

**VOTER REGISTRATION,  
VOTER IDENTIFICATION,  
INCREASING TURNOUT,  
ELECTION ADMINISTRATION :  
A FEW HINTS FROM  
FOREIGN EXPERIENCES**

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## **VOTER REGISTRATION, VOTER IDENTIFICATION, INCREASING TURNOUT, ELECTION ADMINISTRATION : A FEW HINTS FROM FOREIGN EXPERIENCES**

I have been asked to identify the « best » possible arrangements in each of the following areas : voter registration, voter identification, ways of increasing turnout, and election administration. Faced with the question : « what is the best possible constitution? », the wise Solon in Ancient Greece is reported having answered : « Tell me first for which country, and at which stage of its evolution ». In other words, it is exceedingly difficult, especially for a foreigner, to answer such questions with certainty, as a model that works well in a specific environment may well be found wanting in another. For this reason, I will be prudent before specifying wholesale foreign models. Rather, I will try to identify some procedures that have worked well in various environments, and leave to your wisdom the task of deciding whether they may fit your own circumstances and needs.

### I. Voter registration

Voter registration is a vital part of the electoral process for the simple reason that in the vast majority of democracies the right to vote depends not only on one's formal enjoyment of the right under constitutional or legal provisions, but also on the effective presence of one's name on the register. Without being registered, one cannot vote and is "administratively disfranchised".

An electoral register must be as accurate as possible. Two pitfalls await the legislator in the search for accuracy: there may be too many people registered, or too few. The latter case happens when, for the sole reason of not being duly registered, otherwise qualified electors may not cast a vote. To counter this, legislators aim for inclusiveness by offering many possibilities for electors to get on the register. But it is also imperative for election authorities to ensure that all individuals whose names appear on the register be truly qualified electors and that each elector be listed only once. They can do this by ensuring that the register does not include people who do not have the right to vote. Electoral authorities must therefore strike the right balance between inclusiveness and strictness when devising the registration process. Other considerations are involved, costs being a major one, as registration tends to be a very impressive portion of any typical election budget.

Three basic approaches are available: the periodic list, the continuous list, and the civil registry.

The periodic list was exemplified by Canada before 1996. Whenever an election was called, enumerators were appointed in each electoral district and went from door to door in order to collect the names of qualified voters. In urban areas, they worked by pairs, each enumerator being appointed on the recommendation of a specific party. The

preliminary lists were thereafter revised under the same bipartisan approach in order to correct the inaccuracies or omissions that may have occurred. This system produced a high level of enrollment because the timing of enumeration was close to voting day, but lengthened the election campaign by about two weeks. The process had to be repeated at every election.

A continuous list is one where the electoral register is maintained and continually updated by the election administration. Canada moved in that direction in 1996. The electoral register is maintained by Elections Canada and is regularly updated on the basis of information supplied by federal and provincial bodies. There is no need to draft a new list whenever an election is called, which reduces the costs, but the cost of updating of the register in between elections offsets this factor to some extent.

The civil registry approach is practicable in countries where the state maintains for administrative reasons a register of the whole population including data like age, residence, citizenship, etc.. Whenever such registers exist, lists of electors can be compiled easily whenever an election is scheduled to take place by identifying in the registry the people who are qualified to vote. This is a less expensive process, because most of the costs have been incurred for maintaining the registry from which the relevant information is collected.

In the US context, the practice of holding of a general election every two years, coupled with the fact that some states hold election for state offices in odd-numbered years, makes periodic lists much too expensive as the process may have to be repeated every year in some jurisdictions. The civil registry is not part of the American administrative culture. We are then left with continuous lists as the best approach. This approach would necessitate extensive collaboration between federal and state bodies, as well as interstate collaboration so as to avoid dual enrollment.

A clear lesson of foreign experience is that lists will be more inclusive if registration is state-initiated rather than left to the initiative of the electors. This may be more expensive, but the final outcome is more comprehensive. Elector-initiated registration has the advantage of being less expensive. Its main drawback is that many otherwise qualified electors may be unable or unwilling to register, or simply forget to do so. The result may be a high proportion of unregistered electors. This shortcoming is especially worrying when under-registration occurs predominantly among the most disadvantaged groups of society; not only is the register incomplete, but it is disproportionately skewed in favor of the better-off.

A useful complement is to allow qualified electors to register on election day, so that they not be deprived of their right to vote. The credentials of late applicants must of course be checked thoroughly. A drawback is that too many voters may wish to take advantage of that procedure, and that polling stations be deluged with requests on polling day.

Reminding every elector of his or her registration once an election is called, through a postcard specifying where polling will take place, is a useful precaution. Deciding whether political parties should be involved in the registration process depends on the degree of trust the civil service enjoys.

## II. Voter Identification

The first step when an elector arrives at the polling station is for the person(s) in charge to ascertain whether the elector is on the electoral register. In a minority of democracies (including however many established democracies), the elector merely states his or her name and, if the name appears on the register, that person is allowed to cast a vote. To counter the danger of widespread impersonation, a strong majority of democratic countries require all electors to prove their identity by presenting some mean of identification, either a passport, a driver's license or a national identity card. Requiring a specific voter's card entails costs for the election administration, which must issue and distribute a card for each and every elector. This is not an approach I would recommend in your context because such cards may easily be lost, as they are in principle used only once every two years, though this drawback can be offset if the voter's card is required on a routine basis by many other non governmental bodies. I would recommend requiring some formal identification by way of some identification document including the address and a picture of the voter. The list of acceptable ID should be comprehensive.

## III. Turnout

Judging from the litterature, the highest turnout rates are found among married people, the native-born, the well-to-do, the older and the more educated. However, such findings are not very helpful as we must take society as it is. The only remedies available are therefore of an institutional nature.

In a study commissioned by Elections Canada in 2003, Blais, Massicotte and Dobrzynska explored why was turnout higher in some countries than in others. Based on 151 elections held in 61 democratic countries since 1990, we found that all other things being equal, the following institutional variables had the effect of increasing turnout :

- Compulsory voting, by as much as 13 points of percentage of registered voters, provided that there be penalties for failure to comply (a merely symbolic « obligation » to vote is not enough);
- A proportional representation system or a mixed compensatory system (German or New Zealand style) for electing legislators, by 5 or 6 points;
- « Ease of voting », i.e. the possibility to vote by mail, in advance or by proxy, by 10 points.

The following have often been alleged to have a positive effect on turnout, but on close examination were found to not to have a significant impact:

- The procedure for registering on the list of electors (whether registration is compulsory or not, whether it is possible to register on election day, and whether the government is responsible for taking the initiative to register electors);
- The holding of the poll on a holiday.

Compulsory voting backed with penalties, as in Australia or Belgium, is a highly efficient way to raise turnout, but may be resisted by the American public on the ground that voting is a right, not a duty. The need for introducing PR for the election of legislators cannot be assessed solely on the basis of turnout considerations, as this system would raise issues of a different nature. The most promising approach in the US context is probably the « ease of voting » variable, and especially voting by mail. Obliging all electors to vote by mail has increased turnout markedly in Oregon. Recent British experience with postal voting, however, invites caution.

The US stands out in the international community by the number of offices that are filled through elections. Research suggests that holding all elections on the same day has the effect of increasing turnout for less salient contests : turnout for US legislative elections is invariably higher in presidential election years. Turnout for state, local or schoolboard offices might be increased if these elections were held on the same day as the presidential election. A possible drawback is that campaigns for less salient offices may be drowned by the presidential campaign.

#### IV. Election administration

Free and fair elections cannot take place without a legitimate and transparent electoral administration. In our book, we examined the central election administrative bodies in some 60 democracies. More precisely, we evaluated their degree of independence, by looking at how the election laws establish the composition and authority of these bodies.

There are three basic approaches in constituting central election authorities. One is to appoint a commission that has a final say over administrative matters pertaining to elections. This is done in the vast majority (43) of the democratic countries we surveyed. The obvious advantage of such a commission is that more than one person is involved in the decision-making process. Having these persons nominated by different entities ensures a large degree of representation. How successful this formula can be depends on how individuals representing different and sometimes conflicting interests will be able to work together.

The second approach is to appoint a single public official to supervise the electoral process. This puts the authority in the hands of one individual. Consequently, it is reasonable to believe that efficiency is increased, since there will be no wrangling among different people. However, it is not easy to find a person whom all sides in the political arena will trust, and there is a risk that the nomination process and the conduct of the official be tainted by partisanship.

The third approach is for a government minister to be in charge of the conduct of elections. This approach is defended on the ground that the person in charge is directly responsible to the legislature and, ultimately, to the electorate. However, the danger of political bias is heightened by the fact that the chief official who supervises the political process also happens to be one of the contenders.

Empowering a minister to conduct elections may seem a deficient approach, as the possibility of conflict of interests seems obvious, yet it is worth pointing out that most of the six countries that did so at the time of writing (2000) were well-established European democracies, including (until recently) the United Kingdom. Much depends on the level of trust the civil service, and the politician who runs it, enjoy among those who run for elections and the general public as well.

Electoral multimember commissions are the favourite solution, but few commissions are alike. Indeed, the options available are endless. Appointments may be made by the government, with or without the concurrence of the opposition, the judiciary, the legislature, other political parties, or by a combination of those entities. Another common method is to have the legislature to appoint all members of the commission, possibly with a two-thirds majority. The legislature's prerogative may be shared with the judicial branch. Political parties may also directly appoint electoral commissions. The judicial branch of government can also be the main appointing body. Finally, in a number of countries, electoral commissions are appointed by various combinations of entities.

Interestingly, established democracies and former British colonies are less likely than other countries to empower a commission with the central administration of elections. One can infer that weak democracies create commissions in order to involve diverse factions into the process. A possible drawback of this approach in the US context is that such commissions become “gridlocked” if they are staffed only by representatives of the two major political parties. Including other players may add some fluidity to the process.

A public official is solely in charge of the supervision of elections in 10 countries. Sometimes the government appoints the person on its own initiative, or the legislative assembly nominates the public official. Both branches may be involved in the appointment.

To the risk of looking a trifle chauvinist, I would recommend the Canadian model because I know it well (I am a former staffer) and because it has been found quite successful since its introduction in 1920. Our election management system is a blend of different approaches. At the highest level, strict political neutrality is ensured by the position of the Chief Electoral Officer (CEO) and the fact that his staff is recruited

according to the usual procedures of the public service. At the local level, polling officials are appointed by the parties that finished first and second in the constituency. At the middle level, that of returning officers in each of the 308 electoral districts, appointment is by the Cabinet and may be affected by party considerations (this is the weak link in the chain, in the view of many), but returning officers are expected to work under the instructions of the CEO. Further, returning officers are prohibited from engaging in politically partisan conduct, including contributing to a candidate or a party, or being an employee of or hold a position in a party.

The Chief Electoral Officer is appointed by a resolution of the House of Commons (the elected chamber of our Parliament) that requires a simple majority (one province requires a two-thirds majority for the appointment of its own CEO, which means in most instances that the opposition must concur). He may be dismissed by the Governor General, but only for cause, and at the request of both Houses of Parliament, including the unelected Senate. The same procedure is used for dismissing federally-appointed judges, and is deemed to guarantee their independence from the government. The similarity between the CEO and a judge is emphasized by his/her salary being made by law equal to that of a judge of the Federal Court.

Chief Electoral Officers are expected to hold this position until they reach the age of 65. As a result, since 1920, only five Chief Electoral Officers have been appointed, including the present incumbent, Jean-Pierre Kingsley. The average tenure of his predecessors has been 17 years and 6 months. Though the appointment procedure would theoretically empower a majority government to impose its nominee to opposition parties, in practice all appointments have been agreed to by other parties and have not occasioned a vote. Some appointments have even been seconded by the Leader of the Opposition, and the most recent one was supported by the two opposition parties.

No Cabinet minister has direct authority over the Chief Electoral Officer, who is answerable to Parliament as a whole. However, the Chief Electoral Officer usually communicates with the Cabinet through a Cabinet minister designated for that purpose, generally the House Leader of the Government.

The Chief Electoral Officer has a staff of 100, which is expanded during election campaigns. His office is known as Elections Canada. Duties include the general direction and supervision over the administrative conduct of elections and the enforcement by all election officers of fairness, impartiality and compliance with the Elections Act. It may also implement public education and information programs to make the electoral process better known to the public.