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# Automatic Voter Registration:

A Perfect Storm for Voter Fraud

John Fund

# Executive Summary

A revolution is taking place in how Americans are registering to vote. It's called Automatic Voter Registration, and it's happening almost silently state by state.

In states with automatic registration (AVR for short), voters are automatically added to the rolls whenever they have contact with certain state agencies, including the state motor vehicles department, unemployment offices and welfare agencies.

We all want every American who wants to exercise his or her right to vote to be able to have their voice heard at the ballot box. But a deeper look at automatic voter registration reveals it often exacerbates errors on the voter roll and can make it easier to commit fraud.

Twenty-three states as well as the District of Columbia have created automatic voter registration systems since Oregon first adopted the idea in 2016. They represent almost half of the nation's population. Although it's sold as a "good government," "bipartisan" reform, only two of the 23 states that have AVR are considered Republican states: West Virginia and Alaska, while Georgia is a purple state now.

The argument for automatic registration, that it will increase voter participation, is refuted by study after study. The administrative errors and burdens it will raise outweigh any benefit it might bring. All in all, automatic registration will increase fraud and mistakes.

A critical component of election integrity is to have accurate, up-to-date voter rolls. The voter roll is essential to free and fair elections. It tells election officials who is eligible to vote. This includes removing individuals who move, have died and duplicate registrants.

Many states across the country are failing to do this essential voter list maintenance. Research commissioned by the Pew Center on the States a decade ago highlighted the extent of the challenge:

Pew found that approximately 24 million—one of every eight—voter registrations in the United States were no longer valid or are significantly inaccurate. About 2.8 million people were registered in more than one state, and 1.8 million registered voters are dead. In most places it's easy to vote under the names of such people with little risk of detection.

Since then, only a handful of states have improved their procedures so as to make voter rolls more accurate and up-to-date.

# Building Voter Rolls On Stilts

Our current system, based on the 1993 National Voter Registration Act (NVRA), asks individuals interacting with state agencies whether they would like to vote.

In contrast, automatic voter registration registers the person automatically without asking – effectively without their consent – and whether they are eligible to vote or not. It also would register people using information in various existing state and federal government databases, which predictably will lead to the registration of large numbers of ineligible individuals such as aliens and felons, as well as multiple or duplicate registrations of the same individual, both in the same and different states.

For example, think about what happens when a state has both automatic registration and same-day registration.

Same-day registration allows individuals to register and vote on Election Day. Together, they create the perfect storm for registration and voter fraud. People could go to multiple voting sites, register, and vote without being detected. People can vote multiple times because they are registered multiple times. Bad actors can find the ineligible or duplicate voters and vote their ballots.

Automatically registering individuals to vote without their permission also violates their basic right to choose whether or not they wish to participate in our political and election process. One of the most cherished liberties of Americans is the right to be left alone by the government.

## States Often Fail To Keep Clean Voter Rolls

Under federal law, the 1993 National Voter Registration Act and the 2002 Help America Vote Act require states to maintain accurate voter lists.

Nonetheless, some state politicians ignore this law. In 2017, Democratic Governor Terry McAuliffe of Virginia vetoed a measure mandating investigations of elections in which ballots outnumbered eligible voters.

Even more suspiciously, when then-GOP Governor Rick Scott tried to obey these laws and update Florida's records, including deleting 51,308 deceased voters, Obama's Justice Department sued to stop him.

A major scandal hit Pennsylvania in 2017, after it was revealed that thousands of foreign nationals were registered to vote over two decades while getting their driver's licenses or other forms of state ID.

They were often registered to vote even after they told Pennsylvania election officials they were not a United States citizen by checking a citizenship box "No."

Those foreign nationals who unwittingly register or are registered by the government by mistake have their immigration status jeopardized. These mistakes can even lead to deportation. State Department officials identified more than 100,000 registered voters in Pennsylvania who might lack U.S. citizenship. Whatever the actual number, there no denying it was a real problem since effectively the only thing preventing non-citizens from voting is an honor system.

The Public Interest Legal Foundation requested under federal election transparency laws that the State Department provide documents to show their work to identify the 100,000 potential foreign nationals. When Torres refused the request, the foundation sued in federal court. Torres himself was forced to resign as more details on the scandal emerged.

But six years later, the commonwealth is still fighting to keep records on what really happened from the public.

## Origins of Automatic Voter Registration

The push for automatic voter registration accelerated after the 2012 presidential election when the leaders of more than three dozen liberal advocacy groups met in Washington, D.C. to plan strategy over election-related issues at an off-the-record meeting that was later leaked.

Two of the group's top three goals was expanding voting rolls by mandating automatic voter registration and same-day voter registration. At the very same time, one of the other agreed-upon goals was to oppose any efforts to improve election integrity through voter ID and proof-of-citizenship requirements.

The head of the Justice Department's Civil Rights Division at the time, Thomas Perez, who later became Labor Secretary and subsequently was head of the Democratic National Committee, said in a speech on November 16, 2012, that "all eligible citizens can and should be automatically registered to vote" by compiling information "from databases that already exist." Perez also claimed that one of the "biggest barriers to voting in the country today is our antiquated registration system."

A month later, at a speech in Boston on December 11, 2012, Attorney General Eric Holder voiced the support of the Obama administration for automatic registration.

Since the Obama Administration gave the green light that AVR was a priority of the Left, the money has flowed from left-wing foundations into the effort. Hayden Ludwig, a researcher with Restoration For America, has traced how millions of dollars has flowed into implementing AVR in the states. Sources include the Tides Foundation and the Joyce Foundation (whose boards once included Barack Obama). Other groups include Belgian billionaire Pierre Omidyar's Democracy Fund and the Carnegie Corporation.

All of the progressive groups those foundations support have made AVR a priority. It's supported by the Brennan Center, the think tank behind many of the Left's most radical election reforms, and the Center

for American Progress, which was headed by John Podesta, the campaign manager for Hillary Clinton's 2016 campaign.

Without AVR, America isn't a "real democracy," claims the Center for Popular Democracy. FairVote, which wants to replace the Electoral College with a national popular vote for president, considers AVR "good for American democracy." Ditto Common Cause, Project Vote and the League of Women Voters.

These groups came together to push multiple bills in Congress to make automatic registration (among other election procedures) a federal mandate on the states. It was a centerpiece of then-Speaker Nancy Pelosi's H.R. 1 election reform bill, the first piece of legislation introduced after Joe Biden's election. H.R. 1 passed the House on a party-line vote, and was only stopped in the Senate when Democratic Senators Joe Manchin and Krysten Sinema opposed ramming it through with only a simple majority in favor.

## The Push for Automatic Registration Is Relentless

America dodged a bullet with the narrow failure of H.R. 1's automatic voter registration mandate. It would have done away with actual voter registration and instead make the voter rolls merely a copy of anyone already on a government list – such as welfare recipients and other social service beneficiaries. The bills would have expanded the scope of such lists to agencies like the Social Security Administration, Department of Defense, Customs and Immigration, and elements of Health and Human Services.

In fact, California election officials had mistakenly automatically registered 1,500 aliens (noncitizens) to vote but were apparently unaware of the error until a Canadian citizen who had been registered, Randal Marquis, went to the Los Angeles Times. An audit discovered that the state's automatic registration system had created nearly 84,000 duplicate registrations in its first five months, introduced inaccuracies into the registration records of 23,000 voters, and failed to correctly register the political party affiliation for 171,000 voters. Illinois has experienced similar problems. In 2020, it was reported that an error in the state's new automatic voter registration system "led to a possible 545 non-U.S. citizens being registered of whom cast ballots."

The aliens had "self-identified" as noncitizens when they applied for a driver's license, yet were registered anyway. What this statistic does not reveal – because Illinois election officials have no idea – is how many aliens either have been registered from state databases that do not inquire into citizenship status or who did not identify themselves as noncitizens. What is particularly ironic about the proposal to automatically register individuals using government databases is that many of the same organizations supporting this concept have opposed it in the past. Many groups have been involved in lawsuits contesting the policies of states to use government databases to verify the citizenship, identity, and accuracy of the information provided by individuals registering to vote.

The Brennan Center, for example, sued Florida in 2007 along with the NAACP and the Advancement Project for running database comparisons on registered voters' information with the state driver's license database or

the Social Security Administration's database. It complained in a press release about "common database errors" and opposed matching as "an error-laden practice."

The Brennan Center and other voting rights groups sued the state of Washington in 2006 claiming that conducting data matching of voter registration information with other government databases violated the Voting Rights Act and the U.S. Constitution and would disenfranchise voters. In fact, the Brennan Center issued a report in 2006 complaining about the supposed "wide variety of common database matching errors" caused by "data entry" mistakes.

Yet now the Brennan Center wants to use those same supposedly inaccurate databases to automatically register voters. Using Federal databases would be no better. There is no question that there are inaccuracies in state databases, including voter registration rolls. Federal databases are also riddled with errors and may, in many instances, be worse than state databases. We have transparency with state registration lists because they are available to candidates, political parties, and the public. But there is no transparency with most federal databases, so election officials and the public have no clear idea how accurate they are.

## Canada's Experience with Automatic Registration

Supporters of a federal mandate for automatic and same-day registration rarely, if ever, mention that Canada has had such a system since 1997. This registration system is administered by Elections Canada, which is responsible for conducting all federal elections and referendums. Canadians are automatically registered from a host of government databases.

But they can also register and vote on Election Day. Yet Canada's automatic registration system has had no effect in increasing turnout. Before the implementation of Canada's new system in 1997, Canadians turned out in larger numbers than Americans. But Canada has seen declines in turnout since the 1970s. In their 2008 election, Canada's turnout of 58.8 percent was lower than the 62.2 percent turnout of the voting age population of the U.S. In their 2011 election, Canada's turnout of 61.6 percent was only slightly higher than the turnout of 58 percent of the voting age population in our 2012 election.

Canadian voters who have been automatically registered by the government give various reasons for not voting that are similar to those identified in the U.S. Census survey: 28 percent were not interested; 23 percent were too busy; and the rest said "they were out of town, ill or didn't like any of the candidates."

The Canadian experience demonstrates that automatic voter registration is no panacea for declining turnout or the unwillingness of individuals to participate in the voting process. Thus, there are many reasons to think that Canada's approach would risk much mischief in our state-administered election system but provide no benefit regarding voter turnout.

# This Isn't The Reform You Are Looking For

A decade ago, a Pew Center on the States study found that one out of eight voter registrations is inaccurate, out-of-date, or a duplicate. Some 2.8 million people are registered in two or more states, and 1.8 million registered voters are dead. Since then, the situation has likely gotten worse – compounded by efforts by the Obama and Biden administrations to stop states from culling inactive or inaccurate lists. Luckily, in 2018 the U.S. Supreme Court ruled against an effort by the Obama Justice Department to block Ohio from removing inactive voters, setting a precedent that those states that want to clean their lists can.

But having lost the battle to stop states from cleaning their voter rolls, the Left has shifted to trying to bloat the rolls with huge amounts of captured data that are often full of errors and mistakes.

Pouring this data from federal and state databases into state voter registration databases would only make the current problems with the databases exponentially worse. Requiring automatic registration from government databases risks the integrity of the election process.

## An “Automatic” Threat to Democracy

The evidence is clear that automatic voter registration does not increase turnout of legal voters, but does increase the risk and opportunity for voter fraud. A much better way to ensure election integrity is to ensure that those who vote are actually legally eligible, they are 18-years old or over, they are a U.S. citizen, they are mentally competent, and that they are voting only once, not multiple times or in multiple jurisdictions. This study documents that in practice, AVR expands the opportunity for voter fraud – and we know that can lead to more illegal voting.

Preventing a legal registered voter from voting is an assault on democracy. But so is allowing people who AREN'T eligible to vote to cast a ballot fraudulently due to lax registration safeguards. When a ballot is counted from an ineligible voter, this effectively disenfranchises legal voters by canceling out their vote.



