

REGISTERING THE YOUTH THROUGH VOTER PREREGISTRATION*

Michael P. McDonald†

Matthew Thornburg††

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INTRODUCTION

Young Americans are less likely to vote than older Americans.¹ During the 2008 presidential election, the turnout rate for citizens age eighteen to twenty-four was twenty percentage points lower than citizens age sixty-five and older.² There is considerable interest among policy makers and advocates to devise solutions to low civic engage-

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† Michael P. McDonald is an Associate Professor of Government and Politics at George Mason University and a non-resident Senior Fellow at the Brookings Institution.

†† Matthew Thornburg is a Ph.D. candidate of Political Science at George Mason University.

1. See, e.g., RAYMOND E. WOLFINGER & STEPHEN ROSENSTONE, WHO VOTES? 37–60 (1980); Jan E. Leighley & Jonathan Nagler, *Socioeconomic Class Bias in Turnout, 1964–1988: The Voters Remain the Same*, 86 AM. POL. SCI. REV. 725, 733–34 (1992).

2. See THOM FILE & SARAH CRISSEY, U.S. CENSUS BUREAU, P20-562, VOTING AND REGISTRATION IN THE ELECTION OF NOVEMBER 2008 4 (2010), <http://www.census.gov/prod/2010pubs/p20-562.pdf>. According to this report, the turnout rate in the 2008 presidential election for American citizens age eighteen to twenty-four was 49%, for citizens age twenty-five to thirty-four it was 57%, for citizens age thirty-five to forty-four it was 63%, for citizens age forty-five to fifty-four it was 67%, for citizens age fifty-five to seventy-four it was 72%, and for citizens age seventy-five and older it was 68%.

ment among youth for two primary reasons. First, if young people were to vote at the comparably higher rates of older persons, the national turnout rate would increase dramatically, placing the United States' voter participation level more on par with rates of other developed democracies.³ Second, since elected officials are responsive to those that elect them, injecting more young voters into the American electorate would likely increase government responsiveness to issues of concern to America's youth.⁴

A contributing factor to low voter turnout—including among young people—is the United States' voter registration system. In all states except North Dakota, voting is a two-step process. An eligible person must first register some period of time prior to the election before he or she is allowed to vote. Those who are registered are thus naturally more likely to vote than those who are not.⁵ Voter registration rates among young citizens in the 2008 presidential election lagged behind that of older citizens by as much as nineteen percentage points.⁶

Various reforms have been enacted to mitigate the costs of voter registration, generally. One such reform was the National Voter Registration Act of 1993 (NVRA), a statute designed to increase the number of persons on the voter registration rolls by enabling individuals to register when they obtained their driver's licenses or visited a public assistance office.⁷ The NVRA was predicted to have a substantial positive effect on voter turnout rates.⁸ However, the actual effect on turn-

3. See, e.g., MARK FRANKLIN, *VOTER TURNOUT AND THE DYNAMICS OF ELECTORAL COMPETITION IN ESTABLISHED DEMOCRACIES SINCE 1945* (2004).

4. See generally DAVID R. MAYHEW, *CONGRESS: THE ELECTORAL CONNECTION* 39–45 (1974). The view that representatives can use their best judgment to make policy decisions irrespective of the public will is often associated with Edmund Burke. See 1 EDMUND BURKE, *THE WORKS OF THE RIGHT HONOURABLE EDMUND BURKE* 446–48 (Henry G. Bohn, 1854).

5. See, e.g., WOLFINGER & ROSENSTONE, *supra* note 1, at 65–72; Robert S. Erikson, *Why Do People Vote? Because They Are Registered*, 9 AM. POL. Q. 259, 271 (1981). See generally Richard J. Timponi, *Structure, Behavior, and Voter Turnout in the United States*, 92 AM. POL. SCI. REV. 145 (1998).

6. See FILE & CRISSEY, *supra* note 2, at 4. Registration rates for persons age eighteen to twenty-four was 59%, for citizens age twenty-five to thirty-four it was 66%, for citizens age thirty-five to forty-four it was 70%, for citizens age forty-five to fifty-four it was 74%, for citizens age fifty-five to sixty-four it was 77%, for citizens age sixty-five to seventy-four it was 78%, and for citizens age seventy-five and older it was 77%.

7. See 42 U.S.C. § 1973gg (2006).

8. See, e.g., FRANCES FOX PIVEN & RICHARD A. CLOWARD, *WHY AMERICANS DON'T VOTE* 217–22 (1988); WOLFINGER & ROSENSTONE, *supra* note 1, at 72–78; Peverill Squire, Raymond E. Wolfinger & David P. Glass, *Residential Mobility and Voter Turnout*, 81 AM. POL. SCI. REV. 45, 57 (1987) (arguing that tying registration to

out and the demographic composition of the electorate was minimal,⁹ perhaps because the law was not implemented as fully as intended.¹⁰ A second reform is Election Day Registration, a program allowing eligible persons to register and vote at their polling places in one stop. This reform has received considerable attention, and is shown consistently to be related to higher turnout rates.¹¹

A third reform that has attracted recent attention is preregistration, a policy that enables eligible persons as young as sixteen to register so that they will be on the registration rolls and ready to vote when they turn eighteen. Florida¹² and Hawaii¹³ implemented preregistration in 1972 and 1977, respectively. Beginning in 2008, California, Maryland, North Carolina, Oregon, Rhode Island, and Wyoming implemented preregistration programs as well.¹⁴ These preregistration laws are distinguished from state laws that permit seventeen-year-olds to register, and in some cases participate in primaries, if they will turn eighteen by the general election. Preregistration, on the other hand, allows a young person to register when he or she attains a required age

the change of address filing with the post office would reduce the effect of mobility on voter turnout).

9. See Benjamin Highton, *Easy Registration and Voter Turnout*, 59 J. POL. 565, 573–74 (1997) (predicting only a modest effect on voter turnout); Stephen Knack, *Does ‘Motor Voter’ Work? Evidence from State-Level Data*, 57 J. POL. 796, 808 (1995) (predicting the “relatively minor” impact of many provisions of the NVRA).

10. See Benjamin Highton & Raymond E. Wolfinger, *Estimating the Effects of the National Voter Registration Act of 1993*, 20 POL. BEHAV. 79, 79–80 (1998). Project Vote is a lead organization that advocates and litigates for full implementation of the NVRA. See PROJECT VOTE, <http://www.projectvote.org/> (last visited May 20, 2010).

11. See, e.g., Highton & Wolfinger, *supra* note 10; Michael P. McDonald, *Portable Voter Registration*, 30 POL. BEHAV. 491, 491 (2008); Staci L. Rhine, *An Analysis of the Impact of Registration Factors on Turnout in 1992*, 18 POL. BEHAV. 171, 176 (1992).

12. See FLA. STAT. ANN. § 97.041(5)(b) (West 2002); see also Registration to Vote—Prior to Attaining 21st Birthday—Residence Requirements, Op. Att’y Gen. 70–91 (1970) (demonstrating Florida’s long tradition of allowing eligible persons to register the year before they are eligible to vote). In 2007, Florida amended its law to extend preregistration to persons as young as fifteen years old who possessed a valid drivers’ license. This law was amended again in 2008 to change the eligible age for preregistration to sixteen and the driver’s license requirement was removed.

13. See HAW. REV. STAT. ANN. §11-12(b) (LexisNexis 2008).

14. CAL. ELEC. CODE § 2106 (West 2010) (adopting preregistration for sixteen-year-olds in 2009); MD. CODE ANN., ELEC. LAW § 3-102 (ii) (West 2010) (adopting preregistration for sixteen-year-olds in 2010); N.C. GEN. STAT. ANN. § 163-82.1 (West 2009) (adopting preregistration for sixteen-year-olds in 2009); OR. REV. STAT. § 247.016 (2009) (adopting preregistration for seventeen-year-olds in 2007); WYO. STAT. ANN. § 22-3-102 (2009) (adopting preregistration for sixteen-year-olds in 2009). In 2009, the Rhode Island legislature overrode the governor’s veto to adopt preregistration for sixteen-year-olds. 2010 R.I. Gen. Laws Adv. Legis. Serv. 17-9.1-33 (West).

rather than tying his or her eligibility directly to attaining voting age prior to a specific election. Thus, preregistration drives can be designed to operate on an ongoing basis, even when there is no scheduled election.

The dynamics of states' registration systems suggest that preregistration may increase youth voter turnout. First, voter registration disfranchises first-time voters who miss a registration deadline because they are unfamiliar with the registration system. Under a preregistration program, youths who become eligible to vote in their first election will already be registered and familiar with the voting system. Second, since many state and local campaigns do not have resources to conduct large-scale voter registration drives, they target persons already registered to vote for their persuasion and voter mobilization efforts, which are known to increase turnout.¹⁵ Therefore, preregistered youths will become part of the target population. Third, youths who are not yet eligible to vote may not feel they have a reason to engage themselves in local and national politics. Therefore, youth participation may be further stimulated when election and school officials tie preregistration activities to a civics education curriculum.¹⁶

On the other hand, there are also reasons to be skeptical that preregistration programs will increase youth voter turnout. People register to vote when they are interested in voting.¹⁷ A sixteen-year-old who preregisters may have no intention to vote in future elections, and those sixteen-year-olds who do intend to vote would have otherwise registered when they became eligible to vote.¹⁸ Further, many sixteen-year-olds may later leave their high school home address for college, military service, or another reason. These transients who preregister may need to re-register at their new home address. If the habit of voting is firmly established early in life, an individual who preregisters but then has to "sit out" a major election because he or she is not yet

15. See, e.g., Alan S. Gerber & Donald P. Green, *The Effects of Canvassing, Telephone Calls, and Direct Mail on Voter Turnout: A Field Experiment*, 94 AM. POL. SCI. REV. 653, 662 (2000).

16. See Kevin Milligan, Enrico Moretti & Philip Oreopoulos, *Does Education Improve Citizenship? Evidence from the United States and the United Kingdom*, 88 J. PUB. ECON. 1667, 1669 (2004).

17. See Erickson, *supra* note 5, at 260.

18. See Knack, *supra* note 9, at 808 (providing an explanation of why the NVRA may not have increased voter turnout, if registering to vote at a driver's license office is not an indicator of an interest in voting); see also James Gimpel, Joshua J. Dyck & Daron R. Shaw, *Election Year Stimuli and the Timing of Voter Registration*, 13 PARTY POL. 351 (2007) (explaining the relationship between registration timing and vote intention).

eighteen may be socialized towards becoming a lifetime non-voter.¹⁹ Finally, if preregistration is promoted by authority figures, rebellious students may be turned off by a message urging them to register and vote.²⁰

What might states expect as they adopt preregistration laws? To answer this question, this article examines preregistration programs in the two states that have implemented these programs for several elections: Florida and Hawaii. Part I relates the legislative history of preregistration laws in these states. In Part II, we describe variation in the implementation of preregistration. In Part III, we analyze voter registration files to investigate the effectiveness of these programs. In the concluding section, Part IV, we make recommendations regarding how to implement preregistration programs.

I.

LEGISLATIVE HISTORY OF PREREGISTRATION IN FLORIDA AND HAWAII

Florida and Hawaii have long-standing traditions of promoting youth voting. Prior to the passage of the Twenty-Sixth Amendment, which lowered the voting age from twenty-one to eighteen, Florida extended voter registration to young people who would become voting age by the next general election.²¹ In 1977 Hawaii adopted a similar law.²² In 1993 Hawaii adopted preregistration for persons age sixteen and older.²³ In 2007 Florida followed suit and adopted a similar law that expanded preregistration for seventeen-year-olds to include fifteen- and sixteen-year-olds who possessed a valid driver's license. This law appears to have been intended to fill a perceived implementation gap in the NVRA.²⁴ Fifteen-year-olds who received a driver's license were not required under Florida law to renew their license for up to six years. These young people would not be eligible to fill out a voter registration form when they obtained their first license and thus would miss their first opportunity to register via the NVRA. In 2008 Florida's preregistration law was amended to provide equal access to

19. See FRANKLIN, *supra* note 3, at 205.

20. See M. KENT JENNINGS & RICHARD G. NIEMI, *THE POLITICAL CHARACTER OF ADOLESCENCE: THE INFLUENCE OF FAMILIES AND SCHOOLS* 330 (1974).

21. See FLA. STAT. ANN. § 97.041(5)(b) (West 2002).

22. See HAW. REV. STAT. ANN. §11-12(a) (LexisNexis 2008).

23. *Id.* §11-12(b); see S. 17-381, 1st Sess., at 1 (Haw. 1993).

24. *Politics: Registration; Florida May Take Motor Voter Step Further*, N.Y. TIMES, Feb. 25, 2006, at A19.

all young people.²⁵ The driver's license requirement was dropped and the preregistration age was lowered to age sixteen. This change effectively meant that fifteen-year-olds were no longer eligible to preregister. Florida's current law states:

A person who is otherwise qualified may preregister on or after that person's 16th birthday and may vote in any election occurring on or after that person's 18th birthday.²⁶

In 1977 Hawaii adopted a law as part of a broad overhaul of its election code that permitted voter registration for eligible persons who "will be eighteen years of age by the date of the next election."²⁷ All Hawaii state and local elections are held concurrent with the two-year federal election calendar, with only special elections occurring in odd-numbered years. As a consequence of the elections calendar, a sixteen-year-old who would turn eighteen by the next even-year general election would have been eligible to preregister.

Hawaii's current preregistration law was adopted in 1993. The 1993 law began its journey through the legislative process in the Hawaii Senate. A Senate Committee on Judiciary report stated that Senate bill 280 (S.B. 280) as submitted would have extended preregistration to all seventeen-year-olds, and decoupled preregistration from the election calendar.²⁸ The committee received testimony in support of the bill from Hawaii Lieutenant Governor Benjamin J. Cayetano, who was then responsible for administering Hawaii's elections.²⁹ Finding a "need to encourage voter registration at or before the time a person comes of age," the committee took the remarkable step of amending the bill to extend preregistration to anyone, regardless of their age.³⁰ A person would be preregistered as soon as they were born. This version of the bill was unanimously passed in the Hawaii Senate, with four abstentions.³¹

The Senate version was amended in the House. In testimony to the House of Representatives Committee on Judiciary, Hawaii Lieu-

25. Anya Kamentez. *You're 16, You're Beautiful and You're a Voter*, N.Y. TIMES, Feb. 6, 2008, at A19.

26. FLA. STAT. ANN. § 97.041(5)(b) (West 2002).

27. HAW. REV. STAT. ANN. § 11-12(a) (LexisNexis 2008).

28. S. 17-381, 1st Sess., at 1 (Haw. 1993).

29. *Relating to Elections: Hearing on S. Bill 230, S. Doc. 1 Before the H. Comm. on the Judiciary*, 1993 Leg., 1st Sess. 1-2 (Haw. 1993) (statement of Benjamin J. Cayetano, Lieutenant Governor of the State of Hawaii) [hereinafter Cayetano Statement].

30. S. 1-280, 1st Sess., at 1 (Haw. 1993).

31. *Id.* This is similar to registration procedures in countries where the government is responsible for registering voters, often through a national identification card. See FRANKLIN, *supra* note 3.

tenant Governor Cayetano recommended that “preregistration be extended no earlier than 16 years of age” because “permitting preregistration below 16 years of age would impose difficulties due to the burden of maintaining the accuracy of, and ensuring the validity of, preregistrations that could remain on our system for many election cycles.”³² Choosing sixteen as the threshold age for preregistration appears to be consistent with then-current Hawaii voter registration practices, since, as noted, some sixteen-year-olds were theoretically eligible to preregister under the 1977 law.

The final adopted bill reconciling the two chambers’ views reflected Lieutenant Governor Cayetano’s House testimony and amended the Hawaii state code to provide for preregistration as follows:

A person who is otherwise qualified to register and is at least sixteen years of age but will not be eighteen years of age by the date of the next election may preregister upon satisfactory proof of age and shall be automatically registered upon reaching age eighteen.³³

II.

IMPLEMENTATION OF PREREGISTRATION IN FLORIDA AND HAWAII

Florida and Hawaii implement preregistration in a similar manner. Eligible young people can preregister through normal means by obtaining a registration form through an elections office, their local Department of Motor Vehicles, or public assistance office.³⁴ They may also obtain a registration form from a voter registration drive.³⁵ Election administrators in both states have implemented activities specifically designed to encourage young people to take advantage of preregistration. It is in these preregistration activities where the states differ, which illuminates the activities that are most and least successful at preregistering young people.

Florida is a large state with a decentralized election administration. The Florida Division of Elections within the Office of the Secretary of State coordinates statewide election activity.³⁶ However, the state’s sixty-seven county Supervisors of Elections are primarily re-

32. Cayetano Statement, *supra* note 29, at 2.

33. See HAW. REV. STAT. ANN. § 11-12(b) (LexisNexis 2008).

34. See 42 U.S.C. § 1973gg (2006); see also FLA. STAT. ANN. § 97.057 (West 2002); HAW. REV. STAT. ANN. § 11-15.5 (LexisNexis 2008).

35. See FLA. STAT. ANN. § 97.057 (West 2002); HAW. REV. STAT. ANN. § 11-14(e) (LexisNexis 2008).

36. FLA. STAT. ANN. § 97.012 (West 2002).

sponsible for registering voters and conducting elections.³⁷ Supervisors of Elections are required to conduct voter education and outreach activities in each public high school and college campus within their county.³⁸ Additionally, Supervisors of Elections are required to report many of their activities, including their high school outreach activities, to the Florida Office of the Secretary of State.³⁹ Supervisors of Elections have enacted programs that they believe best serve their jurisdiction.⁴⁰ For example, Supervisors of Elections have, on their own initiative and on a voluntary basis, extended their outreach activities to private schools, elementary and middle schools, and juvenile detention facilities.⁴¹

Hawaii, on the other hand, is a relatively small state with a highly centralized election administration. Responsibility for conducting elections throughout the state has been shifted from the Lieutenant Governor's office to the Hawaii Office of Elections.⁴² Processing voter registration applications is the responsibility of city and county clerks.⁴³ However, state law directs that the Hawaii Office of Elections "shall be responsible for the maximization of registration of eligible electors throughout the State."⁴⁴ During 1993 House Committee on Judiciary hearings, the Hawaii League of Women Voters "wholeheartedly" supported preregistration, advocating that "provisions in this bill" would permit outreach to "students in private and public schools."⁴⁵ Yet, there are no specific provisions in the legislation mandating outreach to high school students. The Hawaii Office of Elections conducts preregistration outreach activities in Hawaii's high

37. *Id.* § 98.015.

38. FLA. ADMIN. CODE ANN. r. 1S-2.033 (2009).

39. County Supervisors of Elections are required to submit reports to the Department of State pursuant to section 98.255 of the Florida Statutes. The state describes these activities occurring within an election cycle in a biennial report on voter education programs. See FLORIDA DIVISION OF ELECTIONS, <http://election.dos.state.fl.us/reports/index.shtml> (last visited Apr. 28, 2009) (providing reports for the 2002, 2004, 2006, and 2008 election cycles).

40. The Department of State sets "minimum standards for nonpartisan voter education" among the local jurisdictions. FLA. STAT. ANN. § 98.255(1) (West 2002).

41. Personal communication from Pat Hallorn, former Oskaloosa County Supervisor of Elections and former Oskaloosa County teacher, to author (May 27, 2009) (on file with author); Personal communication from Charmaine Kelly, Deputy Elections Chief, Supervisor of Elections Palm Beach County, to author (May 13, 2009) (on file with author).

42. HAW. REV. STAT. ANN. § 11-1.6 (LexisNexis 2008).

43. *Id.* § 11-11.

44. *Id.* § 11-2(b).

45. *Relating to Elections: Hearing on S. Bill 280, S. Doc. 1 Before the H. Comm. on the Judiciary*, 1993 Leg., 1st Sess. 1 (Haw. 1993) (statement of The League of Women Voters of Hawaii).

schools, known as the Young Voter Registration Program (YVRP), under the auspices of their general mandate to maximize registration of all eligible electors.⁴⁶ Election administrators have tried several different methods over the years to conduct the YVRP.

Election administrators in Florida and Hawaii are tasked with implementing their states' preregistration programs, but there are no clear directives on how to do so. As a result, election administrators have enacted ad hoc programs to conduct preregistration activities, often in conjunction with related civics education programs. These programs include conducting school preregistration drives staffed by election administrators, faculty and student volunteers; holding Rock-the-Vote style school assemblies where students are given registration applications and instructed how to properly fill out the forms; distributing voter registration applications to graduating high school seniors; and tying preregistration to student poll worker programs.⁴⁷

Successful implementation of these programs requires coordination between election and school administrators. Schools run on schedules that may not sync with elections, when increased public interest yields more voter registrations.⁴⁸ Further friction may arise when school administrators place a higher priority on their federal and state educational mandates than on civics education.⁴⁹ Cooperation between election and school administrators, however, can be facilitated when an election administrator previously served as a school official. For example, election administrators in Broward and Oskaloosa counties in Florida found that their former positions as educators were helpful in gaining passage of proclamations by their counties' school boards to promote preregistration drives and related activities.⁵⁰ Communication between election administrators and school administrators, teachers, and students is also facilitated through meetings, letters, and phone calls.⁵¹ Additionally, the size of the jurisdiction and its re-

46. Personal communication from Ciress Cuevo, Voter Services, Office of Elections, State of Hawaii, to author (Feb. 17, 2009) (on file with author).

47. *Id.*

48. See Gimpel, Dyck & Shaw, *supra* note 18, at 368.

49. Interview with Rex Simmons, Voter Services, Office of Elections, State of Hawaii (Feb. 17, 2009) (on file with author).

50. Hallorn, *supra* note 41; Interview with Dr. Brenda Snipes, Broward County Supervisor of Elections (May 13, 2009) (on file with author). Dr. Snipes is also the former principal of C. Robert Markham Elementary School.

51. Telephone Interview with Kherrri Anderson, Martin County Supervisor of Elections office (June 19, 2009) (on file with author); Cuevo, *supra* note 46; Interview with Tonya Edwards, Broward County Voter Education/High School Voter Registration Coordinator (May 13, 2009) (on file with author); Hallorn, *supra* note 41; Interview with Gino Herring, Broward County Voter Education Director (May 13, 2009)

sources affect the implementation strategies available to election administrators. In a large election jurisdiction like the state of Hawaii or a large Florida county, election administrators may need to employ less face-to-face contact than in a smaller jurisdiction. This variation underscores that there is no single preregistration strategy that will be effective for all jurisdictions. Election administrators must work with school officials to devise a program that fits within their schedule and educational goals.

The most common method of school outreach is a voter registration drive where election administrators, volunteer teachers, or students preregister students during school hours at a table in a high traffic area of the school campus.⁵² These drives may take place at private schools, juvenile detention facilities, and home schools. An elections office in a large jurisdiction does not have the staff resources to conduct a voter registration drive at every location, so these larger jurisdictions must rely on recruiting volunteers in the schools.⁵³ Election administrators find student volunteers to be effective messengers of the importance of voter registration to their peers.⁵⁴ Election administrators stress the importance of training student volunteers regarding how to conduct a registration drive, and particularly how to verify an application was properly completed to minimize the number of applications rejected for failure to complete all information. Indeed, election administrators find that school registration drives often ultimately yield more completed applications since election administrators often know how to contact a student with an incomplete application. Election officials also distribute swag to remind students and their parents to vote, such as logoed stickers, pencils, candy, cups, t-shirts, wrist bracelets, and backpacks.⁵⁵ Broward and Martin counties in Florida further engage volunteers through a competition to see which school can complete the most registrations.⁵⁶ However, this approach was specifically not implemented in Orange County, where school administrators felt that there was too much competition between their schools.⁵⁷

(on file with author); Kelly, *supra* note 41; Snipes, *supra* note 50; Telephone Interview with Linda Tanko, Orange County Supervisor of Elections office, (June 29, 2009) (on file with author).

52. See sources cited *supra* note 51.

53. See sources cited *supra* note 51.

54. Hallorn, *supra* note 41; Kelly, *supra* note 41.

55. Anderson, *supra* note 51; Edwards, *supra* note 51; Hallorn, *supra* note 41.

56. See sources cited *supra* note 55.

57. Tanko, *supra* note 51.

A preregistration strategy closely related to a voter registration drive is a school assembly or classroom visit by election administrators. These activities may require more coordination than voter registration drives as they must be integrated directly into the class curriculum. In a typical school assembly or classroom visit, registration forms are handed out, election administrators explain how to fill out the forms, and the completed forms are collected on the spot. In 2002, *Sassy Magazine*, a now-defunct teen periodical, conducted student assemblies in Hawaii—complete with musical entertainment—similar to the concerts coupled with voter registration drives organized by MTV’s Rock-the-Vote.⁵⁸ Most student assembly programs and classroom visits are not of this caliber, but they often include civics education elements such as speeches by local elected officials, specially prepared video presentations, or mock elections conducted using actual election equipment.⁵⁹

A less personal method of outreach is distributing registration forms for students to fill out and return on their own. Registration forms may be mailed to graduating seniors using school mailing lists, they may be placed into diploma envelopes, or they may be distributed through other methods, such as placement in a magazine or other media.⁶⁰ All of these methods have been tried, with little reported success. The response rate to a 2006 Hawaii mass mailing to graduating seniors was so low that the Office of Elections decided to discontinue this registration method in favor of other means perceived to yield more preregistrations per dollar spent.⁶¹ This experience is consistent with scholarly work that finds mail voter mobilization drives have a small stimulating effect on voter participation.⁶²

The Hawaii Office of Elections and election administrators in Broward and Palm Beach counties in Florida recruit student volunteers to help conduct their preregistration drives.⁶³ All poll workers in these states must be registered to vote, so preregistration effectively permits jurisdictions to recruit sixteen-year-olds as poll workers.⁶⁴ Local jurisdictions face poll worker shortages, particularly among young

58. Simmons, *supra* note 49.

59. Anderson, *supra* note 51; Hallorn, *supra* note 41; Kelly, *supra* note 41; Tanko, *supra* note 51.

60. Cuevo, *supra* note 46; Kelly, *supra* note 41.

61. Cuevo, *supra* note 46; Kelly, *supra* note 41 (reporting a similar experience from Palm Beach).

62. Gerber & Green, *supra* note 15, at 653.

63. Cuevo, *supra* note 46; Edwards, *supra* note 51; Kelly, *supra* note 41.

64. See FLA. STAT. ANN. § 102.012(2) (West 2002); HAW. REV. STAT. ANN. § 11-72(b)(1) (LexisNexis 2008).

people who are familiar with electronic voting technologies.⁶⁵ These jurisdictions have found student volunteers for preregistration drives to be a fertile source for poll workers.⁶⁶ Student poll workers who earn money for their civic duty may donate the money to their schools and student organizations. For example, Pompano Beach High School held a prom with money generated from Broward County's student poll worker program.⁶⁷

III.

MEASURING THE EFFECTIVENESS OF PREREGISTRATION IN FLORIDA AND HAWAII

In order to measure the effectiveness of preregistration programs, we examined Florida's and Hawaii's statewide voter registration files. Voter files contain a wealth of information such as the registrant's birth date, registration date, a record of elections he or she participated in, and in some states additional information such as gender and race.⁶⁸ These data provide the number of young people who preregister, how many remain on the voter rolls, and how many voted. We obtained Florida's statewide voter registration file from the Florida Secretary of State's Office. Access to Hawaii's voter registration file is restricted for election and government purposes, in accordance with rules adopted by the chief election officer.⁶⁹ Glen Takahashi, Elections Administrator, Office of the City Clerk, City and County of Honolulu, generously provided us with requested summary statistics.

A difficulty in analyzing voter registration files is that they contain many records of people who have since moved from the residence they listed when registering to vote, what is termed "deadwood."⁷⁰ Deadwood registrants may be removed or "purged" from the voter rolls under NVRA provisions if they have notified their local election officials that they have moved, become ineligible, or are non-responsive to a mailed notice from election administrators and have not voted in two federal general elections.⁷¹ Florida's voter registration

65. See *Help American Vote College Program*, UNITED STATES ELECTION ASSISTANCE COMMISSION, http://www.eac.gov/payments_and_grants/help_america_vote_college_program.aspx (last visited Aug. 11, 2010).

66. Cuevo, *supra* note 46; Edwards, *supra* note 51; Kelly, *supra* note 41.

67. Snipes, *supra* note 50.

68. See Michael P. McDonald, *The True Electorate: A Cross-Validation of Voter File and Election Poll Demographics*, 71 PUB. OPINION Q. 588, 592 (2007) [hereinafter *The True Electorate*].

69. See HAW. REV. STAT. ANN. §11-14(b) (LexisNexis 2008); *id.* §11-97.

70. See *The True Electorate*, *supra* note 68, at 589-90.

71. See 42 U.S.C. § 1973gg-6(c) (2006).

file contains only the records of those who were registered at the point in time when a snapshot of the database was created. For elections older than the creation date of a voter file, some registrants will have been purged. We examined three voter files obtained from the Florida Secretary of State's office, created January 2001, February 2005, and May 2009.⁷² These three files have a record of voting in the immediately preceding presidential election. Further, analyzing these files allowed us to observe better those who were placed onto the voter rolls for elections more proximate to the creation of a particular voter file, and by comparing two files we observed the number of purged registrants. We did not have these same issues with the Hawaii voter file since purged records are not truly removed, but are retained within the database.

In Figure 1 (Florida) and Figure 2 (Hawaii) the total number of preregistrations added to the voter registration rolls for a given year is presented.⁷³ For Florida, only seventeen-year-olds were examined for comparability sake, since preregistration had been only available to sixteen-year-olds since 2007 and to fifteen-year-olds in a brief period from 2007 to 2008. Excluding sixteen- and fifteen-year-olds does not greatly affect the analysis since most preregistrations occur among seventeen-year-olds.⁷⁴ For Hawaii, we present statistics for sixteen- and seventeen-year-olds, and additionally provide the number of prer-

72. Voter files may have missing data if counties did not provide information to the state, particularly prior to the federal Help American Vote Act of 2002 mandate to create statewide voter registration lists. Data are available for all counties on the 2005 and 2009 voter files, though voting history data were obtained directly from Lee County to complete coverage for the 2005 voter file. Voter registration records on the 2001 voter file are missing for Calhoun, Glades, and Liberty counties. These are relatively small counties, with combined 2000 Census populations of approximately 20,000 persons, so their exclusion in the 2001 file does not greatly affect the analysis that follows. Records from these counties are analyzed in the 2005 and 2009 voter files.

73. These statistics are calculated by examining the birth date of a registrant on the day that their registration was recorded in a voter file.

74. Few fifteen-year-olds preregistered when they were permitted to do so. The February 2009 Florida voter file records that only twenty-eight applications by fifteen-year-olds were processed in 2008 and that none were processed in 2007. These numbers are not much greater than the yearly single digit number of preregistrations by fifteen-year-olds in previous years, which may be attributable to birth date or registration date data entry errors. In contrast, the number of preregistrations among sixteen-year-olds increased substantially in 2008, the first year that sixteen-year-olds were permitted to preregister. From 2005 to 2006, the number of sixteen-year-old preregistrants increased from 295 to 479. The number rose to 608 in 2007, and then to 9,176 in 2008. We believe that the 295 seemingly-incorrect preregistrations in 2006 (and unreported small numbers for previous years) among sixteen-year-olds are likely caused by data entry errors.

registrations that were initiated by the DMV office and all other registration sources.⁷⁵

FIGURE 1: FLORIDA: TOTAL NUMBER OF PREREGISTRATIONS FOR SEVENTEEN-YEAR-OLDS, 1992–2008

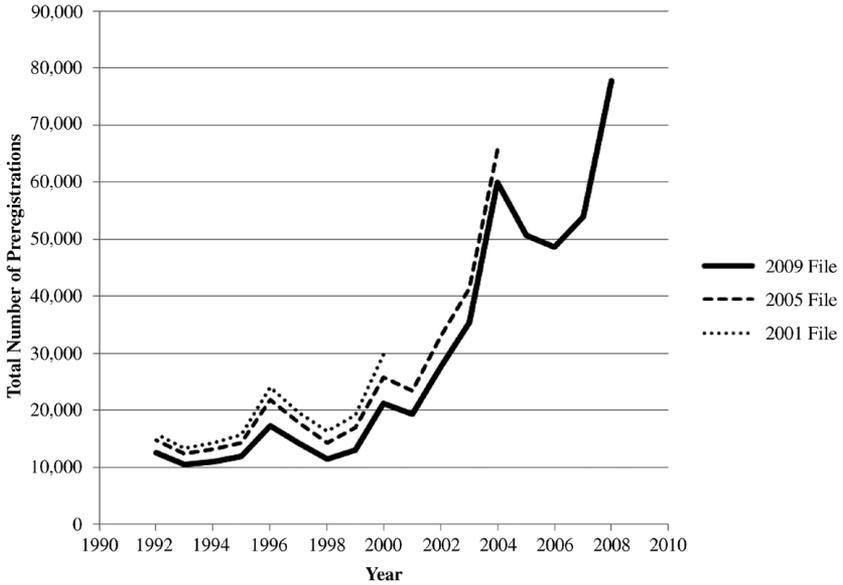


Figure 1 reveals a general upward trend in the number of new preregistrations in Florida over the past decade and a half. Our best estimate indicates that the number of new preregistrations has increased from almost 30,000 in 2000, to a little over 65,000 in 2004, to nearly 78,000 in 2008. This upward trend is consistent with statements of Supervisors of Elections that indicate counties have generally implemented more robust high school outreach programs in recent years, particularly following the 2000 presidential election.⁷⁶ We do not see a similar upward trend for Hawaii,⁷⁷ perhaps because the state has consistently conducted preregistration programs throughout this period.⁷⁸ An upward trend may emerge if we allow that the 2002 Hawaii

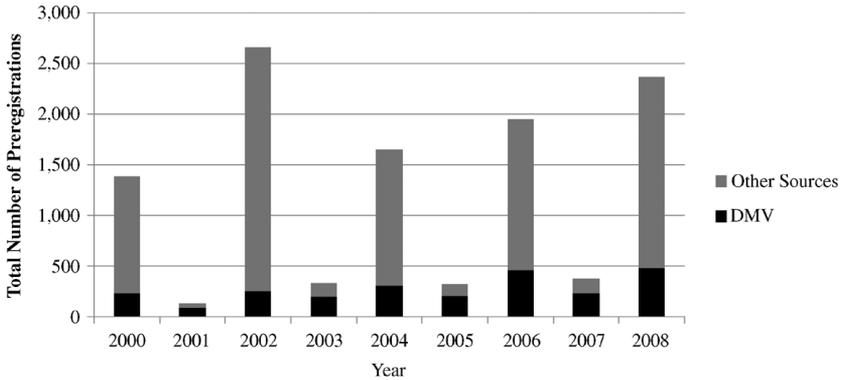
75. Registration source is not available on the public Florida voter registration file. We unfortunately did not request the Hawaii statistics disaggregated by sixteen- and seventeen-year-olds to conduct comparable analysis of seventeen-year-olds as we did for Florida.

76. See sources cited *supra* note 51.

77. See *supra* Figure 2.

78. See Simmons, *supra* note 49. Mr. Simmons has administered Hawaii's preregistration activities since 1993.

FIGURE 2: HAWAII: TOTAL NUMBER OF PREREGISTRATIONS FOR SIXTEEN- AND SEVENTEEN-YEAR-OLDS, 2000–2008



statistics may be an aberration due to Rock-the-Vote style student assemblies hosted by *Sassy Magazine* in that year only.

To estimate the overall participation in these programs, we converted these statistics into percentages of these states' citizen population age seventeen—in the case of Florida—and age sixteen and seventeen—in the case of Hawaii.⁷⁹ In Florida, the preregistration rate among citizens age seventeen has increased from 11% in 1992 to 31% in 2004, to its highest level of 34% in 2008.⁸⁰ Participation in Hawaii's program is lower than Florida, fluctuating from about 1% in an odd-numbered year to between 6–8% in an even-numbered year. When sixteen-year-olds are removed from the denominator of the Hawaii preregistration rate, even though they are eligible to preregister, the rate of citizens seventeen-years-old alone still does not exceed 18%, which is at best about half of the current coverage of Florida's program. Our analysis indicates, therefore, that the majority of eligible young people do not preregister in either of these states.

A pattern clearly evident in both states is that preregistrations tend to rise and fall along with the election cycle. The peak occurs in high stimulus presidential elections, when all segments of the population are more interested in voting. The trough, however, is not consis-

79. We construct an estimate of citizens age sixteen and seventeen by linearly interpolating the Census Bureau's estimate of citizens age sixteen and seventeen from the 2000 Census to the Census Bureau's yearly July 1 population estimates. These estimates are then projected forward to November 1 of a given year. See *Census 2000 Data for the State of Florida*, U.S. CENSUS BUREAU, <http://www.census.gov/census2000/states/fl.html> (last visited May 22, 2010); *Census 2000 Data for the State of Hawaii*, U.S. CENSUS BUREAU, <http://www.census.gov/census2000/states/hi.html> (last visited May 22, 2010).

80. In 2008, 4% of Florida citizens age sixteen preregistered.

tent between these two states. In Florida, a trough is evident in midterm election years—controlling for the general upward trend. In Hawaii, a trough is observed in odd-numbered years and a rebound is observed in even-numbered years. This pattern is most consistent with interest correlated with preregistrations, since Hawaii has no odd-numbered year elections.⁸¹ Similarly, in Florida the bottom of the inter-presidential election trough occurs in midterm elections and not in odd-numbered years where there are no federal or statewide elections.

It may be that the divergent pattern of peaks and troughs is a consequence of choices by election administrators and school officials as to when to devote resources to preregistration programs. In Hawaii, the number of preregistrations initiated at the DMV offices is low and steady.⁸² The low number of DMV-originated preregistrations is consistent with studies that find a low effectiveness of the NVRA.⁸³ The yearly variation in preregistrations is due primarily to other sources, such as YVRP activities. This data suggests that simply enacting a preregistration law without outreach programs will not generate a large number of voter registration applications from young people.

We can assess whether preregistrants remain on the voter rolls or if they register and are then removed once they register elsewhere or fail to vote. In Figure 1, each voter registration file has more preregistrations in a given year than contained in succeeding files. This is due to purging of records. By comparing, in Figure 1, the number of preregistrations recorded on one Florida voter file to an earlier voter file, we observed the number of young people who preregister who are later purged from the voter files. The number of purged preregistrations in a given year is relatively constant, as may be observed from the relatively constant gap between the lines in Figure 1. Our best estimate is that 29% of new preregistrations generated in 2000—as recorded on the 2001 voter file—were purged by 2009, and only 10% of new preregistrations generated in 2004—as recorded on the 2005 vote file—were purged by 2009. These purge rates among preregistrants are only slightly higher than those for persons who registered when they were age eighteen and older.⁸⁴ Hawaii's statistics tell a similar story. By 2009, 25% of the new preregistrations recorded in 2000 were purged from the voter file and 12% of the new registrations

81. *See supra* p. 556.

82. *See supra* Figure 2.

83. *See* Knack, *supra* note 9, at 806; Highton & Wolfinger, *supra* note 10, at 84.

84. Our best estimate is that 26% of new registrations for persons of voting age generated in 1996—as recorded on the 2001 file—were purged by 2009, and 8% of new registrations generated in 2004—as recorded on the 2005 file—were purged by 2009.

recorded in 2004 were purged. Young people who preregister thus appear to remain on the voter registration rolls at rates comparable to other registrants, and are not simply transients who will disappear once they graduate from high school. This data further suggests that preregistration is an effective policy to register non-college students, who have registration rates 18% lower than college students.⁸⁵

By examining voting records we can determine if preregistrants vote, and indeed they do vote at rates comparable to, if not higher than, registrants who did not preregister. In Hawaii, voter turnout—calculated as a percentage of those registered—for young people who preregistered varied between 30–48%.⁸⁶ Our analysis of Florida’s voter registration files reveals turnout rates for those preregistered varied between 38–68%. Further, persons who preregistered in 2008 and were eligible to vote in the election that year had a 2008 general election turnout rate two percentage points higher than persons of the same age who also registered in 2008, but did so after their eighteenth birthday. Similar patterns are evident in 2000 and 2004.⁸⁷ Further analysis finds that people who preregister tend to have persistently higher turnout rates over several elections.⁸⁸

Despite an overall positive turnout effect evident among preregistrants, this effect is not consistent. For persons who register during the three years immediately preceding a presidential election, we observe turnout rates among persons who preregister to be slightly lower than other registrants.⁸⁹ We attribute this effect primarily to persons who

85. The registration rate for full or part-time students, who are citizens age eighteen to twenty-two is 62%. For non-students, it is 44%. These statistics are generated by the authors from Census Bureau 2008 survey data. See FILE & CRISSEY, *supra* note 2.

86. Personal communication from Glen Takahashi, Elections Administrator, Office of the City Clerk, City and County of Honolulu, to author (Feb. 18, 2009) (on file with author).

87. Our analysis of the voter registration files finds that 68% of young people who preregistered in 2008, and who were eligible to vote in the 2008 presidential election, voted in the 2008 election, while 66% of other persons who registered in 2008 voted. In 2004, the rates were 55.3% and 53.3%, respectively. In 2000, the rates were 47.5% and 37.5%, respectively.

88. The 2009 voter file indicates that people who preregistered between 1996 and 2008 had a turnout rate in the 2008 presidential election that was an average of 4.7 percentage points higher than other registrants. According to the 2005 file, the positive differential in the 2004 election among people who preregistered between 1992 and 2004 was 2.0 percentage points. The 2001 file shows the positive differential in the 2000 election among people who preregistered between 1988 and 2000 was 3.6 percentage points.

89. The 2009 voter file indicates that people who preregistered between 2005 and 2007 (inclusive) had a turnout rate in the 2008 presidential election that was an average of 2.0 percentage points lower than other registrants. According to the 2005 file, the negative differential in the 2004 election among people who preregistered between

were purged from the voter registration rolls.⁹⁰ This statistic suggests that there are indeed some young people who preregister and move or otherwise do not vote. However, for those that do remain on the voter registration rolls, preregistration appears to have a lasting positive impact on lifetime voting. This lasting impact could be a consequence of concurrent civics education that emphasizes the importance of voting, or it could be a selection issue of preregistration drives conducted primarily within wealthier communities' schools. These questions may be answered by a survey of those who have preregistered so that it may be determined if the characteristics of those who preregister simply fit those of high propensity voters.⁹¹ We suspect that this is not the simple explanation, as we find that the positive effect of preregistration is greater among African-Americans and Hispanics than the white population. These young minority preregisterants tend to vote at higher rates than white preregistrants.⁹²

IV.

RECOMMENDATIONS

Based on our analysis and conversations with election administrators in Florida and Hawaii, we make the following recommendations:

1. Facilitate face-to-face contact between young people and election administrators or other volunteers. Simply enacting a preregis-

2001 and 2003 was 1.4 percentage points. The 2001 file shows the negative differential in the 2000 election among people who preregistered between 1997 and 1999 was 0.8 percentage points.

90. The 2001 and 2005 voter registration files have unique identifiers for each registered voter which allows us to track purging between these two elections. (Unfortunately, new identifiers were assigned to records in the 2009 file, compared to the 2005 file.) For those who voted in the 2000 general election, we observe that among those who were purged by 2004, that young people who preregistered in these years had turnout rates that were 2.2 percentage points lower than other registrants. Among those who were not purged, those who preregistered had a turnout rate that was 0.2 percentage points lower.

91. See generally WOLFINGER & ROSENSTONE, *supra* note 1; Leighley & Nagler, *supra* note 1.

92. According to the 2009 voter file, African-Americans and Hispanics who preregistered between 1996 and 2008 had turnout rates in the 2008 presidential election that were 5.2 and 5.9 percentage points higher, respectively, than other registrants, compared to 4.7 percentage points among all races. See *supra* note 86. The 2005 file shows the positive differentials in the 2004 election among African-Americans and Hispanics who preregistered between 1992 and 2004 were 3.0 and 4.8 percentage points (compared to 2.0 percentage points among all races). The 2001 file indicates that the positive differentials in the 2000 election among these groups who preregistered between 1988 and 2000 were 3.8 and 2.2 percentage points (compared to 3.6 percentage points among all races).

tration law is insufficient to engage young people to preregister. Registrations distributed by impersonal means such as mail or initiated at a DMV office account for a small number of preregistrations. Young people need to be persuaded to register through a registration drive or a classroom visit. A further benefit of face-to-face contact is that the accuracy and completeness of voter registration applications can be verified when a young person registers, thus ensuring a registration form will be properly processed.

2. Facilitate cooperation and coordination between election and school administrators. Election administrators consistently report achieving the highest levels of success when an active school official liaisons with election administrators. This observation echoes a report that finds that “‘Kids Voting’ [a program designed to encourage parent voting and long-term student civic engagement] programs vary from community to community depending on the amount of volunteer support and the discretion of district administrators and individual teachers.”⁹³ Election administrators have facilitated cooperation with school administrators through resolutions passed by local school boards directing schools to engage with a preregistration program. Without directives, school administrators work to achieve their own goals and may or may not cooperate with election administrators.

3. Mandate preregistration as part of a broader civics education program. Election administrators view preregistration as part of an integrated civics education program that further fosters closer ties between school and election administrators. Election administrators report successfully recruiting students to serve as poll workers through the bridges they build with schools, such as student committees that conduct preregistration drives. As a further payoff, good relations between election and school administrators help ensure that polling places located in schools open on time on Election Day.⁹⁴

4. Solicit cooperation from private schools, juvenile delinquency facilities, and home schools. All eligible preregistrants cannot be found solely in the public school system. Even the most comprehensive outreach program will fail to include all eligible preregistrants, such as those who have dropped out of school. Therefore, other registration means should continue to be made available, such as preregistrations permitted at NVRA agencies.

93. See Michael McDevitt & Spiro Kiouis, *Experiments in Political Socialization: Kids Voting USA as a Model for Civic Education Reform* 12 (The Ctr. for Info. and Research on Civic Learning and Engagement, Working Paper No. 49, 2006).

94. See Herring, *supra* note 51.

5. Respect school administrators' goals and schedules. Election administrators and school administrators work on different calendars which must be negotiated into harmony. What works for election and school administrators in one jurisdiction may not work in another. Election and school administrators should work together to anticipate the electoral calendar. Preregistration is tied to young peoples' interest in the election, especially presidential elections. Ongoing yearly preregistration activities yield applications and appear to have turnout effects. However, the volume of preregistrations increases in presidential election years. Election and school administrators should plan accordingly to meet their anticipated demands.

6. Allow election administrators to design programs for their jurisdiction. One size does not fit all. For example, a large jurisdiction may be able to devote more staff time towards a preregistration program, but will also face the challenge of coordinating a program with many schools. These large jurisdictions may need to design a program that recruits and engages volunteers. A smaller jurisdiction with fewer schools may design a program that relies more on staff visits to schools. The cost structure of different programs may vary widely between jurisdictions implementing similar programs. It is difficult to determine exact costs and benefits beyond anecdotal evidence because most jurisdictions could not provide a per-registration form cost estimate, and the benefits are difficult to measure since they include mandates to provide diffuse benefits such as civic education. Election and school administrators thus need flexibility to design a program that works best for their jurisdiction to meet their goals.

CONCLUSION

Based on our research, we conclude that preregistration in Florida and Hawaii is successful at registering young persons, many whom stay on the voter registration rolls for a long period of time and vote at rates higher than persons who register later in life. This is in contrast to an expectation that preregistrants might simply drop off the voter registration rolls soon after preregistration because they reregistered elsewhere after graduating from high school, failed to vote, or were socialized into becoming non-voters.⁹⁵ There is limited evidence that suggests preregistration has greater benefits for disadvantaged communities, such as African-Americans. In light of recent adoption of preregistration in California, Maryland, North Carolina, Oregon,

95. See FRANKLIN, *supra* note 3, at 63–66; Gimpel, Dyck & Shaw, *supra* note 18, at 352–55; Knack, *supra* note 9, at 802 .

Rhode Island, and Wyoming, we expect other states will follow suit.⁹⁶ Effective implementation of preregistration in these states is therefore paramount to provide the best demonstrative test if preregistration is indeed a useful strategy to register young people and stimulate them to vote.

While we are supportive of preregistration, we are realistic about its potential effects. When we compare turnout rates of those who preregister and those who register through the regular process, we see a modest effect of two to three percentage points in recent elections for those who preregister over those who register after their eighteenth birthday. However, simply passing a preregistration law is not a panacea for lower youth voter turnout. Florida's and Hawaii's programs registered substantially less than a majority of their states' eligible seventeen-year-olds in 2008, a year in which American's interest in voting was the highest since 1964.⁹⁷ In previous years, the preregistration rate has been much less. Thus, the effect on the overall turnout rate in these states has been slight.

We believe that preregistration must be coupled with mandated high school civics education. A key component to implementing a successful preregistration program is cooperation between election administrators and school officials. Yet, election administrators in Florida and Hawaii report only partial success in coordinating with school officials.⁹⁸ Preregistration as a component of mandatory civics education—a strategy that has been successfully implemented by Florida's Broward and Oskaloosa county school boards—aligns the interests of school officials with election administrators in a way that facilitates cooperation. Full penetration of preregistration into all educational facilities may permit us to observe the full potential of preregistration. Further, the message of the importance of voting can be delivered

96. See CAL. ELEC. CODE § 2106 (West 2010) (adopting preregistration for sixteen-year-olds in 2009); MD. CODE ANN., ELEC. LAW § 3-102 (ii) (West 2010) (adopting preregistration for sixteen-year-olds in 2010); N.C. GEN. STAT. ANN. § 163-82.1 (West 2009) (adopting preregistration for sixteen-year-olds in 2009); OR. REV. STAT. § 247.016 (2009) (adopting preregistration for seventeen-year-olds in 2007); WYO. STAT. ANN. § 22-3-102 (2009) (adopting preregistration for sixteen-year-olds in 2009). In 2009, the Rhode Island legislature overrode the governor's veto to adopt preregistration for sixteen-year-olds. 2010 R.I. Gen. Laws Adv. Legis. Serv. 17-9.1-33 (West).

97. Michael P. McDonald, *The Return of the Voter: Voter Turnout in the 2008 Presidential Election*, 6 THE FORUM (2008).

98. See sources cited *supra* note 51. Our interviews were only with election administrators who were willing to speak with us. It may very well be that these election administrators were willing to speak because they were rightfully proud of their preregistration efforts. We may not have interviewed those who have experienced greater difficulty.

face-to-face by civics education rather than relying on young people to discover how to preregister on their own.

The predominant current voter registration system employed in most states leaves young people to figure out how to register themselves. This system does not work well to register young people and induce them to vote, as evidenced by their lower voter turnout.⁹⁹ We believe that preregistration can serve as a means to introduce America's youth to the voter registration process, which will eventually encourage them to become active participants in their democracy. We hope that more states will follow the lead of the growing number of states that have enacted preregistration programs.

99. See FILE & CRISSEY, *supra* note 2, at 4.