

**Abstract**

This literature review brings together multiple sources and ideas regarding voter registration within the state of Wisconsin, specifically the current events regarding the possible purging of registered voters from the registry. This literature review addresses issues such as the history of voter registration practices, modern day voter registration practices, current voter rolls oversight, and the legality of purging registered voters. Before forming any conclusions, we must take an in-depth look at the practices across our nation and the history behind them in order to establish a precedent. This foundation will aid in assessing the legality of removing some voters from the registry in Wisconsin, and the racial, social, and political implications that correlate with the possible decision.

## **Introduction**

In the United States, 49 states require citizens to register before they can vote (National Conference of State Legislatures, 2016). In contrast, most other democratic countries' governments register the citizens automatically. This difference between the United States and these other countries is often cited as the reason the United States consistently shows lower voter turn-out rates (Kelley, Ayres, and Bowen, 1967). The registration process in modern times is simpler than in the past, where literacy tests, registration taxes, and many other obstacles significantly lowered the number of registered citizens. After questions regarding the constitutionality of these practices were raised in the past, specifically regarding racial targeting, literacy tests and registration fees were removed in all states. Many people question the validity of registration, and therefore the ramifications of the registration process on citizens, most notably lower-income, college-aged, and minority individuals. The purging of the registry has once again brought up concerns about the targeting of certain individuals in an attempt to restrict specific demographics in Wisconsin from voting in the fall 2020 Presidential Election.

Each text was chosen based on the relevance to registration practices and laws, in both the past and present, laws specific to Wisconsin, and the agency responsible for regulating states' rolls. These texts show how modern practices shifted away from the explicitly biased practices of the past, and how modern practices allow for inaccuracies that affect registered voters.

## **History of Voter Registration Practices**

Kelley, Stanley, Richard E. Ayres and William G. Bowen. Registration and Voting: Putting First Things First. *The American Political Science Review*, Vol. 61, No. 2 (Jun., 1967), pp. 359-379. American Political Science Association. URL: <https://www.jstor.org/stable/1953251>

### Research Purpose

The research paper was written based on an experiment looking at the effect of registration practices on the number of registered citizens and voter turn-out. The research attempts to determine a correlation between registration practices and the number of voting citizens. This idea stems from the assumption that any rational citizen would vote if the outcome outweighed the effort required to vote. If people did not feel motivated enough regarding current political issues, they might find the process of registering too time consuming and burdensome.

### Research Findings

Kelley, Ayres, and Bowen (1967) discussed voter registration and looked at Chicago, which is especially high in unregistered eligible voters. These voters had been registered for previous elections, but Chicago's registration requirements disenfranchised them. The researchers analyzed voting and registration in 1960 in 104 of the largest United States cities. The likelihood of groups of people registering can be calculated based on how important they think the current issues are, and if they directly pertain to them as people. Politicians and voters push registration parties more when there is higher competition in the election, therefore influencing the number of registered voters. There used to be a registration tax in 1960, which added to the "cost" of registering, as did time away from work. This prevented a substantial amount of people from registering. Literacy tests, which targeted African American and minority citizens, actively reduced the number of eligible voters. Socio-economic status affected who registered because it typically influences who votes. There is a strong relationship between the date of registration closings and the percentage of eligible voters who become registered. Most European countries do not use a register for voters. Registration requirements are the most effective deterrents to voting compared to other governmental policy.

Rosenstone, Steven J. and Raymond E. Wolfinger. The Effect of Registration Laws on Voter Turnout. *The American Political Science Review*, Vol. 72, No. 1 (Mar., 1978), pp. 22-45. American Political Science Association. URL: <https://www.jstor.org/stable/1953597>

### Research Purpose

The authors researched what policies and requirements affect which demographics of people, as well as the impact of these practices. The requirements to register vary from state to state, with some states utilizing limited requirements and creating an easier process, while others prove significantly more difficult. The authors examined state laws beginning in 1960, when many states, mostly in the South, used literacy tests as well as poll taxes. Some states had permanent registration while others required periodic re-registration.

### Research Findings

Rosenstone and Wolfinger (1978) discuss the issues of registration and the effect it has on who becomes eligible to vote. Most other countries' governments assume responsibility for creating a register for its citizens. Data for this research comes from the Bureau of the Census in November 1972. Each state created its own registration laws. In 1960, people had to pay taxes not only for the year they were registering, but also for any taxes they owed from previous years. Poll taxes were outlawed in 1964. The 1970s brought the abolition of literacy tests which targeted African-American Southerners. Voter purging was prevalent in the 1960s, and people who had not voted in a specific amount of time were dropped from the register. This time frame ranged from 2 to 8 years. Registration polls would close 30 days before the presidential election, except for Arizona and Georgia, where polls closed 50 days before the election. Office hours of registration offices impact the number of people who are able to register, as some states did not implement mandatory hours, and offices could be open only a few hours every day. Deputy registrars are often utilized by parties to increase registration of their party.

### **Modern Day Voter Registration Practices**

Burden, Barry C. and Jacob R. Neiheisel. Election Administration and the Pure Effect of Voter Registration on Turnout. *Political Research Quarterly*, Vol. 66, No. 1 (March 2013), pp. 77-90. URL: <https://www.jstor.org/stable/23563590>

#### Research Purpose

The researchers help explain the negative relationships between voter registration and voter turnout by conducting a natural experiment in Wisconsin. Secondly, by addressing the abilities of municipalities to handle the number of citizens in their districts regarding registration and voting. The lower the capacity, the lower the turnout. This study looked at registration only, instead of the facets or aspects of registration.

#### Research Findings

Even with the lowest requirements for registration, the effect of registration lowers voter turnout by two percent. Voter turnout only increases once other factors such as felony disenfranchisement or registration office hours are taken into consideration. The research concludes that administrative capacity also negatively affects voter turnout, with municipalities that have lower capacities demonstrating lower voter turnout. This shows a direct link between lower socio-economic status and lower voter turnout, with lower socio-economic status showing almost four times lower registration in comparison with districts with abundant resources.

Nickerson, David W., Do Voter Registration Drives Increase Participation? For Whom and When? *The Journal of Politics*, Vol. 77, No. 1 (Jan 2014), pp. 88-101. The University of Chicago Press on behalf of the Southern Political Science Association. URL: <https://www.jstor.org/stable/10.1086/678391>

### Research Purpose

Researchers attempt to determine if registration drives introduce new voters into the election process, or if it attracts prospective voters who would otherwise use a different bureaucratic path in order to vote. During the 2008 presidential election, Obama's campaign utilized registration strategies to register 500,000 voters in Virginia, of which 85% voted. However, whether these voters would have registered without the campaign effort is difficult to answer, therefore the authors conducted six field experiments.

### Research Findings

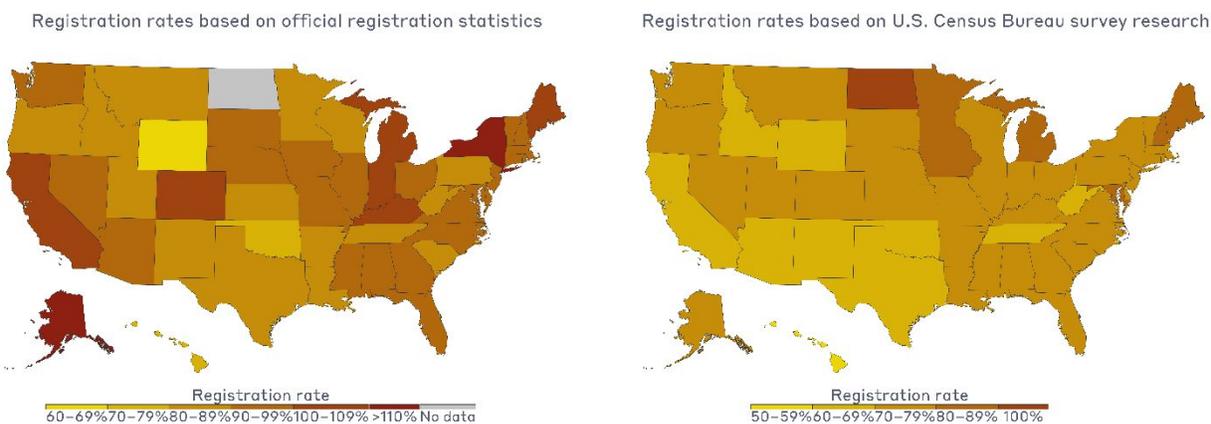
Five out of the six experiments resulted in substantial increases in registered voters ranging from 3 to 10 percent in different areas of the United States. The streets with registration outreach on average had almost 10 more registered voters than the control streets with no interaction regarding registration. Across the six experiments, registration outreach increases registered voters by 4.4 percent. The results show a strong possibility that registration is a significant deterrent to those with lower motivation to vote. The new registered voters made up on average 2 percent of votes cast on each street. Overall estimates show that door to door canvassing increases overall registered voters by 14 percent, of which 51 percent actually voted. Further evidence suggests that of the unregistered citizens, many were highly motivated to vote yet the bureaucratic hurdle of registering prevented them, even in presidential elections. Of those canvassed, the experiments saw nearly five times as many new registered voters in lower socio-economic streets, than those in more affluent streets. This once again reiterates that registration is more of an obstacle for lower income citizens than middle class or affluent citizens.

MIT Election Lab (2020) URL: <https://electionlab.mit.edu/research/voter-registration>

The research conducted by MIT first looks at the number of registered voters the Election Assistance Commission's 2016 report lists, which was 211.1 million citizens across all fifty states as well as the District of Columbia. At first look, this number appears great compared to the 230.6 million eligible voters, since the percent of registered eligible voters lands at roughly 92 percent. However, once accounting for "deadwood" on the register, those who have died or moved out of state, the statistics become unreliable and an overestimation. Data by researchers argues that 10 percent of names on the rolls belong to the deadwood category and increase the estimation of registered eligible voters. This percentage refers to a nationwide average, as individual states' deadwood varies widely. Some states move voters who have not voted recently to an inactive status, until the citizen's death or out of state move can be confirmed. This allows states to better understand the percentage of possible deadwood within their rolls, by categorizing certain citizens as inactive pending confirmation. The average percent across the states that use this method lands at 10.7 percent, which again varies by states, with Maine at a low of 0.5 percent and Arkansas's high of 19.4 percent. This method leaves significant room for error as some voters miss elections or refrain from voting yet do not qualify as deadwood, which renders unreliable statistics. When using the inactive status method as a factor to determine the percent of registered eligible voters, the nationwide percent drops from the earlier estimate of 92 percent to 82 percent, a full 10 percent decrease. Since this method has significant downsides, another possible avenue to determine the percent of registered voters as well as deadwood, is the use of surveys. The U.S. Census Bureau sent out a survey to registered voters in 2016, and compared the numbers the study found with the official registration statistics. In Figure 1, the

map represents the official number of registered voters reported. This figure compares the national registration rates based on the official registration statistics, and the registration rates based on the U.S. Census Bureau survey results.

Figure 1: Voter registration rates by state



**Source:** MIT Election Lab (2020) URL: <https://electionlab.mit.edu/research/voter-registration>

Without addressing the second map on the right, which represents the new data by the survey, the first map shows significant inaccuracies as nine states show more voters than the number of eligible voters within those states. This highlights the issues of deadwood within state rolls. The survey experiment's design, shown in the second map, makes it impossible for states to have more than 100% registration of eligible voters. The survey experiment shows a significant trend in the percent of registered voters, where the southern states' rate is lower, with a gradual increase in numbers as the map goes northeast. This shift across the nation is not shown in the official registration statistics. This method gives further insight into the nation's success in registering eligible voters, as well as demonstrating the differences between states and regions.

States, especially in recent years, struggle to find a strategy to reduce deadwood as well as increase voter turnout and accessibility. In the past, before federal registration laws were passed, states could and did close polls months in advance of the election day, which caused a decrease in voter turnout as well as reduced accessibility to voting. Now some states are implementing the opposite of the previous policy, as they instituted election day registration. As of 2018, 16 states allow for same day registration, which knocks down barriers for much of the population. Many citizens cannot afford to take two working days off in order to first register then vote. Now the ability to register the same day as voting allows many people to reduce the strain on their work lives by half. Another method first introduced by Arizona allows citizens to register online by using a form of state identification. By the 2016 election, this system of registration was the second most popular, following in person registration at the DMV. Finally, some states began the process of implementing automated registration of voters (AVR), which many democratic nations use. This method increases voter accessibility by taking the “opt-in” option when applying for a driver’s license and turning it into an “opt-out” system where citizens must check a box to remove themselves from the polls, otherwise they will automatically be registered to vote if they qualify. Research done on this automated method shows most new voters were younger and more racially diverse than previous methods of registration. This system also increased Oregon’s voter turnout in the 2016 election by a range of 1.5 to 3.5 percent, which represents a significant number of citizens.

PEW Research. 2017. Why Are Millions of Citizens Not Registered to Vote?

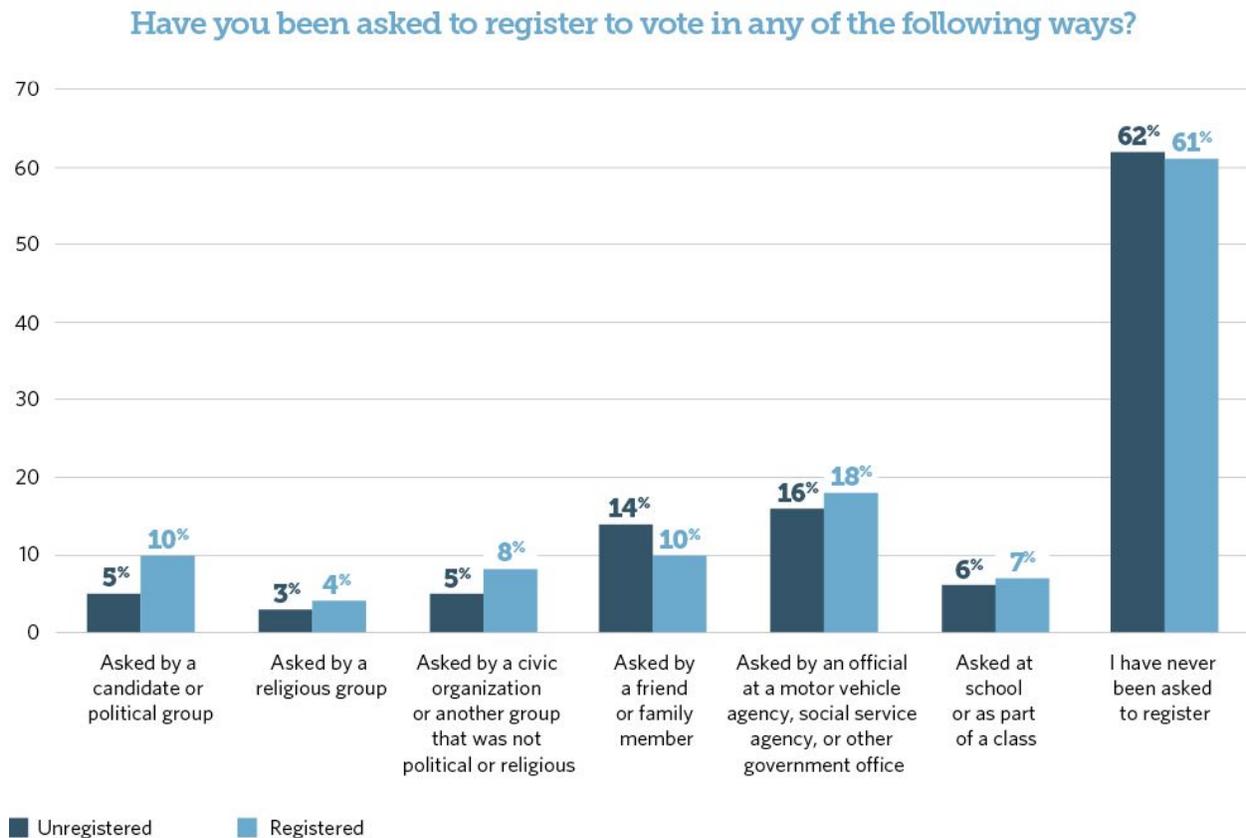
URL:<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/why-are-millions-of-citizens-not-registered-to-vote>

The 1993 National Voter Registration Act (NVRA) required states to allow citizens to register to vote when completing other forms of registration or licensing at government agencies such as the department of motor vehicles and the social services office. This coined the term Motor Voter for citizens who “opt-in” to be registered and added to the polls. While states experiment with and implement newer and simpler routes to registration, the knowledge of these opportunities’ outreach, especially to the unregistered eligible voters, remains unknown. In order to understand some of the reasons these eligible citizens remain unregistered, the Pew Charitable Trusts developed a survey targeting this demographic in early 2016. The findings highlight issues with the Motor Voter method as well as social issues regarding attitudes towards politics. The survey shows that less than 20 percent of eligible voters were made aware of their ability to register at the department of motor vehicles or other government offices. The main social deterrent to registering was the dislike for politics or the belief that voting made no significant impact. Similarly, those who register but fail to vote attribute the low turnout on their own lack of knowledge regarding candidates or issues. The survey showed some positivity, as 13 percent of unregistered eligible voters, mostly younger individuals, claimed they could possibly register later on. The following chart represents the findings by the Pew voting survey. The research compares the unregistered citizens to the voters on the polls and shows the differences in exposure the two categories experienced. Typically, the unregistered had less rates of government officials informing them about their ability to register at the same time as other governmental registration and transactions than those who are registered, which reveals a significant fault in the Motor Voter method. Overall, the percent of eligible voters, whether registered or not, that have never been asked or informed were almost identical, demonstrating the failure of the NVRA to inform the population of their opportunities to register. Figure 2

represents the percent of people asked to register to vote by a candidate or political group, religious group, civic organization, friend or family, government agency official, school, or those who have never been asked to register.

**Figure 2**  
U.S. Voters Registration Experience Data

Percentage of respondents who experienced each invitation to register, by registration status



Notes: Respondents could select more than one answer. See Appendix B: Voting Frequency Survey Topline, available on the chartbook webpage, for more details about the survey questions.

Source: Pew Voting Frequency Survey

© 2017 The Pew Charitable Trusts

**Source:** PEW Research. 2017. Why Are Millions of Citizens Not Registered to Vote?  
 URL: <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/why-are-millions-of-citizens-not-registered-to-vote>

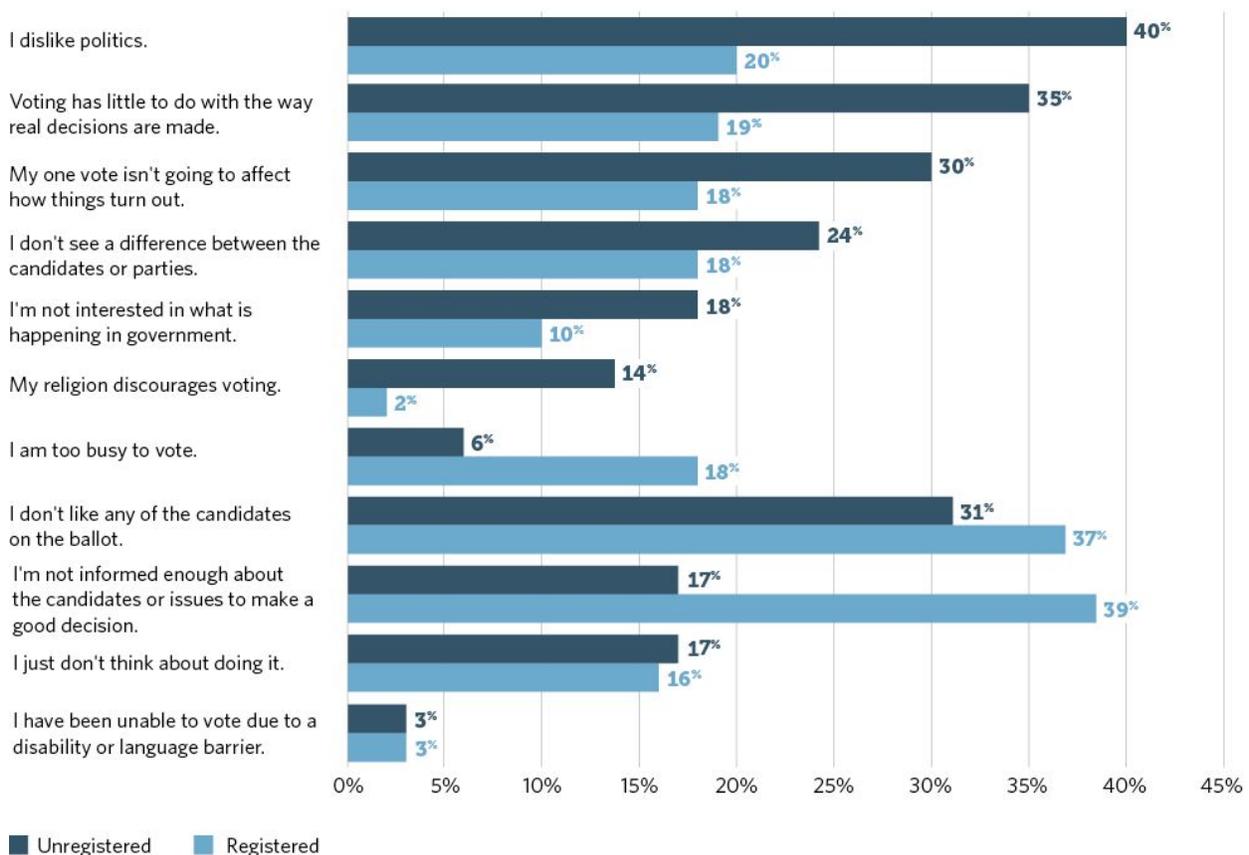
Further results from the survey show that the top three reasons unregistered citizens refrain from registering are: a lack of desire to vote, desire to register but have yet to, and lacking inspiration by a candidate or issue. Surprisingly, 11 percent listed security and privacy reasons for not registering, and the survey was conducted before any controversies around hackers accessing voter data during the 2016 election. Figure 3 shows the reasons different types of nonvoters have for not voting.

**Figure 3**

U.S. Voters Registration Experience Data

The Unregistered Have Different Reasons From Infrequent and Nonvoters for Not Voting

Percentage of respondents selecting each reason, by registration status



Notes: The question was asked of unregistered individuals who said they do not want to vote as well as registered individuals who said they do not vote often. Respondents could select more than one major reason that they do not vote. See Appendix B for more details about the survey question.

Source: Pew Voting Frequency Survey

© 2017 The Pew Charitable Trusts

**Source:** PEW Research. 2017. Why Are Millions of Citizens Not Registered to Vote?  
URL: <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/why-are-millions-of-citizens-not-registered-to-vote>

While the registered and unregistered citizens experienced different levels of outreach, they also differ in their reasons for not voting. This chart compares the unregistered to the registered in their reasonings for not voting. The most significant difference the survey found between the two was the issue of liking or disliking politics. Twenty percent of registered voters listed this as their reason, whereas 40 percent of unregistered individuals listed this reason. The dislike for politics was the top deterrent for unregistered voters, while the top reason for registered voters was their limited knowledge of candidates and issues. This survey was one of the first to represent different priorities and reasonings between those who remain unregistered and those who registered. The survey expands on the dislike for politics the unregistered voters frequently attributed to their inactivity, by researching who they wished to see win elections. The results show that the unregistered population, compared to registered nonvoters, occasional, semi frequent, and frequent voters, cared significantly less than all other categories. Only 43 percent of unregistered citizens cared which candidate won presidential elections, which typically creates the highest rates of voter turnout. Those who frequently voted showed that 93 percent cared about which candidate won presidential elections. Overall, this survey demonstrates a trend that those unregistered eligible voters participate less in politics and civil activities, as well as lack knowledge regarding registration, the impact of voting, and information about candidates and issues. However, the survey showed that younger people were more likely to participate in registration and voting in the future.

Brennan Center for Justice. 2019. New Study: Automatic Voter Registration Increases Registration Rates Across the Board.

URL:

<https://www.brennancenter.org/our-work/analysis-opinion/new-study-automatic-voter-registration-increases-registration-rates>

The Brennan Center researched the effects of automated voter registration (AVR), while controlling other factors, in the states that use or tried out the system. The findings show a significant increase in registration across eligible populations, resulting in the deputy director of the Brennan Center's Democracy Program to state, "automated voter registration works," (Brennan Center for Justice, 2019). AVR could be a strong alternative in states that frequently implement restrictive registration policies. When broken down by jurisdiction, the research shows each region's increase in voter registration. Georgia demonstrated the largest increase of 93.7 percent, followed by Vermont's 60.2 percent. Washington, D.C. showed the lowest increase, a still significant 9.4 percent jump in registration. Regardless of when citizens are given the opportunity to "opt-out," whether at the government agency or later in the mail, the AVR method increases voter registration. Despite variation in states from population size to political leaning, this practice of automated voter registration succeeds in increasing registration numbers. Other important benefits of AVR include the ability to keep rolls accurate, limit deadwood, decrease government spending, and reduce election day delays.

### **Current Voter Rolls Oversight Agency**

Electronic Registration Information Center (ERIC)

URL: <https://ericstates.org/>

The Electronic Registration Information Center (ERIC) works to maintain the accuracy of states' voter rolls, as well as increase accessibility to registration for citizens. As of 2020, 30 states are members of ERIC, and work together to govern and manage the organization. Each state also pays its dues to the organization, and larger states pay higher rates. States submit their

voter registration and motor vehicle licensing data, while the more sensitive data such as social security numbers and dates of birth go through a process of hashing, or coding, in order to transmit from the state to the organization. The organization uses the information provided by the states to report back the citizens who likely moved within state as well as out of state, those who died, as well as duplicated registrations and eligible unregistered citizens. This system results in more accurate registration rolls, thereby saving states money by reducing the amount of mail sent, ballots printed, and lines at polling places. Between 2012 and 2019, ERIC identified over 34 million potential voters, whose information was sent back to states. Twenty states have yet to join the organization. In this same time period, ERIC identified over 412,000 in-state duplicates, and almost 335,000 deceased citizens still on the register rolls. This organization grew from a few member states to 30, and aids in reducing deadwood and keeping more accurate registration information.

### **Wisconsin Voter Registration**

Wisconsin Blue Book (2019-2020). See “Elections in Wisconsin”  
URL: [https://docs.legis.wisconsin.gov/misc/lrb/blue\\_book/2019\\_2020](https://docs.legis.wisconsin.gov/misc/lrb/blue_book/2019_2020)

The Wisconsin general election is held on the first Tuesday in November of every even-numbered year. During this election, citizens vote for candidates to fill Wisconsin’s partisan elective offices, which include United States senators, United States representatives, state senators, state representatives, governor, lieutenant governor, attorney general, secretary of state, state treasurer, as well as county level offices. The partisan party election occurs before the general election on the second Tuesday in August. This election allows for voters to elect a candidate for each party that will appear on the ballot in the general election. In order to qualify for the nomination, each candidate must receive at least one percent of the votes cast in

Wisconsin. Voters in Wisconsin are not required to declare a political party and can vote on either party's ballot. However, if a voter votes in both ballots, their vote will not be counted.

During the spring election, Wisconsinites vote to elect candidates to non-partisan elective offices. This election occurs on the first Tuesday of April of every year and includes the offices of state superintendent of public instruction, supreme court justice, court of appeals judge, and more. The entire state votes to elect the state superintendent and the supreme court justice, while the other offices are elected by those who vote in their district. The spring primary is the election where the candidates for the spring election are decided.

Every four years when a presidential election happens, Wisconsin citizens elect presidential electors who will represent them in the Electoral College when deciding on the future President of the United States. The ballots do not list presidential electors. Instead, citizens vote for running mates, the vice president and the president, who have their own electors. By voting for candidates, the citizens actually elect slates of electors who become their delegation at the Electoral College. The presidential primary allows for Wisconsin voters to vote for their preferred candidate within whichever party ballot they choose, and this vote is advisory instead of binding. If a voter casts a vote in both party ballots, their vote will not be counted. Referendums are sometimes added to ballots and voters can either vote in support of or against the referendum.

Wisconsin's requirements to register to vote include being 18 years of age, being a United States citizen, and residing in the governmental jurisdiction or election district where the election occurs. Part of the residency requirement states that a citizen must reside at the same address for ten consecutive days before the election in order to vote. If a Wisconsin citizen moves from one address to another within the state less than ten consecutive days before an

election, then the individual can only vote in the jurisdiction of their previous address. Someone who moves into Wisconsin from out of state requires a special procedure to vote in a presidential election. The two demographics of people disqualified from voting are those who have been convicted of a felony, bribery, or treason and have yet to complete their sentence (including parole, probation, or supervision), and individuals deemed incompetent by a court. Also, anyone who bets on the outcome of an election is similarly unable to vote in that particular election.

Wisconsin has yet to institute any form of automated voter registration, and as such, individuals must register themselves in order to vote. A citizen must fill out, sign, and submit a registration form as well as hold proof of residency with a form of state identification. Each citizen must fill out a form addressing any form of felony conviction and sentencing. Wisconsin citizens have until the end of the third Wednesday before an election to register, and the routes to register include in person at the office of the municipal clerk or county clerk, by mail, or online. After that Wednesday until the end of the next Friday, citizens can only register in person at the office of the municipal clerk. The final opportunity to register for Wisconsin citizens occurs on election day, where they can vote immediately after registration. Municipal clerks register citizens in their offices and update the polls through the Elections Commission's interface system. Those citizens that successfully register are not required to re-register unless they change their address or have not voted in an election in the past four consecutive years. Those who have not voted in recent years are mailed a postcard to their last registered address, and upon response will remain in the register. However, failure to respond results in removal from the polls and a status change to unregistered. Those serving in the military as well as their spouses who reside with them are not required to register in Wisconsin. Those who move out of the state of Wisconsin less than ten days before a presidential election can vote absentee in Wisconsin.

Registered voters' information in Wisconsin can be accessed by the public, however those who are victims of certain crimes, such as domestic abuse and sexual assault, can request their information remain private.

When arriving at a polling place to vote, citizens must show government issued photo identification in order to receive their ballot to vote. Citizens must report to the polling place listed for their municipality in order to vote. After poll workers confirm the citizens identity and registration, they assign the voter a voter number, and record the number on both copies of the poll list. Wisconsin uses paper ballots, where the voter must fill in the dots that coordinate to the selected candidate, then the paper ballot is inserted into a machine that logs the vote. Wisconsin voters can also vote using an absentee ballot, when circumstances prevent the person from voting in-person at their polling place. Requesting an absentee ballot requires the citizen to submit a written request either in person at the clerk's office, by mail, email, or fax. The procedure to obtain an absentee ballot is similar to the steps taken at polling places. The person filling out the absentee ballot must follow the steps carefully and seal the ballot in a special envelope as well as having a witness, and both people must sign the envelope.

Wisconsin Elections Commission. See Voter Information Page  
URL: <https://elections.wi.gov/voters>

Wisconsin polling places and registration documents can be translated into Spanish in order to open accessibility for those who do not speak English as a first language and prefer Spanish. Polling place notices have been translated, however there is no mention of in-person translators or including polling workers who are bilingual. Those requiring a translator at the polling places are advised to bring their own interpreter as long as the individual is not a union or employer representative. Wisconsin, especially the Madison and Milwaukee areas, suffer from

homelessness, and despite their lack of residency, the homeless population still holds a constitutional right to vote as long as they are citizens and do not fall into any of the previously mentioned disqualified categories. Wisconsin's government allows for homeless individuals to vote if they can provide a letter from a shelter, or organization providing service to the homeless, as proof of residence. This brings into question the adequacy of shelters in Wisconsin to first provide care and shelter, and second, to attest to and provide proof of residence for homeless voters. New qualifying voters, and the unregistered eligible citizens are encouraged to register online first, then given the option of in-person registration. Wisconsin requires ex-felons who have completed all parts of their sentence to re-register in order to vote, regardless of their status prior to conviction. Those in jail for misdemeanors or awaiting trial are allowed to vote.

### **Purging of Wisconsin Voting Rolls**

Bruce, Vielmetti and Patrick Marley. Judge orders state to purge more than 200,000 Wisconsin voters from the rolls. Milwaukee Journal Sentinel.

URL:

<https://www.jsonline.com/story/news/politics/2019/12/13/judge-orders-wisconsin-purge-more-than-200-000-voters-list/4412776002/>

In December 2019, an Ozaukee County judge ordered the state of Wisconsin to remove more than 200,000 registered voters from the rolls due to reports that they may have moved. The judge refused to stay his ruling, despite pushback from lawyers for the League of Women Voters and for the Wisconsin Elections Commission. The ruling addresses the letters sent by the State's Election Commission in October to roughly 234,000 Wisconsin citizens who were believed to have possibly moved. The letter requested they update their registration or alert officials if their address had not changed. The original action by the Commission saw the removal of the non-respondents in 2021, yet the judge's ruling meant the voters would be removed prior to the 2020 presidential election. The state's Democratic Attorney General argued that removing voters

abruptly from the rolls would significantly harm Wisconsin voters, as even those who had not moved could potentially be removed. The Attorney General stated that this action would cause a decrease in voter turnout.

On the other side of the argument, three voters, aided by the conservative group Wisconsin Institute for Law and Liberty sued the Commission, stating those who have not responded to the letter within 30 days must be purged from the rolls. The group suing the Commission requested that the judge, Malloy, issue an injunction. The judge went further than an injunction and instead granted a writ of mandamus, which acts as a court order, for the Commission to purge the rolls within 30 days. The judge claimed his actions were in-line with the law, and that the Commission would have to go to the Legislature if they wished to instill a law allowing for the extension of time between sending the letters and the registration rolls purging. The Democratic Governor, Tony Evers, did not agree with this ruling, by stating that “I won the race for Governor by less than 30,000 votes,” and claimed the Republicans pushing for the removal of over 200,000 voters was an attempt to restrict voters’ access in order to aid their chances during the 2020 election. The letters were based on information gathered by ERIC, however the Election Commission advised against immediate removal of the voters as they acknowledged there could be errors in the information. Voters could be flagged in the system if they register a vehicle at a business address instead of their personal address. By December 5th, 60,000 letters were returned undelivered, meaning those voters were not informed of their need to respond and therefore were unaware of the change to their registration status. Of the letters sent, 18,800 either responded that they had not moved or had re-registered with new addresses. Roughly seven percent of voters in Wisconsin were sent these letters, yet the disbursement across the state was not even.

The fight regarding the immediate purging or 2021 purging of Wisconsin registration rolls highlights the importance of the state in the upcoming election. Wisconsin has long been a Democratic leaning state, which Trump barely managed to secure in the 2016 election. This factor becomes important when the concentration of potentially purged voters shows the majority of the 234,000 letters went to municipalities where Democrat Hillary Clinton out-pollled Trump in 2016. The two most urban cities, Milwaukee and Madison, account for 14 percent of the registered voters in Wisconsin, yet they received 23 percent of the letters. The majority of the letters were sent to college towns, of which nine out of ten were Democratic cities. During the court proceedings, a lawyer from the Fair Elections Center in Washington, D.C. argued that the findings regarding the unreliability of ERIC's information submitted by the League of Women Voters was not addressed or considered in the court case. The judge argued that the case only addressed one specific statute, and that including the constitutional issues that the League raised would make the case "fruitlessly complex." Assistant Attorney General Karla Keckhavor argued that removing such a high number of voters right before a major election and attempting to notify all of them in time would create chaos.

Scott Bauer. Wisconsin voter purge ruling appealed to state Supreme Court

URL:

[https://madison.com/wsj/news/local/govt-and-politics/wisconsin-voter-purge-ruling-appealed-to-state-supreme-court/article\\_2065eb7d-6aa8-54e8-b36d-555eee4cef2d.html](https://madison.com/wsj/news/local/govt-and-politics/wisconsin-voter-purge-ruling-appealed-to-state-supreme-court/article_2065eb7d-6aa8-54e8-b36d-555eee4cef2d.html)

After a lower court ordered a hold on the purging of Wisconsin voter rolls following the ruling of an Ozaukee County judge, conservatives appealed the decision to the Wisconsin Supreme Court. The Wisconsin Institute for Law and Liberty, WILL, which aided in the initial lawsuit, requested the justices overturn the appeals court decision to postpone the purging of the voter rolls. The Wisconsin State Supreme Court refused to take the case, and within 24 hours, the

appeals court issued orders to prevent the immediate purging of the rolls until after the 2020 presidential election. Within hours of WILL claiming that the appeals court decision should be overturned by the Wisconsin State Supreme Court because the lower court gave no reasoning for its action at the time the orders were issued, the appeals court handed out its full ruling as well as the rationale that led to this conclusion. The appeals court stated that they found the Elections Commission's case was likely to succeed in appealing the judge-ordered purging, as well as agreeing that the ability to de-activate a voter under the law belonged to the local election officials, not the state commission. The progression of the issue from a county court, to appeals court, to the Wisconsin State Supreme Court was closely watched by many, as Wisconsin's status as a swing state holds importance in the upcoming 2020 presidential election. Even though Trump won the state in the 2016 election, after decades of democratic leaning, he only won by 23,000 votes, which was significantly less than the 234,000 the republicans attempted to purge from the rolls. Along with the presidential election at the end of 2020, many other significant elections occurred or will happen this year, including voting for a State Supreme Justice.

### **Research Opportunity**

States that rely on citizens' registration to vote continue to face obstacles that prevent them from keeping accurate rolls, which led some of them to pay outside organizations to sift through their registration rolls and flag citizens based on questionable standards. This creates opportunities for certain groups to target citizens by demographics in order to limit their constitutional right to vote. These issues persist throughout history, from racist literacy tests to poll taxes that prevented lower income citizens from voting.

The conflict revolves around the dependence on the citizens to register themselves, therefore creating the question of citizen reliability. One possible experiment that could highlight

the faults in requiring citizens to register themselves would look at the need for organizations such as ERIC within states that fully implemented automated voter registration. The few states, notably Oregon, who use this system of registration report lower occurrences of errors in their rolls, and a more accurate representation of registered voters compared to unregistered eligible voters. If the states took on the responsibility of registering their citizens automatically, such as when updating or attaining a driver's license, would this result in more accurate rolls, and therefore no need to rely on faulty data from organizations such as ERIC? The concern many who wish to implement more registration requirements sight when backing these obstacles typically revolves around fighting voter fraud or the errors on registration rolls. Since AVR addresses these concerns by opting-in eligible citizens and does not rely on the voters to re-register when they move, the main issue involved in the court case in Wisconsin, this system could potentially remove these opportunities for biased voter purging.

### **Conclusion**

The progression the United States made in creating accessible and inclusive registration and voting, from eliminating racially-targeted literacy tests and poll taxes, to improving registration methods, such as online registration, or more recently, automated voter registration, demonstrates a positive change towards a fair and constitutional future. However, the reliance on the citizens to register themselves and stay up to date creates barriers which results in a decrease in voter turnout. The benefit of using different registration methods, such as by mail or online, loses its momentum when the information fails to reach eligible unregistered voters. Despite acts meant to increase accessibility, such as the 1993 NVRA, the majority of the population is not informed about their options. The reasonings non-registered citizens cite for not participating

civically show an interesting trend, yet hold no bearing on their right to be informed regarding their ability to participate and the routes open to them.

The case that began in a county court room in Wisconsin, that drew the attention of the nation, and ended when Wisconsin Supreme Court denied hearing it, unveiled the faults within the registration rolls as well as ERIC, the organization many states rely on to aid them in maintaining accurate rolls. The errors, citing a significant number of flagged citizens, were used as ammunition to order the Wisconsin Elections Commission to purge almost 234,00 voters from the rolls, a ruling that was narrowly avoided. Evidence demonstrated the purging targeted democratic areas, with a high population of college students. When an election can be won by 23,000 votes, using a registration method that can account for over 200,000 possible disqualified voters shows a hole in the nation's system, a fault that could be used by groups to disadvantage others, ultimately putting the nation's democracy at stake.

## References

- Bauer, Scott. 2020. "Wisconsin voter purge ruling appealed to state Supreme Court." *Wisconsin State Journal*, January 22.  
[https://madison.com/wsj/news/local/govt-and-politics/wisconsin-voter-purge-ruling-appealed-to-state-supreme-court/article\\_2065eb7d-6aa8-54e8-b36d-555eee4cef2d.html](https://madison.com/wsj/news/local/govt-and-politics/wisconsin-voter-purge-ruling-appealed-to-state-supreme-court/article_2065eb7d-6aa8-54e8-b36d-555eee4cef2d.html) (April 4, 2020).
- Brennan Center for Justice at NYU Law. 2019. "New Study: Automatic Voter Registration Increases Registration Rates Across the Board."  
<https://www.brennancenter.org/our-work/analysis-opinion/new-study-automatic-voter-registration-increases-registration-rates> (April 25, 2020).
- Burden, Barry C, and Jacob R. Neiheisel. 2013. "Election Administration and the Pure Effect of Voter Registration on Turnout." *Political Research Quarterly*, 66(1), 77-90.  
[www.jstor.org/stable/23563590](http://www.jstor.org/stable/23563590) (May 5, 2020).
- Election Registration Information Center. 2019. "ERIC at Work". (2019, December 31).  
<https://ericstates.org/statistics/> (April 4, 2020).
- Kelley, Stanley, Richard Ayres, and William Bowen, 1967. "Registration and Voting: Putting First Things First." *American Political Science Review*, 61(2), 359-379.  
 doi:10.2307/1953251 (April 4, 2020).
- MIT Election Lab. *Voter Registration*. (n.d.).  
<https://electionlab.mit.edu/research/voter-registration> (April 5, 2020).
- National Conference of State Legislatures. 2020. "Voter Registration"  
<https://www.ncsl.org/research/elections-and-campaigns/voter-registration.aspx> (April 5, 2020).

Nickerson, David W, 2015. "Do Voter Registration Drives Increase Participation? For Whom and When?" *The Journal of Politics*, 77(1), 88-101. doi:10.1086/678391 (April 5, 2020).

Pew Research. 2017. "Why Are Millions of Citizens Not Registered to Vote?" <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/why-are-millions-of-citizens-not-registered-to-vote> (April 5, 2020).

Rosenstone, Steven J, and Raymond E. Wolfinger, 1978. "The Effect of Registration Laws on Voter Turnout." *The American Political Science Review*, 72(1), 22-45. doi:10.2307/1953597 (April 5, 2020).

Vielmetti, Bruce, and Patrick Marley, 2019. "Judge orders Wisconsin to purge more than 200,000 voters from list." *Wisconsin State Journal*, December 13. <https://eu.jsonline.com/story/news/politics/2019/12/13/judge-orders-wisconsin-purge-more-than-200-000-voters-list/4412776002/> (April 5, 2020).

Wisconsin Blue Book. 2019-2020. "Elections in Wisconsin." [https://docs.legis.wisconsin.gov/misc/lrb/blue\\_book/2019\\_2020](https://docs.legis.wisconsin.gov/misc/lrb/blue_book/2019_2020) (April 4, 2020).

Wisconsin Elections Commission. "Voter Information Page." (n.d.). <https://elections.wi.gov/voters> (April 5, 2020).