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NO-EXCUSE ABSENTEE VOTING: A MEANS TO IMPROVED TURNOUT?

by

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October 2008



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ACKNOWLEDGMENTS

The author wishes to thank Chris Toppe, Senior Manager of Nonprofit Strategy and Consulting at Raffa, P.C., for providing valuable assistance related to the subject matter and methods of this paper.

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INTRODUCTION

After entering circulation in the summer of 2008, a sweeping ballot proposal prepared and supported by the Reform Michigan Government Now! (RMGN) group generated considerable controversy across the State. Included among the numerous provisions of the RMGN proposal were amendments to the State Constitution that would have reduced the size of the Legislature by nearly a third; cut legislators' salaries and benefits; reduced the number of Supreme Court Justices and Court of Appeals judges; and mandated reforms of the State's election processes. Supporters of the RMGN proposal reportedly collected 487,000 signatures, a number sufficient to place it on the November ballot. The petition was challenged in court, however, and the Michigan Court of Appeals ruled that it represented a "general revision" of the State Constitution, permitted only via the "constitutional convention procedure established by Const 1963, art 12, § 3".¹ The Michigan Supreme Court affirmed the result of this ruling, precluding a public referendum on the RMGN proposal. Nonetheless, specific components of the proposal continue to generate significant interest among lawmakers and members of the public.

One such component would have amended Article II, Section 4 of the Michigan Constitution to mandate the universal availability of absentee ballots. Under existing law, a registered voter wishing to obtain an absentee ballot must meet one or more of the following conditions:

- (a) On account of physical disability, cannot without another's assistance attend the polls on the day of an election.
- (b) On account of the tenets of his or her religion, cannot attend the polls on the day of an election.
- (c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.
- (d) Is 60 years of age or older.
- (e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.
- (f) Cannot attend the polls on Election Day because of being confined in jail awaiting arraignment or trial.²

The RMGN amendment would have effectively removed this categorical requirement in favor of affording all registered voters the choice of whether to vote absentee or in-person. On this particular matter, the RMGN proposal reflects ongoing efforts within the Legislature to reform election law and encourage alternative voting mechanisms. Senate Bill 12 and House Bill 4048, both introduced in January 2007, would amend Michigan Election Law to provide all registered voters access to absentee ballots. The House of Representatives passed HB 4048 on September 25, 2008, giving further indication that the issue of no-excuse absentee voting is due for discussion. A more complete assessment of the nationwide trend toward no-excuse absentee voting seems both timely and appropriate as the State of Michigan weighs this reform measure.

BACKGROUND

¹ For additional details, please see http://courtofappeals.mijud.net/documents/OPINIONS/FINAL/COA/20080820_C286734_62_286734.opn.pdf.

² *Michigan Compiled Laws*, § 168.758

Since 1978, 26 states have approved measures providing for the universal availability of absentee ballots. The liberalization of absentee voting eligibility represents an effort by states to reduce the perceived (or actual) inconvenience that may be associated with voting in-person on Election Day. The increasing prevalence of no-excuse absentee voting statutes suggests that many state governments have been persuaded that these policies will stimulate voter turnout. The lack of empirical evidence to support this position remains somewhat conspicuous, however.

The Voting and Registration Supplement to the November 2004 Current Population Survey, a large and comprehensive survey of potential voters, offers a strong preliminary indication of typical voting patterns and behaviors. According to a summary report prepared by the U.S. Census Bureau:

Of the 142 million people who reported that they were registered to vote, 16 million (12 percent) did not vote in the 2004 presidential election. Of these registered nonvoters, 20 percent reported that they did not vote because they were too busy or had conflicting work or school schedules. Another 15 percent reported that they were ill, disabled, or had a family emergency. . . Some other specified reasons for not voting included out of town (9 percent), confusion or uncertainty about registration (7 percent), forgetting to vote (3 percent), and transportation problems (2 percent).³

In light of these findings, it seems reasonable to presume that the majority of nonvoters failed to cast a ballot due to personal commitments or costs; in other words, the choice of whether to vote may be a function of any inconvenience associated with the act of voting. Previous research has suggested that potential voters use a sort of informal cost-benefit analysis when deciding whether to participate in a given election.⁴ If this is the case, then efforts by states to remove restrictions on absentee voting should increase the likelihood of participation by those who otherwise would not cast a ballot. On the other hand, it may be difficult to encourage many nonvoters to participate in the election process, regardless of the voting options that may exist. In order to gain a broader understanding of the trend toward no-excuse absentee voting, it is necessary to conduct a brief review of recent research addressing this matter. The remainder of this article is dedicated to that purpose.

DISCUSSION

Because the widespread availability of absentee ballots represents a relatively recent development in the United States election system, few researchers have attempted to study the apparent link between absentee voting and voter turnout. In the past decade, however, academics and policy professionals alike have expressed a renewed interest in analyzing voting patterns and preferences as a means to comprehend the emerging electorate. The fact that the last two Presidential elections have been decided by extremely small margins undoubtedly has contributed to this resurgence of purposeful curiosity. Additionally, the emergence of new technologies has given states and municipalities the option of conducting popular elections using nontraditional methods.

³ U.S. Bureau of the Census, *Voting and Registration in the Election of November 2004*, Issued March 2006, <http://www.census.gov/prod/2006pubs/p20-556.pdf>

⁴ Raymond E. Wolfinger and Steven J. Rosenstone, *Who Votes?* (New Haven: Yale University Press, 1980), 6-10.

Prior to 1978, when California became the first state to allow universal access to absentee ballots, absentee voting was a rather minor phenomenon typically limited to individuals with preexisting health conditions and members of the armed services. With the liberalization of California's voting law, researchers were afforded an initial opportunity to examine how potential voters would react to the option of voting via absentee ballot. In 1985, researchers Samuel Patterson and Gregory Caldeira examined data collected during the 1978, 1980, and 1982 general elections in California. In addition, these researchers contrasted voting data from California's 1982 gubernatorial election with corresponding data from the 1982 gubernatorial election in Iowa, a state with more traditional restrictions for absentee voting.⁵ While this early assessment did not identify a direct link between no-excuse absentee voting and overall turnout, it provided a compelling case for additional inquiry:

[T]he permissiveness of California's law encourages greater participation in absentia. Moreover, rates of absentee voting, along with political participation generally, vary to a considerable extent across the social gradient. . . [A]lthough absentee voting possesses some of the properties of the more familiar sorts of participation, we now have some reason to believe that it is in certain senses peculiar and in consequence a particularly attractive target for future research.⁶

The first multistate analysis of expanded absentee voting was carried out more than a decade later using voting data from all 50 U.S. states and the District of Columbia collected following the general election of 1992. The study in question relied upon a sophisticated statistical model, which allowed the author to explicitly distinguish variations in voter turnout among states permitting no-excuse absentee voting and those with more traditional restrictions on voting in absentia. J. Eric Oliver, then a Ph.D. candidate at the University of California-Berkeley, summarized his findings as follows:

Liberalized eligibility to cast an absentee ballot increases levels of absentee voting. Absentee liberalization does not, by itself, however, increase overall turnout. It only stimulates overall turnout when it is combined with state party activity...⁷

In the course of his research, Oliver surveyed state party chairpersons in an effort to ascertain whether political parties were active in distributing absentee ballots and/or educational material to prospective voters. Because political parties are often the primary administrators of voter mobilization efforts, Oliver correctly hypothesized that such groups would need to promote actively the range of available voting options in order for alternative voting methods to permeate the public perception. Accordingly, no-excuse absentee voting produced quantifiable increases in voter turnout only when it was coupled with significant efforts to educate potential voters and supply those individuals with absentee ballots.

It is important to note that the voting data utilized by Oliver were collected at a time (1992) when only 10 U.S. states permitted no-excuse absentee voting. By 2004, the number of states

⁵ Samuel C. Patterson and Gregory A. Caldeira, "Mailing in the Vote: Correlates and Consequences of Absentee Voting", *American Journal of Political Science* 29, no. 4 (November 1985): 769-771.

⁶ *Ibid.*, 786.

⁷ J. Eric Oliver, "The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout", *American Journal of Political Science* 40, no. 2 (May 1996): 510.

offering universal access to absentee ballots had risen to 24.⁸ In spite of the striking trend favoring no-excuse absentee voting, a reapplication of Oliver's methods using data from the 2004 general election fails to provide additional support for claims that absentee liberalization will stimulate voter turnout. The absentee ballot has become a more prevalent method of voting in states allowing no-excuse absentee voting, but overall voter turnout has not followed a corresponding pattern:

[T]he impact of universal access to absentee ballots on the incidence of absentee voting is positive and highly significant. A detailed scrutiny of this relationship suggests that voters living in states where absentee ballots are universally available are 8.3% more likely to vote by mail than their counterparts in states with traditional restrictions on absentee voting. . . Paradoxically, . . . voter turnout in states with universal access is 2.1% lower than in states with more traditional restrictions on absentee voting.⁹

Although the latter conclusion may seem counterintuitive, the study in question offers only a static analysis of the relationship between no-excuse absentee voting and overall voter turnout. It is possible, for example, that many of the states that have only recently permitted no-excuse absentee voting may have been attempting to improve historically low turnout levels, relative to other states. Perhaps these policy changes can hope to achieve greater public cognizance only in the passage of multiple election cycles. Again, it is unclear whether states choosing to allow no-excuse absentee voting have actively publicized that option in anticipation of upcoming elections.

Most recently, researchers Paul Gronke, Eva Galanes-Rosenbaum, and Peter Miller at Reed College in Oregon conducted inquiries into state actions they characterize as "early or convenience voting" reforms.¹⁰ The purview of their research extends beyond no-excuse absentee voting to include other prevalent voting reforms, such as in-person early voting and mail-ballot elections. These distinctions are important because a number of states permit more than one form of "convenience" voting. In analyzing data collected between 1980 and 2006, Gronke, Galanes-Rosenbaum, and Miller reach the following conclusions:

*[W]e did find a consistently positive impact of early voting reforms, but only for those states which instituted no-excuse absentee balloting **and** in-person early voting, and in these cases, only in midterm contests. The boost in turnout is modest (2.6%) but is statistically discernable across all specifications.¹¹ (Emphasis added.)*

These findings reinforce Oliver's claim that no-excuse absentee voting, in and of itself, does not produce a meaningful increase in voter turnout. In states allowing both universal access to absentee ballots and in-person early voting, it appears that a noticeable bump in turnout was present during midterm elections. Even if this is true, the link between no-excuse absentee voting and overall turnout remains highly ambiguous. It is not clear why an increase in turnout was observed only in midterm elections. Perhaps the upcoming election, with expectations of

⁸ U.S. Government Accountability Office, *Elections: The Nation's Evolving Election System as Reflected in the November 2004 General Election*, A Report to Congressional Committees, June 2006, <http://www.gao.gov/new.items/d06450.pdf>.

⁹ Matthew Grabowski, "Assessing the Trend toward Liberalization: Has No-Excuse Absentee Voting Increased Voter Turnout?" (Master's thesis, Georgetown University, 2007), 15-18, http://dspace.wrlc.org/bitstream/1961/4153/1/etd_mmg52.pdf.

¹⁰ Paul Gronke, Eva Galanes-Rosenbaum, and Peter A. Miller, "Early Voting and Turnout" (presented paper, Kent State University, Columbus, OH, January 17, 2007).

¹¹ Ibid.

record turnout, will offer additional clues regarding the utility of no-excuse absentee voting. The authors of this most recent study present an appropriate synopsis of the research completed to date:

[W]e find that early voting reforms have, at best, a modest effect on turnout. . . We are skeptical of those who continue to advocate in favor of early voting reform primarily on the basis of increased turnout. Our data simply don't support these claims. There are good reasons to adopt early voting—ballot counting is more accurate, it can save administrative costs and headaches, and voters express a high level of satisfaction with the system. If a jurisdiction adopts early voting in the hopes of boosting turnout, however, it is likely to be disappointed.¹²

CONCLUSION

This brief review of the existing research on no-excuse absentee voting should not be construed as either support for or opposition to efforts by states to make the act of voting as convenient as is consistent with preserving the integrity of popular elections. Rather, this summary should serve as a reminder that the State of Michigan is unable to benefit from a strong body of literature on absentee voting reform. Given that the trend toward liberalized absentee voting represents a very recent phenomenon, it is unlikely that relevant policy changes have saturated the public perception of elections and the voting process. Numerous other states have made the transition to no-excuse absentee voting in the hope of achieving increased voter turnout – hope that is as yet unconfirmed. Undoubtedly, further research on this subject will be necessary before any firm consensus can be achieved.

In addition, it seems increasingly evident that no-excuse absentee voting has become an attractive substitute activity for voters in many states. In other words, individuals who otherwise would have voted in-person have chosen to take advantage of their right to obtain an absentee ballot. It is not apparent, however, whether liberalized absentee voting has encouraged those outside the traditional voting population to cast a ballot. Perhaps the success or failure of no-excuse absentee voting will be determined by the capacity of that initiative to motivate individuals and groups who have not previously been inclined to participate in the election process.

¹² Ibid.