D-North	R-South	R-North	South	All
Yes	39	9	5	34	0	9	5	48
No	7	24	7	0	6	18	13	31
% Voting Yes, Supporting Bill	84.8	27.3	41.7	100	0	29.6	27.8	60.8

Source: Congressional Quarterly Weekly Report, 1973. 31: 880.

Vote 94, April 12, 1973

An amendment proposed by Senator Stevens, which would have allowed the "maximum constitutionally permissible" time limit for voter registration, presumably more than 30 days, in all non-presidential federal elections. The amendment failed.

<i>Vote</i>	<i>D</i>	<i>R</i>	<i>D-South</i>	<i>D-North</i>	<i>R-South</i>	<i>R-North</i>	<i>South</i>	All
Yes	11	26	8	3	5	19	13	37
No	33	8	5	28	1	7	6	41
% Voting No, Supporting Bill	75	23.5	38.5	90.3	16.7	26.9	31.6	47.4

Source: Congressional Quarterly Weekly Report, 1973. 31: 880.

Table 2.4. Vote to pass S. 352, May 9, 1973

A vote on passage of the National Voter Registration Act, Senator McGee's postcard registration bill. Passed.

<i>Vote</i>	<i>D</i>	<i>R</i>	<i>D-South</i>	<i>D-North</i>	<i>R-South</i>	<i>R-North</i>	<i>South</i>	<i>All</i>
Yes	45	12	6	39	1	11	7	57
No	8	29	8	0	6	23	14	37
% Voting Yes, Supporting Bill	84.5	29.3	42.9	100	14.3	32.4	33.3	60.6

(Source: Congressional Quarterly 1973, 31:1180)

Table 2.5. House Vote against rule on HR 8053, May 8, 1974

Vote 140. Passing the rule would have allowed the bill to be considered. H.R. 8053, introduced by Rep. Dent, was the companion to S. 352, a bill requiring postcard registration for all federal elections.

<i>Vote</i>	<i>D</i>	<i>R</i>	<i>D-South</i>	<i>D-North</i>	<i>R-South</i>	<i>R-North</i>	<i>South</i>	<i>All</i>
Yes	177	20	34	143	0	20	34	197
No	44	160	39	5	31	129	70	204
% Voting Yes	80.0	11.1	46.6	96.7	0	13.4	32.7	49.1

Source: : Congressional Quarterly Weekly Report 1974, 32: 1250.

Table 2.6. House Vote on the Bonker Amendment August 9, 1976.

This Bonker amendment would delete the provision of H.R. 11552 that required the Postal Service to mail voter registration forms to every eligible citizen before the November election. The amendment was adopted.

<i>Vote</i>	<i>D</i>	<i>R</i>	<i>D-South</i>	<i>D-North</i>	<i>All</i>
Yes	130	125	54	76	255
No	130	0	24	106	130
% No	50	0	30.8	58.2	33.8

Source: Congressional Quarterly 1976, 36: 2226.

Table 2.7. House Vote on Postcard Registration, August 9, 1976

<i>Vote</i>	<i>D</i>	<i>R</i>	<i>D-South</i>	<i>D-North</i>	<i>All</i>
Yes	228	11	47	181	237
No	36	111	32	4	147
% Yes	86.3	9.0	59.5	97.8	61.9

Source: Congressional Quarterly 1976, 36: 2226.

Table 2.8. Comparison of Senate Votes on Voting Rights Act Extension and Postcard Registration

<i>% Voting Yes of those voting</i>	<i>1970 Senate Vote on Voting Rights Act Senate Vote 97</i>	<i>1972 Senate Vote on Postcard Registration Senate Vote</i>
Democrats	73.8	75.5
Republicans	97.0	18.6
Southern Democrats	28.6	21.4
Northern Democrats	96.4	100
Total	84.2	47.7

Source: 1970 Vote, Vote 97, H.R. 4249. Voting Rights Act Amendments of 1969.

Congressional Quarterly Almanac 1970, p. 18-S.

1972 Vote, Congressional Quarterly Weekly Report 1972, 30: 633. For more details, see table 2.2.

Table 2.9. Comparison of House Votes on Voting Rights Act Extension and Postcard Registration, 1975

<i>% Voting Yes of those voting</i>	<i>1975 House Vote on VRA Extension House Vote (No. 192)</i>	<i>1976 House Vote on Postcard Registration House Vote (No. 473)</i>
Democrats	90.1	86.3
Republicans	68.6	9.0
Southern Democrats	69.1	59.5
Northern Democrats	99.0	97.8
Total	83.0	61.9

Source: Vote 192, H.R. 6219 Voting Rights Act Amendments of 1975.
Congressional Quarterly Almanac 1975, p. 60-H. Vote 473, See Table 2.7.

Chapter 3: Setting the Stage for Reform

Once Carter's bill was buried, Congress largely turned away from voter registration reform. Although some members of Congress introduced bills in the early 80s designed to increase voter participation, little action was taken on them, and they did not reach the floor of either house. Neither a postcard registration bill nor an election day registration bill was introduced between 1978 and 1983. Some creative efforts to facilitate registration and voting were introduced: a bill to move Federal elections from Tuesday to Saturday; another to post voter registration information in post offices; a third to automatically register to vote all those registered for the Selective Service. Several bills requiring that polling and registration sites be accessible to the handicapped were introduced; one of them became law in 1984 (Public Law 98-435). In the 97th Congress, Mickey Leland (D-TX) proposed allowing nonprofit organizations to conduct voter registration in post office lobbies, and Robert Matsui (D-HI) introduced a bill allowing non-partisan lotteries, whereby citizens who voted would be eligible for prizes. However, these proposals were ignored; no hearings were held and no further action was taken.

As the non-decision literature reminds us, "Some issues are organized into politics and some are organized out" (Bachrach and Baratz, 1970: 50). Events that do not occur are difficult to observe and analyze. We can speculate as to the reasons little progress was made toward national voter registration reform between 1977 and 1984. The failure of the postcard and

EDR campaigns in the seventies probably discouraged advocates from continuing their efforts. Senator McGee, who had previously been a champion of voter registration reform, was defeated in 1976 by conservative Republican challenger Malcolm Wallop. Clearly, the Carter Administration, which had a number of issues on its agenda, was not going to invest more time on EDR after such an ignominious defeat. Reform-era congressional rules had limited the power of recalcitrant committee chairs to stop legislation; although the reform era had ended by the time of Reagan's presidency, committee chairs never regained the oligopolistic power they had once controlled. Reagan's election, however, meant reform advocates could no longer assume that the President would sign a bill if it got through Congress. And there still was no movement or interest group that had prioritized the achievement of national voter registration reform.

The focus of this chapter, however, will not be on why little happened nationally between 1977 and 1984, but why reform legislation began to move forward again after that date. After 1984, numerous non-profit organizations focused more attention on the obstacles to participation created by voter registration procedures. In 1987, a comprehensive voter registration reform bill was introduced in both houses. It received serious consideration, and led to the passage of such legislation in 1993. What elements came together to put voter registration reform back on the congressional agenda? In this chapter, I will focus on four factors that set the stage for successful voter registration reform. First, increasing liberalization of voter registration laws

on the state level showed national policymakers how reform could be accomplished, and how it would work. Secondly, a new method of registering voters was developed — agency-based registration. Thirdly, because of an increase in the number of organizations dedicated to voting rights issues, and the experience many organizations had doing voter registration work in the 1984 election, more attention was paid to the way in which voter registration procedures served as an obstacle to full participation. Fourth, changes in Congress — the post-reform changes in the mid 70s, and changes in leadership in the mid 80s — opened doors for voter registration reform. A fifth significant development, the mobilization of a coalition of organizations advocating voter registration reform, will be the subject of the next chapter. “Coalition” is a word that will be used frequently in this chapter; participating in coalitions has become an increasingly important interest group strategy in Washington (Hula, 1999, Schlozman and Tierney 1986), and voter registration drives are frequently coordinated by ad-hoc coalitions of independent organizations. The use of the word coalition in this chapter does not refer to the coalition fighting for national reform legislation, which will be discussed in chapter 4.

Reform on the State Level

In the 70s and 80s, several states instituted liberalized voter registration procedures. If we look at voter registration laws in the states in 1972, when Senator McGee was pushing his postcard registration bill, and in 1986, when the voter registration organizations began to think more seriously about

national legislation, we see that much change had occurred. This comparison employs a database of state registration laws created by Christopher Wlezien and Glenn Mitchell, a chronology of state voter registration law changes written by Jo-Anne Chasnow of Human SERVE, and a Human SERVE report on agency-based registration (1988).

In 1972, mail registration was allowed by law in less than half the states, and in most of those states it was primarily reserved for special categories of citizens. Only five states allowed all citizens to register by mail – Hawaii, Kentucky, Nebraska, Tennessee, and West Virginia – but seventeen other states allowed some persons to do so. Thirteen states allowed those “generally absent” from the state to register by mail. In a handful of other states, the disabled, the ill, or those in the military were permitted to register by mail. By 1986, nineteen states allowed all voters to register by mail, and the number of states in which some category of voters could register by mail had risen to 37. It should be noted that it is not necessarily true that where state law permitted mail or agency registration, it was indeed being used, or used consistently or widely. For an example of early agency-based registration legislation that was not implemented, see p. 110.

Election day registration (EDR) was a much rarer type of voter registration system. By the 1976 election, there were five states in which one did not have to register in advance to be eligible to vote. North Dakota did not require registration at all. Maine and Minnesota instituted same-day registration in 1973 and Oregon and Wisconsin followed suit in 1975. Maine

and Oregon, however, required the voter to register at a central location before going to the polls; only Minnesota and Wisconsin allowed a voter to actually register at the polls (Smolka, 1977). Because registration was so much simpler in Minnesota and Wisconsin, Smolka looked only at those two states in his EDR study. He found that turnout increased more than 3 points in each state between 1972 and 1976. In Minnesota, 22.9% of those who voted registered at the polls, and in three counties more than 40% of the voters were same-day registrants. In Wisconsin, where roughly one-third of the population lived in communities that did not require registration, 10% of the voters were election-day registrants. By 1984, they were still the only states to use EDR at the polls. As Smolka points out, neither state was considered "typical"; both had "long permitted persons who lived in smaller communities to vote without registering" and neither state had a reputation for fraud or political corruption (Smolka, 1977, ii). Thus their experience would not be very helpful in calming the fears of election officials in other states.

Registration in motor vehicle bureaus had not even been tried in 1972; the first state to institute it was Michigan in 1975. Michigan's program, initiated by Secretary of State Richard H. Austin, required Secretary of State branch office clerks, who processed motor vehicle registrations and licenses, to ask all applicants if they would like to register to vote. The applicant would then be given a voter registration form, which they would turn in along with their license or registration application. This type of program,

where voter registration is integrated into the routine procedures of the agency, is known as an "active" program, and results in higher rates of registration than "passive" programs, where voter registration forms are merely made available in a waiting room, or on request (Knack 1995; Human SERVE 1991). Because of motor-voter, Michigan's registration rate, which was already higher than the nation's as a whole, climbed in the years following introduction of the motor-voter system, as the country's stayed largely stagnant (See Table 3.2). Michigan's registration rate rose from 81 percent in 1972 to 88 percent in 1980, and has remained above that level since; meanwhile, the nation's registration rate, which was 69.1 percent in 1972, remained between 68 and 72 percent from 1972 to 1992 (Scammon, 1973, 1977, 1981, 1985, 1989, 1993).

In 1982, Arizona voters passed a referendum mandating registration in motor vehicle agencies by a margin of 51% to 49%. Arizona used an active motor voter system, and the Secretary of State recorded a large jump in voter registration, from 57% to 66%. At least some of this increase was due to the fact that the referendum also ended the non-voting purge. Census surveys showed a more modest increase of 4.3 points, from 58.7% to 63.0%. By 1985, seven additional states had, by legislation, referendum or gubernatorial order, written motor voter language into their laws. But of these, only Colorado's and North Carolina's were active programs, and North Carolina's program was not well-implemented between 1985 and 1988. The rest were passive

programs, which achieve little in terms of increased registration (Knack, 1995).

North Carolina provides a good example of the significant difference between active and passive programs; in 1984, under Democratic Governor Jim Hunt, motor vehicle agencies actively offered registration to its clients, and 60,507 persons registered to vote. Between 1985 and 1988, under Republican Governor James G. Martin, forms were only available on request. Registration totals dropped precipitously; over the next four years, only 19,500 persons registered at motor vehicle agencies (Human SERVE 1988, 1991). The difference in implementation clearly caused a great decline in registration.

The difficulty of registration was of particular importance if registration was not permanent, and in most states, it was not. Forty-one states purged voters for failure to vote in 1972. In 37 of those states, registrants were purged after two or four years if they hadn't voted. By 1984, 44 states purged for failure to vote, 40 of them after a name had been on the rolls four years or less.

Growing state experience with voter registration reform made national reform more feasible. Based on their analysis of American electoral history and on Human SERVE's experience in the 1984 election campaign, Piven and Cloward expected opposition to a national registration legislation from elected officials and election administrators in states where registration was more restrictive than the proposed national system.

Shefter has shown us why political parties and elected officials will only pursue expansions of the electorate in particular circumstances, because of the risks inherent in doing so. Interviews with members of Congress, congressional staff and lobbyists frequently turned up the same comment: that elected officials do not want to take the risk of changing the rules under which they have succeeded. The danger is that new rules will mobilize new and unpredictable voters, or discourage the incumbent's supporters from participating. This supports Shefter's theory that only parties and politicians who face substantial opposition and lack other means of gaining or retaining power will choose to mobilize a large popular following; parties with a stable hold on power are unlikely to risk mobilizing the wrong people (Shefter 1984: 140). Congressman Swift, chair of the House Subcommittee on Elections, said, "You'd be hard pressed to get a majority vote, a secret ballot, even while there was a Democratic majority." The prevailing attitude in Congress, he argued, is usually "if it ain't broke, don't fix it" (Swift, Interview 1999).

Election administrators were wary of reform, especially national reform. As the Wall Street Journal reported in 1985, election officials were "fearful of fraud and burdensome workloads" (Lublin, 1985). They pointed to examples of increased fraud when registration procedures were simplified. Jerry Wamser, chair of the St. Louis, MO elections board told the Journal that when the city experimented with deputy registrars in 1982, the board received roughly 8,000 bogus applications. Election officials also raised the prospect that election day registration would lead to long lines and confusion on election

day. The Wall Street Journal made the point that "Election clerks' views carry a lot of political weight, not only because of their role overseeing voting but also because of their close contact with voters." (Lublin, 1985).

State reform can facilitate national reform by helping to overcome the natural reluctance of elected officials to change the election system under which they were elected. Where access to the franchise has already been broadened, there is less reason for incumbents to fear reform legislation. The Voting Rights Act was an example of how this could occur; as Table 3.1 demonstrates, African American voting participation in the South had already begun to climb before the Voting Rights Act passed. Whereas 8% of Southern House members and 6% of Southern House Democrats had supported the Civil Rights Act of 1960, by 1965 the Voting Rights Act garnered support from 23% of Southern House members and 27% of Southern Democrats (Kousser in Grofman/Davidson, 1992, 151). Piven and Cloward noted that the Civil Rights Movement's voter registration campaigns had already registered large numbers of African Americans in the South by the time the Voting Rights Act was passed. The Voting Rights Act ratified a change that had already begun to occur, and by doing so made further progress possible.

State reform also built a record of experience that enabled advocates to respond to concerns about fraud or logistical problems with evidence that these voter registration methods worked. The work of Jack Walker and others has shown that successful policy initiatives in one state are copied by

other states (Walker, 1971). The experience of the states with liberal voter registration methods would be valuable ammunition to convince Congress that such methods could work elsewhere. As Representative Al Swift said, "Radical? There was nothing radical in it. I said over and over again there is nothing in this bill that is not already working somewhere" (Interview, 1999).

As more states liberalized their registration systems, opposition from election officials and politicians in those states would decrease, and the chances for national reform would increase.

An Innovative strategy: Agency-based Registration

Voter registration in government agencies other than motor vehicle bureaus was a largely untested method until the early 80s. Some states had laws on the books, but had not implemented them. Pennsylvania passed a law in 1976 which required,

"Secretary of the Commonwealth shall request the proper governmental agency to make an official registration application card available to all persons applying for or changing address for driver's license, library cards, senior citizen transportation passes, entry to all schools and institutions of higher education" (quoted in Chasnow, 1992).

Yet no agency-based registration was taking place in Pennsylvania. The California Election Code also authorized agency-based registration, but it was not implemented.

Seeds for the future success of agency-based registration were planted when Project VOTE! began registering voters as they waited in line for food stamps, unemployment and other benefits. Project VOTE!, founded in 1981, is

a national, non-partisan, voter registration organization, which described itself as “working through an informal coalition of civil rights, women’s, labor, senior, church, peace, environmental and other groups” (Press Release, September 5, 1984). Most voter registration organizations, both partisan and non-partisan, used door-to-door canvassing to register voters. This method was time-consuming; a staffperson or volunteer could only knock on so many doors. Offering registration in a public place – on a street corner or in a mall – allowed organizations to register more people per hour, but was less effective for targeting particular groups.

Project VOTE! came up with a new twist on the old method of registering voters. “Sandy [Newman, VOTE!’s executive director] got the idea right after Reagan’s election that all we needed to do was go to food stamp lines and register people to vote,” said Jim Dickson, a former Project VOTE! director of organizing (Interview, 1997). This strategy took advantage of the structure of welfare state programs to facilitate voter registration. Volunteers registered people as they stood on line in unemployment offices and surplus food distribution sites, and went door-to-door in low-income housing projects. By doing so, Newman realized, Project VOTE! could make more efficient use of volunteers’ time to register greater numbers of people, and to ensure that they were reaching “those groups which consistently record the lowest voter turnouts — low-income, minority, and unemployed citizens. The very people that have been hardest hit by official heartlessness” (Fundraising letter, Project VOTE!, undated).

Would the newly registered vote? The available evidence suggested that they would. A national poll of first-time registrants, verified by voting records, found that turnout of first-time registrants “closely approximated the turnout of registered voters,” which was 77% (Committee for the Study of the American Electorate. Undated). A study of registration drives in Los Angeles concluded that 75% of new registrants had voted (Cain and McCue, 1985, 15). After registering 11,500 people at food stamp sites in New Jersey, Project VOTE! sent follow-up letters to one-third, follow-up letters and one phone call to one-third, and follow-up letters and two phone calls to one-third. By sampling election returns, Project VOTE! estimated that 29% of the first third had voted, 59% of the second third, and 66% of the last group had voted (Newman 1983, 19). In Lawrence, Kansas, a volunteer effort to register people on government commodity food lines resulted in increasing the percentage of recipients registered from 37% to 59%; 66% of the recipients, and 51% of the newly registered, voted in the 1984 election (Fawcett, Seekins, and Silber, 1988).

In 1983, another new organization, Human Service Employees Registration and Voter Education (Human SERVE), took the Project VOTE! strategy one step further, by recruiting staff in social service agencies to register their clients. Founded by Frances Fox Piven and Richard Cloward, two radical academics who were at the forefront of the welfare rights movement in the 1960s, Human SERVE’s strategy involved persuading public officials and social service workers to offer voter registration as part of

the routine in public and voluntary agencies. Early funding for the organization came from several foundations and private individuals; in its first year, the organization raised \$415,424. The board of directors included the heads of several social service agencies, like the YMCA and Planned Parenthood, the head of the National Association of Social Workers, and the Executive Director of the Puerto Rican Legal Defense and Education Fund.

Human SERVE appealed to social workers as individuals to register their clients, and to private social service agencies to offer registration.

Human SERVE tried to persuade the large national non-profit organizations to participate in the wave of registration activities in the 1984 election.

Planned Parenthood, The American Public Health Association, the National Abortion Federation and the YWCA began encouraging their affiliates to offer registration. Some other large non profits were reluctant:

Agency directors were afraid that voter registration would provoke the wrath either of their rich and conservative board members or of incumbent political leaders who dispense public subsidies. Even formal endorsements were not always easy to get. United Way of America considered joining the effort, but backed off to avoid objections from its business and industry contributors. The National Association of Community Health Centers decided it was wiser not to provoke the Reagan Administration (Piven and Cloward. 1985a, 584).

Human SERVE's field staff also encouraged state, county and local officials to institute agency-based voter registration. Previous to that, in states with mail registration, forms might be made available in the waiting rooms of some government offices, but this passive form of offering registration was not very effective. Human SERVE pushed for active agency-based registration

on a state level, by asking Governors to sign executive orders, and on a local or municipal level, by asking mayors and county executives to institute registration programs. In addition, Jo-Anne Chasnow of Human SERVE said, “We were working with the cities and the states, and all the organizations of local and state officials: National League of Cities, National Council of Mayors, National Association of Counties, National Governors Association, National Council of State Legislators” (Interview, 1996).

In 1984, after lobbying from Human SERVE and allies it mobilized in each state, the Democratic governors of Montana, New York, Ohio and Texas all signed executive orders that all state agencies implement agency-based registration, and the governors of New Mexico and West Virginia ordered that registration be offered in state human service agencies (Piven and Cloward, 1988: 227fn, 231). A great victory quickly became a pitched battle, when Donald Devine, head of the Office of Personnel Management in the Reagan Administration, wrote a letter to Governors Cuomo of New York, White of Texas and Celeste of Ohio two months before the November election questioning the involvement of public employees in registering people to vote, and threatening to cut off federal grants-in-aid. Implementation of the orders was frozen, and other governors, city government officials and private non-profits became more fearful of engaging in voter registration. The governors’ executive orders were also fought over in the courts. New York Governor Mario Cuomo was sued by the chair of the State Republican Party (Clark v. Cuomo) and Ohio Governor

Celeste was sued by John Galbraith, a member of the Ohio House of Representatives. To defend the executive orders, Project VOTE! and Ohio Secretary of State Sherrod Brown sued Devine and other federal officials for obstructing efforts to register voters. Although none of the suits was decided against the governors, they had a negative effect; in New York, for instance, a temporary restraining order related to the case resulted in Cuomo's order only being in effect for two weeks before the 1984 Presidential election (Davidoff and Williams, 1986, 5).

Where state law allowed or encouraged agency registration, Human SERVE tried to see that it was implemented. Human SERVE organizer Barbara Facher discovered that the California Election Code authorized agency-based registration:

' . . . each county, in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside of the county courthouse for the convenience of persons desiring to register . . . In furtherance of [this purpose], the governing board of any county, city, city and county, or other public agency, may authorize and assign any of its citizens or employees to become deputy registrars or voters and to register qualified citizens on any premises and facilities owned or controlled by such public agencies during the regular working hours of such officers or employees.'

A related regulation also states that 'each county shall provide for the solicitation of registration by personnel of state agencies.' (Piven and Cloward, 1988a, 12).

Together with the southern California chapter of the ACLU, Common Cause, the Southwest Voter Education Project and the Southern Christian Leadership Conference, Human SERVE sued Los Angeles county to force

implementation. They won an order (later overturned) that 20,000 health and welfare workers be instructed to offer voter registration to their clients.

ACORN sued Governor Bill Clinton of Arkansas in a federal case that challenged the state's restrictive deputization practices. To resolve the case, the parties agreed that employees of the Arkansas Department of Human Services would be deputized and would offer registration.

No problems with fraud were reported in the agency-based initiatives and voter registration appeared to add only minimally to the workload of agencies both public and private. Resistance to registration was the only problem that arose; as noted earlier, three governors were threatened by the Reagan Administration for ordering voter registration in their state's agencies. In some cities and counties, resistance or lack of commitment to the idea resulted in poor implementation of agency-based registration. Passive programs were particularly prone to inadequate implementation; once the initial push was over, the forms would be shifted to a little-noticed corner of the office, or empty display boxes would not be replenished, and registration would cease to take place in any significant volume. These early experiences showed, however, that when properly done, agency-based registration could be effective; in Ohio, when registration forms were made available in August and September 1984 at state liquor stores, lottery outlets and unemployment offices, the Board of Elections received 59,000 completed forms.

Thus, by 1986 the states' experience with voter registration methods had grown considerably more varied. Universal mail registration was in use

in 17 states. Active motor-voter registration was in use in four states, and passive motor-voter in another five. Registration in other government agencies had grown from a good, but largely untested, idea to a method with which numerous cities, towns, counties, and even a few states had experience. This experience would prove important because, although many election officials continued to lobby against national legislation, some election officials would report to Congress in the late 1980s that these reforms were already working in their states, showing that the reforms increased participation and countering charges that there would be fraud, excessive costs, or other problems.

Human SERVE founders Piven and Cloward frequently pointed out that the agency-based registration strategy circumvented the resistance Senator McGee, President Carter and others had faced in the Congress, and they hoped that it could “create the political conditions for national voter registration reform along European lines,” (Piven and Cloward 1985a, 593).

Voter Registration Organizations Arise

The Voting Rights Act and the need to push for its vigorous implementation encouraged the formation or expansion of many voting rights organizations in the late 70s and early 80s. One observer reports, “Until the appearance of the new civil rights organizations, the Department of Justice controlled the pace of litigation, but despite devoting substantial resources to threats to voting rights, it never moved as quickly or forcefully as

the victims would have liked" (Caldeira, in Grofman and Davidson 1992, 236; see also Heck and Stewart 1982). In addition to Project VOTE! and Human SERVE, described in the last section, several other new organizations concerned with voter participation were established. In 1974, the Southwest Voter Registration and Education Project was founded to increase voter registration rates among Latinos in Texas and the Southwest. The Women's Vote Project began in 1981. The Midwest Voter Registration Education Project was founded in 1982. The Mexican American Legal Defense and Education Fund, founded in 1967 to protect the rights of Mexican Americans in a wide variety of areas, initiated its Voting Rights Project in 1976 in response to the passage of the Voting Rights Act of 1975 (Mesa Casey 1996), which included bilingual provisions. The National Coalition for Black Voter Participation described the impetus for its creation in 1976 thus:

Following initial passage of the Voting Rights Act of 1965, millions of new black voters were added to the registration rolls, especially in the South. As a result, the number of black elected officials began to increase dramatically. Following the presidential election of 1968, however, the rate of black registration and turnout began a steady decline. By 1976, 40 percent of all eligible black voters (6 million people) were not even registered. Beginning in 1976, the annual rate of increase in the number of black elected officials also began to decline.

As a result, more than 50 national organizations came together in 1976 to create the nonpartisan National Coalition on Black Voter Participation. (NCBVP, 1983, 1)

The increased number of organizations meant a larger constituency for boosting voter participation. Advocating for the enforcement of the VRA gave these new organizations, and older civil rights organizations, an opportunity to see the obstacles posed by registration procedures. In the early

80s, voting rights and civil rights organizations used litigation to push for attention not only to practices intended to discourage minority voters, but also to practices which effectively did so. In 1982, they were successful in getting legal standards based on effect written into the law. As the extension legislation was discussed and debated in 1981 and 1982, many VRA supporters described remaining barriers to full participation which undermined the legislation's goals. These included electoral systems that diluted minority votes, and registration difficulties.

The U.S. Commission on Civil Rights summarized the inconveniences of voter registration:

Registration offices are usually located in courthouses and typically have been open only during business hours; public transportation to registration offices, especially for those who live in rural areas, has usually been unavailable; minority deputy registrars, who could facilitate registration in minority communities, have rarely been appointed (U.S. Commission, 1981, 22).

The Commission also found the "discourteous or openly hostile and intimidating" attitudes and actions of registration officials an obstacle to black registration. Among its recommendations was a call for Congress to "hold hearings to determine whether a nationwide Federal election law that provides minimum standards for registering and voting in Federal elections should be implemented" (U.S. Commission, 1981, 93).

The House Judiciary Subcommittee on Civil and Constitutional Rights held investigative hearings in mid-1984 on barriers to the effective vote — runoff primaries and voter registration barriers. Testifying on the issue of

registration barriers were Lani Guinier, assistant counsel, NAACP Legal Defense Fund; Gracia Hillman, executive director, National Coalition on Black Voter Participation; Judy Goldberg, associate director, American Civil Liberties Union of Virginia; Hulbert James, executive director, Human SERVE Fund; and Sanford Newman, executive director, Project VOTE! (U.S. Congress, 1984). They described the “crazy quilt” of varying registration practices in the states, many of which acted as artificial barriers discouraging eligible citizens from registering. Some of the practices they singled out were registration at a single central location, the lack of weekend and evening registration hours, registration sites located in areas inconvenient or unwelcoming to people of color, and blatant intimidation and discriminatory treatment. They suggested five solutions to improve rates of voter registration: shifting the registration burden to the government; registration by mail; election day registration at the polls; expanding use of deputy registrars; offering registration in public and private agencies (U.S. Congress, 1984, 5-6). One election official also spoke — Susan Farmer, Rhode Island Secretary of State. She opposed reform, arguing that the barriers to registration were not procedural, but attitudinal:

Our surveys found that the most prevalent barrier to registering to vote was attitudinal. Those surveyed felt that their choice was not significant or that their feelings about the choice of candidates was negative. To combat this sort of voter apathy, a partnership must be struck between education and elected officials, in order to motivate children at an early age (U.S. Congress, 1984. 9).

The Democrats on the subcommittee signed a report calling for reform, and supporting three voter registration reform bills which had been introduced in the 98th Congress: H.R. 4367, introduced by Congressmen Al Swift and Augustus Hawkins, to provide aid for both general and door-to-door registration; HR. 5815, to allow mail registration for federal elections; and H.R. 6147, to eliminate registration deadlines, both introduced by Congressman John Conyers. The Republican members submitted their own separate statement in which they stated their strong support of the Voting Rights Act, and agreed with the majority's statement that "Citizens who want to participate in the electoral process should have a convenient method to register to vote" (U.S. Congress. 1984, 8). However, the Republicans expressed concern that the alternative methods suggested would lead to fraud. Quoting Farmer, they agreed with her contention that registration procedures were not the real barrier to full participation. The Judiciary Committee did not move on to hold legislative hearings.

Registration efforts in the 1984 Election Campaign

Electoral considerations also played a role in encouraging groups to stress voter registration in the early 1980s. A year before the 1984 election, Mother Jones magazine published an issue with the cover title "What If They Gave An Election And Everybody Came?" over an image of Ronald Reagan, Walter Mondale and John Glenn looking disturbed. Inside, editor Deirdre English wrote, "The remedial effect of the New Right on the Left has been . . . to provoke a resurgence of interest in registering voters, organizing

constituencies, running candidates and attempting, again, to reform the Democratic Party" (English, 1983, 5). Frances Fox Piven and Richard Cloward said as much in a Nation article published in 1985:

The election of 1980 provoked many on the left to reassess the importance of electoral politics. One expression of that renewed interest was the mobilization in 1984 of the largest voter registration movement in memory, perhaps even in American history. The hope was that new voters from the bottom of the income scale could reverse the electoral tide that brought the right to power (Piven and Cloward, 1985c, 433).

Piven and Cloward argued that Reagan won because turnout was low among the sectors of the population that would be harmed by his policies. Walter Dean Burnham analyzed voter behavior in the 1980 election thus:

Of the total vote cast, Carter won 41.0 percent, Reagan, 50.7 percent, and Anderson and others 8.2 percent. Of the total potential electorate, however, the results are Carter, 22.6 percent; Reagan, 28.0 percent; others, 4.5 percent; the 'party of nonvoters,' 44.9 percent (Burnham 1981, 102)

He further noted that "there is specific reason to suppose that in 1980 there were sharp candidate-preference differences between those who voted and those who did not; and particularly between those who had exerted themselves to register and those who did not." The final pre-election CBS/New York Times poll showed that among registered voters, Reagan had a 1.2 point lead, while among the unregistered, Carter led by 18.8 percentage points. Among registered voters, those most likely to vote were for Reagan, 52.9 to 47.1, and those least likely to vote were for Carter, 52.8 to 47.2 (103).

Opponents of the Reagan Administration were heartened by the anti-Republican sentiment expressed in the 1982 midterm elections, and particularly by the increase in registration and voting among blacks and the unemployed (Piven and Cloward 1988, 185). Although the Republicans gained one seat in the Senate, in the House Democrats gained 27 seats and the Republicans lost 24. While the majorities changed in neither chamber — the Republicans ruled the Senate, and the Democrats held the House — it was a powerful sign of dissatisfaction with Reagan's policies. Reagan's popularity, which had reached its peak at 67% in April 1981, had dropped by the 1982 election to 43%; more Americans disapproved of his performance as president (47%) than approved. Reagan's ratings were particularly low among African Americans, Democrats, persons with only a grade school education, those whose income was less than \$15,000 a year, and members of labor union families. Reagan's approval to disapproval ratio in March of his second year was lower than his four elected predecessors — Carter, Nixon, Kennedy, and Eisenhower (Gallup 1982, 19). In January, after the midterm election, he reached his lowest point, with 35% approving, 56% disapproving, and 9% expressing no opinion (Gallup 1983, 28). A strategy emerged: if all those hurt by the Reagan Administration's economic and domestic policies could be mobilized to register and vote their interests at the polls in November 1984, the Reagan Revolution could be rolled back. Human SERVE produced a brochure which asked, "What if they gave an election and all of the poor, minorities and women came? That would save the social programs.

It would create jobs, and promote equality. It might even bring peace." Project VOTE! sent out fundraising appeals that began:

Its your choice.

You can sit by and deplore the devastating assault on women, minorities, poor people, mothers, children, old people, workers, the unemployed, the environment, even the safety and survival of the human race. You can lament the powerlessness of those who are the hardest-hit victims of that assault.

Or you can do something about it. You can help support Project VOTE!, the new campaign that offers an opportunity to insure that the voices of those victims are heard at the polls.

Even the political mainstream was paying renewed attention to voter registration and low levels of voter participation. The 1980 election set a new low for participation in presidential election, with only 52.6% of the voting age population participating. Turnout had been declining steadily since the 1960 election (www.fec.gov). In September 1983, a very high-profile symposium, held in Washington and sponsored by Harvard University and ABC, analyzed the causes of non-voting in the United States. Former Presidents Carter and Ford participated in the symposium, which published a report in January 1984, and was often mentioned in the course of that year's Presidential campaign (Harvard/ABC News Symposium, 1984). The symposium urged Congress and the state legislatures to consider "all means of increasing registration — including, but not limited to, election-day registration" (17). In 1986, a bipartisan Commission on National Elections, chaired by Melvin R. Laird and Robert S. Strauss, concurred in that recommendation. Mainstream attention to the issue was important because

it encouraged foundations to fund voter registration, and many of the organizations interested in doing voter registration depended on foundations for support.

Thus, during the 1984 presidential campaign season, progressive and mainstream groups of all kinds were actively engaged in voter registration campaigns. Operation Big Vote, a project of the National Coalition for Black Voter Participation, organized non-partisan coalitions of local organizations to do voter registration in 56 communities in 22 states, using the slogan "Two Million More in 1984". Human SERVE employed a field staff in 13 states to encourage public and private agencies to offer registration; since some of the agencies with which they worked were national, affiliates in other states also participated in the registration campaign. Human SERVE later estimated that 1,500 voluntary agencies offered voter registration, and, in the public sector, seven governors ordered voter registration to be conducted in at least one state agency and 21 county executives or mayors authorized voter registration activities in some or all of the agencies under their control (Human SERVE, 1994, 7-8). Operation Big Vote helped organize 60 local voter registration and education drives in 25 states and the District of Columbia, and provided grants to 43 of them. The National Coalition for Black Voter Participation estimated that over 200,000 blacks were registered through these registration drives.

To cap off the year-long efforts, Human SERVE and U.S. Public Interest Research Group (U.S. PIRG) jointly coordinated "Millions More, October 4," a

large one-day mobilization to register voters. U.S. PIRG, founded in 1983, is one of the Nader family of public interest organizations. It engages in research and advocacy on consumer, environmental, energy and governmental issues. The one-day mobilization had more than 70 national sponsors, including organizations representing seniors, youth, people of color, women, and the poor; social service organizations, environmental groups and other progressive organizations. Most of the registration drives were non-partisan. Nevertheless, their organizers were well aware that those they hoped to empower — the poor, people of color, and women — were likely to vote Democratic. At the Democratic convention, Jesse Jackson said, “the key to a Democratic victory in 1984 is the enfranchisement of the progressive wing of the Democratic Party. They are the ones who have been devastated by Reaganomics and, therefore, it is in their self-interest to vote in record numbers to oust their oppressor” (National Journal, 1984, 25).

In 1984, Jackson and others on the left wing of the party argued that the party itself should devote money and attention to voter registration. Although the Democrats pledged \$5 million to voter registration efforts early in 1984, and Walter Mondale had personally promised to raise another million dollars for voter registration, neither followed through. Jesse Jackson said the Party “paid lip service to voter registration” (Jackson, 1984). While the progressive wing believed forthrightly liberal policies and mobilization of those hurt by Reaganomics would give the Democrats the best chance of victory, others were not convinced. As Shefter would expect, some Democrats

were concerned that reaching out to non-voters in the way Jackson and the progressive wing suggested would hurt the party's chances of winning back moderate Democrats who had voted for Reagan.

After Mondale's defeat, Arizona Governor Bruce Babbitt, Rep. Richard Gephardt (D-MO), party activist Al From and others organized the Democratic Leadership Council. The DLC strategy, summed up in the phrase, "move the party back to the middle" was to compete with moderate Republicans for the middle class, middle-of-the-road voter (*Time*, v. 125, Mar. 18 1985, p. 25). The DLC's members were primarily moderate Democratic elected officials and party activists from the South and West, who were troubled by the party's image as a hodge-podge of special interest groups, and thought mobilizing the party's left wing would only exacerbate the problem. Registering the disenfranchised was not part of the DLC strategy.

By no means was all the registration activity on the left. Just as left-leaning organizations had been inspired to do electoral work by their realization of the right's gains, conservative groups redoubled their voter registration efforts to counteract the potential gains by the left. The Moral Majority, Christian Voice, and the Religious Roundtable, three national fundamentalist networks of clergy and lay activists, had mobilized conservative pastors in 1980 to register their congregations to vote. The Moral Majority claimed to have registered between 4 and 8 million voters, but other observers consider 2 million a better estimate (Guth 1983: 37; Sawyer 1980; Lipset and Raab 1981). In 1984, Gary Jarmin, legislative director of the

Christian Voice, predicted that fundamentalist Christian groups would have to register 2 million voters “just to stay even” with the Democratic Party (Piven and Cloward, 1988, 186).

The Republican Party was also concerned. James Kilpatrick, a conservative political columnist, warned that the GOP had to counter the various efforts on the left: “If the Republicans fail to mount a massive effort to register likely new Republican voters, the Republicans will take a drubbing in 1984” (Staten Island Advance, December 6, 1983). The following month, the Reagan-Bush campaign announced a Republican voter registration drive. Since they were “prospecting for Republican nuggets in a field where conventional wisdom says Democrats have the most to mine” (Perlez 1984), Republicans used a technologically sophisticated — and expensive — method of identifying unregistered prospective Republican voters. Typically, the state Republican Party hired a direct mail marketing company, which matched a computer tape of registered voters with a tape of households with telephones to create a list of households with unregistered persons. They were asked if they supported the President, and if so, whether they would like to register. If the answers were positive, a Party volunteer would be sent to the individual’s home with voter registration forms. In Buffalo, the first 540 calls yielded 65 new registrants; in New Jersey, the first 4000 calls yielded 480 registrants. The yield was low and the cost exorbitant; it is estimated that state Republican parties spent as much as \$14 a registrant using this method (Perlez, 1984).

It is difficult to know for certain how much money and energy was invested by either the religious right or the Republican Party, jointly or separately, on voter registration activities in 1984. The New York Times reported that the RNC and President Reagan's reelection campaign each invested \$4 million in identifying and registering voters likely to support Reagan (Pear 1984, 36). Thomas Byrnes Edsall reported that the RNC had spent \$11 million; others suggested the figure may be as high as \$25 million (Piven and Cloward, 1988: 188).

The 1984 election posted the first increase in voter registration in 20 years. 11.1 million citizens were added to the registration rolls between 1980 and 1984, raising the registration rate from 66.9 to 68.3 percent, according to the Census. Census surveys report that while white registration increased 1.4 percentage points, black registration increased 6.3 points, narrowing the gap between the races to 3.3 points. Registration among Hispanics also increased almost 4 points (U.S. Bureau of the Census, 1989).

Whether the increase in registration was a direct result of registration drives was debated. Most registration drives tried to keep a tally of the numbers they had registered. Adding together the claims of the partisan and non-partisan campaigns, Piven and Cloward calculated that these voter registration drives together claimed to have registered 7 million persons. This figure does not include every organization that did voter registration, nor does it count those persons who may have been inspired by hearing of the voter mobilization campaign to register on their own — Jesse Jackson, for

example, made numerous inspirational speeches about the importance of participating. Peter D. Hart Research Associates surveyed 883 first-time registrants, and 33 percent reported that they had been registered by organized drives. Piven and Cloward pointed out that another 22 percent of the respondents reported that they had registered at tables staffed by volunteer registrars in churches, social agency waiting rooms, and other locations (Piven and Cloward, 1988: 202).

Turnout increased 7/10ths of a percent in 1984, the first increase since 1980; 6,137,459 more persons voted than in 1980. The turnout rates among underrepresented groups climbed more sharply. The percentage of blacks voting jumped 5.3 percentage points in 1984, just 0.7 points shy of the increase in black registration. Women first outpaced men in voter participation by 0.3 percentage points in the 1980 election, and in 1984 the gap increased to 1.8 points. Turnout was also up among the young, unemployed, and Hispanics. Because turnout is a complicated phenomenon, we cannot assume that increases in turnout were direct results of increases in registration. Turnout might have been up because voters registered before the 1984 drives came out in greater numbers. Two surveys taken after the 1984 election demonstrated that new registrants were almost as likely to vote as other voters (CSAE, undated; Cain and McCue, 1985). This does not conclusively prove that new registrants caused the increase in turnout, but it does make it plausible that there was a connection.

Politically, those who hoped that registering new voters would translate into Reagan's defeat were disappointed. Reagan won reelection with 58.8 percent of the vote. Dems gained a seat in the Senate; in the house the Reps suffered a net loss of 16 seats.

But the difficulties the registration drives encountered turned out to be a major impetus for the reform efforts of the 80s and 90s. As Piven and Cloward explained, the relative futility of the 1982-4 voter registration mobilization was instructive:

Future registration campaigns are also likely to end in a class stalemate. Despite losing four of the last five Presidential elections, the Democratic National Committee does not seem ready to enlist new constituencies from the bottom, and the Republican National Committee and kindred right-wing movements have the financial resources, the organizational competence and the commitment to register enough people from the higher strata so as to equal or exceed non-partisan efforts among low-income groups. The political arithmetic is simple: a reservoir of 20 million unregistered people above the median income level can be drawn on for years to cancel out those who may be registered from the 40 million below the median. The future of the registration drive is shaping up to be a treadmill, with the left having to run faster and faster to stay in the same place.

Institutional reform is the obvious alternative (1985c).

All the voter registration drives had faced obstruction. After the election, Operation Big Vote asked the convenors of its local coalitions to evaluate their registration campaigns. Most respondents reported that their efforts were hampered by administrative obstacles – clerks who wouldn't provide enough forms, or limitations on acceptable sites for voter registration

(Dade, Memo, 1985). Project VOTE! volunteers were often barred from registering voters in unemployment offices, welfare offices, and food distribution centers. Project VOTE! successfully sued the states of Ohio, Indiana, Missouri, Maryland and Illinois to gain access to these public offices (Project VOTE! memo, undated).

Resistance was clearest in the 23 states where election officials had the authority to deputize volunteer registrars. Local election officials used this power to limit the registration activities of voluntary groups, often favoring some groups over others. In Michigan, Massachusetts, and Connecticut, Human SERVE found it nearly impossible to get volunteers deputized. Robin Leeds, who worked for the SERVE campaign in Boston, told of engaging in protracted negotiations to get a satellite registration site set up at Dudley Station, a subway stop at the hub of Roxbury (a predominantly black neighborhood). Although they finally obtained approval, the board of elections sabotaged their efforts by showing up late with materials and leaving before the evening rush hour (Leeds, Interview, 1984). Applicants from Planned Parenthood in particular were frequently denied deputization (Chasnow, Interview, 1996). In some states, the process involved in applying for and being trained for deputization was so onerous that agencies weren't always willing to commit staff time to doing the extra work involved in getting deputized. Such obstacles led to a flurry of deputization lawsuits against states. The Human SERVE Fund, the NAACP Legal Defense and Education Fund, the ACLU and ACORN brought suit in "Arkansas,

Connecticut, Georgia, Michigan, Missouri and New Hampshire to ensure the uniform application of state law permitting the deputization of volunteer registrars", and in Louisiana, where the appointment of volunteer registrars was prohibited (Davidoff and Williams 1986). The remedies they won were generally an increase in deputies, which Chasnow termed "incremental," when "we wanted to blow the lid off it" (1996).

Unlike most of the other organizations, which did hands-on registration, Human SERVE emphasized getting public and private agencies to offer registration. During the 1984 election campaign, Human SERVE staff learned a lot about the obstacles to agency-based registration. Agencies often paid only lip service to the executive orders, and governors (who had to be prodded into signing the order in the first place) wouldn't or couldn't force their implementation (Williams 1989). It also became clear that the way in which registration was offered at a public agency mattered a great deal. If stacks of mail-in registration cards were simply made available at an agency, they would eventually get moved to an under-used area, and be forgotten. If, alternatively, the question, "Would you like to register to vote?" was included on the agency's application form or as a routine part of the intake interview, many more people would be registered (Chasnow, Interview, 1996).

Changes in Congress

By 1987, the climate in Congress had become more hospitable to federal reform legislation. Greater attention to an issue in the media often encourages greater attention to an issue in Congress. The immense amount of media attention focused on voter participation in the 1984 campaign — mostly influenced by the efforts of the Jackson campaign and numerous voter registration drives — made Congress sensitive to the dismal turnout in the 1986 midterm elections. The fact that several bi-partisan blue-ribbon commissions had endorsed simplified voter registration procedures as the first step in increasing electoral participation gave the reform idea some additional credibility (Williams 1989, 11).

Southern Democratic opposition to civil rights legislation and to voter registration reform in particular had also declined. Whereas 79% of Southern Democratic Senators (11 of the 14 who voted) had opposed McGee's original postcard registration bill in 1972, 57.1%, or 8 of the 14 voting, opposed it in 1973. The House voted on registration reform in 1974 and 1976, and support among Southern Democrats rose from 46 percent to 60 percent – in raw numbers, from 34 to 47 votes in favor of the legislation. No votes were taken in the 1980s, but advocates of registration reform could hope that the larger number of black voters in the South would help win support for the bill.

Other evidence also suggests that Southern Democrats would be more likely to support civil rights legislation in the late 1980s. In a study of intraparty ideological divides, William Mayer found that divisions among

Democratic elected officials on civil rights had decreased since 1970. Using thermometer ratings, which ask survey respondent to choose a number on a scale to represent how warmly or coldly he/she feels toward the person or group mentioned, to see how broad a range of opinions Democrats have of civil rights leaders, Mayer calculated that in 1970 the standard deviation for Democrats was 30.62. By 1988, it had fallen to 23.39 (Mayer, 1996), signifying a greater consensus of opinion among the Democrats.

On Capitol Hill, the post-election shuffling of committee assignments in 1984 and 1986 was beneficial to the cause of voter registration (Sonia Jarvis, Interview, 1990). In 1984, the House Administration Committee had for the first time created an elections subcommittee, and reform advocate Al Swift (D-WA) was made its chair. Under the previous chair, Frank Thompson (D-NJ), Swift had been the chair of a task force on elections within the committee, but he now had the greater authority of a subcommittee chair. "Long before I came to Congress I was interested in election processes," Swift said in an interview (1999). "Frankly, it was the only part of the jurisdiction of the House Administration Committee that interested me."

Swift introduced legislation to provide funding for states to improve their voter registration systems. "I guess I wanted to start a conversation," he said. He recalled that even in his own community "not in the South, not in Chicago, but in the good government West" that some election officials had a "librarian mentality" toward voter registration, claiming that any efforts to widen access to registration would put the integrity of the records at risk.

Many years before Swift entered Congress, a county auditor in Washington had told him that, although the registration office was only open from 10 to 3 on weekdays, this should not be an obstacle to registration: "If they care enough to vote, they can take half a day off from work." Government, Swift felt, should facilitate registration (Interview, 1999).

The Democrats became the majority party in the Senate in 1986, and so all the chairmanships passed from Republicans to Democrats – Paul Simon now chaired the Judiciary Committee and Ted Kennedy a crucial Judiciary subcommittee. Wendell Ford, who had as governor of Kentucky from 1971-74 tackled the corruption of Kentucky's voter rolls by ordering a complete re-registration of all citizens, became chair of the Senate Committee on Rules and Administration.

The leadership, too, had changed, making it more likely that a bill approved by the committees would reach the House and Senate floor. George Mitchell, the new majority leader of the Senate, was from Maine, which had one of the most liberal registration systems in the nation. Jim Wright, who became speaker in 1987, "had always been favorably disposed to registration work." (Sandstrom, Interview, 1990) Tom Foley became Majority leader in 1987, and in 1989 Speaker of the House. Karl Sandstrom, Elections Counsel to the House Elections Subcommittee, said that the Democratic leadership had "always been supportive" of voter registration reform, but noted that Tom Foley's elevation to Speaker meant a "more personal involvement"; Swift

and Foley were from the same state and worked well together, so Swift could get the Speaker's commitment to bring the bill to the floor (Interview, 1990).

The 1986 election had also made Senator Alan Cranston (D-CA) a convert to the voter registration reform cause. Cranston had faced a very difficult race in 1986, when conservative Republican Ed Zschau challenged him, and the Republican Party targeted the California race as one that could help save their Senate majority. "He [Cranston] was considered too old, too liberal, and very likely to run out of his amazing luck. But . . . Cranston . . . bucked his state's Republican trend and vanquished his toughest challenger ever by 116, 622 votes," (LA Times, November 6, 1986, 1). The race was close – 49% to 48% – and the second most expensive Senate race ever, with combined spending by the two candidates and their parties totaling nearly \$25.5 million. Although overall turnout hit an all-time low of 59% of registered voters, turnout was higher in Los Angeles County (58.4%) and San Francisco, where Cranston had a lot of support, than in many of the counties where Zschau expected to win. San Diego had the lowest turnout of any county in the state, 51.3% (Balzar, LA Times, November 6, 1986, p. 34).

Cranston believed that voter registration made the difference in his election. The San Diego Tribune reported that Cranston attributed his narrow victory in the 1986 election to a last-minute state Democratic Party get-out-the-vote drive and that he called voter participation "a major driving force in my life" (August 11, 1989). Cranston had raised millions of dollars for hands-on voter registration for both partisan and non-partisan organizations in

California. In 1985 and 1986, Cranston raised money for the the California Center for Voter Education and Participation, the Center for Participation in Democracy, and four other tax-exempt voter registration organizations he had helped establish. Cranston continued raising money for voter registration in California after the 1986 election; in 1987 and 1988, he raised \$7 million.

It was Cranston's enthusiasm for voter registration that caused the reform advocates to seek him out as a potential sponsor for reform legislation, and they found that he had already been planning to draft legislation. Davidoff reports that since Cranston had done a lot of voter registration fundraising, she approached him about sponsoring reform legislation and found him a willing advocate. "He was our hero," she said (Davidoff, Interview, 1998).

Cranston's role in the registration reform effort would be short-lived, however; he became embroiled in the savings and loan scandal when it became known in 1989 that he had accepted contributions from Charles Keating, director of the failed Lincoln Savings and Loan. His fundraising for voter registration also came under attack in 1989 when it was alleged that five organizations for which he had raised money aggressively targeted Democratic registrants despite their non-partisan, tax-exempt status (Los Angeles Times, October 22, 1989, A1).

Public opinion

No polls were found that tested public opinion on liberalizing registration procedures between the years 1978 and 1986. There were some state-wide referenda, however, which McDonagh used as a measure of public opinion (1992). The results of these referenda show a diversity of views on voter registration reform.

In Arizona and Virginia, voters approved liberalization. Arizona voters passed a referendum in 1982 mandating registration in motor vehicle agencies by a margin of 51% to 49%. In the November 1986 election, three states had questions regarding voter registration on the ballot. In Virginia, voters approved two efforts to facilitate registration. On the question: "Shall the Constitution of Virginia be amended to allow any registered voter, who has not voted in four years, to continue to be registered if he so requests in writing and still lives at the address listed on the registration records?", the vote was 646,267 (66.5%) for, and 325,648 (43.5%) against. On the second question, designed to allow agency-based registration: "Should the Constitution of Virginia be amended to allow government employees, except those who are elected or those who are employed by an elected official, to be appointed assistant voter registrars or officers of election?" the vote was 478,921 (51.5%) for 450,180 (48.5%) against. A similar amendment had been on the ballot in 1976, but had failed, 54 to 46.

In Oregon and Massachusetts, voters voted for restricting access to registration. In Oregon, a ballot initiative was approved, 66.9% to 33.1%,

which changed the registration deadline from 1 to 20 days before the election, thus ending election-day registration in the state. Election day registration had become unpopular in Oregon when the Bhagwan Rajaneeshes, a religious group, bused thousands of homeless people into tiny Wasco County in the two months previous to the 1984 election. Human SERVE, which had a field office in Oregon, and Oregon Fair Share fought the initiative, arguing that Rajaneesh's attempt to enroll non-residents was stopped by the Secretary of State's office. The Oregon County Clerks Association and Oregonians in Action, a right-wing activist organization, co-sponsored the measure. In Massachusetts, a ballot initiative to establish mail-in registration lost, with 603,370 votes (34%) for, 966,227 votes (54%) against, and 207,677 (11.7%) ballots without a vote on that question

(<http://www.magnet.state.ma.us/sec/ele/eleidx.htm>), although a Boston Globe poll in October had shown 57% in support. A coalition of 75 organizations had supported the measure, including the League of Women Voters, MASSPIRG, and the state AFL-CIO. It had faced opposition from the Town Clerks Association, which represented many local election officials.

Congressman Swift said that in his experience, the public usually sees election administration issues as mechanical and boring, and therefore little public support for reform existed.

The prospects for reform seem brighter

The years between 1977 and 1985 saw the birth of many organizations devoted to voter registration and education, and the development of a new

strategy for registering voters – agency-based registration. These organizations and many others not primarily devoted to voter registration sponsored massive voter registration drives in the 1984 election, registering as many as 7 million voters, but the experience left many feeling that reform was needed to make greater voter participation possible.

During those years, numerous states liberalized their voter registration procedures, instituting mail-in registration, election day registration, the expanded use of deputy registrars, or voter registration in other government agencies. Some of these state-level reforms were the result of pressure from voter registration activists, as with the lawsuits in Arkansas and California described earlier.

Partisan changes in Congress improved the chances that reform legislation would be considered. A Democratic majority in the Senate was likely to be more hospitable to a voter registration reform bill than a Republican majority. Yet when the Democratic party had previously held a majority, they had not championed it. Senator McGee and a few other senators had championed the cause with little support from the Democratic leadership; when President Carter proposed election day registration, he faced opposition in the Democratic House, and silence in the Democratic Senate. Only during the 1976 presidential campaign was the congressional leadership enthusiastic about voter registration reform. Thus, while a Democratic Senate majority was no doubt useful for the prospects of passing a voter registration reform bill, it was not by itself enough to ensure a favorable outcome.

The fact that Swift became a subcommittee chair, rather than the chair of a task force, gave him greater autonomy to push legislation he was interested in, and voter registration was something that interested him. That the Speaker and Senate Majority Leader were from states with liberal registration were other leadership changes mentioned in this chapter that were also helpful to voter registration reform.

One critical factor remains to be discussed in chapter 4 — the development of a coalition of organizations interested in advocating for national voter registration reform. The ten years between 1974 and 1984 saw the birth of several such organizations; the massive voter registration campaign those groups engaged in during the 1984 election made it ever more clear to them that, despite the Voting Rights Act, voter registration requirements still served as an obstacle to full participation. Liberalization in some states, and an improved political climate in the Congress, encouraged activists to bring together a coalition that would work for national voter registration reform.

Table 3.1. Percentage of Blacks Registered to Vote in Eleven Southern States

State	1960	1964	1960-64 Increase	1970	1964-70 Increase
Alabama	13.7	23.0	+9.3	64.0	+41.0
Arkansas	37.7	54.4	+16.7	71.6	+17.2
Florida	39.0	63.7	+24.7	67.0	+3.3
Georgia	n.a.	38.8	n.a.	57.3	+19.6
Louisiana	30.9	32.0	+1.1	61.8	+29.8
Mississippi	6.1	6.7	+0.6	67.5	+60.8
North Carolina	38.2	46.8	+8.6	54.8	+8.0
South Carolina	n.a.	38.8	n.a.	57.3	+18.5
Tennessee	64.1	69.4	+5.3	76.5	+7.1
Texas	33.7	57.7	+24	84.7	+27
Virginia	23.0	45.7	+22.7	60.7	+15

n.a. = not available

Sources: Carmines and Huckfeldt in Grofman/Davidson 1992, 128; Congressional Quarterly. Data for Tennessee and Texas for 1960 are incomplete. For Tennessee, percentage reflects data for 63 counties, for Texas, 213 counties.

Chapter 4: Origins, Structure and Operations of the Voting Reform Coalition

The mobilization of a broad-based coalition of support for national voter registration reform was crucial to the design and passage of national voter registration legislation. Such a coalition did not naturally coalesce however; it was the product of hard work. This chapter will describe the membership and structure of the coalition for voter registration reform, the work its members undertook to support the cause, and some of the conflicts that arose.

Interest Group Coalitions in Washington Politics

The formation of coalitions to lobby for legislative or regulatory change are an increasingly important tool for policy advocates. Kay Schlozman and John Tierney found that 67% of the organizations they surveyed had “increased their commitment to coalitional activity over the past decade,” making joining coalitions “second on the list of 27 techniques of influence” (Schlozman and Tierney 1986, 279).

Lobbying coalitions run the gamut from very ad hoc groups brought together for a short-term purpose to formal long-term organizations, the members of which are other organizations. Policy advocates working in Washington believe coalitions to be effective, and therefore are apt to join or found them. A recent survey by Kevin Hula found that 81% of the

Washington based lobbyists he interviewed agreed that coalitions were “the way to be effective in politics” (Hula 1999, 33).

Coalitions are a response to two major institutional changes in American politics: the reform and post-reform changes in Congress, and the growth in the number of organizations lobbying Congress (Hula, 1999, Chapter 3). As the power of the individual member increased due to the reforms of the 1970s, so has the workload of those attempting to influence its decisions. Kenneth Duberstein, a prominent lobbyist and former Reagan chief of staff, described the situation: “It’s not like Lyndon Johnson’s time, being able to work with 15 or 20 Congressman and Senators to get something done. For most issues you have to lobby all 435 Congressmen and almost all 100 Senators.” (Weisman, 1983, 10). Thus, coalitions can be a way of sharing the work.

The enormous growth in the number of interest groups, business associations and other lobbyists in Washington over the last three decades has been widely discussed in political science (Berry 1977; Walker 1983; Schlozman and Tierney 1986). Hula found that a significant number of the Washington representatives, or lobbyists, he interviewed cited this trend as a reason for the increase in coalition activity (see also Salisbury 1990).

An organization or person, or small group of organizations, usually acts as the “coalition broker,” a term Burdett Loomis uses to define the group that provides the “initial stimulus and capital to organize the coalition” (Loomis, 1986; Hula 1999, 42). Hula divides coalition members into three

types: core members, which are the most committed to the policy goal and willing to invest the most in the coalition; players or specialists, who are most interested in shaping specific provisions of the legislation, and a larger circle of peripheral members, who do not invest much, if anything, in the way of resources, and may simply have authorized use of their name on the list of supporters.

I will first describe some early and unsuccessful efforts to broker a coalition around national voter registration reform legislation. Then I will discuss the formation of, and membership of, a coalition in 1987, and then explain the strategies it employed and the conflicts between its members.

Early Efforts

For at least two organizations, U.S. Public Interest Research Group (US PIRG) and Human SERVE, the 1984 experience was reason to seek national legislative reform. US PIRG was formed in 1983 as a national association of the 24 pre-existing state PIRGs, "to act as watchdog for the public interest *in our nation's capital* , as much as PIRGS have worked to safeguard the public interest *in state capitals* since 1971" (www.pirg.org/uspig/aboutuspig.htm). Its primary areas of interest were environmental preservation, consumer protection and the promotion of democracy. U.S. PIRG director Gene Karpinski explained in testifying before the House: "State PIRGs across the country have been involved in voter registration for the last 15 years. Over that time, we have learned firsthand the many barriers that exist to voter

participation. That is why we have become more active on issues to try to reform these laws" (U.S. Congress. House. 1985, 51).

Human SERVE 's founders recognized the deeper political roots of the registration difficulties its staff and volunteers had encountered in 1984. Piven and Cloward argued, "[t]he opposition Human SERVE provoked suggests that the politics of voting and nonvoting is not just a heritage of the past. Rather, electoral constriction is embedded in contemporary politics, and it is vigorous and pervasive" (1985a, 590). They concluded, "The main organizing lesson of the 1982-84 registration campaign is that there is little hope for a more representative electorate until the registration system is reformed. The question is how to accomplish that in the face of opposition by the political parties" (1985c: 435).

Other important voter registration organizations also thought long and hard about their experiences in 1984. The League of Women Voters Education Fund held a conference on electoral participation in July 1985, to which they invited a diversity of voter registration groups to evaluate the 1984 voter registration campaign, including the Southwest Voter Registration and Education Project, the Women's Vote Project, the NAACP, the National Coalition on Black Voter Participation and ACORN. None of the panels listed under the heading "What improvements can be recommended for greater voter participation?" dealt with legislation however; instead, the League's panels focused on litigation strategies, better training of volunteers, more targeted voter outreach, and more effective coalition building. (Coalition

building here referred to networks of local organizations which agreed to coordinate voter registration efforts, not legislative lobbying coalitions.) Human SERVE circulated a memo at the conference, inviting conference participants to jointly issue “a ringing endorsement of electoral reform,” but it is unclear whether such a statement was ever made.

In 1985 and 1986, US PIRG and Human SERVE explored possibilities for national legislation, and made a number of efforts to mobilize other groups to do the same. They began by supporting efforts already underway in Congress. Gene Karpinski of US PIRG organized a campaign to get numerous organizations to endorse two bills sponsored by John Conyers (D-MI), one to allow mail registration for federal elections, and the other to eliminate registration deadlines. Human SERVE director Linda Davidoff wrote a letter to organizations represented on Human SERVE’s board, asking them to endorse the two bills (Letter, May 21, 1985). Forty organizations signed onto Karpinski’s letter (Letter, Karpinski to endorsers, June 15, 1985).

As Frances Fox Piven would later say in a Human SERVE staff meeting, “We know we can’t do this alone.” Human SERVE was a small organization with a small budget and little political clout. US PIRG, while a larger organization, was predominantly built on student organizations. If they wanted to achieve reform, they would need more powerful allies. Coalitions form most easily where organizations have institutional networks that make it easy for them to identify coalition partners (Hula, 1999, 55), and in the field of voter registration and voting rights, there were some obvious avenues for

finding allies – the many voting rights/voter registration organizations and the networks they had created amongst themselves, and the many other organizations, not primarily devoted to voter registration, which had participated in registration drives in the 1984 election. One was the National Voter Registration Network, which described itself in a statement that appeared on every agenda:

Meetings of the National Voter Registration Network provide an information exchange forum for national organizations participating in non-partisan voter registration. The participating organizations emphasize voter registration efforts with under-represented segments of the population. Voter registration experiences, expertise, models and methods are frequently discussed. Coordination of registration efforts among participating groups is encouraged at both the national and local levels. The Network recognizes the unique differences of the participating organizations and encourages participants to use whatever voter registration strategy(ies) appropriate to each organization. The Network has no membership, officers, or organizational structure. Meetings are open to anyone involved in voter registration.

The first meeting of the Network had been called in December 1982 by the National Association of Social Workers after it completed a voter registration project that November. The network met monthly. In addition to an exchange of information among organizations, it often hosted speakers on topics relevant to voter registration work — a panel of funders willing to fund registration work, a legislator working on reform, or experts on the upcoming elections, for example.

Throughout 1985 and 1986, Gene Karpinski reported to the network regularly on reform possibilities in Congress. In April 1985, the Network hosted four presentations on model registration systems: the European system (Marlene Cohn, LWV), postcard registration (Hulbert James, Congress of National Black Churches, and also Human SERVE's President), Election day registration (Gene Karpinski, US PIRG), and Deputization (Sonia Jarvis, The Citizens' Committee on Civil Rights). Following this, Cedric Hendricks of Congressman Conyers' office explained the status of registration bills in the House. The Voter Registration Network was not designed, as the above description makes clear, to organize collective action toward any one goal, and meetings rarely focused so much on reform. It did, however, serve as a forum in which reform advocates could appeal for the support of others interested in voter registration, and the coalition that formed in 1987 drew many of its members from the Network.

In 1984 and 1985, Human SERVE planned two conferences it hoped would get more organizations to focus on voter registration reform. In 1984, it organized a National Mobilization Conference on Barriers to Voter Registration. The conference brought together 21 groups active in voter registration and 8 legal advocacy organizations to form the Emergency Mobilization on the Right to Vote, a coalition for which Human SERVE served as the contact. The organizations on the planning committee were ACORN, the American Association of University Women, the Churches Committee on Voter Registration, Citizen Action, Conference on Alternative

State and Local Policies, the Institute for Social Justice, the Midwest Voter Registration Education Project, the League of Women Voters, the National Coalition on Black Voter Participation, Operation Big Vote, Project VOTE!, Southern Regional Council, Southwest Voter Registration and Education Project, US PIRG, United States Student Association, Voter Education Project, Voters Overseas, Women's Vote Project, National Student Campaign for Voter Registration, and Citizen Leadership Foundation. The legal committee included the ACLU, the Center for Constitutional Rights, The Lawyers' Committee for Civil Rights under Law, MALDEF, the NAACP Legal Defense Fund, the New York Civil Liberties Union, Planned Parenthood Federation of America, and the Puerto Rican Legal Defense and Education Fund. At the conference, which was held in a congressional office building on June 13th, the organizations identified courthouse registration, limited deputization of registrars, purge laws, early registration deadlines and the lack of access to public agency waiting rooms (for the purposes of doing voter registration) as significant obstacles to registration.

They recommended election-day registration and mail registration in those states where EDR would not pass. They also recommended that governors mandate increases in the number of registrars, registration sites and hours, and that governors, county executives and mayors take executive action to provide registration services in human service agencies. However, the group's follow-up plans were vague: "we will meet to develop and endorse an action plan to increase public knowledge of the barriers issues and

to pressure elected and appointed officials to live up to their constitutional obligation to protect every citizen's right to vote." (Emergency Mobilization statement, 6/13/84, Human SERVE archive). Conyers' introduction of same day legislation that fall, and Representative Don Edwards' agreement to hold Judiciary Committee hearings on registration barriers, were seen as the result of the conference (1985 Board Meetings, Human SERVE archives). But little more happened; the Emergency Mobilization de-mobilized.

A little more than a year later, Human SERVE jointly sponsored another conference with the NAACP Legal Defense Fund. Out of the conference, which was held on September 13, 1985, came a "continuation committee" also known as the Campaign for Full Political Participation, to implement its recommendations. Once again, Human SERVE acted as the contact. The Campaign was largely minority; it was chaired by Lani Guinier of the NAACP Legal Defense Fund and Hulbert James, both African Americans, and the participating organizations were the NAACP LDEF, MALDEF, the Midwest Voter Education Project, the National Coalition on Black Voter Participation, Human SERVE, Churches' Committee for Voter Registration/ Education, the League of Women Voters Education Fund, and the Citizenship Education Fund. Subcommittees were formed to work on legislation, litigation, executive action and administrative reform. The organizations reached a consensus at the conference to support election-day and mail registration, and distribution of registration forms through public agencies. The traditional civil rights organizations were attractive potential

allies because of their high public profile and their clout on Capitol Hill and Davidoff was eager to work with them on national registration legislation (Davidoff, Interview, 1998). The group held conferences in 1986 and 1987, but took little legislative action.

Some voter registration reform legislation was considered in the 99th Congress. Davidoff, Karpinski and Sonia Jarvis, managing attorney at the Center for National Policy Review, testified in support of them. The bills were H.R. 3086, which Al Swift (D-WA) introduced to give financial assistance to states to improve their voter registration systems; H.R. 1668, a bill that would require the use of Postal Service information on movers to update registration rolls; and Swift's uniform closing hour legislation. Davidoff used Swift's bill as an opportunity to raise what Human SERVE considered a much larger issue — "The elaborate, arcane, and haphazardly administered network of voter registration restrictions, which constitutes the major difference between United States democracy and that of other nations" (U.S. Congress, July 12, 1985).

Formation of an Active Coalition for Reform

Linda Davidoff became increasingly convinced that it was necessary to hire a Washington-based staff person to build support for federal voter registration reform legislation. She, Gene Karpinski, David Cohen and Mike Pertschuk of the Advocacy Institute, John Richard of the Center for the Study of Responsive Law, Joan Claybrook of Public Citizen, and Ned McCulloch of

ACORN drafted and circulated a funding proposal, requesting roughly \$125,000 to hire a litigator for the staff of the Center for the Study of Responsive Law, and a full time advocate/lobbyist to work with voter registration activists and the broader public interest community to advance voter registration reform legislation. Cohen and Pertschuk were friends of Davidoff's to whom she looked for advice; the Advocacy Institute the two men had founded together advised public interest advocates in how to be most effective in Washington. Public Citizen and the Center for the Study of Responsive Law were, like US PIRG, part of the Nader family of organizations, and ACORN had been involved in the Emergency Mobilization and the Campaign for Full Participation. Each group planned to circulate the proposal to potential funders, seeking support for their part of the project: Human SERVE for the Washington staffperson, ACORN for grassroots advocacy, the Lawyers' Committee for litigation, and People for the American Way for a media advocacy campaign. They proposed to work closely with the Voter Registration Network and the Campaign for Full Political Participation. (Although the Campaign was largely inactive, it was included in the hopes that having staff would make its reactivation possible.) US PIRG agreed to give the staff person office space and use of phones, copying and mailing facilities. Although they were not listed as co-authors of the proposal, Churches' Committee for Voter Registration/Education, The League of Women Voters, ACORN, NAACP-LDF, Operation Big Vote, National Center for Policy Alternatives, MALDEF and the Midwest Voter

Registration and Education Project were mentioned as supporting the legislative and litigation goals (Draft, 12/10/86, Human SERVE archive). The proposal circulated among these and other organizations, as Davidoff sought additional co-sponsors and potential funders.

In 1986, Davidoff convinced Human SERVE Board to hire a Washington legislative staff person, and in March 1987, Human SERVE hired Geri Rasmussen, who had twenty years of political experience working for Minnesota Planned Parenthood and the Minnesota State Legislature. Rasmussen was assigned to mobilize a coalition of organizations which would push for voter registration reform and lobby members of Congress individually to find and build support for such legislation. As suggested in the proposal, US PIRG initially provided office space, and Gene Karpinski provided day-to-day supervision and guidance for Rasmussen.

Davidoff recalls that Piven and Cloward were somewhat reluctant to engage in a national legislative effort; their experience with welfare legislation had been that it was very difficult to reach a national consensus, and that too often you had to “give away everything you really want, and claim a hollow victory” (Davidoff, Interview, 1998). Difficulties in achieving their goals without legislation, however, made Piven and Cloward willing to give this strategy a shot:

We were open to it, partly because we had been having so much trouble getting state legislation that included agencies dealing with the poor. It was always claimed that voter registration services would jeopardize federal grants-in-aid (no matter how often we made that argument about how the states would only

have to pay ten cents) or, in the case of programs descended from the poverty program, because voter registration was in fact prohibited outright by federal law. The other big reason we were open to it is simply that, even though we argued that only state-level changes and rising voter registration levels would make legislation feasible, we . . . well, maybe we're wrong, why not try? (Frances Fox Piven, Personal communication, 11/25/98)

While Human SERVE had been putting some energy into national legislation for at least a year, this was a larger commitment to building the momentum for national reform. Jo-Anne Chasnow points out that "It wasn't a transference from a state-by-state strategy. Human SERVE was never an either/or organization. We'll test the waters, were not going to put all our eggs in one basket. We put one staffperson on this — Jeri Rasmussen. We were still heavily working on the state and local strategy, at least at the beginning." (Chasnow, 1996)

With a staffperson available to facilitate things, a renewed effort was made to bring together a working group on voter registration reform. The April 9, 1987 meeting of the Voter Registration Network was a special meeting on national voter registration reform, co-sponsored by the Legislative Task Force of the Campaign for Full Political Participation. Jeri Rasmussen, Linda Davidoff, Gene Karpinski, Susan Liss of People for the American Way, and Hulbert James participated in the meeting. They also invited Julian Epstein of Representative Conyers' office to explain the possibilities for voter registration reform in the House. Karpinski told the group that Senator Cranston was also very committed, and that his aide, Candy Nelson, was spending about half her time on the issue. Rasmussen,

Karpinski and the other advocates of legislative reform described the work necessary to draft legislation and win bi-partisan support for it. They invited Network members to a meeting for people interested in national reform legislation, to be held on April 21.

This was the first of a series of meetings of what was, for a long time, a very informal working group. Human SERVE's purpose in hiring Jeri Rasmussen was to encourage the development of a coalition that would fight for national reform legislation, and she acted as staff for meetings of the coalition. She sent out notices of meetings on Human SERVE letterhead to "Individuals and Organizations interested in Voter Registration Legislation." Rasmussen remembers that different people chaired meetings, although she herself did not. It was not an organization with a clear identity of its own, but a loose coalition of quite independent organizations. It had no office, letterhead or staff of its own. It had, in fact, no real name. In her reports to Linda Davidoff, Rasmussen usually referred to it at the "voter registration coalition." Later, in December 1990, it would take the name National Motor Voter Coalition, and appoint co-chairs from the League of Women Voters and the NAACP, but it remained a fairly unstructured alliance.

In August 1988, Human SERVE decided to close the Washington office and lay off Rasmussen. Other Human SERVE staff attended coalition meetings on the organization's behalf —Deborah Karpatkin, Human SERVE's Legal Director, and Wayne Thompson, the Human SERVE Director of the Southern Region. Later, Jo-Anne Chasnow, the Associate Director and former

New Jersey field director, would become the key Human SERVE representative to the coalition.

Significant Members

Determining who participated in an informal coalition can be difficult; participants may drift in and out, and records of the early meetings may be limited. In this case, Jeri Rasmussen's files include monthly reports to Human SERVE, in which coalition meetings are briefly described, but no detailed minutes or lists of attendees appear to exist. An early mailing list for coalition meetings consisted of the following names: NAACP, League of Women Voters, the NAACP Legal Defense Fund, Project VOTE!, Public Citizen, Midwest Voter Registration and Education Project, the Churches Committee for Voter Registration/Education, the Center for the Study of Responsive Law, People For the American Way, ACORN, AFL-CIO COPE, the Advocacy Institute, Citizen Action, MALDEF, the Southwest Voter Registration and Education Project and Operation Big Vote (Mailing List, September 1987, Human SERVE archives).

Human SERVE, with help from US PIRG and People for the American Way, played the role of coalition broker, taking the initiative to mobilize a coalition (Loomis, 1986; Hula 1999, 42). Human SERVE initiated coalition meetings, and hired a staff person to coordinate the coalition's activities. An internal Human SERVE memo written by Linda Davidoff in mid-1988, as

both she and Jeri Rasmussen were leaving Human SERVE, listed the following groups as the other “main players” in the coalition:

- **The Leadership Conference on Civil Rights (LCCR)**, founded in 1950, is itself a coalition of more than 100 national organizations working together to promote passage of civil rights, social and economic legislation, and enforcement of laws already on the books, including “groups representing people of color, women, labor unions, persons with disabilities, older Americans, major religious groups, gays and lesbians, and civil liberties and human rights groups” (www.lccr.org).

Decisions about what positions to take and which issues to prioritize are made by consensus in the leadership council. Wade Henderson, who had been involved in the voter registration coalition as director of the Washington Bureau of the NAACP and became executive director of LCCR in 1996, said that consensus building in the leadership council was “often tedious and difficult,” but “we find that in terms of fostering unity among the divergent voices within the Leadership Conference, it is by far the best and, truthfully, the only way to go. Now it does pose some problems. Every issue that an individual or group would like to pursue doesn’t always make it onto the leadership council’s agenda” (Gaines, 1996, 34).

Since the Leadership Conference was a strong existing coalition itself, it was an attractive coalition partner. Rasmussen noted that LCCR was particularly important as a means to reach into the key black organizations, all of which participated in LCCR. She tried to arrange a meeting with Ralph

Neas, executive director of LCCR, when she first arrived in Washington, but reported to Linda Davidoff that he wouldn't meet with her. Through David Cohen of the Advocacy Institute, she was able to meet Bill Taylor, a member of the LCCR board, who arranged a meeting in April 1987 with several significant members and staff of LCCR: representatives of the Lawyers Committee on Civil Rights, the ACLU, the National Coalition for Black Voter Participation, NAACP-LDF, the UAW and LWV attended, as well as Human SERVE, People For, and US PIRG. Ralph Neas chaired some coalition meetings, but LCCR did not make the bill a high priority until 1989.

Many LCCR member organizations participated in the coalition. The organizations represented on the LCCR Executive Committee in 1988 were the A. Phillip Randolph Institute, the UAW, the National Council of Churches, the National Council of Senior Citizens, the National Catholic Conference for Interracial Justice, National Education Association, ACLU, National Council of Negro Women, National Urban League, the NAACP Legal Defense Fund, the United Steelworkers of America, National Women's Political Caucus, the League of Women Voters, People For the American Way, the Union of American Hebrew Congregations, the National Organization for Women, Disability Rights Education and Defense Fund, the AFL-CIO, and the National Council of La Raza. Of these organizations, all but the UAW, the National Council of Churches, and the National Council of Negro Women endorsed the Cranston/Conyers bill in the spring of 1988, as did the Leadership Conference as a whole.

• **People for the American Way (PFAW)** was founded in 1980 by Hollywood producer Norman Lear to counter new right and religious right organizations such as the Moral Majority. The group “organizes and mobilizes Americans to fight for fairness, justice, civil rights and the freedoms guaranteed by the Constitution, and “lobbies for progressive legislation and helps to build communities of activists” (www.pfaw.org). With its roots in the entertainment industry, PFAW has been uniquely positioned to promote its projects and issues through the media, particularly in television advertisements, and so it spearheaded the coalition’s media efforts.

• **US PIRG**, founded in 1983, conducts research, monitors corporate and government actions, and lobbies for reforms on consumer, environmental, energy and governmental issues. It is the Washington arm of the 24 pre-existing state PIRGs, intended “to act as watchdog for the public interest *in our nation’s capital* , as much as PIRGS have worked to safeguard the public interest *in state capitals* since 1971” (www.pirg.org/uspig/aboutuspig.htm). US PIRG, like the state PIRGS, is part of the Nader family of public interest organizations. Davidoff referred to Gene Karpinski of US PIRG as the “original mover on federal legislation.”

• **Public Citizen**, founded by Ralph Nader in 1971, is a public interest group which works in Washington DC on consumer, environmental and good government issues.

• **Lawyers Committee for Civil Rights Under Law** is an organization of reform-minded lawyers founded in 1963. It undertakes reform efforts at the

national level in such fields as employment, voting rights, and housing discrimination, in addition to local efforts working through committees of private lawyers in eight major cities to provide legal assistance to poor and minority groups. Executive Director Frank Parker was actively involved in the coalition.

•**Sonia Jarvis of the National Coalition for Black Voter Participation.** Jarvis had testified before Congress on voter registration reform as managing attorney for the National Center for Policy Review, before joining the staff of the National Coalition on Black Voter Participation. As described in chapter 3, the National Coalition was created in 1976 by 50 national black organizations concerned about the decline of registration and turnout among American blacks since 1968. One of the organization's most significant projects is Operation Big Vote, through which NCBVP organizes and trains coalitions of local organizations to do registration drives.

Davidoff also mentioned that David Cohen and Michael Pertschuk, founders of the Advocacy Institute, were important strategy consultants. The Advocacy Institute was established in 1985 by Cohen and Pertschuk to "strengthen the capacity of social and economic justice advocates to influence and change public policy" (Advocacy Institute, undated brochure). Rasmussen and Davidoff frequently consulted with Cohen and Pertschuk on strategy. Cohen advised that they needed to "immunize" themselves against the charges of fraud, and suggested that one way to do it would be to use the

experience of the states which were already using the voter registration methods they advocated.

Several other organizations became central members of the coalition after 1988:

- **League of Women Voters**, founded in 1920, evolved from the National American Woman Suffrage Association, following the fight for women's suffrage. It is a non-partisan organization that promotes political responsibility through informed and active participation of citizens in government and acts on selected governmental issues. The League is made up of local and regional affiliates, all of which invest significant energies in hands-on voter registration, and also distribute information on candidates and issues to encourage voting. The League of Women Voters is a prominent sponsor of campaign debates, nationally and locally. Its national network of local chapters, and its moderate non-partisan good government reputation, made it a powerful voice on Capitol Hill.

LWV had been represented at some of the earliest coalition meetings, but was not a significant participant until 1989. After the low turnout in the 1988 election, the League's Board of Directors directed its legislative staff to prioritize passage of voter registration reform legislation (Brooks, interview 1996). In a press conference held immediately after the election, LWV President Nancy M. Neuman called on the incoming 101st Congress to pass the Universal Voter Registration Act, the bill introduced by Senator Cranston and Congressman Conyers and supported by the coalition. Mary Brooks and

Lloyd Leonard, the League's senior Lobbyist and Public Affairs director, made the passage of voter registration reform their legislative priority from 1989 until the passage of the bill in 1993.

- **American Civil Liberties Union**, founded in 1920, champions the rights set forth in the Bill of Rights. Activities include litigation, advocacy, and public educations. It has 53 state, and 200 local organizations. The ACLU had opposed postcard registration in the 70s, out of concern that it would facilitate fraud, but became an active supporter of reform legislation in the 1980s. The ACLU's lawyers played a significant role in drafting legislative language, and in interpreting legislative language to non-lawyers in the coalition.

- **National Association for the Advancement of Colored People (NAACP)** was formed in 1909 in New York City by a group of black and white citizens committed to protecting the liberties of black Americans. It is a membership organization with a national network of more than 2000 local chapters. Its long history as the premier civil rights organization in the country, and its ability to mobilize the members of those local chapters, were both important resources in Congress.

- **National Association for the Advancement of Colored People Legal Defense and Education Fund (NAACP-LDF, or the Inc. Fund)** is the legal arm of the civil rights movement and, since its founding in 1939, is no longer part of the NAACP. The LDF litigates and supports independent litigation on behalf of blacks, other racial minorities and women defending their legal and constitutional rights against discrimination in employment, education,

housing, voting, and other areas. The NAACP-LDF has extensive experience litigating Voting Rights Act issues and discriminatory registration and voting practices, and most of its involvement was in those areas. It is variously referred to as the NAACP-LDF, the LDF, the NAACP Inc. Fund, and the Inc. Fund.

- **Disabled And Able to Vote** (which at one time used the name Disabled But Able to Vote) was founded in 1986 by Dr. Phil Calkins. Disabled Americans are registered to vote at a rate 16-20 points lower than the total population (Harris Survey 1998; Schur et.al 1999), and Disabled And Able to Vote organized registration drives and mobilized organizations representing the disabled or agencies serving the disabled to encourage disabled Americans to vote. Unlike blacks or Latinos, disabled Americans are not identified as leaning toward one party or another, and thus Jim Dickson, DATV's coordinator, was able to mobilize disabled activists to lobby significant Republicans with whom other coalition partners had little leverage.

- **Mexican American Legal Defense and Education Fund (MALDEF)** Founded in 1967 to protect the rights of Mexican Americans, MALDEF has become the leading Latino civil rights organization. MALDEF got involved in voting rights issues in 1976, after bilingual provisions were added to the Voting Rights Act.

- **ACORN** is an organization that does grassroots organizing in low-income communities in several cities across the country. Ned McCulloch, of

ACORN's Washington staff, was helpful in terms of bringing other organizations to the coalition (Rasmussen, Interview, 2000).

The Larger Coalition

In an interview, Swift staffer Herb Stone remembered arriving at the White House for the NVRA signing ceremony to find a long line of people awaiting entrance. As he walked past them, he heard several people call out, "Hey Herb! We did it!" And though the faces were unfamiliar, he realized that all these people felt they had played a part of the passage of the NVRA.

The line was so long because the coalition was so large. In addition to the central players, who invested significant amounts of time in negotiating the provisions of legislation and lobbying, 150 other organizations added their names to the list of organizations endorsing the national reform effort.

Although peripheral members don't commit significant attention or resources to a coalition, they are valuable to it. Beyond the obvious benefit that there is power in numbers, having a large and diverse coalition can bring greater legitimacy to a cause. One union leader told Hula, "the more diverse you can make your coalition, the better ... [It looks like] good government — you know, broadly held ideals, a broad array of citizens with perceived wide varying interests, all interested in this issue" (Hula, 1999, 29). Organizations benefit from joining coalitions in which they have only a peripheral interest, because it shows their members they are taking action on important issues, it assures them a flow of information on issues they are not following closely,

and it allows them to claim credit for victories with minimal effort (Hula, 1999, chapter 3).

The more active members of the coalition kept the peripheral members of the coalition informed through occasional mailings, and at crucial junctures asked them to write letters of support, make phone calls, or ask their membership to write or call key members of Congress. Throughout their campaign, the reform advocates also reported the progress of their legislative initiatives to the Voter Registration Network, so that an even wider range of organizations would have an opportunity to add their names to the list of supporters, lobby their representatives or invite their membership to write letters of support. Human SERVE staff spent a great deal of time reaching out to potential supporters. As described in its 1987-88

Program and Budget:

The Voter Registration Network and the Campaign for Full Political Participation will continue to be important forums for developing coalition strategies. SERVE will participate in them and continue to reach out to the public employee unions; civic action groups; the women's movement; civil rights groups; and others to build support for our work.

By the middle of 1988, the coalition had gathered 150 endorsing organizations (See Appendix B). The list included 27 unions, 24 women's organizations, 31 religious organizations, 15 black organizations, 8 Latino organizations, 10 organizations representing the disabled, 15 social service organizations, 8 organizations primarily focused on voting rights, and many others. Some

occasionally came to meetings, but were not regular participants; some did little more than lend their name.

Early Activities Engaged in by the Coalition

Drafting Legislation

The reform advocates heard that Senator Alan Cranston (D-CA) was working on drafting voter registration legislation, and they approached him to see if they could work together. Cranston was interested. Representatives of Human SERVE, People for the American Way, US PIRG, and ACORN met with Cranston staffer Candy Nelson to discuss his proposal.

Cranston's initial draft proposed the creation of a Voter Registration Administration within the Federal Election Commission. This office would be responsible for administering a postcard registration program, and an election day registration program. To verify voters' continued eligibility, the Cranston bill required the Administration to send non-forwardable postcards to every registered voter every two years. If the card was returned, the voter's registration could be challenged on election day. The bill also included financial assistance for state and local governments.

Throughout the spring and summer, coalition members frequently met with congressional staff working on the bill, and Candy Nelson, Conyers staffer Julian Epstein, and House Administration Committee staffer Herb Stone often attended coalition meetings. Human SERVE, People for the American Way, US PIRG, and ACORN wrote to Cranston on February 4, 1987 and expressed their support for a bill that incorporated four principal

elements: day of election registration, mail registration, registration through government agencies and \$50 million in financial assistance for states to streamline their registration processes.

Gracia Hillman, and Althea Simmons, the chief of the NAACP Washington Bureau who had worked for the NAACP since the mid-50s, had insisted that the group develop its own legislative language, rather than simply sign on to whatever Cranston developed. At the request of Michael Pertschuk of the Advocacy Institute, lobbyist Robert Joost drafted a bill that did not, like Cranston's bill, create a new federal bureaucracy or appropriate \$50 million in grants. Joost did not think such a bill could be operational in time for the 1988 election, and believed it would be open to charges of increasing federal bureaucracy and budget busting. Instead, he designed his bill around the concept of establishing national standards for voter registration, giving the FEC power to enforce those standards.

Advocates expected some opposition to federal involvement in setting voter registration standards. Article 1, Section 4 of the Constitution says, "The times places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators." Historically, this had meant that the states had been responsible for voter registration. To avoid constitutional challenges, the legislation established standards only for Federal elections (U.S. Congress. House. 1988, 7-8); the advocates assumed that states would

find it easier to adopt the same registration system for state and local elections than to maintain separate registration lists.

The agenda for a May meeting with Candy Nelson lists several of the coalition's other concerns about the Cranston bill. The agenda notes that the bill lacks a purpose clause that defines widespread registration as a policy goal; it lacks any reference to agency-based registration; it lacks any recognition of the need for bilingual forms; it contains a purging provision that could lead to discriminatory use; it includes no process for handling challenged voters.

Over the spring and summer, a subcommittee of the coalition worked on drafting the specific language of the bill. The drafting subcommittee included Marcia Adler from People for the American Way, Jeri Rasmussen, Judy Goldberg of the ACLU, MALDEF, and Robert Joost, with some participation from Ralph Neas and others. Two ACLU lawyers wrote legal memos that helped in the drafting of the bill: Pam Karlan on Tenth Amendment issues that might be raised against the bill, and Lewis Liman, who wrote an enforcement section that better addressed the concerns of voting rights activists than Joost's proposal. Drafts were circulated to other active members of the coalition as well. It met several times over the summer, and conferred frequently with Candy Nelson of Cranston's office.

By September, Nelson had a final draft to send to the members of the coalition. The bill, which would be introduced in November by Cranston and Conyers as Senate 1888 and House 3666 (and later revised and re-introduced

as Senate 2061 and House 3950), was a “national standards” bill, as Joost had suggested, and also incorporated several of the coalition’s other suggestions.

It included, as Cranston’s original bill had, election day registration. The civil rights groups were especially supportive of election day registration, which Representative Conyers had been supporting for several years. Althea Simmons, Director of the NAACP’s Washington Bureau, explained her organization’s support for election day registration by saying: “Many people do not get excited about an election until it is imminent. Under present law, in most states, it is too late to translate that excitement into action. Also, it is more convenient to vote if you only have to go to the courthouse or the place of registration/voting one time” (U.S. Congress. House. 1988: 263). In response to concerns that election day registration increased opportunities for fraudulent registration, the bill required more stringent proofs of identity for same-day registration than advance registration, and segregated the votes of same-day registrants so that their eligibility could be verified.

The bill also required voter registration to be offered at “. . . any Federal, State, county, or municipal agency that serves the public directly; or . . . any agency receiving grant-in-aid monies and serving the public directly” (Congressional Record, November 20, 1987, p. S16670) When the bill was re-introduced in February, the provision concerning agencies receiving grants-in-aid was replaced with “any private agency that voluntarily agrees to register voters” (Congressional Record, February 17, 1988, p. S4437).

Civil rights groups feared the confirmation system in the Cranston bill would lead to disproportionate purging of people in poor and minority communities, because of poor mail service. More generally, they had long been concerned about the methods used to clean, or purge, voter registration lists. Although the ostensible purpose was to remove ineligible voters from the rolls, rather than identifying ineligible voters, at least 37 states simply purged anyone who had not voted in a number of years (Mitchell and Wlezien 1995). Voter registration advocates were very concerned that purging, whether done for non-voting or by another method, was often done in a discriminatory manner. It also led to a great deal of unnecessary re-registration of legitimate voters: one advocate told me, "I guesstimate that, since 1964, there's been about \$10 million spent every 2 years on essentially registering the same people to vote, by foundations, the unions, the churches. That money and talent and effort could be put into figuring out how to get people to vote" (Dickson, 1996). H.R. 3950/S.2061 required states to establish a program for confirming the registration of voters, primarily by getting information on deaths and convictions from the appropriate agencies, and change of address notices from the Postal Service. It also required that no voter would be removed from the rolls unless the voter had died, moved, been convicted of a crime or institutionalized, or requested that their name be removed. Not voting was not included in the list, and therefore the non-voting purge used in most states would not be allowed under S. 2061/H.R.

3950. The bill also spelled out the process by which a challenged voter could vote on election day.

S.2061/H.R. 3950 also included penalties for fraudulent registration or interference with another person's voting rights. This was a part of a strategy to counter the accusations that voter registration reform would lead to increased election fraud, allowing the advocates of the bill to lead with the assertion that the sponsors of the Universal Voter Registration Act are acting to reduce election fraud by the enforcement sections of the bill" (Letter, Davidoff to Epstein, 1/13/88, Human SERVE archives. Emphasis in Original).

Looking for Co-sponsors

Cranston, Conyers, and coalition members coordinated efforts to attract co-sponsors in each house. Bipartisan support was strategically important. The coalition used the ACLU and LCCR ratings of Republican Representatives and Senators from the previous year to identify those most worth targetting as potential co-sponsors. Rasmussen also met with Bill Frenzel (R), who was a key Republican on the House Administration Subcommittee on Elections, to which a voter registration bill would be referred, and a Minnesotan. He later declined to sign on, but the coalition got Republicans Hamilton Fish (R-NY) and Frank Horton (R-NY) to be original co-sponsors. Fish had long supported civil rights causes, and played a key role during 1988 in helping the Leadership Conference to come to terms with the National Association of Realtors over the Fair Housing Act Amendments.

In the Senate, Cranston and the coalition focused on the liberal Republicans, and once again used the ACLU and LCCR ratings, which led them to target Senators Stafford of Vermont, Mark Hatfield and Bob Packwood of Oregon, and Arlen Specter of Pennsylvania, among others. Cranston asked Senator David Durenberger (R-MN) to co-sponsor the bill. Rasmussen, as a Minnesota native, had met with Durenberger in her second month on the job, and found him willing to help, and so she also requested Durenberger's support. Rasmussen hoped that Durenberger's support would help win Frenzel's participation.

Senator Cohen was asked to sponsor the bill, and said no, calling it too controversial. Reform advocates met with Senator Stafford (R-VT), who said he would sign on, then changed his mind. Senator Durenberger had seemed the most likely co-sponsor to both Cranston and Rasmussen, but in September he also said no, saying that "Minnesota had experienced fraud" and that he was "up for election." Rasmussen thought that Republican attempts in the Minnesota state legislature to rescind same-day registration may have influenced Durenberger. Senator Packwood (R-OR) seemed like another possibility, and after meeting with him, Rasmussen and Davidoff asked Gloria Steinem to request his support, but he too declined, because of an Oregon referendum to repeal same-day registration in the state.

The bill was simultaneously introduced in both the House and the Senate on November 20, 1987, but key civil rights groups continued to have reservations about it. In particular, Althea Simmons questioned whether

pushing the bill might lead to other important issues being sacrificed. The NAACP, the NAACP-LDF, the Leadership Conference on Civil Rights, the Urban League and the National Coalition for Black Voter Participation did not endorse the bill, and Julian Epstein of Conyers' staff arranged a meeting to address their concerns and win their support.

Some minor changes were made and the bill was re-introduced on February 17, 1988. In the House, H.R. 3950 was sponsored by John Conyers (D-MI), and co-sponsored by two Republicans, Hamilton Fish (R-NY) and Frank Horton (R-NY), and three Democrats, including Majority Whip Tony Coelho (D-CA). Senator Cranston's bill was now S. 2061. The five organizations listed above still withheld their support for the bill, and did not, to give one example, sign a "Dear Colleague" letter from more than 100 endorsing organizations asking members of Congress to co-sponsor the legislation. Nevertheless, the introduction of a bill seemed to give the effort momentum; Rasmussen was pleased to note that 35 organizations were represented at the January strategy meeting, more than the 10-20 participants coalition meetings had generally attracted (Rasmussen, Interview, 2000).

Lobbying members of Congress

During Rasmussen's tenure with Human SERVE, she spent part of her time meeting with members of Congress and/or their staff to request their support for national reform legislation. She began with those she already knew, from her work in Minnesota, and those Karpinski was able to

introduce her to. As luck would have it, she was in Washington less than a month when she met Al Swift, chair of the House Subcommittee on Elections, and had the opportunity to talk to him about Human SERVE's plans. She had a follow-up meeting with Kathy Jarvis of his staff, and in October several members of the coalition met with Swift himself. He promised to hold hearings on the bill early in the year, and said he intended to stay neutral and work toward bringing a comprehensive proposal out of committee.

In May 1987, in expectation of the introduction of the bill, Jeri Rasmussen, Gene Karpinski, Ellen Hanggi of ACORN, Judy Goldberg of the ACLU, Debra Livingston of the Churches' Committee, Mario Moreno of MALDEF, and Marsha Adler of People for the American Way co-signed a letter to a long list of organizations chosen for, as the letter said, their "traditional support for improved voter registration and voter participation," asking their support for the principles of the legislation. With this letter, these active coalition members were soliciting peripheral members for their coalition. The coalition also sent out a letter to every member of Congress, asking them to consider co-sponsoring the Cranston-Conyers bill.

The work of lobbying members continued after the introduction of the bill. Rasmussen reports that in March 1988, she, Adler and Karpinski arranged meetings for various members of the coalition with Senators McClure, Stevens, Helms, Pell, Adams, McConnell, DeConcini, Garn, Gore, Warner, Moynihan and Inouye – almost every member of the Rules

Committee, which would hold a hearing on the bill in late March. Visits were also made to members of the House. By mid-March, only Cranston and Senator Quentin Burdick (D), from North Dakota, the only state with no registration, had put their names on S. 2061. In the House, there were 21 co-sponsors, 19 of them Democrats, and 9 of them members of the Black Caucus. At a June 1988 meeting, the Coalition divided up responsibilities for another round of contacting members of Congress to request that they co-sponsor. Several organizations agreed to send a letter to all members, including SERVE, People For, PIRG, ACORN, the Organization of Chinese Americans, the Urban League, Japanese Americans, Public Citizen. They divided up responsibilities for follow-up contacts, with People For, Public Citizen, US Student Association, NASU, Citizenship Education Fund, Lawyer's Committee, the National Black Caucus, the Urban League, MALDEF, Human SERVE, the Organization of Chinese Americans and the American Jewish Congress taking responsibility for either the members of one of the ethnic congressional caucuses, or a part of the alphabet.

Testifying at hearings was another way to influence the votes of members of Congress, and once the bills were introduced, many coalition meetings were devoted to figuring out what would be the most effective testimony, and who would be the most effective witnesses. Candy Nelson and Julian Epstein attended the mid-March coalition meeting, to update coalition members on plans for committee hearings. The coalition organized a joint

letter to members of Congress, letters from individual organizations, and grassroots letter-writing campaigns.

Grassroots Advocacy

One constant job for the reform advocates was that of building more support, from organizations and individuals, for the reform proposal. Organizations within the Coalition that had a membership base, like the NAACP and the League of Women Voters, used that resource to build support for the legislation, often focusing on districts whose Representatives or Senators were considered key. In addition to the League and NAACP, several unions, the Paralyzed Veterans of America, Disabled and Able To Vote, and the ACLU had grassroots memberships they could energize around the bill (Hailes, Interview, 2000). For example, after the disappointing Senate hearing on Cranston's bill in 1988, at which Senate Rules Committee Chair Wendell Ford (D-KY) demonstrated his lack of interest, the NAACP encouraged its Kentucky chapters to contact the Senator in support of the legislation. Human SERVE's Texas field staff backed up the Washington-based lobbying of the Texas delegation with a press conference and hand-delivered messages of support to their Texas offices.

Organizations that had media access tried to use it to build support for the bill. People For the American Way organized a press conference in 1988 at which 500 college interns who had spent the summer in Washington promised to go back to schools and register 10,000 fellow students to vote, which they used to call attention to S. 2061.

Working with the Election Officials

Many of the organizations that had done voter registration work had developed relationships, some positive and some negative, with election officials. Human SERVE, because of its efforts to change registration law or policy in several states, had developed some organizational expertise in the area of registration law and a number of relationships with election officials. The League of Women Voters had relationships with many election officials around the country. Human SERVE had also developed relationships with progressive election officials around the country through its efforts to encourage states and localities to use agency-based registration. Human SERVE staff developed expertise in voter registration systems, and became a useful source of information for what methods were being used where, and how the nuances of implementation influenced effectiveness.

As the coalition prepared for the introduction of the Cranston-Conyers bill in 1987, they contacted Secretaries of State they knew were supportive of registration reform, and asked for letters of support. Joan Grove, Minnesota Secretary of State, was important in this way. Throughout the campaign, the coalition was able to bring to Capitol Hill election officials who could speak authoritatively about the virtues of motor voter registration. As plans were made for the 1988 hearings, the coalition drew up this list of election officials they could ask to testify: Norma Rodriguez, City Clerk for San Antonio and President of National Association of City Clerks; Secretaries of State Sherrod

Brown of Ohio, Joan Grove of Minnesota, and Don Seigelman of Alabama; Attorney General Robert Abrams of New York.

Human SERVE staff used their expertise on voter registration systems across the states to draft memos demonstrating the effectiveness of agency and DMV registration, showing the significance of active vs. passive methods, and other technical issues, which the coalition used both to determine its own position and to persuade members of Congress to support it. Their expertise and connections with election officials made it possible for them to provide congressional staff with such information as the cost of election day registration in the states that had it, and letters from election officials verifying that they had suffered no fraud in using election day registration.

Rather than fight the associations that represented the election officials, the coalition attempted to persuade them. As Linda Davidoff suggested, associaton meetings and workshops might be opportunities to win over election officials. She wrote:

... we could use the occasion to begin to chip away at the armor of this group of people, most of whom, it seems to me, have never put much thought into the topic of how they might reach out and register the electorate as a whole. Instead, they spend their time and budgets doing traditional clerical chores, blaming the citizenry for being too lazy to find out how to register, and attacking ideas about how to broaden the electorate.

I think the way to reach them might be to be up front about the problem: namely, start out from the beginning of the meetings identifying their lack of interest, as a group, in enfranchising America's voters as a problem, and then talking about solving the problem by asking

them as professionals to re-cast their goals as local election officials (Human SERVE archive, July 26, 1988).

Human SERVE Associate Director Jo-Anne Chasnow regularly attended meetings of the National Association of Secretaries of State (NASS) and other organizations that represented election officials, and worked to win their support for voter registration reform. Although NASS had previously opposed national voter registration legislation, it passed resolutions of support, not opposition, in 1989, 1992, and 1993.

As Swift stated in an interview, he was willing to listen to election officials who weren't just being obstructionist, and willing to adapt his legislation to address their concerns. The coalition made sure that he got support and constructive criticism from election officials who supported reform.

Conflicts within the Coalition

Relations among the organizations participating in the coalition were often difficult. In a report to Human SERVE in February 1988, Jeri Rasmussen expressed a frustration with the "reluctance to formalize a structure to allow for truly productive meetings, and the sensitive racial politics and the 'so what else is new' turf politics" (Human SERVE archives).

After several organizations had spent the spring and summer of 1987 drafting and re-drafting the legislation, and requesting comments from other coalition members, several civil rights groups insisted that changes be made to S. 1888/H.R. 3666 that would require re-introduction of the bill. That meant

a delay in scheduling hearings, but the changes were made, and the bills re-introduced, but still the NAACP, the NAACP-LDF, the Leadership Conference on Civil Rights, the Urban League and the National Coalition for Black Voter Participation did not immediately sign on. In mid-April, the LCCR met and finally decided to endorse the bill. The conflict over the November 1987 version was not the last disagreement among the members of the coalition. The disagreements among coalition members seem to have their roots in three areas: differences of opinion about the importance of specific provisions; the different priorities each organization placed on voter registration reform; turf battles. Unfortunately, most of these differences also split the coalition along racial lines.

The five organizations that rejected S. 1888/H.R. 3950 had not participated actively in the drafting committee. They were more concerned about purging than the other organizations in the coalition, and, as became clear later in the legislative process, would have preferred a bill with no purging language whatsoever. The civil rights organizations were more committed to election day registration than Human SERVE or the League of Women Voters, and Human SERVE was more interested in agency-based registration than any of the other coalition participants. As the bills continued through the legislative process and compromises had to be made, these differences became important.

Each organization also placed a different priority on voter registration reform. Jeri Rasmussen noted that most of the organizations in the coalition

were multi-issue organizations, and however important voter registration might be to them, it was not the only issue they were working on. "I think that's true of any organization: they come in because they have an interest, but it may not be their top interest. When you're trying to put together a coalition you're grateful for whatever support you get. Just getting the name of the organization [helps] because that lends prestige (Rasmussen, Interview, 2000).

For Human SERVE, national voter registration reform was a top priority, and its other work on state and local registration reform and registration at voluntary agencies did not take place on the national stage. Other organizations had a broader range of issues they were working on, and in particular, more than one issue on which they were lobbying Congress. From July until October 1987, the major civil rights organizations – the NAACP, the NAACP-LDF, and the Leadership Conference, among others – were heavily involved in the fight over Robert Bork's nomination to the Supreme Court.. The Leadership Conference's top legislative priorities for the 100th Congress (1987-88), voted on by its Board of Directors, were the Bork nomination, the Civil Rights Restoration Act, and the Fair Housing Act Amendments — three issues on which it achieved its goals. Voter registration made the "runner-up" list of priorities:

Other legislative priorities have included the Japanese-American Redress Bill, Judicial Nominations (Siegen and Treen), Family and Medical Leave Act, Voter Registration Reform Act, Hate Crimes Bill, Minimum Wage, the Racial Justice Act, overseeing the anti-

discrimination provisions at (sic) the Immigration Reform Act, Immigration Legalization Extension, legislative oversight of Executive Branch enforcement activities, D.C. Statehood and the Economic Equity Act (Memo to LCCR National Board Members from Ralph Neas, Executive Director, May 5, 1988).

The number of issues they had before Congress raised the concern, voiced by Althea Simmons to Jeri Rasmussen in November 1987, that having “too many items on the plate” will force a prioritizing or cause one to be sacrificed for the other in the horsetrading in Congress” (Rasmussen report, Human SERVE archive). Ralph Neas at one point in 1988 told Rasmussen that LCCR could focus on voter registration reform once the Fair Housing Amendments were passed (Memo, Human SERVE archive).

An anonymous report to Human SERVE about a 1988 LCCR Board meeting that resulted in the above priorities being set made it clear that at least one significant participant had reservations about voter registration reform. “Althea [Simmons, then director of the NAACP’s Washington Bureau] lamented the spear-heading of the issue by SERVE and the constant pushing, pushing that we do and its our top priority.” She also expressed concerns about the language of the bill then being put forward, but accepted assurances that those concerns would be addressed, and agreed to testify in support of the bill (April 15, 1988 letter from Rasmussen to Davidoff, Human SERVE archive).

Rasmussen sensed that some of the black civil rights organizations also felt that Human SERVE was trying to horn in on their domain. She said, “I

think she thought maybe Black Americans were the only ones who ever had trouble being able to vote, and that it was their issue and their domain. I think she felt somewhat threatened. You'd think you had something going, and it would be torpedoed" (Rasmussen, Interview, 2000). The first three collaborators on national reform were Human SERVE, US PIRG and People for the American Way, represented by Linda Davidoff, Jeri Rasmussen, Gene Karpinski, and Marsha Adler – white staff representing predominantly white organizations. Aware that the traditional voting rights groups were predominantly organizations representing people of color, they made efforts to bring those organizations aboard. Human SERVE's effort, for example, to mobilize a Campaign for Full Political Participation, deliberately created a continuation committee chaired by people of color, and predominantly including organizations representing people of color. The early focus on getting LCCR aboard was another effort to include the traditional civil rights and voting rights organizations. The fact that the core coalition organizations moved forward, with or without the civil rights organizations, engendered some resentment.

These conflicts often made progress difficult. For those participating in the coalition, it was difficult to reach consensus on positions or strategy. In the first three years of the campaign, from 1987 to 1990, the NAACP, the NAACP Legal Defense Fund, the Urban League and the Leadership Conference played the role of "specialist" or "player" rather than "core member." They did not consistently attend meetings. They did not participate

in the drafting committee, but then withheld their support when the outcome of the committee's work was not satisfactory to them.

Members of Congress and their staff also found the differences of opinion between the organizations frustrating. In an interview, Herb Stone, who worked for Swift's Elections Subcommittee, said, "We spent hundreds and hundreds of hours, and hundreds and hundreds of meetings, there were fights and screams and tears and walkouts ... among the advocates. There were big splits between the civil rights community and some of the other interest groups and the pragmatics of politics. Mostly on the purging section, and there were also a lot of personalities involved, a lot of egos involved" (Interview, 1997). Stone said that Swift got very frustrated with the fights, and Swift said they were the single most difficult group of people he ever worked with (Swift, Interview, 1999). As Hula pointed out, one advantage to coalitions for members of Congress is that through coalitions, disparate interested parties have already worked out a common position; the member receives the policy "prepackaged." As one lobbyist told Hula, "Members of Congress really hate to have to choose between people that they would like to have all as their friends, and if you go up as an industry and are divided, it's pretty difficult for them."

Conclusion

The mobilization of this coalition to support voter registration legislation was something that had not existed in the 70s. It would prove to be important to the passage of voter registration legislation. The consistent

pressure from the coalition made it difficult for Congress to drop the issue, as they otherwise would have done.

At the instigation of Human SERVE, a small non-profit with a single-minded focus on voter registration, 150 organizations came together in support of national voter registration reform legislation. The voter registration coalition included civil rights organizations, unions, religious organizations, social service agencies, representatives of minorities and the disabled. Like most lobbying coalitions, it consisted of a core of activists who devoted time to negotiating the language of the bill, and building support in Congress and among potential allies outside Congress.

By their nature, coalitions tend to be alliances of diverse organizations, and tensions unavoidably exist. Sometimes people can temporarily paper over their differences in order to achieve a goal, but in this case they erupted. The disagreements within the Coalition came to a head in 1990, and will be more fully discussed in the next chapter. Had they remained unresolved, the registration reform bill would have gone no further. In the next chapter we will see the legislative process stall while the groups work out their differences, and move forward again once consensus had been reached.

Chapter 5 Fight for the National Voter Registration Act 1988-93

Hearings were held on the National Voter Registration Act for the first time in 1988, and the process of rewriting continued. In the House, Congressman Swift changed the focus of the bill from election day registration to registration in motor vehicle agencies, and the bill earned the nickname, the Motor Voter Bill. While that won it significant bi-partisan support for the first time in 1990, it and other provisions of the bill as rewritten by Rep. Swift caused serious rifts in the coalition, and threatened to doom the legislation. But rather than let the possibility of national reform slip away, the coalition rallied and achieved a consensus on the legislation in December 1990. Another two and a half years of lobbying, negotiation, media relations work and other work would be necessary to get Congress to pass, and the president to sign, the National Voter Registration Act into law. This chapter will describe the legislative campaign, and the role of the coalition in it.

Initial hearings

Cranston's bill was referred to the Rules Committee, which had traditionally handled elections legislation. Hearings were held on March 25 and 30, 1988. Cranston, Frances Fox Piven, Richard Cloward, and Laughlin McDonald of the ACLU spoke on behalf of the bill, and the Lawyers' Committee for Civil Rights sent a letter of support. Minnesota Secretary of

State Joan Growe, who had been working closely with the coalition, spoke in support of S. 2061. Three other election officials, one from Kentucky, spoke against the bill.

The chair, Wendell Ford (D-KY) was “decidedly cool toward the measure” and spoke at length about the prospect of fraud (Congressional Quarterly, March 25, 1989, 665). The committee took no further action. Ford had made a reputation as a voter registration reformer as Governor of Kentucky, and advocates were somewhat perplexed at his lack of enthusiasm. The coalition, particularly the NAACP, attempted to mobilize grassroots pressure on the Senator to adopt a friendlier attitude toward registration reform.

Several key members of the coalition — ACORN, MALDEF, ACLU, US PIRG, Human SERVE, the League of Women Voters, People for the American Way, National Coalition for Black Voter Participation, the NAACP and the National Congress of American Indians — met with Chairman Swift in March in preparation for the House hearings. This was their second meeting with him, and while they found him cordial and neutral toward the bill during the first meeting, this time Swift was enthusiastic about passing a bill (Rasmussen, March 1988 report, Human SERVE archive). After that meeting, Rasmussen and Marcia Adler of People For worked closely with Herb Stone of the Elections Subcommittee staff to plan the witness list for the hearing. The coalition had one panel, and suggested some of the speakers for other panels.

In the House, Swift held hearings in April and May on H.R. 3950 (the Coalition's proposal), another mail and election day registration bill introduced by Charles Bennett of Florida, and a third elections bill. At that time, 23 states were using mail registration, while only four states had election day registration, or no registration. Thus it was not surprising that even election officials from liberal registration states expressed concern about their ability to process large numbers of election day registrations, the increased potential for fraud, and the cost to their states.

Former Representative Swift said, "[As a member of Congress,] I used to pay a lot of attention to elected officials who showed in their own jurisdiction that they were progressive and willing to try new things. The process of collecting votes, as I learned, is a very fragile process. You can set out to do good and destroy it. I found that the overwhelming number of progressive election officials were opposed to election day registration" (Interview, 1999).

One of the progressive election officials to whom he listened was Ralph Munro, Washington's Republican Secretary of State, who appeared as a friendly witness from Chairman Swift's home state. Washington had passed legislation in 1984 creating staff-active agency registration, but a study of its implementation, "Roadblocks to Voting in Washington State: A Report on the Status of Voter Registration Via State Agencies," (1988), found that only 6.8% of the agencies surveyed had signs announcing registration services, and that "most employees were not even aware that voter registration services

should be offered" in their agencies (WashPIRG Foundation report cited in Human SERVE 1991). In the spring of 1988, when Munro testified, he was actively advocating in his own state for new legislation to create a fully automated system. Munro expressed enthusiasm for mail and agency-based registration, and called the motor-voter provision "one of the most exciting aspects of this bill" (U.S. Congress, House 1988, 707). Generally very supportive of the legislation, he declared election day registration "the only one [issue in the bill] I disagree with you on" (U.S. Congress, House 1988, 705). His concerns were mostly procedural:

I'm not convinced that the specific method of implementing this program is a satisfactory one for all the States. The procedures in this bill will be difficult to incorporate into State election law, particularly in those cases where State and local jurisdictions are holding elections in conjunction with the general elections for Federal office.

I am afraid it could result in conducting two different elections at the same time with different legal qualifications for voting and two sets of voter registration records. That would be unmanageable and obviously cause a number of problems (U.S. Congress, House 1988, 705).

Swift saw that opposition to election day registration was strong, widespread, and, he felt, not without reason (Swift, Interview, 1999). Although election day registration would generally require persons to show identification, while mail registration would not, election day registration had the potential to overwhelm election administrators on the day of an election, with unknown consequences for fraud and delayed election returns. Karl Sandstrom, who worked for Swift on the House Administration Committee until 1992, said

Swift moved away from same day registration because he didn't think it was politically doable, and also because it didn't offer the benefits its proponents hoped for.

The anecdotal indications were that in most states that had same day registration, it was often the more affluent segments of the electorate that took advantage of it. You still need to have . . . identification and knowledge of where to go to vote, and so it was those who were sufficiently confident about getting that info and showing up and having the proper ID to do this who used it. We also knew we were going to have some problems with the public integrity section of the Justice Department who would probably be at best neutral and may have been actively opposed to same day registration. You're taking a system that came from kind of reform, good government states, the Minnesotas, the Wisconsin and saying we can do the same thing in Louisiana and Chicago, which had very different historical traditions. So there was a very good chance that we would have the active opposition of the Justice Department (Sandstrom, Interview, 1996).

Swift was conscious of the need for bipartisan support, and saw the possibility of support from ranking Republican Bill Thomas (R-CA). Swift noted, "Bill Thomas is very conservative, but he comes from a very liberal state. California had lot of reform. Thomas was very active in party affairs in California. They found that these reforms had not done them the damage they thought it would." (Interview, 1999). Sandstrom remembers that Thomas asked useful questions at the 1988 hearings (Sandstrom, Interview, 1990). His opening remarks were those of someone willing to give registration reform a chance: "I look forward to the testimony because I think we can make great progress in the area of voter registration. I just am not

completely satisfied that some of the proposed solutions are, in fact, an improvement" (U.S. Congress. House 1988, 33).

Swift aimed to win Thomas' support as he revised the bill. During the hearing, Thomas spoke about Republican problems with the bill: "I do think that there is going to be a concern about, one, same day, and two, the question of how we deal with the question of purging" (436). While H.R. 3950 allowed states to remove voters who were no longer eligible, it did not allow states to remove registrants simply for not voting, which most states used as a method of cleaning their rolls.

During the 1988 hearing, Swift asked some witnesses their opinion of purging mechanisms, specifically non-voting purges and purges based on mail verification. Richard Cloward said, "Personally, I don't believe that people should be purged for not voting," (420) and Curtis Gans, of the Committee for the Study of the American Electorate, reported that his study had shown that the shorter the period one can stay on the rolls without being purged, the bigger the negative effect on turnout (421). Representative John Conyers, chief sponsor of the HR 3950, spoke disparagingly of the idea of a non-voting purge of any length:

Well, if we really were to say that if you miss two Presidential elections, that maybe that is sufficient to take you off the roll, then what we are really saying is that, 'You haven't shown, Citizen X, a sufficient interest in voting, and therefore, even though you are not hurting anybody with your name lying up here on this list, you lazy little sluggard, you, doggone it, you are making us print your name over and over every election process, but since you haven't voted and we

know it, we are going to make you go the hard route.' What does that do? That guarantees—it doesn't guarantee, but it makes even more difficult the possibility of us getting this citizen in (435).

Of the election officials who testified, David Dinkins, Borough President of Manhattan, reported that New York had a four-year non-voting purge, which he hoped would be abolished, and Chris Thomas, Michigan's director of elections, reported that his state had a ten-year purge, and was considering changing it to a five-year purge, a change he supported.

A means of getting the deadwood off the rolls, Thomas told Swift, was central to his ability to win Republican support. Discouraging fraud was the publicly given reason the Republicans were particularly interested in list cleaning. Mary Brooks, a lobbyist for the League of Women Voters and co-chair of the coalition, said that their interest was also motivated by the fact that Republicans do a lot of mailings to voter registration lists. The Republicans were more efficient at it than the Democrats at that time, she said, and they were therefore very interested in getting clean lists, so that they weren't mailing to bad addresses (Brooks, Interview, 1996).

In late June, after several hearings on the bill including a field hearing in Los Angeles, Swift met again with representatives of the coalition. Rasmussen was among them, but it is unclear from her report who else attended the meeting. Swift told them he was excited about the possibility of bringing a bill to the floor, if they were willing to make some compromises, in particular to give up same day registration.

Inspired by the testimony of Ralph Munro, Swift proposed to make motor voter registration the centerpiece of the bill, thus reaching 90% of the population with fairly automatic registration. He was willing to include agency-based registration to reach the remaining 10%. Swift also suggested shortening the cut-off between the last date of registration and the day of the election. The Supreme Court had prohibited states from using a cut-off earlier than 30 days before the election, and Swift proposed reducing it to 10 days. Finally, to win the support of Thomas, Swift wanted to purge those who had not voted in 8 or 10 years (Rasmussen memo, 6/28/88, Human SERVE archive).

Swift told the advocates that he didn't think the bill, as then written, had a prayer of passage. Although they had to return to the larger group to decide whether to support Swift's proposals, they told him they might be willing to drop EDR if he committed to bring the bill to the floor (Rasmussen memo). Swift laid aside H.R. 3950, and set about drafting a revised bill.

The coalition had a well-attended meeting on June 28, 1988 to update everyone on the progress of the bill and Swift's plans in particular. Without taking a definite position on Swift's proposal, the participants agreed to continue demonstrating support for the Cranston/Conyers bill, and await a written draft from the chairman. As the chief proponent of agency-based registration, Human SERVE began drafting suggested language on that portion of the bill. Davidoff circulated among the staff for comment a draft which included agency-based registration at several Federal agencies, every

state, county or municipal agency that provides direct services to citizens, and at any private agency that voluntarily agreed to participate. Her draft included language requiring agency staff to ask citizens if they would like to register, assist them in filling out the forms, and collect and forward them to the proper election official — the kind of active agency-based registration Human SERVE had found most effective.

Motor Voter Bill becomes focus

In September 1988, Swift circulated a draft of his new voter registration bill “not only to the Members of the Subcommittee, but to a number of State officials, election officials, witnesses before our hearings and other interested parties, asking for their input” including members of the coalition (Letter from Swift to Davidoff, 9/14/88, Human SERVE archives). As expected, the centerpiece of Swift’s bill was voter registration through motor vehicle agencies, instead of same-day registration. It also required states to offer mail registration and to designate appropriate State, Federal and private offices as voter registration locations. Regarding purges, Swift’s bill allowed, but did not require, states to have any kind of list cleaning program, including a non-voting purge. It added to Conyers’ list of reasons a voter might be removed, “for failure to vote in each of two consecutive Presidential general elections and at least one congressional election or election for State office between such 2 consecutive Presidential general elections” (U.S.Congress, House, 1989, 8).

The impending introduction of Swift's bill left the coalition with some strategic choices to make. Cranston and Conyers were willing to introduce their election day/mail/agency bill again, and possibly to redraft it so that it would go through the Judiciary Committee, where support was expected from Senator Kennedy in the Senate and Representative Edwards in the House. Alternatively, or simultaneously, the coalition could try to work with Swift to incorporate more of its suggestions into his bill. These issues were discussed at a coalition meeting in November 1988 (Karparkin memo, 12/2/88). In addition, Karparkin asked for comments on a revision she had drafted of the Swift bill before she presented it to Karl Sandstrom, Swift's counsel. The meeting was chaired by Ned McCollough of ACORN and Marcia Adler of People For the American Way. Other key players in attendance included Karpinski from PIRG and Marlene Cohn from LWV, Pamela Young of the NAACP, Greg Moore from the Citizenship Education Fund, Ron Jackson from the National Urban League, and someone from the Leadership Conference. The group decided to encourage redrafting of the Cranston/Conyers bill to allow it to be referred to the Judiciary Committee, and also work with Swift to improve his bill and encourage him to coordinate with Conyers. Adler agreed to set up meetings with Cranston, Conyers, Swift and Edwards.

Swift introduced the bill, H.R. 15, on the first day of the 101st Congress, January 3, 1989. He promised his committee would "get cracking" on voter registration reform and said that he had been given the "full steam ahead

signal” by House Speaker Jim Wright (D-TX) and House Administration Committee Chair Frank Annunzio (D-IL) (Smolka, 1989: 1). H.R. 15 was introduced as part of Wright’s package of “good government” reforms, which included uniform poll closing time legislation, campaign finance reform and cost reduction, and Annunzio co-sponsored it. Hearings were held on H.R. 15 and Conyers’ bill (which he had reintroduced as H.R. 17), on March 21, 1989.

Swift’s bill was designed to make registration at motor vehicle agencies as easy as possible. H.R. 15 required the voter registration application to be part of the driver’s license application, and prohibited it from requiring any duplicate information. Although the bill also required registration in other government agencies, it was not specific about which agencies should offer registration, and it did not require registration to be simultaneous, as it was in motor vehicle agencies. H.R. 15 quickly won the nickname, “Motor Voter,” a name which stuck to all future versions of the bill.

The coalition’s members were divided on how committed they were to election day registration. All the coalition members who testified at the Elections Subcommittee’s March hearing expressed their support for election day registration, but their commitment to it could be inferred from whether they moved on to praise Chairman Swift’s motor-voter bill or not. The civil rights groups did not. Representatives from the Leadership Conference on Civil Rights, the NAACP, and the Lawyers’ Committee for Civil Rights Under Law focused on the importance of same-day registration in their testimony. Conyers referred to same day registration as “the bottom line, of

course”(46). The Reverend Jesse Jackson, who was not a member of the coalition but a proponent of voter registration reform in general and election-day registration in particular, praised Conyers for “leading the fight for voter registration reform (133)” and urged the committee to include the main components of H.R. 17, including election day registration, in any final bill.

Some witnesses reiterated their organizations’ support for same-day registration, but focused in their testimony on their support for H.R. 15, and improvements they felt could be made to that bill. Human SERVE Legal Director Deborah Karpatkin focused her testimony on the dangers of discrimination and disenfranchisement inherent in the purging mechanisms. Sonia Jarvis of Operation Big Vote said she thought agency registration was “a move in the right direction, but unfortunately for many black citizens, does not go far enough” (156). She noted that the National Coalition on Black Voter Participation’s local chapter in Sea Island, SC spent most of its money transporting people to the polls, and “at least 80 percent of those transported did not own a car nor did they possess a driver’s license”(156). She argued that it was necessary to include agencies that served those least likely to have a car or drivers’ license.

Most positive toward H.R. 15 was the League of Women Voters. League of Women Voters President Nancy Neuman made only positive comments about it in her oral testimony, and submitted written suggestions for improvements in agency-based registration, purging, and enforcement.

By May, when the Senate Judiciary Committee held hearings on another voter registration bill, Jackson spoke of the need for “same-day, or near-day registration” and Antonia Hernandez of MALDEF said “same-day registration or registration close to election day is a must” signalling some room for compromise. Frank Parker, director of the voting rights project of the Lawyer’s Committee for Civil Rights Under Law, and Althea Simmons, the director of the NAACP’s Washington Bureau, also testified, but neither mentioned shortening the deadline as an alternative to same-day.

Eliminating the Non-Voting Purge

Several of the registration advocates focused their attention on removal of the non-voting purge, which they believed was usually discriminatory in practice and philosophically indefensible as well, since no other fundamental right is taken away for lack of exercise. The coalition arranged for an impressive array of voting rights experts to testify against the non-voting purge at the 1989 hearings: the Reverend Jesse Jackson; Sonia Jarvis, Executive Director of the National Coalition on Black Voter Participation; Deborah Karpatkin, Legal Director of Human SERVE; Frank Parker of the Lawyer’s Committee for Civil Rights Under Law; Ralph Neas, Executive Director of the Leadership Conference on Civil Rights. Jackson spoke eloquently of the injustice of a non-voting purge:

Perhaps the most unjust tactic in use today is the purge for non-voting. In virtually every State, a registered voter can lose their right to vote for failure to have voted in the last two Presidential elections. No other

rights guaranteed to citizens are bound to the constant exercise of that right. We do not lose our right to free speech because we do not speak out on every issue. By the same token, we should not lose our right to vote because of our refusal to vote in any particular election. . . . Purging for nonvoting is fundamentally and morally wrong and should be removed as a barrier to voting (135).

Karpatkin used examples from United Parents Association v. NYC Board of Elections (CV 89-612, E.D.N.Y.) of people disenfranchised by the non-voting purge in New York City, to show the ways in which people could be unfairly deprived of their right to vote through its use.

Throughout the hearing, Swift showed his willingness to replace the non-voting purge with a nonpunitive method of updating voter records, and both Swift and Thomas asked several witnesses whether they would consider a mail address verification system fair and effective. To a panel that consisted of Jarvis, Nancy Neuman and Pamela Young, the legal director of the NAACP, Thomas proposed what he called a positive purge, “a mail purge, where you send out unforwardable mail”, to be followed by a second notice if the first was undeliverable. Neuman replied that the “list should be as accurate as possible”, but that a nonvoting purge was unacceptable. Young concurred, and Jarvis offered to send Thomas examples of good mail verification forms from around the nation (U.S. Congress, House 1988, 163).

Not all witnesses who were involved in the coalition were as amenable to considering alternative purges. Frank Parker said that “what Mr. Thomas referred to as nonpunitive purging, the system in the District of

Columbia of mailing postcards or letters to people before an election, in some ways is worse than purging for not voting because you lose your right to vote as a result of actions that may not be under your control" (238), such as clerical errors and misdirected mail. Thomas jumped in to try to push Parker to identify a means of cleaning the rolls he would consider fair. Thomas ended with, "All I am saying is, get a little realistic in terms of your reaction to ways in which we can administratively clean the rolls. If there are none which are satisfactory to you, then, fine, you have left yourself out of the loop for making decisions, and that is OK if you want to do that" (312).

Reform Moves Forward in the Senate

If the bill were to move forward in the Senate, Cranston and the coalition knew that they had to either convert Ford or work around him. In 1989, Cranston introduced a new voter registration bill (co-sponsors Kennedy, Simon, Specter, Adams and Jeffords). S. 675 authorized the Attorney General to determine whether a state's voter registration system had a discriminatory effect, and to require any of a number of corrective actions: mail registration, agency-based registration, registration through the department of motor vehicles, or reducing the time gap between the registration deadline and Election Day. Because S. 675 was designed to combat discrimination, rather than to deal with election administration more generally, the bill was referred to the Judiciary Committee instead of the Rules Committee and Administration Committee. Ted Kennedy, another coalition ally, as chair of the Constitution Subcommittee, was in a position to hold hearings on the

bill. James Barnes of the National Journal described this as a “tactical maneuver to improve the bill’s prospects”, noting that “Last year, when reformers were touting same-day and agency-based registration, the Senate Rules and Administration Committee . . . gave those proposals an unenthusiastic reception in a half-day hearing” (Barnes, 1989, 8).

The original proposal was preferable to the coalition, because it would liberalize registration procedures in all states, not only in those where discrimination was proven. Advocates hoped that Judiciary hearings on the S.675 would push Ford to move the original proposal (Williams, 1989, 19). S. 675 was introduced on March 17 and scheduled for hearings on May 10; on May 1, Ford introduced the motor-voter bill Swift had drafted. Although previously lukewarm to the idea, Ford now began to push hard for a bill – so hard that Tamara Somerville of Senator Mitch McConnell’s staff complained that Ford was “railroading the bill through” without trying to address Republican concerns (Interview 1990). Despite Ford’s concern with fraud at hearings a year earlier, his bill did not require that a state institute any kind of list-cleaning; it only provided guidelines for nondiscriminatory list-cleaning.

Why Ford was suddenly converted to the voter registration cause is something of a mystery. Jim Dickson, who as Executive Director of Disabled and Able to Vote was an active participant in the coalition, thought that Ford simply needed to be convinced that the advocates were really serious about staying with the issue long enough to accomplish something. Abe Frank of

the Election Center, an organization which represented election officials and was generally hostile to the bill, said:

I think Ford is under a lot of pressure from the Democratic leadership. If you look at their platform way back, they promised to pass some kind of voter registration legislation, I don't know if it was to appease Jesse Jackson or who . . . I don't think it was him [Ford], personally, who was overwhelmed by the desire to create this new federal intrusion on state's rights . . . The Democrats really want something passed. A lot of people have put a lot of time into this bill . . . when it was in hurry up mode, and he was, like, ok guys we're going to vote on this next week whether you like it or not, that was because I think he NEEDED to . . . I think there's somebody really big who really wants this (Interview 1990).

But Mark Bateman, a Hatfield staffperson who tried to organize Republican support for the Ford-Hatfield amendments in the fall of 1990, laughed at the notion that the Democratic leadership was eager to pass the bill (Bateman, Interview, 1990). In the final days of the 1990 session, Mitchell's office insisted that Ford find ten Republican co-sponsors (not simply yes votes) to get floor time for the bill. Since it was expected at that time (and turned out to be true) that only two of the 55 Democrats would vote against the bill, the requirement of ten Republican co-sponsors seemed like overkill. Bateman felt that a supportive leadership would have been less demanding. Mark Mackie, Counsel to the Minority of the Rules Committee suggested that Ford felt that certain Democrats were "playing games" with him, and got serious about the bill to show that he could not be toyed with (Mackie,

Interview, 1990) — a reference, perhaps to Cranston's and Kennedy's attempt to force Ford's hand.

Whatever Ford's previous reservations, once he decided to support a voter registration reform bill, he was wholly committed to it. On May 1, Ford introduced S. 874, which was equivalent to the original version of H.R. 15. In June, he presented an amended version of the bill which responded to some of the concerns of the reform advocates, and some of the concerns of the bill's critics. For the advocates, Ford included language that prohibited non-voting purges and discriminatory uses of the purge, in particular purges conducted less than 60 days before an election. He also added to the bill a list of government agencies that should offer registration. For those concerned about fraudulent registration, he included language prohibiting agency personnel from exerting influence on their clients' decision to register or choice of party identification, included a statement of the eligibility requirements on the application form, and instituted penalties for registration offenses.

Mitch McConnell (R-KY) and Ted Stevens (R-AL) led the fight against the bill, arguing that its costs were an excessive burden on the states, and that it would increase fraud. Mackie said Stevens was not really opposed to the bill, but found the Democrats too closed to negotiation and compromise. Stevens wanted to see costs made more manageable, and wanted to remove mail registration, which he considered the most fraud-prone method of voter registration, from the bill (Mackie, Interview, 1990). Stevens had helped lead

the opposition to mail registration in the '70s as well. Tamara Somerville, an aide to Mitch McConnell, viewed the battle in more partisan terms than anyone else — perhaps because McConnell was in "the [re-election] fight of his life" back home in Kentucky, and Ford was supporting his opponent (Frank, Interview, 1990). Somerville saw the bill as part of a larger Democratic plan to protect Democratic incumbents, which included changes in the campaign finance law.

Somerville said that McConnell's major concern was fraud.

Somerville noted that Senator McConnell's home state of Kentucky had quite a history of vote fraud, and said, "I've got a pile of clips, they're still busting people down there for vote fraud." She also raised the example of the Rajaneeshes, a religious community in Oregon:

In the early 80s, they attempted massive vote fraud. They brought in all those illegals, bused in homeless people from all across the state. Oregon had very liberal registration laws. I believe they had same day registration at the time, and they rolled that back. Its not just backward states like Kentucky (Somerville, Interview, 1990).

Ford rushed the bill through the committee, reporting it to the Senate floor on June 17, 1989. The committee vote was strictly partisan: 6 Democrats for, 3 Republicans opposed. Hatfield did not vote against the bill, but asked to be recorded in the negative, according to the Senate Report on the bill. While all the other Republicans on the committee signed a long statement listing every possible reason for opposition to the bill, Hatfield asked that the record include a brief statement of his views. Essentially, Hatfield declared himself

willing to support the bill if it included provisions to protect the integrity of the rolls.

. . . in connection with my support for the concept of universal voter registration sought by S. 874, I support protection of the integrity of the voter registration rolls. An amendment proposed by the minority would have required periodic examination of the voter rolls to remove deceased persons and those who could be documented to have moved from the voting district. . . . It became clear during the debate of S. 874 in Committee that the majority would not accept this amendment . . . Should this oversight in S. 874 be corrected, I am ready to give it my approval (U.S. Senate, 1989: 51).

Thus, Hatfield was "thrust into a position of leadership" in the words of his aide (Bateman, Interview, 1990). Ford asked him to come up with amendments to the address verification portions which would be acceptable to both the Republicans and the civil rights community.

Winning Republican Support

Thomas told Swift that he would support the bill if it included a mail verification provision, and that he would get Minority Whip Newt Gingrich's support as well (Williams, 1989, 23). Swift said the civil rights groups "had a paranoia about purging, but for good reason" (Swift, Interview, 1999). Republicans had often used purges in a discriminatory fashion. During the 1986 Senate race in Louisiana, the Republican National Committee had sponsored a ballot integrity program, in which "they challenged the registration of 31,000 voters in high-Democratic, high-minority precincts. A State court ordered a halt to this program prior to the election" (U.S. Senate,

1989, 30). Mindful of this discriminatory use, Swift told Thomas if he was talking about a fair purge, he should go ahead and write one. When Thomas presented language for an address verification program, Swift had his staff, and the Democratic National Committee, look it over (Swift, Interview, 1999). Satisfied that it was not discriminatory, and convinced that list cleaning was the key to the bipartisan support he needed, Swift became an ardent supporter of it.

On May 2, the bill, amended to replace the non-voting purge with an address verification provision, was introduced as H.R. 2190 with Majority Leader Tom Foley as sponsor, and nine co-sponsors, including Republicans Thomas, Gingrich, and Jerry Lewis (R-CA) who promised to mobilize Republican votes for the bill. The novelty of significant Republican support was a result of Thomas' efforts to win over his caucus, the entrepreneurial perspective of "Young Turks" like Gingrich, and an apparent lack of opposition from the White House. No comment had been made from the White House in opposition to the bill, and Attorney General Dick Thornburgh was even reported to be willing to discuss the Cranston-Kennedy bill (Barnes, National Journal 1989, 480). Not until the bill approached a floor vote in January 1990 did the White House raise objections.

Although Republicans have traditionally opposed liberalization of voter registration, polls taken during the Reagan years showed that young voters and the unregistered were leaning Republican. A conservative Republican pollster reported in 1984 that non-voters supported Reagan for

president even more widely than voters (Dolan Report 1984, 8). David Broder, a political columnist for the Washington Post, suggested that "Those younger Republicans, impatient with their party's permanent minority status, are ready to take their chances in a bigger electoral ballpark" (Broder 1990, A27). Gingrich actively courted the support of his fellow Republicans, using polls taken after the 1984 and 1988 elections that showed Republicans could gain votes in a wider electorate.

Conflict Over Swift Bill Divides Coalition

Swift had mobilized the support of the House leadership and crucial Republicans, but in the process he had caused a deep division among the lobbying coalition for the bill. As Sonia Jarvis diplomatically phrased it, "some people felt important issues were being lost in the rush to get some kind of bill. . . The division in the coalition comes on whether we move on what's on paper, or push for more amendments. Unfortunately, it was a racial split" (Jarvis, Interview, 1990). The main issues of contention were the loss of election day registration, focus on motor-voter registration, possible conflicts with the Voting Rights Act, and the purge provisions.

Loss of Election Day Registration

As the testimony at the 1989 hearings makes clear, the civil rights organizations were the most committed to election day registration. EDR was the core of Rep. Conyers' bill. Jesse Jackson continued to speak on behalf of

EDR as late as 1992, despite the fact that Congress had shelved it in favor of motor voter legislation, about which Jackson said little, positive or negative.

The League of Women Voters was more interested in finding a registration reform bill that could win support in Congress. Mary Brooks said, "We went to the hill, and we found out that election day registration didn't have bipartisan support, actually it didn't have support across the aisles, enough to make it pass. It was a very popular issue among the civil rights community and as I said we support it, but we didn't think it had any chance to go anywhere, so we were looking for another voter registration vehicle. And this one [H.R. 15] looked good" (Brooks, Interview, 1996).

Human SERVE was much more invested in agency-based registration than EDR. Shortly after the meeting at which Swift outlined his bill, Rasmussen wrote "if registration is institutionalized and readily available on a year round basis through permanent agency-based programs and if Motor Voter as envisioned by Swift is also up and running within a few years time we will have nearly eliminated the urgency of same-day (6/28/88, Human SERVE archive).

Priority of Motor Vehicle Registration

Swift's bill required a voter registration application to be part of the driver's license application, while only requiring that voter registration applications be made available at, and be collected at, other agencies. Human SERVE's experience with agency-based registration had shown that the more

integrated into the regular application procedure voter registration was, the more people would be registered. By integrating voter registration into the process at motor vehicle agencies, but not at other agencies, H.R. 2190 was making it likely that registration would be much more effectively implemented in motor vehicle agencies than elsewhere. This concern about motor-voter registration was already evident during the March 1989 hearing. Frank Parker, Pamela Young, Sonia Jarvis, and Deborah Karpatkin each underlined the importance of using simultaneous applications in other agencies in addition to motor vehicle agencies.

Frank Parker reported that “while 27.8 percent of all black households in Mississippi had no motor vehicle available at home for household use as compared with only 6.76 percent of all white families”(237). The Lawyer’s Committee had statistics on the racial gap in car ownership in the Southern states, and the difference was significant enough to make many of the civil rights groups wary of any legislation that gave favored status to motor voter legislation (See Table 5.1).

The Lawyer’s Committee numbers, however, measured car ownership and not possession of a driver’s license, and thus underestimated the size of the population that could be reached. Their statistics were also drawn from the 1980 Census, which was by then 9 years old. The U.S. Department of Transportation reported that 158,859,000 persons, approximately 85% of the adult population, held driver’s licenses in 1988, and that that percentage had been climbing steadily over the years (See Table 5.2). That figure did not

include those persons who did not have a driver's license, but did have a State ID card obtained through the motor vehicle agency. The Department of Transportation does not collect information on personal IDs. Based on figures from New York, South Carolina, Maryland, Michigan and Louisiana, Richard Cloward estimated that nationally, 4% of the VAP holds a personal ID (Memo to Voter Registration Reform Coalition, 11/15/90, Human SERVE archives). Thus Human SERVE estimated that an automatic motor voter program had the potential to reach 85-90% of the adult population. This was an appealing prospect given that the Census Bureau estimated that only 66.6% of the U.S. population was registered in 1988.

Human SERVE's initial position on motor voter highlighted the need to provide simple, automatic registration through government agencies for those who do not have a driver's license. On October 6, 1988, just before a coalition meeting with Swift, Human SERVE announced its position on motor voter:

While motor voter programs in some states have been used effectively to increase access to voter registration, a voter registration system that does not include all other state agencies which have regular contact with the public leaves out a significant number of low-income and minority citizens.

Later, Richard Cloward looked at the driver's license statistics again to find out what impact motor voter legislation could be expected to have on racial and class disparities in registration. He reported to the coalition that many more African Americans had drivers' licenses than cars, and that the

racial and income gaps in possession of licenses had been steadily narrowing between 1983 and 1990 (Cloward, Interview, 1998). Citing Department of Transportation figures, Cloward wrote:

73% of all adults in households with income less than \$10,000 had drivers' licenses in 1990, up from 63% in 1983. Only 45% of individuals in this income category are registered to vote, according to the Census.

The 1990 driver's license figure is 84% of all adults in households with income between \$10,000 and \$20,000, unchanged since 1983.

The rate is 93% of individuals in households with income of more than \$20,000, up by one percentage point since 1983. (Memo to Coalition, 11/15/90; emphasis in original).

The decreasing gaps, by either race or class, in the possession of licenses meant that the number of those not reached by motor voter registration was declining.

Conflict with Voting Rights Act

Civil rights organizations also expressed concerns about the potential conflicts between the Voting Rights Act and the enforcement section of the bill, Section 111. They wanted to be sure enforcement of the law was not restricted to the government, but that individuals and especially organizations had the right to sue for enforcement of the law. Adequate protection of the private right of action required a number of technical changes, not all of which the coalition was able to convince Swift and Ford to include in the bill during their 1989 negotiations.

Purging

The NAACP Legal Defense Fund, the NAACP, and the Citizens Education Fund were strongly opposed to including any purge in the bill. The League of Women Voters, Human SERVE, the ACLU and People for the American Way saw the mail purge as a necessary compromise to get a bill passed, and wanted to focus on designing the least damaging purge.

Almost every state engaged in some kind of purge, and almost three quarters of them used a non-voting purge, which H.R. 2190 would no longer allow. Although H.R. 2190's purge was an improvement over the existing law in many states, civil rights organizations were concerned that H.R. 2190 would give the federal *imprimatur* to purges for the first time. As Thomas had written it, states would send a non-forwardable mailing at least every two years to every registered voter who hadn't voted in the most recent general election for Federal office. Voters who did not respond to a second mailing would be removed from the rolls. Civil rights groups were very suspicious of list cleaning. As Edward Hailes of the NAACP explained it:

Who could be against cleaning our lists? We do not want the dead and those who have moved away to be on the list. And it is a credible need for every single election official to have a list of persons who are eligible to vote and still living in the jurisdiction where they are registered. . . . Because when you have a bloated list it does two things: one, it brings about potential fraud, because somebody is going to know that they could get from the list people who are dead and moved away, get thousands of names and get their friends to vote twice, using the names of the people who have died and moved away. Yet they could not find any cases where that really had happened in the past. . . .

Second, it is a costly burden to election officials to have to do mailings to people who are not living or around anymore. So there is a legitimate need for list cleaning and we agreed with that and said we support that, it is helpful to us. **All we want is to make sure that the list is not cleaned in an arbitrary way or a discriminatory way.** We talked about the North Carolina experience, where certain neighborhoods were targeted for list cleaning efforts, and you send a mailing to a certain zip code where only people of color live. If they don't return the postcard within a certain amount of time, they're cleaned off the list (Hailes, Interview, 1997)

A mail purge posed several problems. Since mail purges had been used selectively in some jurisdictions to disenfranchise minority voters, the coalition wanted it explicitly stated in the bill that all purges would have to be uniform and nondiscriminatory. Even if that were insured, advocates were concerned that poor mail delivery in low-income communities would cause low-income persons to be disproportionately and erroneously struck from the rolls.

Human SERVE researched the purge mechanisms used in different states to help determine what would best protect people's access to the franchise. A Human SERVE memo, dated April 13, 1989, listed several changes that could make the purge provision less problematic: a prohibition of non-voting purges; a mail verification that could not be selectively used, and had to be designed to protect against error (for example, by sending two notices before cancelling a registration); provisions requiring election officials to update addresses where possible instead of removing them; extending the

"automatic protection" Swift's bill gave licensed drivers to holders of other government identification cards.

Subcommittee Marks Up Bill; Coalition Drifts Apart

The Elections Subcommittee marked up H.R. 15 on April 25, 1989, and by a voice vote forwarded the amended bill, now known as H.R. 2190, to the full committee. It required every state to offer registration as an integral part of the intake process in motor vehicle agencies. H.R. 2190 also required a passive form of agency-based registration at several other government agencies, including, at the request of the coalition, public assistance and unemployment compensation offices. The bill encouraged, but did not require, these locations to include a voter registration question on its standard forms. The coalition had convinced Swift and the committee to remove the non-voting purge, but it had been replaced with a requirement that every state conduct a verification of its registration list every 2 years. Swift had earlier proposed that holders of a driver's license not be subject to this verification, which the coalition had considered unduly favorable to drivers alone; the version reported to the full committee exempted everyone who had voted within the last four years.

Generally, it was not that members of the coalition had opposing views on the contentious issues, it was that they differed on which provisions were bad enough that they would withhold support for the legislation. To use one example, the NAACP Inc. Fund opposed purging, but Human SERVE and the

League weren't pro-purging. They did believe that, if the purging provisions were amended to limit their deleterious effects, purging was worth accepting to win the positive provisions of the bill. Such differences of opinion need not have been impossible to resolve, but those who were most displeased with H.R. 2190 stopped coming to coalition meetings, and the necessary discussions didn't happen:

Ralph Neas moved away from center stage, and stopped chairing or attending coalition meetings once it became clear that a resolution of the issue was not quickly forthcoming. The meetings were then chaired by Judy Crockett of the ACLU. Elaine Jones, a key lobbyist for the NAACP Inc. Fund stopped coming to coalition meetings, and instead sent Penda Hair ... Althea Simmons, head lobbyist of the NAACP for over 20 years, stopped coming to meetings and instead sent Pam Jones, who was a new employee. Sonia Jarvis of Operation Big Vote and Greg Moore of Citizens Education Fund occasionally came to meetings, but Elaine Jones and Althea Simmons were the key people to negotiate a compromise, and they weren't at the table. (Williams 1989, 24).

In July 1989, the NAACP Legal Defense Fund (LDF) released a position paper stating that "in its present form, H.R. 2190 could do more harm than good." Necessary amendments, according to the LDF, included limiting verification to once every four years; flagging, instead of removing, voters' names; automatic registration in several government agencies; and election day registration.

Because it seemed to be the key to bipartisan support, Swift was not willing to abandon mail verification, but he held off consideration by the full

Committee until September, giving the coalition the summer months to work out an acceptable compromise. A meeting was proposed between Swift, the House Speaker, Elaine Jones and Althea Simmons to work out a compromise (Williams, 24), but the meeting did not take place.

The bill as passed by the committee in September reflected some influence of the reform advocates. Responding to the coalition's concerns, a provision that any list cleaning would have to be uniform and nondiscriminatory was included. Thomas' original draft allowed election officials to use the Postal Service's National Change of Address (NCOA) system to update registrations; at the suggestion of Emmet Fremaux, Jr., Washington DC Elections Director, and the encouragement of the coalition, NCOA was made an alternative states could use instead of, not in addition to, mail verification. H.R. 2190 required states to confirm registration by mail *at least* biennially; advocates argued for, and over the summer won, an amendment to limit purges to once every four years. Although the coalition had asked Swift to include an amendment to make agency based registration simultaneous, and an EDR amendment, he refused, suggesting that they be offered as amendments on the floor.

Despite Divisions, Some Advocates Continue Efforts

During this period, the coalition continued to meet, although many of the significant players did not participate. The League, Human SERVE, People For, the ACLU and others continued to lobby for the bill, build

public support for it, and try to come up with a way to resolve the divisions in the coalition.

People for the American Way convened a meeting in early September to plan field work in the states to build support in the Senate for S. 874. Only the League of Women Voters had officially endorsed the bill at that point. The notes of the meeting explain the group's strategy by saying that since the House bill appeared to have strong bipartisan support and the Senate bill had no Republican co-sponsors, it was important to focus on winning some moderate Republican support for S. 874. A Human SERVE staffer also notes that H.R. 2190 was more objectionable to the civil rights groups than S. 874, since H.R. 2190 required list cleaning while S. 874 only permitted it. Thus lobbying for S. 874 was less likely to exacerbate the tensions within the coalition (Williams 1989: 27). Attending the meeting were representatives from People For the American Way, ACORN, AFSCME, US Student Association, ACLU, League of Women Voters, Public Citizen, Citizenship Education Fund, and the Leadership Conference on Civil Rights. Only the ACLU and People For the American Way made firm commitments to do grassroots work in support of the bill at the meeting.

In 1990, Jo-Anne Chasnow contacted Jim Dickson, an activist on disability issues who had been the associate director of Project VOTE, and asked him to work on bringing disability rights organizations into the coalition. The Americans with Disabilities Act had recently passed, demonstrating that the disabled could exert political power. Disabled

Americans are significantly less likely to vote than the national average, with a registration rate of 62%, according to a 1996 Harris Survey, as compared to 78% of the total population in the 1996 Current Population Survey.

Dickson reached out to various organizations representing the disabled, and won their support for the Motor Voter bill. Among them were Justin Dart Jr. and Evan Kemp, “the godparents of the ADA” (Dickson, 1997). Kemp was an Equal Opportunity Commission member, appointed by Bush, and he arranged a couple of meetings with Boyden Gray, counsel to President Bush. Dickson said the meetings “never delivered Bush as a supporter of the bill, but the significance for the Coalition was the fact that we were meeting with the President. It gave the thing a level of credibility so that a fair number of the Washington folks said we better say we belong to this coalition even if we don’t do do anything.”

Dickson focused his efforts on states where the Coalition needed, and thought it might be able to get, the vote of a Republican Senator — Rhode Island, Pennsylvania, Minnesota, Oregon, and Vermont. He wrote a letter to the organizations in those targetted states, which was signed by Justin Dart, who Dickson referred to as the “Martin Luther King of the disability rights movement.” In each state, he determined which disabled groups had influence with the targetted senators, and worked with those groups. Dickson said, “For instance in Rhode Island, Chafee. . . . one of the good things he's done [is work] for the retarded and persons with developmental disabilities so

I worked the national offices here and then went to their field people to push Chafee from the bottom" (Dickson, Interview, 1997).

Late in 1990, a new organization joined the campaign. Human SERVE was contacted by Steve Barr, co-founder of Rock the Vote, an organization founded by members of the recording industry in response to calls to censor, label, or otherwise restrict access to music that was considered too violent or sexually explicit. Rock the Vote aimed to mobilize young people to protest what it perceived as "a wave of attacks on freedom of speech and artistic expression." It used public service announcement (PSA) videos, ads in music magazines, and other appeals to encourage young people to register, vote, and let their representatives know that they opposed censorship.

Rock the Vote had been encouraging young people to vote by using what Steve Barr called the "hobgoblin of old white guys in suits in Washington. They want to tell you what kind of music to listen to, and they don't want you to vote." But Barr and Rock the Vote were becoming aware that urging kids to vote wasn't enough. They had been getting feedback from young people that it was difficult to register. The fact that the Senate had voted down the bill fit that script perfectly: "They have conspired to keep you from voting" (Barr, 1999).

Barr, who had read Piven and Cloward's Why American Don't Vote came to Human SERVE because he thought Rock the Vote should mobilize young people for the Motor Voter bill. Barr had previously worked for the California Democratic Party during Jerry Brown's chairmanship and he had

expended a lot of time and energy registering voters in front of supermarkets and the like, so he had personal experience with the uphill climb of registering voters one by one.

Convinced that pushing the Motor Voter should be RTV's "mission," Barr met with Judy McGrath, the head of MTV, who served on RTV's board. He suggested that Rock the Vote could make PSAs that asked "Who's afraid of the voters?", and asked McGrath to run them on MTV. She agreed. The spots were also widely aired on VH1, another music station, BET (Black Entertainment Television) and alternative radio stations all across the country. The PSAs produced by Rock the Vote featured popular musical artists like R.E.M., Queen Latifah, and Lenny Kravitz. Barr said getting the artists to do the spots was a challenge, because many of them had never registered to vote themselves, although they were very political. He convinced them that registering masses of young people could have subversive potential. "We're going to put politicians in the sights of a gun, and say why are you afraid of us voting?"

Rock the Vote also instituted a postcard campaign in support of the bill. The card asked the signor's Senator to vote for the bill. Several artists agreed to print a postcard on the long cardboard CD box then in common use. This in itself was something of a political protest; many artists hated the long boxes as environmentally wasteful, since they were roughly twice the size of the CD itself, and they viewed the postcard as part of their protest against the box. Rock the Vote also got many retailers to keep stacks of postcards near the cash

registers. The return mailing address on the postcards was a rented postal box in Los Angeles. Rock the Vote collected the cards, sorted them by state, and delivered large piles of them to individual Senators on Capitol Hill. Several times the delivery was made in person by a celebrity and the action was covered by MTV. Rock the Vote continued their postcard campaign, and continued airing PSAs about the bill on MTV and other music-oriented cable channels, over the next two years. Barr estimates that during the Lollapalooza concert tour in the summer of 1992, they generated 100,000 cards. Another effective strategy for Rock the Vote, Barr said, was the Rap the Vote tour of black colleges in the south, where RTV teamed up with local branches of the NAACP to raise the profile of the motor voter bill. This brought the issue to the backyards of conservative Democratic senators who relied on support from black constituencies in their states.

Motor Voter Reaches the House Floor

As 1990 began, committees in both the House and the Senate had reported out what were referred to as "motor-voter" bills. Both bills, H.R. 2190 and S. 874, also included mail registration and some provision for agency-based registration outside of the Department of Motor Vehicles. Both bills prohibited non-voting purges, but allowed other kinds of list cleaning. The major difference between the two was that the House bill required address verification every four years, while the Senate bill only contained

guidelines to prevent discrimination should a state choose to undertake a list cleaning program.

Human SERVE focused on providing information that would be useful to advocates of the bill. One memo profiled the agency-based registration programs already in effect around the country: Arizona, Colorado, Iowa, Michigan, Minnesota, Nevada, and Washington DC had agency-based programs, and Rhode Island instituted one in January 1990. Minnesota, Colorado, Washington DC and Iowa had the type of combined motor voter application forms required by H.R. 2190. Arizona, Nevada and Rhode Island amended their driver's license applications to ask each applicant if they would like to register, and Minnesota had done the same with its Social Service and Unemployment applications (Memo, 1/26/90, Human SERVE archives). Human SERVE reported that large numbers were registered in these states, at minimal cost.

When the bill reached the Rules Committee in the House on January 30, Republican leader Robert Michel (R-IL) objected, and President Bush supported him by distributing a list of what the Washington Post called "killer amendments" that would be necessary to make H.R. 2190 acceptable. Michel and the White House had been alerted to the bill by Illinois Governor James Thompson (R), who was concerned that the bill would outlaw the notarization requirement Illinois used on mail registration forms. This would lead, he argued, to increased vote fraud in already notorious (Democratic) Chicago. Michel planned to offer a amendment that would

make the bill's voter registration requirements voluntary, provide \$120 million in block grants to the states, and include a statement against vote fraud.

Gingrich and Thomas, as the two lead Republicans on the bill, didn't back down. Thomas said the penalties for fraud were stronger than those of any state, including Illinois (Broder 1990c, A2). Gingrich admitted that he and Thomas would have to do "more missionary work" (Oreskes, 1990, A23) among Republicans to get the bill passed, but also sounded hopeful that the House was "within negotiating reach of a signable bill" (Broder 1990c, A2).

Six days later, the House passed the bill with considerable Republican support (Table 5.3). Southern opposition to voter registration reform had lessened over time, as greater numbers of blacks entered the electorate and elected office, but 62.5% of the Democrats voting against the bill were still from the South. Of the 24 Democrats who voted against the bill, 19 were from states the Committee for the Study of the American Electorate classed as "restrictive" registration states, two were from "middle" states (Texas and Missouri), and three from "open" states (North Carolina and Colorado).

To take advantage of this momentum, Judy Crockett of the ACLU invited coalition members to a meeting at the offices of People for the American Way on March 7. The Senate planned to consider H.R. 2190 in March, instead of S. 874, which was preferable to the coalition but had no Republican co-sponsors. Crockett reported that efforts had been made to win Hatfield's co-sponsorship, but emphasized the importance of coming to an

agreement on acceptable language, and increasing lobbying efforts (3/2/90). The organizations in attendance — ACORN, Disabled and Able to Vote, the Churches Committee, Planned Parenthood, SEIU, the American Jewish Congress, the American Jewish Committee, and the ACLU — divided up responsibility for a list of 10 Republican and 20 Democratic Senators to be lobbied.

The sudden White House opposition may have been too late to greatly erode the already mobilized Republican support in the House, but it damaged the still-fragile efforts to build Republican support in the Senate. Gingrich's confession in March that he was having second thoughts about the bill was noted by the bill's Senate opponents. Gingrich told reporters, "I had not even thought about the states' rights implications" of the legislation (Broder 1990d, A72). In March, the California Republican Party passed a resolution opposing H.R. 2190, and criticized Thomas' role in its passage. The bill stalled in the Senate.

Ford and Hatfield developed a set of amendments designed primarily to offer more flexibility to states, and stronger protections against fraud. States would be required to make "all reasonable efforts" to remove from voter lists the names of voters who have died or moved. This was not, Bateman argued, a purge; states could begin the process of address verification at any time, but at least two general elections would have to pass without the voter confirming their address or voting before their name would be removed (Bateman, Interview, 1990). The Ford-Hatfield bill would give the states

flexibility in choosing the agencies to offer registration, the freedom to design their own mail registration, and the option of requiring first-time voters who had registered by mail to vote in person. States were also offered reduced postal rates for any mailing done for voter registration purposes.

To answer objections from the civil rights/voting rights community, the amendments had included a clarification of the bill's Voting Rights Act language, and required two general elections, not just one presidential election, to pass before a name was removed from the rolls. The late summer and early fall were spent in search of Republican senators who would support the bill with the Ford-Hatfield amendments. This was made more difficult by the fact that Senator Bob Dole (R-KS), the minority leader, was planning to offer a substitute which would provide a small amount of federal matching funds and make the whole system voluntary.

Several members of the coalition had decided to support the Ford-Hatfield amendments. Human SERVE was asking people to call "swing" senators to ask that they support the bill and the Ford-Hatfield amendments. Bateman was assigned the difficult task of getting 10 Republican co-sponsors for S. 874. Although he got positive reactions to the amendments from the staff at several offices, the budget negotiations then going on at Andrews Air Force Base made it impossible to get firm commitments from the Senators themselves.

NAACP-LDF Publicly Opposes S. 874

Although the NAACP, the Citizenship Education Fund, and the Urban League signed on to the bill, the NAACP Legal Defense Fund still withheld its support. In early September, the Legal Defense Fund released a memo that began, "The National Voter Registration Act of 1989 (S. 874) presents problems so severe to the civil rights community that its enactment cannot be supported" (9/90). The memo attacked several provisions of the bill which the Inc. Fund was aware had been changed by the Ford-Hatfield amendments, and in some ways exaggerated the bill's defects. The Inc. Fund was threatening to get several prominent civil rights leaders to publicly sign on to the memo, a tactic which Jo-Anne Chasnow predicted would kill the bill; they did get Ben Chavis to publish an op-ed piece using their language (Chavis, 1990). Bateman recalls, "everyone went into a high measure of damage control. Civil rights groups were as amazed and upset as I that they were doing this at the last minute" (Interview, 1990). Sonia Jarvis felt the NAACP Legal Defense Fund had "gone a little too far" in the memo, with the intention of slowing down the bill. "If I had written the memo, it would have included some of the same points, less stridently, and I would have suggested some language to address those concerns" (Jarvis, Interview, 1990). She and Bateman both felt the NAACP-LDF were trying to torpedo the bill.

The NAACP-LDF's rejection of S. 874 was damaging to the bill's image as a civil rights bill. Although the NAACP and the LDF are independent organizations, the distinction between them was lost on many people on the

Hill. Abe Frank of the Election Center, an organization representing state election officials, told me "if the NAACP continues to be upset with the bill, it loses some of its purpose and strength, as far as civil rights. They are the largest civil rights organization in America." (Interview 1990) Many members of Congress would be wary of supporting a bill on which civil rights organizations were divided.

The bill's supporters continued the push to get it to the floor before the end of the session. Time was growing short, and even supporters of the bill, like Jarvis, admitted that several things more important than S. 874 remained to be done. The leadership, pressed for time, asked for a vote of cloture on September 26th. The vote failed narrowly (Table 5.4). Senator Shelby from Alabama, a restrictive southern state, and Senator Max Baucus (D-MT) were the only Democrats who voted against cloture on S. 874. Only two Republicans, Hatfield and Packwood, voted for it.

After the vote, Sonia Jarvis reported that Senator Ford had said that "much of the discussion in the Senate well prior to the vote centered on the issue of the civil rights amendments to the bill, which were not offered because of a lack of consensus within the civil rights community. He also noted that while labor groups had sent a few letters in support of the bill, there was no real pressure from labor concerning the cloture vote" (9/27/90 memo to Eddie Williams). Jarvis suggested some amendments and colloquies to respond to the NAACP-LDF concerns about the bill, and suggested that the Black Leadership Forum, which was comprised of the heads of the major

national black organizations, express support for the bill. The Black Leadership Forum unanimously voted to support the National Voter Registration Act of 1989 with civil rights amendments, at its meeting in late September. One member, Dr. Julius Chambers, President of the NAACP-LDF, abstained from the vote. Although the cloture vote had been strongly along party lines (only 2 Democrats voted against it, and only 2 Republicans voted for it), consensus on civil rights amendments could have won the bill the 60 votes it needed for cloture. Senators Robb (D-VA), Simon (D-IL) and Gore (D-TN) were willing to introduce the civil rights amendments "but only if such support will ensure unified support from the civil rights community" (Jarvis memo, 9/27/90). Ford did not want to bring the bill up for a vote again unless he had the votes for cloture. Clearly, a unified position among the advocates would be necessary if the bill was going to have a chance in the next Congress.

Early in 1991, Senators Ford and Hatfield reintroduced the bill, (now S. 250) incorporating new anti-fraud amendments. In the midst of the Gulf War, Ford pointed out that "Only 36 percent of the American people selected the membership for this Congress, a Congress only two weeks old and already involved in the most important issue confronting this nation in the past four decades." The voter registration coalition supported the bill, and 6 member organizations – People for the American Way, MALDEF, the League of Women Voters, the ACLU, US PIRG, and Human SERVE – made statements of support at the press conference Ford and Hatfield held to announce their

bill. Two of the Coalition's allies among the election officials, Ralph Munro and Emmett Fremaux, also spoke.

The Ford/Hatfield bill was moving fast, and those who thought it flawed tried to stop the train. A letter was sent to both Senators, signed by Elaine Jones of the Inc. Fund, Robert McAlpine of the National Urban League, and Edward Hailes of the NAACP. The letter stated in stark terms the organizations' concerns about the voter registration bill, saying "First, the legislation jeopardizes the Voting Rights Act of 1965 as amended in 1982. Furthermore, we believe that the Ford-Hatfield bill as it is currently written will result in the disenfranchisement of large numbers of minority voters." Hailes recalls that the letter was released at the same time as the press conference announcing S. 250; "we came over to the ACLU and everybody had found out about it and they were really upset" (Hailes, 1997). The League of Women Voters, the ACLU and Human SERVE began mobilizing those organizations which had endorsed the bill to lobby their senators, but the civil rights issues needed to be resolved.

Getting Everyone on the Same Page

Although it had not been announced at that time, Wade Henderson, a lobbyist for the ACLU, had been chosen as the next Washington Bureau director for the NAACP, to succeed Althea Simmons, who was gravely ill, and passed away in September. Henderson was very interested in resolving the split between the groups over the bill and suggested a summit meeting

that would be chaired by the NAACP, the LWV, the NAACP-LDF and the ACLU. According to the letter of invitation, "An important purpose of the meeting is to try to reach consensus on the provisions of a civil rights amendment(s) to S. 250" (Letter from Wade Henderson et al., 3/26/91).

Eddie Hailes, who was interim director of the NAACP Washington Bureau before Henderson, and who would later co-chair the Motor Voter Coalition, remembers this meeting, which took place on March 29, 1991 as being of particular significance:

Those four principal groups would take the lead in pulling together a meeting that would attempt to resolve any differences that existed among the groups that would have all kinds of negative consequences on the Hill. Because a lot of members, particularly the Congressional Black Caucus, the Hispanic Caucus, would have problems supporting the bill if the NAACP, Urban League and the LDF would not support it. This meeting was very historic, as I recall. It was moderated by Wade Henderson, and Gracia Hillman, who at the time was at the League of Women Voters . . .

We decided to have representatives give the principal reasons why the bill should be supported, and then have a person speak as to the reasons why it should not be supported in its present form. . . and Frank Parker, who supported the bill in its present form, basically argued the position of the ACLU and the League of Women Voters and the other groups that supported them. Lani Guinier presented the position of the Urban League, the NAACP, and the LDF (Hailes, Interview, 1996).

In addition to the four convening groups, the following key coalition members were invited: Citizenship Education Fund, the National Coalition on Black Voter Participation, the Lawyer's Committee for Civil Rights,

MALDEF, National Urban League, People for the American Way, Human SERVE, U.S. PIRG, and the Leadership Conference for Civil Rights. In addition, four prominent black leaders who were not part of the Coalition were invited: Mary Frances Berry, the Chair of the U.S. Commission on Civil Rights; Drew Days, a law professor at Yale who had previously worked for the NAACP-LDF and the Justice Department; Lani Guinier, and Eddie Williams, President of the Joint Center for Political Studies. Out of this summit came an agreement as to what amendments would be necessary for the coalition to support the bill: provisions that would prevent selective purging; a savings clause, insuring that nothing in the bill would undermine the Voting Rights Act; agency registration in other agencies besides motor vehicle agencies, particularly agencies serving the poor and disabled; and a provision allowing an individual or organization to sue for violations of the law (Hailes, Interview, 1997).

To demonstrate the new unity of purpose in the coalition, Mary Brooks, senior lobbyist for the League of Women Voters, and Edward Hailes of the NAACP, became the co-chairs of the coalition. To those who knew about the disagreements within the coalition, Brooks and Hailes represented the two factions. To others on the Hill and in the media, the League of Women Voters had a moderate, bi-partisan reputation, and the NAACP was the largest and oldest civil rights group. The League handled logistical details and meeting notices. Hailes noted that they agreed on a procedure for considering proposals; "If anybody had an idea that they thought should come

in the form of an amendment, they had to prove it to us and to the rest of the coalition that it was both substantively supportible and that it could get the votes on the Hill. It might be a great provision, and all of us would love to see it, but if you could not demonstrate that members would support it and it might endanger ultimate passage of the bill, then we were going to reject it” (Hailes, Interview, 1997).

The Bill is Passed — and Vetoed

To the trio of Republican objections to voter registration reform legislation — fraud, cost, and state’s rights — Senator Mitch McConnell (R-KY) added inefficiency. Citing a Congressional Research Service study of motor-voter programs, he argued that they did not increase turnout (Crocker, 1990). Human SERVE issued a report pointing out several important flaws in Crocker’s analysis: it included states which had not yet implemented motor voter; it failed to consider important distinctions in the design of motor-voter programs; and it failed to recognize that the full impact of motor voter registration could not be measured until a full four-year driver’s license renewal cycle had passed. The report showed that between 1986 and 1990, while the national turnout rate was unchanged, turnout increased in 6 of the 7 states with active motor voter programs. Turnout also increased in the District of Columbia, which used motor voter (Human SERVE, 1991, 5-8).

Ford pushed the bill through his committee in March and April. Hatfield was the only Republican on the committee to vote for the bill, and

Senators Dole and Stevens quickly responded by introducing an alternative, S. 921, which offered \$25 million over three years in federal matching grants to states which wanted to improve their voter registration systems. Such efforts would be entirely voluntary. The bill also included provisions to combat fraud.

On July 18, the Senate twice failed to invoke cloture on a consideration of S. 250. David Pryor (D-ARK), a strong supporter of the bill, was recuperating from a heart attack when the measure failed by one vote. Hatfield was only able to corral two additional Republicans to vote for the bill. Two freshman Democrats, Paul Wellstone and Harris Wofford, were new supporters of the bill who replaced Senators who had voted against it.

S.250 eventually passed the Senate May 20, 1992, on a 61-38 vote, with 6 Republicans joining the majority. The House approved an identical bill in June, 268 to 153, with 28 Republicans siding with the majority. It was vetoed July 2 by George Bush, who said the bill "imposes an unnecessary and costly federal regime on the states and [...] is, in addition, an open invitation to fraud and corruption" (Veto Message, 7/2/92). Al Swift said, "We should be encouraging voter participation, not discouraging it — or worse, ignoring it. The President has done both." (Seattle Times, July 6, 1992).

The Senate leadership held the vote on overriding Bush's veto off until fall, to maximize its usefulness in the campaign. As expected, the Senate failed to muster the 67 votes needed to override the veto on September 22. The vote was 62-38, and was mostly along party lines, with 56 Democrats and

6 Republicans voting to override the veto and 37 Republicans joined by Senator Ernest F. Hollings, Democrat of South Carolina, voting to sustain it (Table 5.5).

A New President, A New Chance

Coming in the midst of the 1992 presidential campaign, the veto received a great deal of attention. Independent presidential candidate Ross Perot made a forceful statement criticizing Bush's veto, saying, "The only reason to veto this bill is to try to keep people away from the polls this fall" (Palmer 1992, p. 1983). Arkansas Governor Bill Clinton, the Democratic presidential nominee referred to the veto in a speech before the NAACP National Council Conference:

Last time we had a president who promised us — and I quote — 'a new harmony and a greater tolerance,' turned out he meant he'd be the only president since Reconstruction, except for his predecessor, to veto a civil rights bill. And the last time we had a president who promised us he'd listen to the quiet people who others don't, and he just vetoed a Motor Voter Bill that would make it easier for those quiet, hard-working people to register to vote because he doesn't want their voices heard. (Louisville [KY] Courier-Journal, July 14, 1992, p. 9A).

The Democratic Party platform, without mentioning the veto, wrote, "We need new voter registration laws that expand the electorate, such as universal same-day registration . . ." (National Party Conventions p. 172) During the New Hampshire primaries, Human SERVE Associate Director Jo-Anne Chasnow trekked to New Hampshire for a rally, to try to encourage Jesse

Jackson to talk about the Motor-Voter Bill. Rock the Vote went to New Hampshire, and asked all the presidential candidates, one by one, to sign the same postcard they had gotten thousands of young people to sign in support of the Motor Voter bill. Clinton signed a card, and later in the campaign, Human SERVE and Rock the Vote got a commitment from Clinton to support the bill on an MTV press conference taped April 17, just before the California primary (Piven, Interview, 1999).

In campaign remarks to the League of United Latin American Citizens and the National Urban League, Clinton reiterated his support for national legislation mandating election reform in the states. In a position paper directed toward disabled Americans, candidate Clinton pledged himself to 'sign into law the 'Motor voter Act,' which George Bush vetoed this year, to make it easier for people with disabilities to register to vote." (Solop and Wonders 1995).

As Clinton became the clear front runner, SERVE angled to make Motor-Voter part of his first hundred days agenda – a point on which they won a commitment from Al Gore.

As Governor in Arkansas, Clinton had been sued by ACORN over the state's restrictive deputization policies. However, he had also previously expressed recognition of the importance of voting participation, in a 1988 speech to the Leadership Conference Education Fund:

Voting rights in America are a hidden resource for our nation's poor and downtrodden. Too many of us take our right to vote for granted, not aware that others among us have not been so fortunate. Some have never been taught the value of voting; others have met with unconcern or downright hostility when they try to register; still others have grown disaffected when the

votes they cast seem to have no discernible effect. It is these neglected and frustrated Americans that we must work assiduously to bring into the election system (Clinton 1992).

The Clinton victory, then, was a victory for the Motor Voter bill. It had managed to win majorities in the House and Senate, only to be vetoed by a Republican president. Now that Bush had been replaced by a Democratic president who had pledged to sign the Motor Voter bill, Congressional Quarterly reported that the Democratic leadership had made the bill, HR 2, a top priority, and that it was on the fast track to enactment. In a speech announcing the Democratic agenda for the 103rd Congress, Senator Mitchell prioritized the reauthorization for the National Institutes of Health (which had run aground the year before over abortion issues), campaign finance reform legislation, the Family and Medical Leave Act, and the National Voter Registration Act:

Today's working families and young people deserve a chance to register to vote conveniently. Working people commute long hours, they have to deal with child care arrangements and many other chores in their free time. The nation that invented round-the-clock supermarket shopping can cope with the innovation of letting people register when they pick up a driver's license (1/21/93).

The House Subcommittee on Elections held a hearing on January 26. On behalf of the coalition, Edward Hailes, NAACP Washington Bureau Counsel, Becky Cain, President of the League of Women Voters, and James Dickson, Executive Director of Disabled and Able to Vote, testified. Seven election officials spoke, three of them from the state of Illinois. Washington

Secretary of State Ralph Munro and DC Board of Elections Director Emmet Fremaux, Jr. testified about their positive experience with motor voter registration. Markup was held the same day, no amendments were made and the bill was referred to the full committee.

On January 27th, the full Committee held an "open markup" on H.R. 2, which required states to permit registration at motor vehicle agencies, unemployment compensation offices, public assistance agencies, agencies that assist the disabled, and by mail. Although Republicans on the committee offered numerous amendments, only one was accepted, to include on voter registration forms used by government agencies a statement, to be signed by the applicant under penalty of perjury, that they meet the eligibility requirements to vote (offered by Bill Thomas). In a statement of minority views appended to the House Report on H.R. 2, the committee's Republicans summarized the amendments they had offered:

- (1) Replacing the Agency Registration section of the bill that emphasizes welfare agencies with the broad based agency provisions of H.R. 2190, or in the alternative, striking that section altogether;
- (2) Restoring the mandatory voter address correction provisions of H. R. 2190 in place of the vague section in this bill;
- (3) Striking the section that requires the states to provide voter registration by mail;
- (4) Striking the provision that exempts states from complying with the Act if the states allow all voters to register at the polling place at the time of voting;
- (5) Striking the provision of the bill that requires voter registration agencies to provide the same degree of assistance to voter registration applicants that they provide to the applicants for their own services;
- (6) Changing the procedure for registering to vote while applying for motor vehicle driver's license to require an affirmative action in order to register;

- (7) Allowing the states to remove the name of a person from the official list of registered voters if the person has not voted for at least 4, 10, or even 100 years;
- (8) Providing that mandates in the bill that are subject to pre-clearance for the nine southern states as required by the Voting Rights Act of 1965 be applied to all 50 states, or in the alternative eliminating the pre-clearance requirements of the Voting Rights Act for any new mandates required by the bill;
- (9) Making all provisions of the bill voluntary for states until funds are appropriated to pay for the additional costs imposed by the bill;
- (10) Preserving state fraud provisions that are stronger than the federal provisions of the bill;
- (11) Requiring that only U.S. citizens can be registered under the bill; and
- (12) Clarifying that the mandatory designation as voter registration agencies all offices [sic] engaged in providing services to persons with disabilities applied to those offices serving *physically* disabled persons.

On February 4, it passed the House. (See Table 5.6) The vote on passage of the bill was heavily partisan, with 94% of Democrats supporting it, and only 13% of Republicans. The bill won a much narrower majority of Southern votes than it did of Northern votes; although 88% of Southern Democrats voted for H.R. 2, there were now 52 Southern Republicans in the House, and 45 of them opposed the bill.

House debate centered on the usual objections to the bill — the possibility of increased fraud, and the increased cost to the states. The bill's new fast track invited more open discussion of the expected partisan results. California Republican Bill Thomas said, "All of us are interested in extending the right to vote to all. But at unemployment and welfare offices only? ... If you want to pick a party affiliation of these people, take a guess. You won't pick ours" (Congressional Quarterly, 1993 : 264). Other Republicans warned that non-citizens would be registered to vote at motor vehicle bureaus; their

motion to return the bill to committee to address this concern was defeated, 166-253.

The Republican Senators who had previously opposed the bill prepared to stop the bill in its tracks. Dole managed to defeat a motion to cut off debate on March 5. The vote for cloture was 52-36, eight short of the required sixty. On March 14, the vote for cloture was 59-41, one short of the 60 needed. Then the Democrats modified the language on welfare and unemployment agencies to allow, but not require, states to do registration there. The Senate voted for cloture and passed the bill on March 17, 62-37. These provisions won the bill some crucial supporters in Congress, but they lost it some supporters outside; the NAACP's Ed Hailes called it "disastrous" and said there was "no way" the NAACP could now support the bill (Congressional Quarterly March 20, 1993: 664). The League of Women Voters, Human SERVE and the ACLU also expressed concern.

Appointed to the Conference Committee were House Democrats Charlie Rose of North Carolina, Al Swift of Washington, Martin Frost, Steny Hoyer, Gerald Kleczka of Wisconsin and John Conyers, Jr. of Michigan; House Republicans Bill Thomas of California, Bob Livingston of Louisiana, and Pat Roberts of Kansas; Senate Democrats Wendell Ford of Kentucky, Claiborne Pell of Rhode Island, and Daniel Inouye of Hawaii, and Senate Republican Mitch McConnell of Kentucky. All but Conyers were members of the committees that handled the bill. Conyers had written a letter to Tom Foley, requesting that he be included because of his "long-standing personal

involvement" and because "the substantial changes made in the Senate are of particular concern to African-Americans" (letter, March 18, 1993, Human SERVE archive). At the initiative of the civil rights organizations, the coalition had also requested that Conyers be made a conferee (Hailes, Interview, 1997). The Republicans chosen had no intention of supporting the bill, and did not participate in the conference (Stone, Interview, 1997).

The coalition quickly began strategizing to influence the conference report. On March 25, the Coalition sent a letter to Swift and the House leadership urging them to correct three serious flaws in the Senate version of the bill.

First, the legislation fails to require that disabilities, unemployment and public assistance agencies provide voter registration services. . . .

Second, the legislation allows states — without standards, safeguards, or uniformity — to require presentation of documentary evidence of citizenship. . . .

Finally, the legislation allows states to require voters to go to a central location in order to vote, if they have moved within a jurisdiction (Letter 3/25/93).

Ideally, the Coalition wanted the conference committee to accept the House provisions on the above issues — but the House bill had not attracted sufficient votes in the Senate. Their task, therefore, was to convince the conference committee to improve the bill in these three areas, and to convince a sufficient number of Senators to vote for a conference report more like the House bill.

Senator Durenberger became crucial here. Although Durenberger had voted for S. 250 in 1992, he withheld his support in 1993 until the public agency provisions were removed. The Coalition decided to lobby him to accept a bill with those provisions restored. Jim Dickson organized grassroots pressure on Durenberger. He described his efforts in Minnesota:

Justin Dart gave us money. The Paralyzed Vets of America . . . gave me some money, we gave it to Project Vote. I worked the grassroots in Minnesota and hired a local disability activist to go around and raise grassroots pressure.

The Disabled American Veterans ... have clout, resources ... as powerful politically as something like the American Legion. Bruce Burgess brought the DAV in, they mobilized their grass roots. I dealt with the more lefty militant types, and we met with Durenberger, it was clear he was going to say no, again. It was politically difficult for him to do that, because Minnesota is a register at the polling place on election day state, and people always see their experience as being universal. [He didn't see there was a problem to be addressed by the bill] and his constituents didn't. DAV and PVA did their stuff. The ARC (Association for Retarded Citizens) pushed. They have a base in Minnesota. We did this crazy lefts we're going to picket and protest, and the other thing we did, through an old organizing friend who knows the Catholic structure - Durenberger was very Catholic - we found out that when Durenberger went back home . . . he stayed with the abbot of the Catholic college he graduated from ... It was one of those rare times that you do a complex strategy and it really works. We had ARC and the PVA and the DAV pushing here, we got a Democrat who adores Durenberger who happens to be disabled who had set up Democrats for Durenberger in the previous election calling him, the crazy disabled, the militant disabled saying they were going to picket and protest, and at breakfast, I forget now whether it was the abbot or the bishop said to him, this is outrageous, you've got to vote for this bill (Dickson, Interview, 1997).

Meanwhile, the Coalition had to figure out how much they could win, and what they could afford to trade away. At Wade Henderson's request, Human SERVE prepared a memo assessing various ways to salvage as much as possible from the agency-based provisions. One possibility was to call for the registration of Food Stamp recipients, rather than public assistance recipients. Almost all welfare recipients also received food stamps, as did state General Assistance recipients, unemployed and working poor families, recipients of SSI and the poorest of the elderly. The Food Stamp program reached a broader constituency, and was less subject to political attack than welfare.

The Senate version made registration in state agencies serving the disabled voluntary, but since the vote it had been said that Republicans did not intend to do so, and would be willing to restore the mandatory provision. Human SERVE suggested adding the SSI program to the list of agencies serving the disabled, which provided income in 1991 to 3.7 million indigent blind and disabled persons of all ages.

The most difficult question was what agency should the coalition agree to give up in order to salvage legislation they could support. The extent to which registration would be conducted at public assistance agencies was one of the chief differences between the House and Senate versions of the bill, and was the focus of negotiations in the conference. Senator David Durenberger (R-MN) insisted that the list of agencies at which registration was required be

reduced (Dickson, Interview, 1997; Piven, Interview, 1999). Since each agency reached a somewhat different population, answering this question required careful consideration of which groups would be most likely to be offered registration through another agency.

Human SERVE prepared a memo for the coalition that compared the populations reached by welfare and unemployment agencies (3/31/93). Losing public assistance agencies would mean losing the "4.5 million women who head AFDC households", and a survey of Income Maintenance Center waiting rooms in Brooklyn and Manhattan showed that less than 2% had driver's licenses. Although it was likely that welfare recipients outside of New York City would be more likely to have driver's licenses, it seemed clear that many welfare recipients would not be offered registration if public assistance agencies were not included. Since eligibility for unemployment insurance requires that a person have worked full-time for two of the previous four quarters in a covered job, those receiving unemployment are more likely to have a greater income, and therefore more likely to have a driver's license. In part, Human SERVE portrayed it as a gender issue: AFDC recipients were more likely to be women, and unemployment recipients were more likely to be men; men were also more likely to have driver's licenses than women; therefore it made more sense to sacrifice unemployment agencies than public assistance agencies.

The coalition members were very involved in the conference, although congressional procedure did not allow them to participate directly

in the meetings. Eddie Hailes reported that, "When the conferees met, we were outside. . . . When it seemed as if the conferees could not reach an agreement, and we were right there on the steps outside the door, and we learned about the problem and I remember I took a yellow pad and I said, it would be great if we had a laptop, but we had a yellow pad, and a pen, and we put that suggested language in, and we got the note inside, and an agreement was reached. All the way to the very bitter end, we did have, as a coalition, influence on the final passage and the actual language of the bill" (Hailes, Interview, 1997).

Ultimately, the conference committee agreed to keep public assistance agencies and drop unemployment agencies from the list of mandatory agencies, and required states to designate other agencies of their choice. As the states designed their own voter registration programs after the bill became law, Human SERVE lobbied them to designate unemployment agencies as a registration site.

Republicans also pushed for a provision that would ostensibly "protect" welfare clients from being pressured to register in order to receive assistance. This language was proposed by Senator Durenberger, and was similar to a provision in a 1987 Minnesota law. It would require agencies to assure recipients of benefits that their benefits would not be affected if they declined to register, and also required that they be informed that they could complain if they were coerced in any way (Scammon, 1993). Durenberger said he was willing to vote for a bill that included the agency-based provisions if

his non-coercion language was added. His support was crucial; he had not voted for cloture until the agency-based provisions were removed, but he had voted for the bill on March 17.

The Conference Report passed both houses (See Tables 5.7 and 5.8), and went to President Clinton for his signature. Republican Senators Durenberger, Hatfield, Jeffords, Specter, Cohen (ME) and Domenici (NM) voted for cloture, and all but Cohen voted for the bill. Senator Packwood (OR) also voted for the bill, after voting against cloture.

President Clinton signed the National Voter Registration Act, PL 103-31, into law on May 20, 1993. Standing behind the president as he signed it were Senator Wendell Ford, Representative Al Swift, Senator Mark Hatfield, Frances Fox Piven and Richard Cloward of Human SERVE, Ben Chavis of the NAACP, Becky Cain of the League of Women Voters, and Joel Shulkin, a New Hampshire college student who represented Rock the Vote.

Did State Reform Impact Congressional Action?

I had hypothesized in Chapter 1 that if a state liberalized its voter registration procedures, members of Congress from that state would be less likely to oppose national reform. To test this, I examined the 1992 final House vote on passage of S. 250 (Congressional Quarterly, June 20, 1992, p. 1832, Vote No. 194). I created a data file, with each case being a member of the House of Representatives. For each member, I recorded their state and their party affiliation. Borrowing from the Mitchell and Wlezien dataset on state voter

registration laws, I created dummy independent variables for active motor vehicle registration, active or passive motor vehicle registration, universal mail registration, and active agency registration. I regressed party, and the four variables representing registration methods, on the 1992 vote (See Table 5.9). As might be expected, party played a large role in explaining the vote, 60 percent. In models one and two, which included party, mail was also significant, although it explained only a small part of the variance. None of the other variables appeared to have a significant impact on the vote choice of the members of Congress. To see whether the impact of party was overwhelming that of the registration methods, Model 3 does not include party. In this model, none of the registration methods is significant, and the R squared is only .015.

While the presence or absence of reform in one's home state may not impact the vote significantly, we can also ask whether it influenced a member's desire to take a leadership role in pushing for voter registration reform. In the first campaign, we would identify Gale McGee and Edward Kennedy as the leaders; in the second, Jimmy Carter and Walter Mondale; in the third, John Conyers, Alan Cranston, Al Swift, Wendell Ford, and Mark Hatfield. Neither McGee nor Kennedy came from a liberal registration state; Wyoming, in fact, still did not have mail-in registration in 1989, when almost half the states used it. Walter Mondale was from Minnesota, one of the few states to use election day registration, which clearly influenced his national legislative effort. Conyers, too, was from a liberal registration state, although

oddly enough, he advocated EDR earlier and more strongly than he did motor vehicle registration, although Michigan pioneered motor voter.

Public Opinion

Three polls were taken in 1988 and 1990 that showed public support for more convenient methods of registration. In a June 1988 poll that oversampled minorities, the Harris Survey asked 110 Asians, 897 Blacks, 2008 Whites "Instead of requiring people who wanted to register to vote to go to a central registration place, would you favor or oppose voter registration either by mail or by having deputized volunteers distribute and then collect registration forms from people's homes, or in shopping malls and other convenient places?" Support for easing registration was clearly stronger among minorities; 79% of Blacks and 70% of Asians favored the reforms suggested. Nevertheless, easing registration also earned a healthy majority of support among whites; almost 64% supported it (See Table 5.10). The Atlanta Journal Constitution did a special poll of Southern non-voters in 1988, and asked them their opinions of several methods of registration. The poll found that majorities of Southern non-voters supported post card, election day, and motor voter registration (See Table 5.11). Automatic registration at motor vehicle agencies got the highest percentage of support in the poll, 66.1%, and election day was the least popular, with only 48.9% approval. Mississippi State University polled state residents in April 1990 on the question, "Do you

favor or oppose permitting Mississippi residents to register to vote by mail?" (IRSS Study Number: NNSP-MS-007) Mail registration was favored by 49.60% of the respondents, and 44.40% opposed it. Another 6% had no opinion or refused to answer the question.

None of these polls were reported in the national news media, and the coalition was apparently unaware of them. Members of Congress tended to believe, as Al Swift said, that no one cares about election reform. But who would want to risk being labelled as one of those guys in Washington who "have conspired to keep you from voting", in the words of Steve Barr?

Conclusion

The success of the motor voter bill in 1993 was the result of a combination of factors. The Democrats had grown more united on the legislation over the years; the percentage of House Democrats voting for a voter registration bill had risen from 80% in 1974 to 94% in 1993. Having a president supportive enough that he had made it a part of his agenda for his first 100 days in office was useful, both in ensuring that the bill would eventually be signed and in solidifying the votes of his partisans in Congress.

The substance of the bill itself had changed. Election-day registration had proved a hard sell in the Carter Administration, and despite interest in EDR, particularly from the civil rights groups, the coalition decided to push for EDR, but to be willing to drop it if they could achieve other significant reforms. Mail registration was likely to be far less controversial in the '80s and

'90s than it had been in the '70s, because 74% of the states now had mail registration. But the experience of those states showed that mail registration did not necessarily have a great impact on registration rates. Access to the forms was crucial, and in many states forms were not easy to find. Mass mailings, such as McGee had proposed, would be costly and duplicative, since they would in many cases arrive at the homes of registered persons. Mail registration was useful, especially because it made organized registration drives possible, but by itself it was not enough.

So the proposal in the third campaign included EDR, mail registration, and agency registration. Through the negotiating process, EDR was dropped, and two significant things were added. One was the particular focus on motor vehicle agencies as public agencies where registration should be done. Motor vehicle agencies have contact with upwards of 85% of the population, and are routinely notified when people move. They also require fairly rigorous proof of identity, limiting the opportunity for fraudulent registrations. Motor Voter allowed Clinton to focus in his signing ceremony on improved access for young people, while providing nearly universal access. The addition of agencies that served the poor and disabled were designed to reach those populations least likely to have a driver's license or state identification card, thus extending the reach. Although neither agency registration in general or motor vehicle agency registration in particular were very widely used, there were successful examples of each that could be used to convince the doubtful that agency registration could be successful.

The Coalition played an important role in pushing this legislation through, a role that was not adequately filled in previous campaigns for voter registration reform. The Coalition provided the impetus for Congress to address the problem of falling turnout with registration reform. Throughout the process, the Coalition exerted the necessary pressure to keep the bill moving.

Although members of Congress or members of their staff at times complained about the coalition, they recognized the important role it played. Representative Swift referred to the coalition as “the most difficult group of people I have ever had to work with.” One member of his staff “There is no question in my mind that this particular law would not have become a law had not interest groups, many interest groups worked very hard, but when the chips are down, legislation moves forward because of what staff does, because of what the member does.”

Congressman Swift himself was enthusiastic about working on election reform, saying he found it the only interesting area of his committee’s jurisdiction, but he also noted that he was responding to an important constituency – the civil rights organizations: “As a Democrat, I felt that if I did not respond, they would go over my head [to the Democratic leadership]” (Swift, Interview, 1999). More broadly, Swift thought the coalition had played a powerful role in pushing the legislation: “I think they were the driving spirit behind this. No one cares. It wasn’t opposition that would have killed it. It was apathy. These people cared, and that motivated

Democrats, who cared about what a major constituency cared about" (Swift, Interview, 1999). As this chapter has shown, the Coalition was clever in its use of each member organization's allies and expertise to win the support it needed. The Coalition also kept the pressure on legislators who, given the opposition the bill faced, at times thought it prudent to move on to another issue. Eddie Hailes said:

I can remember meeting with the Senate Majority Leader, who at the time was Mr. Mitchell, and after three cloture votes, he felt, and he tried to convince us, that it was unusual for him to continue to try to bring this up. What did we want from him? . . . I am sure there were many times when members just thought we cannot continue to expend this energy on this bill, except everytime we turn around the groups are here, pressing for it. So I do think we had a major influence." (Hailes, Interview, 1997).

Internal differences over the purging, motor voter registration and other issues badly split the coalition for a time during 1990 and 1991. After the passage of H.R. 2190 in the House, Motor Voter made no further progress until this dispute was resolved. Swift's frustrated comment in an interview that that "one woman could tie up the whole thing for two years," referring to Elaine Jones' opposition to H.R. 2190, shows that without the support of a unified coalition, Swift could not go forward (Swift, Interview, 1999).

Table 5.1 Vehicle Ownership in Southern States, by Race, 1980

	Black Households			White Households		
	Total	# with No Vehicle	Percent	Total	# with No Vehicle	Percent
Alabama	294,265	83,646	28.4%	1,040,172	73,684	7.1%
Arkansas	112,026	33,489	29.9%	696,636	56,109	8.1%
Georgia	438,970	131,240	29.9%	1,418,930	90,013	6.3%
Louisiana	365,398	114,301	31.3%	1,031,624	79,253	7.7%
North Carolina	391,379	98,260	25.1%	1,624,372	118,113	7.3%
South Carolina	263,455	74,004	28.0%	759,981	50,093	6.6%
Texas	541,044	114,133	21.1%	4,072,363	232,435	5.7%
Virginia	308,830	80,425	26.0%	1,527,125	116,913	7.7%

Source: U.S. Bureau of the Census, 1980 Housing Survey, quoted in U.S. Congress, House, 1989, 248. Note: This table was compiled by Frank Parker of the Lawyer's Committee for Civil Rights Under the Law, and appears here as it does in his congressional testimony. For reasons that are not explained, Mississippi is not included; however, elsewhere in his testimony, he notes that 27.8% of black families in Mississippi have no car, while only 6.76% of white families lack a car (U.S. Congress, House, 1989: 247).

Table 5.2 Americans who hold driver's licenses, as a percentage of population aged 16 and over

<i>Year</i>	<i>1000s of Americans with Driver's License</i>	<i>Percentage of Americans with Driver's License</i>
1969	102,986	73.9%
1977	127,352	81.5%
1983	147,015	83.6%
1988	158,859	85.0%
1990	163,025	88.1%

Sources: Personal Travel in the U.S. Volume 1. A Report on Findings from the 1983-1984 Nationwide Personal Transportation Study. Federal Highway Administration, August 1986. The figure for 1988 is taken from U.S. Department of Transportation, Highway Statistics, 1988, Table DL-20, p. 32; The figure for 1990 is taken from 1990 Nationwide Personal Transportation Study. Federal Highway Administration, 1990. www-cta.ornl.gov/npts/1990.

Important Note: For the purposes of its survey, the Federal Highway Administration considers all those 16 and over as "adults", therefore the above figures include some 16 and 17 year olds who cannot vote.

Table 5.3 House Vote on H.R. 2190. (February 6, 1990)

<i>Vote</i>	D	R	D-South	D-North	R-South	R-North	South	Total
Yes	228	61	66	162	30	31	96	289
No	24	108	16	8	16	92	32	132
Not voting	4	6	1	3	0	6	1	10
Total	256	175	83	173	46	129	129	431
% of those voting who supported reform	90.5	36.1	80.5	95.3	65.2	25.2	75.0	68.6

Source: Congressional Quarterly Weekly Report, February 10, 1990, p. 415.

Table 5.4 Senate Vote for Cloture (60 needed), September 26, 1990

<i>Vote</i>	D	R	D-South	D-North	R-South	R-North	South	Total
Yes	53	2	14	39	0	2	14	55
No	2	40	1	1	8	32	9	42
Not voting	0	3	0	0	1	2	1	3
Total	55	45	15	40	9	36	24	100
% of those voting who supported reform	96.4	4.8	93.3	97.5	0	5.9	60.8	56.7

Source: Congressional Record, September 26, 1990, p. S 13940.

Table 5.5 Attempt to Override President Bush's Veto of the National Motor Voter Bill, September 22, 1992. (Two-thirds vote required)

<i>Vote</i>	D	R	D-South	D-North	R-South	R-North	South	Total
Yes	56	6	14	42	0	4	14	62
No	1	37	1	0	6	31	7	38
Not voting	0	0	0	0	0	0	0	0
Total	57	43	15	42	6	35	21	100
% of those voting who supported reform	98.2	14.0	93.3	100	0	11.4	66.7	62.0

Source: Congressional Quarterly Weekly Report, September 26, 1992, p. 2989, Vote 226.

Table 5.6 House Vote on Final Passage, February 4, 1993.

	D	R	D-South	D-North	R-South	R-North	South	Total
Yes	237	21	72	165	3	18	75	259
No	14	146	10	4	45	101	55	160
Not Voting	4	8	2	2	4	4	6	12
Total	256	175	84	171	52	123	136	431
% of those voting Yes, supporting bill	94.4	12.5	87.8	97.6	6.3	15.1	57.7	61.8

Source: Congressional Quarterly Weekly Report, February 6, 1993, p. 284-5.

Note: The one Independent, who was from Vermont, voted Yes. There were three vacancies in the House at the time of the vote.

Table 5.7 House Vote on Conference Report, May 5, 1993. Vote 154

	<i>D</i>	<i>R</i>	<i>D-South</i>	<i>D-North</i>	<i>R-South</i>	<i>R-North</i>	<i>South</i>	All
Yes	238	20	75	163	3	17	78	259
No	14	150	10	4	44	106	54	164
Not Voting	4	8	0	4	1	7	1	12
% Yes	94.4	11.7	88.2	97.6	6.4	13.8	59.0	61.2

Source: Congressional Quarterly Weekly Report, 1993. 1182.

**Table 5.8 Senate Cloture Vote on Conference Report, May 11, 1993
Vote No. 117.**

	<i>D</i>	<i>R</i>	<i>D-South</i>	<i>D-North</i>	<i>R-South</i>	<i>R-North</i>	<i>South</i>	All
Yes	57	6	15	42	0	6	15	63
No	0	37	0	0	11	26	11	37
Not Voting	0	0	0	0	0	0	0	0
Total	57	43	15	42	11	32	26	100
% Yes	100	14	100	100	0	18.8	57.7	63.6

Source: Congressional Quarterly Weekly Report, May 15, 1993, 1254.

Table 5.9 Did State Reform Influence Congressional Voting?

	<i>Model 1</i>		<i>Model 2</i>		<i>Model 3</i>	
	B	Beta	B	Beta	B	Beta
Constant	.119**		.120**		.626**	
Mail	.104	.107**	.101	.104**	8.028E-02	.083
Agency	-7.087E-02	-.037	-8.148E-02	-.043	-.162	-.085
DMV (A or P)	1.131E-02	.010	-6.902E-04	-.001	-5.916E-02	-.053
Party	.773	.781**	.773	.781**		
DMV (Active)	-2.525E-02	.070				
R squared	.618		.617		.015	

Sources: Roll call votes and party of Congressional members, Congressional Quarterly Weekly Report, June 20, 1992, p. 1832, Vote 194. Data on which states used which registration methods is from Mitchell and Wlezien, 1995.

Table 5.10 Support for mail or deputized registration volunteers, by race

Survey Question: Instead of requiring people who wanted to register to vote to go to a central registration place, would you favor or oppose voter registration either by mail or by having deputized volunteers distribute and then collect registration forms from people's homes, or in shopping malls and other convenient places?

		<i>Whites</i>	<i>Blacks</i>	<i>Asians</i>	<i>Total</i>
Favor	%	63.7	78.6	70.0	68.4
	N	1279	705	77	2061
Oppose	%	33.8	18.4	25.5	28.9
	N	678	165	28	871
Not sure, refused	%	2.5	3.0	4.5	2.7
	N	50	27	5	82
N		2008	897	110	3015

Source: Harris Survey Study No. 883006, 1988.

Table 5.11 Southern Non-Voters Support Registration Reform, 1988

	<i>Post Card</i>	<i>Election Day</i>	<i>Motor Voter</i>
Good Idea	54.1	48.9	66.1
Bad Idea	38.6	45.5	27.4
Don't Know, no answer	7.3	5.6	6.5

Source: Atlanta Journal Constitution Study No. 8912 (September 1988), Institute for Research in Social Science, University of North Carolina at Chapel Hill.

Text of Questions:

20. Some states have tried to make voter registration easier. About 20 states allow citizens to register by mailing in a preprinted post card rather than requiring them to register in person. Do you think post card registration is a good idea or a bad idea?

21. In most states, citizens must be registered 30 days before they can vote. In a few states, citizens may register on election day at the same time and place they go to vote. Do you think that allowing unregistered voters to sign up and vote on election day is a good idea or a bad idea?

22. Another idea is to automatically register people over 18 to vote when they get or renew their drivers' license? Do you think this is a good idea or a bad idea?

Chapter 6 Conclusion

Having described the three major campaigns for voter registration reform in chapters 2 through 5, I can now compare the elements of those campaigns that might explain why it was possible to achieve in 1993 reform which had not been possible earlier. The three campaigns were:

1. The campaign for postcard registration, led by Senator Gale McGee of Wyoming, 1970-1974.

2. A campaign centered around the 1976 election campaign, which includes the efforts of House Democrats to enact postcard registration in time for the election, and the efforts of candidate, and then President, Jimmy Carter to enact either postcard or election day registration, 1976-77.

3. The campaign by a coalition of organizations for a voter registration bill that would include several reforms, 1987-1993. It is this campaign which resulted in the passage of the National Voter Registration Act of 1993 (also known as the Motor Voter Law).

Here I will compare the roles of parties, interest groups, and the level of previous state reform and public opinion in the three campaigns. This comparison will allow us to see what elements differed in the third campaign, making it the successful one. After this comparison, I will consider the ways in which these campaigns influenced each other, since they were part of a historical continuum. This will make it possible to consider what was learned from earlier battles that informed later ones, and in what

ways changes over time made success more possible in 1993 than it had been in 1971.

THE ROLE OF THE PARTIES

The Democrats

From the roll call votes, it appears that an adequate explanation for the passage of voter registration legislation was that the Democrats supported it. 94% of the Democrats in the House and 100% of the Democrats in the Senate voted for the conference report, the final vote on the 1993 Motor Voter bill. A Democratic President signed it, less than a year after a Republican President vetoed it. While the few Republican votes it got were crucial to its passage, it was a Democratic project. Is it the case, then, that, as Schattschneider said, the parties are the engine of expanding the franchise?

If that were so, then the reason voter registration reform finally passed in 1993, after 20 years of failed attempts, was because the Democrats finally had control of both houses and the White House, and therefore could pass the legislation they had long wanted to pass. But 1993 was not the first time the Democrats had the votes to pass legislation on which the party was unified.

The House had a Democratic majority throughout the time period under consideration, from 1970 on, a majority which had been theirs since 1955, and which they only lost in 1994, the year after the NVRA was signed into law. The Democrats had a slim majority in the Senate during McGee's postcard registration campaign, but in 1975 it increased to 61, a filibuster proof

majority, which they held on to during Carter's term of office. With Reagan's election, they lost their majority, and the voter registration issue, which had fallen off the congressional agenda after Carter's first year, was not revived.

Although voter registration reform legislation eventually succeeded at a point when both houses of Congress had Democratic majorities and the President was also a Democrat, it had been quite unsuccessful when the national government had been solidly Democratic – during the Carter Administration – and had made significant progress during the Bush Presidency. Democratic control of government was necessary, but not sufficient.

Democratic control could only be significant if Democrats were unified on the issue. When Senator McGee's first postcard registration bill came to the floor of the Senate in March 1972, 81% of the Northern Democrats voted in support of the bill, but only 17% of the Southern Democrats did. Some "big city Democrats" also opposed voter registration reform, in particular those from Philadelphia and Chicago. Comparing the regional divisions in the roll call votes over time, we see that Southern Democratic opposition to voter registration reform legislation faded away.

One possible explanation for the increase in Southern Democratic support is that those members or districts which had previously opposed voter registration reform went Republican. The South is, after all, no longer as solidly Democratic as it once was; Democrats held 92% of the Southern seats in 1960, and only 61% in 1992 (Table 6.3). However, most of this change

occurred before 1972; in 1972, Democrats held 69% of the Southern House seats. To the extent that the South has shifted allegiances in voting for Congress, it occurred before any of the voter registration reform campaigns.

The voter registration reform bills considered in the 1990s got more support from Southern Democrats than did the Voting Rights Act and the extensions of that act did. As Mayer's study of intraparty ideological divides suggested, the party became more ideologically cohesive between 1970 and 1990, and that cohesiveness extended to the area of civil rights (Mayer 1996). The Voting Rights Act promised (or threatened, depending on one's perspective) to increase the number of African Americans who exercised their franchise (See Table 3.1). The Act was targeted at states in which African American registration or voting rates were particularly low, all of which, initially, were Southern. As African Americans entered the electorate in greater numbers, Southern Democrats increasingly had to consider them as a group to be courted or alienated in election campaigns.

In chapter 3, I noted that the voter mobilization strategy of the progressive wing of the Democratic Party was not in line with the Democratic Leadership Council's strategy to "move the party back to the middle" (Time, v. 125, Mar. 18 '85, p. 25). The progressive wing wanted to focus on registering and mobilizing to vote African Americans, Latinos, urban and working class voters who were strongly Democratic but whose rates of participation were low. DLC members argued that the party's image had been hurt by over-

identification with these groups, and that it now had to reach out to middle-class and suburban voters.

Ironically, the 1993 Motor Voter bill was signed by a president who was at one time the chair of the Democratic Leadership Council, and as governor had been sued by ACORN to force him to allow easier registration in his state. While the DLC had never as an organization championed voter registration reform, they did not actively work against it within the party. Jon F. Hale, who has written one of the few scholarly articles on the DLC, persuasively argues that the DLC's mission was primarily to change the party's image, more than its substantive policies (Hale, 1995). The NVRA's focus on registration in motor vehicle bureaus allowed Clinton to emphasize the broad reach of the program. Middle class voters, too, would enjoy the convenience of motor voter registration; in fact, some voter registration advocates worried that primarily middle class voters would reap the benefits.

The Republicans

Republicans were much more supportive of the Voting Rights Act than they were of any of the voter registration reform bills considered during the three campaigns. In 1960, only 6 of the 171 House Republicans were Southerners; the Voting Rights Act would cause trouble in Democratic districts, not in Republican ones. It served the Republicans' Southern strategy well, sowing dissension among Democrats to the Republicans' potential advantage.

National voter registration reform instead raised the possibility that turnout would increase among demographic groups that were heavily Democratic, which was a threat, rather than an opportunity, for the Republican Party. In committee hearings and floor debate throughout the three campaigns, and in interviews I conducted, Republicans frequently charged that national voter registration was an effort by Democrats to gain political advantage.

The greatest Republican support for voter registration reform came in 1990, when Representatives Thomas and Gingrich mobilized 60 Republican votes for H.R. 2190, an early Motor Voter bill. In part, their willingness to support the measure had to do with the new element added to that particular version of the bill – a requirement that all states engage in periodic efforts to verify the eligibility of the names on its registration roll. It was also, especially on Gingrich's part, a competitive effort by an "out" party interested in gaining power. Even in his "Young Turk" days, Gingrich was planning his rise to power. Motor vehicle bureaus in particular seemed to be the way to get the young. Gingrich, in the 80s, was already planning the construction of a Republican majority, and his own rise to power within it.

Polls taken after the 1984 and 1988 elections showed that Republicans were supported by a majority of non-voters. They also showed that the GOP was stronger among the young than they had been in the past. This should not have been surprising; non-voters in post-election surveys tend to express

support for the winning presidential candidate, and GOP presidential candidates had won in both those years.

The generalization that established party ties do not change (Campbell et.al., 1960; Nie, Verba and Petrocik, 1979) means that available new voters for a party are largely concentrated among the young, the newly enfranchised, and previous non-voters – those who have not been politically “immunized” by voting experience against appeals from the opposing party (McPhee and Ferguson, 1966). Young voters tend to lean toward the party in the presidency when they come of age, so it is not surprising that young people raised in the Reagan and Bush years would be more likely to register Republican than those raised in the Kennedy and Johnson years (Campbell; Nie; Abramson and Aldrich, 1982). Whether surprising or not, it was an opportunity for the Republicans, because Americans tend to cling to partisan identification throughout their lifetimes; registering a young Republican could mean, in many cases, a lifelong identification with the party.

Significant role of interest group coalition

The most significant difference between the successful third campaign and the unsuccessful earlier ones was the concerted effort of a coalition of interest groups to push for voter registration reform. The organizations helped Cranston draft the initial proposal, and participated heavily in the many revisions the bill underwent between 1987 and 1993. The coalition lobbied members to sponsor, co-sponsor and support the legislation. There was far more pressure from outside of Congress to pass voter registration

reform legislation during the third campaign, and that pressure made a significant difference in the outcome.

It is difficult to determine which actors played particularly influential roles in the legislative process. For the most part, we must rely on the reports of participants and observers to tell us who they think played important roles. Comparing the three campaigns helps us identify the voter registration coalition as a major reason for the passage of the National Voter Registration Act of 1993. In the first two campaigns, there is little evidence of any activity on behalf of voter registration reform other than testimony at Congressional hearings, and the range of groups who testified was also limited. In the postcard registration efforts of 1970-74, interest group activity on behalf of reform was less intense, and less coordinated, than it was in 1987-93. Student voting rights organizations testified at hearings in 1972, but had disappeared by 1973. The League of Women Voters testified on behalf of postcard registration, but its efforts were at that time more focused on a state and local strategy for eliminating barriers to registration (U.S. Congress, Senate 1973a, 131). Its conference for voting rights activists did not devote time and attention to national voter registration reform. Although the testimony of civil rights groups concerning the enforcement of the Voting Rights Act was used by McGee, Kennedy and others as evidence of the need for voter registration reform, civil rights leaders did not testify on the issue of postcard registration, and were apparently more focused on battles over renewal of, and enforcement of, the Voting Rights Act. Labor unions testified for

postcard registration in 1974, but there is no evidence that it was a very high priority on labor's broad agenda. David Minton, a staffperson for Senator McGee on this issue, does not recall any significant contact with interest groups that supported the Senator's proposals.

During the Carter Administration, the White House took the lead on the election day registration bill. To the extent that the bill had a champion committed to its passage, it was Vice President Mondale. The Office of Congressional Liaison tried to mobilize support from interest groups for the election day bill, but in their efforts to attract the groups least likely to antagonize the Republican opposition, they avoided the liberal organizations who might have worked harder for the bill. Although White House staff memos state that the Carter Administration had support from organized labor, no one representing a union testified at the Senate or House hearings. Memos that circulated between the President, the Vice President, Richard Moe, who was the chief staffperson on the election day registration bill, and the President's Office of Public Liaison, show that their strategy to build support for the bill involved reaching out to conservative and moderate groups, so that the bill would not be identified as a liberal one. The Office of Public Liaison put considerable effort into attracting the support of senior citizen organizations – an odd choice, given that seniors are more likely to be registered, and more likely to vote, than any other social group. Such groups were unlikely to invest much of their time and resources in a cause that would not have a significant impact on their constituency. Despite the good

relationship Carter seemed to have with civil rights organizations, those groups made no show of support for election day registration.

The 1987-93 campaign, had significant support from organizations outside of Congress, because, unlike previous campaigns, it was undertaken at the initiative of non-governmental advocates. While they built upon the efforts of members of Congress like John Conyers who had previously sponsored voter registration reform legislation, the coalition put together its own legislative package, found sponsors for it, lobbied steadily for it despite various internal and external difficulties, and saw it passed in 1993. The coalition defined the participation problem in terms of the difficulty of registration, not apathy, and the solution as changing the voter registration laws. They kept the focus on that problem, and that solution, as others tried to focus on apathy, fraud, states' rights, and other issues.

The fact that the bill's supporters acted as a unified coalition, and not as disparate supporters of the same legislation, was also significant. The coalition's members shared information and worked together on strategy. The fact that the coalition encompassed several kinds of organizations was important to its success. In terms of skills, resources, allies, and willingness to commit time to the campaign, each organization had something different to contribute. Several of the organizations had staff or leaders with lobbying experience, and relationships with important legislators. Some, like the League of Women Voters and the NAACP, had a grassroots base nationwide that could be called on to write letters or call legislators. Human SERVE had

developed extensive knowledge of the voter registration systems in the various states – what worked and what didn't – which was useful in drafting national legislation. Disabled and Able to Vote won the support of Senator Durenberger, a Republican that few of the other organizations in the coalition had any previous relationship with, and whom they found hard to reach.

Like most coalitions, the Motor Voter Coalition, as it was often called late in the process, was a delicate balancing act. Organizations often held fiercely different views about how to proceed, and what could be won. Swift said they were the single most difficult group of people he ever worked with, but clearly he needed their support to pass a Motor Voter bill. His staff met with the Coalition frequently, included them in the drafting and redrafting of the bill, and solicited their assistance in winning support from key members of Congress. When the coalition was rent by divisions, the legislation was stalled, and only moved forward again once an agreement had been reached.

The day of the NVRA was signed into law by President Clinton in 1993, Sen. Ford said, "This was a people's piece of legislation. It started at the grassroots. . . . And I'll tell you if they don't know that all they had to do was be associated with all those organizations who never gave up, and told us not to give up." While bill signings inevitably inspire hyperbole, its clear from the history of similar efforts that the Motor Voter Coalition was crucial to the passage of the legislation.

Opposition to Voter Registration Reform

Organized opposition outside of Congress came primarily from election officials and the Republican Party. Opposition from other organizations was episodic and did not appear important. While election officials were nearly unanimous in their opposition to voter registration reform during the first two campaigns, they were divided in the third, with some providing critical support and technical assistance to the advocates of reform in the Motor Voter campaign.

McGee initially invited no state or local election officials to testify on the subject of postcard registration, but he was criticized for this, and the House committee invited several to testify in 1972. While some election officials testified that they used postcard registration successfully in their states, most opposed national intervention in voter registration. By the following year, opposition seemed to have hardened, as every election official who testified was opposed to national reform, and the National Association of Secretaries of State passed a resolution against it (US Congress, Senate 1973a, 94). Even some election officials from states which already used postcard registration opposed national legislation; a Florida election official raised the concern that national legislation would require expensive changes to the postcard system already at work in her state (U.S. Senate 1975, 198). In 1975, opposition among election officials was organized enough that all the associations representing them opposed the legislation.

The coalition that came together in the late 80s for voter registration reform was aware that election officials could be an obstacle to reform, and was well-prepared to address that problem. The League of Women Voters had relationships with many election officials around the country. Human SERVE had also developed relationships with progressive election officials around the country through its efforts to encourage states and localities to use agency-based registration. Human SERVE staff developed expertise in voter registration systems, and became a useful source of information for what methods were being used where, and how the nuances of implementation influenced effectiveness. Thus, the coalition was able to bring to Capitol Hill election officials who could speak authoritatively about the virtues of motor voter registration. In addition, Human SERVE attended meetings of the National Association of Secretaries of State (NASS) and other organizations that represented election officials, and worked to win their support for voter registration reform. Throughout the third campaign, Human SERVE drafted memos demonstrating the effectiveness of agency and DMV registration, showing the significance of active vs. passive methods, and other technical issues where expertise was useful. As Swift stated in an interview, he was willing to listen to election officials who weren't just being obstructionist, and was willing to adapt his legislation to address their concerns. The Coalition made sure that he got support and constructive criticism from election officials who supported reform, and won resolutions of support, not opposition, from NASS in 1989, 1992, and 1993.

Influence of state reform

The liberalization of state registration laws, and the employment of agency-based methods in numerous jurisdictions helped to set the stage for the national reform which was enacted into law in 1993. Human SERVE founders Richard Cloward and Frances Fox Piven saw state-level reform as a way to circumvent the resistance Senator McGee, President Carter and others had faced in Congress. They thought the decentralized nature of the American federal system could make it possible to win in one state or city what could not be won in another, or in the country as a whole.

. . . the fragmented character of the American state structure allows an agency-based registration strategy to be tailored to take advantage of the numerous openings provided by the different levels of the government, the overlapping powers of different branches, and the vast network of nonprofit health and social service providers. Legislative action provides one such route to reform — not just action by state legislatures, but by county boards of supervisors and city councils as well. And if legislatures refuse to act, the versatility of an agency-based approach is that the executive branches at the state, county, and municipal levels are also empowered to order registration services (Piven and Cloward, 1988, 219).

They also hoped that winning reforms state-by-state could “create the political conditions for national voter registration reform along European lines,” (Piven and Cloward 1985a, 593). Opposition to a national registration system could be expected from elected officials, political parties, and election administrators in states where registration was more restrictive than the proposed national system. As more people became registered through public agencies, incumbents would have less to fear from making registration easier.

By winning over some of those election officials and politicians, the chances for national reform would increase.

In the 70s and 80s, many states liberalized their voting procedures. In 1972, 5 states used universal mail registration, and no states used motor vehicle agency registration, registration in other government agencies, or election day registration. In the years that followed, individual states instituted one or another of these more liberal registration systems. The experience of individual states served as examples for the nation (Smolka, 1975, 1977). It showed that these methods of registration worked, that there weren't increased problems, and that there was increased participation. By the beginning of the third campaign, 19 states had mail registration, 4 states had EDR, 9 had motor voter, 4 of those using the preferred active method. Numerous other jurisdictions – states, counties and cities – offered registration at other government agencies.

In lobbying for voter registration reform, the advocates in the third campaign could present charts showing increased turnout in motor voter states. They could invite to congressional hearings election officials who already administered a motor voter or agency-based system, and who could explain to members of Congress or other election administrators exactly how it worked. This was useful ammunition. The National Association of Secretaries of State, which had opposed postcard and EDR registration in the 70s, endorsed the National Voter Registration Act of 1989, and reiterated that support in 1992 and 1993.

In the policy literature, diffusion of policy initiatives is discussed primarily in terms of diffusion from one state to another. In recent years, we have also seen diffusion occur from the state to the national level. Often, it is because members of Congress want to share in the political points to be won by supporting popular causes; New Jersey passed Megan's law, to allow notification that a convicted sex offender resides in the community, and Congress followed with similar national legislation. Hemmed in by the requirements of the Gramm/Hollings/Rudman budget agreement, members of Congress have been forced to find ways to seem to solve the nation's problems without adding to the federal budget; one way to do so is to require the states to take action. The NVRA is one example of the national government requiring all states to enact something that has accomplished a useful purpose in some states.

I originally hypothesized that as states liberalized their registration laws, former opponents of national reform would change their positions. As we saw in the regression models at the end of chapter 5, the high level of partisan unity on the votes in 1992 and 1993 overwhelms any other attempt to explain Congressional vote choice. However, we also saw that the actions of members of Congress who took leadership roles, and those who voted against their party, shows some influence from their state's experience with voter registration innovations. State reform also proved important as used by the coalition to give evidence that national reform was feasible and could increase participation.

Public opinion

Public opinion was only intermittently tested on the question of liberalizing voter registration procedures. On almost every occasion on which it was, polls showed significant support for making it easier to register to vote. The exception to this was election day registration. During the Carter Administration, a poll showed that 55% of Americans opposed Carter's bill, and only 40% supported it. This lack of popular support for EDR was not surprising; EDR was a registration system that very few Americans had experienced, and concerns about fraud rang true for people. Other than that poll, most others showed significant support for making it easier to register to vote.

Although the general public, when asked, showed little opposition to voter registration reform, it was never a highly salient public issue. Members of Congress and staff did not report receiving much mail on the issue. The only organization that appears to have generated a significant amount of mail was Rock the Vote. Steve Barr estimated that 100,000 postcards addressed to members of Congress were signed and collected on the Lollapalooza concert tour in 1992 alone. Members of Congress reported little contact from their constituents about the motor voter bill; Swift said, "Anything about changing elections is never very high profile. To the public, its mechanical and boring."

The Partisan Context

If we look at the immediate political situation surrounding the passage of the Motor Voter bill, we see a bill that had passed Congress in 1992 on a

fairly party-line, Democratic vote. It had been vetoed by a Republican President, whose Democratic opponent criticized his veto, and promised to sign the bill should he become president. Clinton won, and a Democratic Congress quickly passed the bill and gave it to the President to sign. Since the Democratic majorities were not large enough or unified enough to pass the bill on their own, considerable negotiation was needed to craft a bill that would pass.

Why did the Democrats prioritize this legislation? A closer look at the circumstances surrounding the passage of the NVRA shows us that a coalition of civil rights, voting rights and other organizations pressed for six years for passage of national voter registration legislation. When congressional leaders might have chosen to let a controversial and non-essential bill lay dormant, the coalition kept the pressure on.

Party mobilization strategy appears to have paid a surprisingly small role in Democratic support for voter registration reform. While congressional motor voter advocates, such as Swift, were eloquent in their belief that it was wrong to maintain unnecessary barriers to registration and participation, they were not convinced that participation would increase, or that their party would benefit. They pushed for reform nonetheless, prodded on by a broad coalition of advocates.

Historical Circumstances

The advocates' strategy for winning reform, and the type of reform that they chose to champion, was a product of the previous thirty years of

experience with state level voter registration reform, and attempts at national legislation. Advocates of reform, both in Congress and in interest groups, had learned from previous efforts: a) that election day was chancy, b) that avoiding partisan politics was important, and c) that fears of the results were important, and needed to be dealt with. Advocates learned from previous campaigns, and from the experiences of the states. Postcard was the first national reform tried; it didn't win sufficient congressional support, but had since come to be used in many states. However, the experience in those states showed that postcard registration by itself did little to increase voter registration rates. So advocates didn't push for it, except as part of a larger bill. Election day had been enormously controversial, and was only used in a few states generally known for their squeaky clean politics. Over the twenty-three year period of this study, an election day registration bill never came to the floor of either house for a vote. Although several groups within the coalition were long-time supporters of EDR, and quite committed to it, they agreed to work on a motor voter, agency, mail registration bill because it seemed more possible to enact such a bill.

Previous campaigns also taught the advocates that the concerns of elected officials and election administrators about how new registration systems would work. It was possible to avoid discussion of the political results, by arguing for the principle of full participation, whatever the partisan allegiances of the prospective voters. This was done by looking at the experience of the states.

On a broader political level, there was greater opportunity for national voter registration reform in the third campaign than there had been in the first two. Southern opposition to voter registration reform had declined. Post-1974 congressional reforms made it easier for individual legislators to champion legislation on a committee other than their own – the first Coalition-backed proposal, HR 3950, was introduced by Conyers and Cranston, neither of whom were on the committees to which the bill would be referred – and created a more open process for creating subcommittees, making the creation of a House Elections Subcommittee possible in 1986.

On a structural level, registration reform was the next logical step in the expansion of the American electorate. With the passage of the Voting Rights Act in 1965, and subsequent amendments and litigation, most categorical barriers to voting participation have been erased. Non-citizens, even permanent legal residents, are still not permitted to vote. Felons are barred in most states, in some states only until their sentence has been served, in others permanently. Persons under the age of 18 are not permitted to vote in any state. Others, such as homeless persons or mentally disabled persons, may be discouraged from voting, but are not legally barred. The work that many voting rights organizations did to monitor the enforcement of the VRA, and the hands-on registration that many groups did, particularly in 1984, also pointed up the ways in which voter registration rules could be obstacles to participation. As I discussed in chapter 3, the very existence of so

many organizations concerned with voting rights was a product of the Voting Rights Act.

Structurally, the federal design of the American political system also played a very important role in the achievement of voter registration reform. The postcard and EDR campaigns in the 70s made clear the obstacles to national voter registration reform. Given that election administration had traditionally been a state responsibility, perhaps the national level was not the best place to begin a campaign for registration reform. Over the following years, however, states, counties and cities experimented with the liberalization of voter registration procedures. Those state experiences were discussed over and over in committee hearings, floor debate, and in negotiation between legislators, or as interest groups lobbied legislators.

Will Easier Registration Lead to Higher Turnout?

Whether low turnout was primarily due to registration difficulties, motivational obstacles, or other factors was a debate that continued unresolved over the three decades that voter registration was debated. Opponents of the motor voter bill frequently charged that getting people registered was not the problem; people had to be interested enough to vote.

Proponents of voter registration reform argued that even though other factors were doubtless at work as well, the first step toward increasing participation was to remove the administrative obstacles to voting presented by unduly complicated registration procedures. They frequently noted that while 50-55% of the eligible population voted in Presidential elections, more

than 85% of those registered voted, from which they concluded that once a person had overcome the obstacle of registering, they were much more likely to vote.

Was it reasonable to expect that, once 90% or more of the adult population was registered to vote, turnout would climb to 85%? Such an expectation was based on acceptance of the Census estimate of the turnout rate among registrants, which was higher than the figures provided by state election officials. A lively debate on the relative accuracy of the Census and state election figures ensued in PS (Piven and Cloward, 1989; Bennett 1990; Piven and Cloward 1990; Gans 1990); it is sufficient for my purposes here to conclude that the turnout rate of registered persons is 20-30 percentage points higher than that of eligible voters. It is also likely that as registration becomes more automatic, the rate at which registered voters vote may decline. Those who registered when more personal initiative was required did so because they intended to vote; those who registered in the course of completing some other transaction with a government agency may not have the same motivation.

Since the NVRA went into effect in January 1995, there have been two federal elections; the presidential election in 1996, and the mid-term congressional election in 1998. What early signs do these elections give us of how successful the NVRA will be in raising turnout?

Certainly it has been immensely successful in registering more voters. Nationally, registration climbed to 76.3% in 1996, 5.7 points over 1992, and 8.6

points over 1994. Looking only at the states which had implemented the NVRA, registration was 77.7%, up 6 points from 1992 (FEC 1997a: 11). (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming are exempt, and Vermont had not yet implemented the NVRA by the time of the 1996 election.) The increase in registration between 1992 and 1996 was greater than the increase between 1988 and 1992. While the voting-age population (VAP) grew 4.1% between 1988 and 1992, and 3.7% between 1992 and 1996, registration grew 11.97% between 1992 and 1996, markedly greater than the 5.88% increase between 1988 and 1992. By 1998, the registration rate climbed to 77.98%, 10 points more than 1994. Although registration rates usually dip between presidential election years, the 1998 rate was 1.7 points higher than the 1996 rate.

National turnout figures are not as promising. Turnout in 1996 was 49.1%, down six percentage points from 1992, when the turnout was 55.1%. It was lower in every state, although the declines ranged from less than 1.5 points in Hawaii to nearly 10 points in Vermont and Wisconsin. As in 1996, turnout in 1998 was lower than in the previous comparable election.

Nationally, turnout in the 1998 election was 36.4; it was 2.38 percentage points lower than in 1994, when turnout was 38.78 (www.fec.gov).

However, some states implemented the NVRA earlier or more fully than others. Two studies which compared the registration and turnout rates of states where significant reform occurred with those where it had not both concluded that turnout would have declined more in the 1996 election had

the NVRA not been enacted (Knack, 1999, Groarke, 1997). The advocates of voter registration reform did not, however, expect that registration reform would by itself radically change participation rates. To them, it seemed obvious that registration difficulties were an obstacle to participation, and one that the government could easily remove. They did not think that it was the only obstacle; clearly people needed to be motivated, or mobilized, to vote. Removing registration barriers might allow those committed to improving participation to redirect their resources to the other parts of the puzzle. Jim Dickson said in an interview, "I guesstimate that since 1964, there's been about \$10 million spent every 2 years on essentially registering the same people to vote. . . . That money and talent and effort could be put into figuring out how to get people to vote" (Dickson, 1997).

As full implementation of the NVRA makes it possible to assume that almost every eligible citizen is registered, those organizations that have previously invested their resources in registering voters should be able to focus on helping citizens identify reasons to participate, and the information they need to participate intelligently. Political parties and candidates might also see less risk, and more gain, in appealing to registered but inactive or infrequent voters.

The political impact of NVRA cannot yet be decisively determined. However, the last two elections make us more aware than ever that numerous factors influence turnout, and we cannot expect increased registration alone to have a large impact on turnout. Having a greater

proportion of the population registered offers opportunities for candidates, parties and organizations both partisan and non-partisan to mobilize voters should they choose to do so. Entrepreneurial candidates or parties, who attempt to appeal to those who have been only marginally active in the past, will demonstrate the NVRA's true potential for increasing turnout.

Appendix A. Interviews

Steve Barr, Rock the Vote, October 1999. By Jordan Moss

Mark Bateman, staff to Senator Mark Hatfield, January 1990.

Julie Braverman, staff to Dan Rostenkowski, January 1990.

Mary Brooks, League of Women Voters, 1996.

Jo-Anne Chasnow, Associate Director, Human SERVE. 1996.

David Cohen, Advocacy Institute. 1999.

Sara Coleman, Staff to Pat Roberts (R-KS), 1990.

Richard Cloward, November 1998.

Linda Davidoff, Executive Director of Human SERVE, 1984-1988. November 17, 1998.

Jim Dickson, Disabled and Able to Vote Dec. 11, 1997.

Abe Frank, Election Center.1990.

Emmett Fremaux, former director of Elections for Washington DC.

Eddie Hailes, Washington Bureau Counsel, NAACP 1989-94. 1997, 2000.

Eric Kleinfeld, Elections Counsel to the House Elections Subcommittee [after Karl Sandstrom left], 1997.

Sonia Jarvis, Executive Director, National Coalition on Black Voter Participation. 1990.

Robin Leeds, Massachusetts Field Staff, Human SERVE, November 1984.

Mark Mackie, Counsel to the [Republican] Minority, Senate Rules Committee. 1990.

David Minton, staff to Senator Gale McGee. 1999, 2000.

Richard Moe, Chief of Staff, Vice President Walter Mondale, 1977-80. 1998.

Jeri Rasmussen, Washington Staff, Human SERVE, 1987-88. January 20, 2000.

Karl Sandstrom, Elections Counsel to the House Elections Subcommittee. 1990, 1996.
(two interviews, one in 1990, one in 1996).

Tara Somerville, Legislative Assistant to Senator Mitch McConnell. 1990.

Herb Stone, Staff, House Elections Subcommittee. 1996.

Al Swift, Chair of House Subcommittee on Elections, D-WA. 1999

**Appendix B. List of Organizations Endorsing the Universal
Voter Registration Act of 1988**

Organization

A. Philip Randolph Institute
 Amalgamated Clothing and Textile Workers Union
 AME Zion Church — Department of Home Mission, Pension and Relief
 American Association of Homes for the Aging
 American Association of Retired Persons
 American Association of University Women
 American Baptist Churches, USA
 American Civil Liberties Union
 American Council of the Blind
 American Ethical Union — Washington Ethical Action Office
 American Federation Labor - Congress Industrial Organizations (AFL-CIO)
 American Federation of Government Employees
 American Federation of State, County, and Municipal Employees
 American Federation of Teachers
 American Foundation for the Blind
 American Jewish Committee
 American Jewish Congress
 American Medical Student Association
 American Nurses Association
 American Postal Workers Union
 American Public Health Association
 American Veterans Committee
 American Youth Work Center
 Americans for Democratic Action
 Association of Community Organizations for Reform Now (ACORN)
 B'nai B'rith Women
 Catholics for a Free Choice
 Center for Community Change
 Center for Constitutional Rights
 Center for Science in the Public Interest
 Child Welfare League of America
 Children's Defense Fund
 Church of the Brethern — Washington Office
 Churchs Voter Registration Project
 Citizen Action
 Citizen's Leadership Foundation
 Citizenship Education Fund
 Clean Water Action Project
 Clergy and Laity Concerned
 Coalition of Labor Union Women
 Coalition on Human Needs
 Communication Workers of America
 Consumer Federation of America
 Delta Sigma Theta Sorority, Inc.
 Democracy Project
 Disability Rights Education And Defense Fund, Inc.
 Disabled but Able to Vote
 Displaced Homemakers Network

Organization

Endependence Center of Northern Virginia, Inc.
 Federally Employed Women
 Federation Of Organizations For Professional Women
 Food Research and Action Center
 Friends Committee On National Legislation
 FrontLash
 Goodwill Industries of America
 Hadassah, Women's Zionist Organization Of America
 Human Rights Campaign
 Human SERVE Fund
 Industrial Union Department, AFL-CIO
 Int'l Union of Bricklayers
 International Association of Machinists
 International Ladies Garment Workers Union
 International Union of Electronic Workers
 Iota Phi Lambda Sorority, Inc.
 Japanese American Citizens League
 Jobs with Peace Campaign
 Labor Council For Latin American Advancement
 Lawyers' Committee for Civil Rights Under the Law
 Leadership Conference on Civil Rights
 League of Rural Voters Education Project
 League Of United Latin American Citizens (LULAC)
 League of Women Voters Education Fund
 Mental Health Law Project
 Mexican-American Legal Defense Fund
 Midwest Voter Education Project
 Na'Amat — USA
 NAACP—Legal Defense Fund
 National Abortion Rights Action League
 National Association Of Community Health Centers
 National Association of Gay & Lesbian Demo. Ca
 National Association of Letter Carriers
 National Association Of Negro Business & Professional Women's Club
 National Association of Social Workers
 National Association of the Deaf
 National Black Caucus of State Legislators
 National Black Lay Caucus
 National Black Leadership Roundtable
 National Catholic Conference For Interracial Justice
 National Coalition of Hispanic Health & Human Service Agencies
 National Committee Against Discrimination In Housing
 National Community Action Agency Executive Directors Association
 National Conference of Christians & Jews, Inc.
 National Congress For Community Economic Development
 National Congress of American Indians
 National Council Of Catholic Women
 National Council Of Jewish Women

Organization

National Council of La Raza
 National Council of Senior Citizens
 National Education Association
 National Farmer's Union
 National Federation Of Temple Sisterhood
 National Gay & Lesbian Task Force
 National Legal Aid & Defender Association
 National Low Income Housing Coalition
 National Neighborhood Coalition
 National Office For Black Catholics
 National Organization for Women
 National Organization on Disability
 National Rainbow Coalition
 National Sorority Of Phi Delta Kappa, Inc.
 National Student Campaign for Voter Registration
 National Urban Coalition
 National Urban League
 National Women's Political Caucus
 Network: Catholic Social Justice Lobby
 Newspaper Guild
 Oil, Chemical and Atomic Workers
 Organization Of Chinese Americans, Inc.
 Paralyzed Veterans of America
 Parents Without Partners
 People for the American Way
 Phi Beta Sigma Fraternity, Inc.
 Planned Parenthood Federation of America
 Progressive Chicago Area Network
 Progressive National Baptist Convention, Inc.
 Project Equality, Inc.
 Project Vote
 Public Citizen's Congress Watch
 Public Employee Department — AFL CIO
 Puerto Rican Legal Defense and Education Fund
 SANE/Freeze
 Service Employees International Union
 Society for the Advancement of Ambulatory Care
 Southern Poverty Law Center
 Southwest Voter Registration and Education Project
 Synagogue Council of America
 Synagogue Council Of America
 Unemployed and Poverty Action Council, UPAC
 Union of American Hebrew Congregations — Religious Action Center
 Unitarian Universalist Association
 United Auto Workers
 United Church of Christ — Office of Church in Society
 United Food and Commercial Workers
 United Methodist Church Bd of Global Ministry

Organization

United Methodist Church, Women's Div.
United Mine Workers Of America
United Neighborhood Centers of America
United States Conference of Mayors
United States PIRG
United States Student Association
United Steelworkers of America
Wider Opportunities for Women
Women Equity Action League
Women's League for Conservative Judaism
Youth for Democratic Action
YWCA of the U.S.A., National Board

Appendix C. Organizations Endorsing the National Voter Registration Act of 1993

Affiliated Leadership League of and for the Blind of America
AFL-CIO
American Association of Retired Persons
Amalgamated Clothing and Textile Workers Union
American Baptist Churches USA
American Bar Association
American Civil Liberties Union
American Council of the Blind
American Ethical Union/Washington Ethical Action Office
American Federation of State, County and Municipal Employees
American Federation of Teachers
American Jewish Congress
American Nurses Association
American Speech-Language-Hearing Association
Americans for Democratic Action, Inc.
Association of Community Organizations for Reform Now
Association for the Education and Rehabilitation of the Blind and Visually Impaired
Blinded Veterans Association
Center for Community Change
Center for Policy Alternatives
Central Conference of American Rabbis
Church of the Brethren-Washington Office
Church Women United
Citizen Action
Citizenship Education Fund
Coalition of Labor Union Women
Common Cause
Commonwealth of Puerto Rico
Communication Workers of America
Consortium of Citizens with Disabilities Task Force
Council of State Administrators of Vocational Rehabilitation
Disability Focus
Disabled American Veterans
Disabled AND Able to Vote
Federally Employed Women
Federation of Reconstructionist Congregations and Havurot
Human Rights Campaign Fund
Human SERVE
INTERFAITH IMPACT for Justice and Peace
International Association of Machinists
International Ladies Garment Workers Union

League of United Latin American Citizens
Learning Disabilities Association
Lutheran Office for Governmental Affairs
Mexican American Legal Defense and Education Fund
Midwest/Northeast Voter Registration Education Project
NAACP-Washington Bureau
NAACP Legal Defense and Education Fund
National Association of Developmental Disabilities Councils
N.Y.C. Latino Voting Rights Committee
National Association for Black Veterans
National Association of Protection and Advocacy Systems
National Association of Latino Elected and Appointed Officials
National Association of Recording Merchandisers
National Association of Rehabilitation Facilities
National Association of Social Workers
National Center for Law and Deafness
National Coalition on Black Voter Participation
National Community Action Foundation
National Congress of American Indians
National Council of the Churches of Christ in the U.S.A.
National Council of Jewish Women
National Council of La Raza
National Council of Senior Citizens
National Council on Independent Living
National Education Association
National Network of Learning Disabled Adults
National Organization on Disability
National Puerto Rican Coalition
National Urban League
Paralyzed Veterans of America
People for the American Way Action Fund
Planned Parenthood Federation of America
Presbyterian Church (USA)
Project VOTE!
Service Employees International Union
Southwest Voter Registration and Education Project
Southwest Voter Research Institute
The Association for People with Severe Handicaps
20-20 Vision/National Project
Union of American Hebrew Congregations
Unitarian Universalist Association
United Auto Workers
United Cerebral Palsy Association
United Church of Christ
United Food & Commercial Workers International Union
United Methodist Church

U.S. Catholic Conference
United States Conference of Mayors
United States Public Interest Research Group
United States Student Association
World Institute on Disability

Appendix D. Text of H.R.2

One Hundred Third Congress
of the
United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday,
the fifth day of January, one thousand nine hundred and ninety-three

An Act
To establish national voter registration procedures for Federal elections, and
for other purposes.

Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Voter Registration Act of 1993'.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS-** The Congress finds that--

(1) the right of citizens of the United States to vote is a fundamental
right;

(2) it is the duty of the Federal, State, and local governments to
promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can
have a direct and damaging effect on voter participation in elections for
Federal office and disproportionately harm voter participation by various
groups, including racial minorities.

(b) **PURPOSES-** The purposes of this Act are--

(1) to establish procedures that will increase the number of eligible
citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to
implement this Act in a manner that enhances the participation of eligible
citizens as voters in elections for Federal office;

- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act--

- (1) the term `election' has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));
- (2) the term `Federal office' has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));
- (3) the term `motor vehicle driver's license' includes any personal identification document issued by a State motor vehicle authority;
- (4) the term `State' means a State of the United States and the District of Columbia; and
- (5) the term `voter registration agency' means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL- Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office--

- (1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;
- (2) by mail application pursuant to section 6; and
- (3) by application in person--
 - (A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and
 - (B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES- This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL- (1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION- No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES- (1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license--

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to--

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that--

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application--

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) **CHANGE OF ADDRESS-** Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) **TRANSMITTAL DEADLINE-** (1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM- (1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS- The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS- (1) Subject to paragraph (2), a State may by law require a person to vote in person if--

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person--

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES- If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail

and is returned undelivered, the registrar may proceed in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION- (1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies--

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include--

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability

at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not--

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall--

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance--

(i) the mail voter registration application form described in section 9(a)(2), including a statement that--

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes--

(i) the question, 'If you are not registered to vote where you live now, would you like to apply to register to vote here today?';

(ii) if the agency provides public assistance, the statement, 'Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.';

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), 'IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.';

(iv) the statement, 'If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.'; and

(v) the statement, 'If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with XXXXXX.', the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION-**
All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **ARMED FORCES RECRUITMENT OFFICES-** (1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) TRANSMITTAL DEADLINE- (1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL- In the administration of voter registration for elections for Federal office, each State shall--

(1) ensure that any eligible applicant is registered to vote in an election--

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except--

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of--

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of--

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION- Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office--

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS- (1) A State may meet the requirement of subsection (a)(4) by establishing a program under which--

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that--

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude--

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS- (1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant--

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD- (1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant--

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION- In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT- (1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include--

- (A) the name of the offender;
 - (B) the offender's age and residence address;
 - (C) the date of entry of the judgment;
 - (D) a description of the offenses of which the offender was convicted;
- and
- (E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall

provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES- (1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

Sec. 3629. Reduced rates for voter registration purposes

'The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.'

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out **'and 3626(a)-(h) and (j)-(k) of this title,'** and inserting in lieu thereof **'3626(a)-(h), 3626(j)-(k), and 3629 of this title'**.

(3) Section 3627 of title 39, United States Code, is amended by striking out **'or 3626 of this title,'** and inserting in lieu thereof **'3626, or 3629 of this title'**.

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

'3629. Reduced rates for voter registration purposes.'

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES- (1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in

subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION- For the purposes of this section, the term 'registrar's jurisdiction' means--

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL- The Federal Election Commission--

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM- The mail voter registration form developed under subsection (a)(2)--

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that--

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application--

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL- The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION- (1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal

office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES- In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS- (1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office--

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for--

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by--

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect--

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of--

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

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