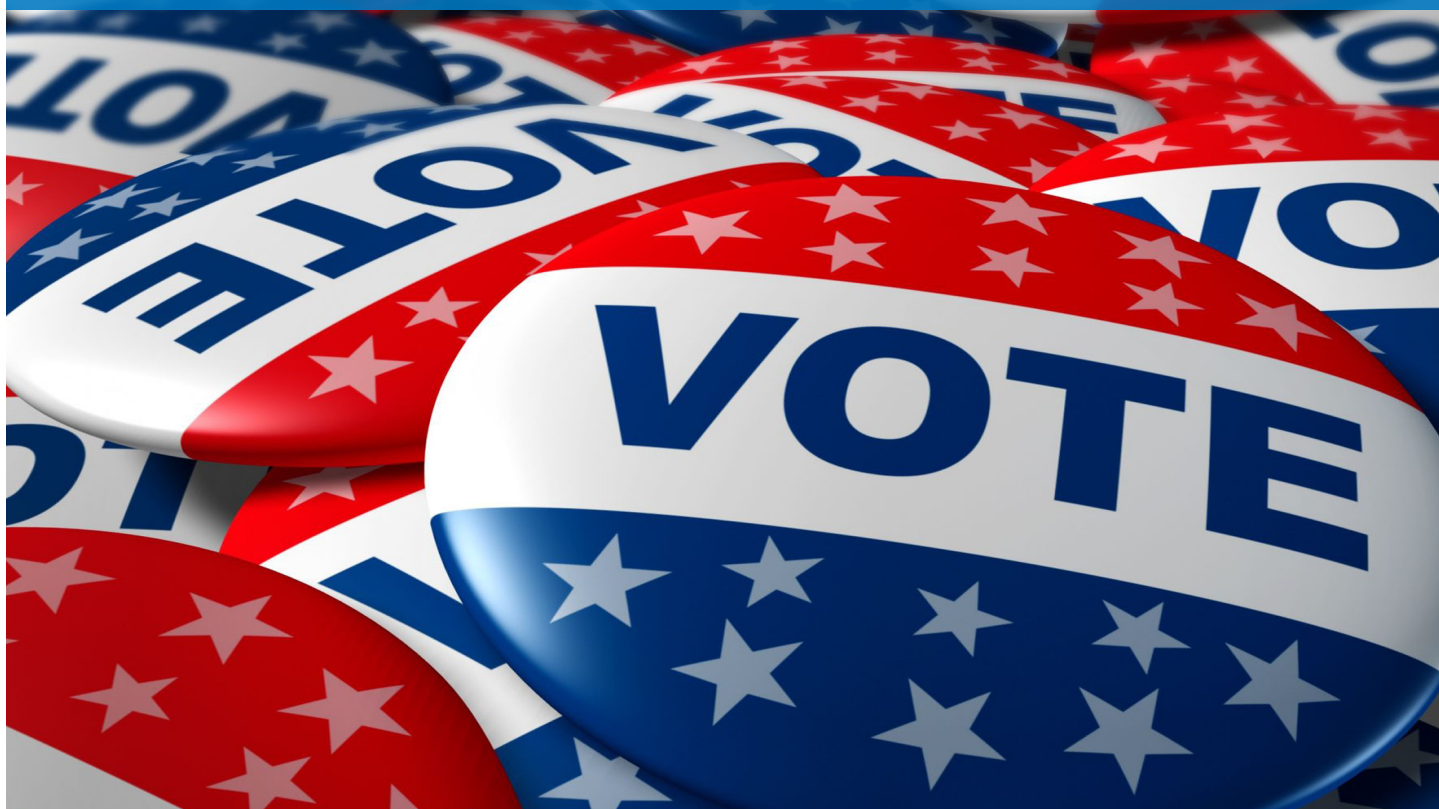


# AMERICA

## GOES TO THE POLLS 2016

*A Report on Voter Turnout in the 2016 Election*



Prepared by



[www.nonprofitvote.org](http://www.nonprofitvote.org)



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### AMERICA GOES TO THE POLLS 2016

*A Report on Voter Turnout in the 2016 Election*

*Prepared by George Pillsbury, Founder and Senior Consultant  
with Julian Johannesen, Director of Research and Training*



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Founded in 2005, **Nonprofit VOTE** partners with America's nonprofits to help the people they serve participate and vote. We are the leading source of nonpartisan resources to help nonprofits integrate voter engagement into their ongoing activities and services.

**The U.S. Elections Project** is an information source for the United States electoral system. The mission of the project is to provide timely and accurate election statistics, electoral laws, research reports, and other useful information regarding the United States electoral system. By providing this information, the project seeks to inform the people of the United States on how their electoral system works, how it may be improved, and how they can participate in it. It serves as the official source for national and state turnout rates for biennial national elections.

## INTRODUCTION

It has frequently been said that states are laboratories of democracy. As in any good laboratory, one hopes to draw lessons from experiments that test our assumptions, identify strategies that work, and strategies that don't. If we do not seek to draw lessons from this work, then they are no longer *laboratories* of democracy at all, but rather a collection of entities that just do things differently. This report is dedicated to fulfilling that vision of states as laboratories – by ensuring we look closely and objectively to draw out lessons that can strengthen our democracy and foster a more engaged electorate.

With that in mind, Nonprofit VOTE is pleased to join with the U.S. Elections Project to publish the 6<sup>th</sup> biennial edition of the “America Goes to the Polls” report, including state voter turnout rankings based on the official 2016 results certified by state election offices. Nationally in 2016, four of ten eligible voters didn't vote or couldn't vote – due in many cases to largely solvable problems with their voter registration or getting to the polls. However, it is the state turnout rankings that provide a unique lens to discuss factors that affect voter turnout and promote active citizenship.

As this report shows, the engagement level of citizens varies greatly across the nation. At one end of the spectrum, 70 to 75 percent of citizen eligible voters turned out in states like Minnesota, Maine, and Colorado. At the other end, fewer than 53 percent of eligible voters voted turned out in states like Hawaii, West Virginia, and Texas.

Why is there such a dramatic difference in voter turnout across the states? What is taking place in our state laboratories such as Colorado, Oregon and Maine that is helping engage a broader share of their citizenry in elections?

How elections are administered – beyond broad federal guidelines – is largely left to the states. As such, public policies related to voter access, electoral competition, and the ability to engage and mobilize voters play a key role in these turnout differences. By correlating voter turnout rates across all 50 states and the District of Columbia with various public policies and levels of competition, this report seeks to answer these questions and identify replicable strategies that can increase voter engagement across the country.

The act of voting is foundational to U.S. democracy. Nonprofit VOTE and its partners view this report as a tool to help citizens, community leaders, and policy makers across the nation foster a vibrant, healthy democracy based on the active participation of all the governed.

Brian Miller  
*Executive Director*  
*Nonprofit VOTE*

## METHODOLOGY

*America Goes to the Polls 2016* reports on voter turnout in the 2016 U.S. presidential election using certified election results collected by the U.S. Elections Project from Secretaries of State and state election offices in the months following the election – finalized as of March 1, 2016.

The [U.S. Elections Project](#) (USEP) is the only source for up-to-date, accurate estimates of the voting eligible population (VEP) both nationally and for the states. USEP calculates these figures using current data from the U.S. Census and other government sources, excluding both non-citizens and also citizens ineligible to vote by state law due to a past felony conviction.

*Voter turnout* is based on total ballots counted as a percent of voter eligible population (VEP). All states have certified their numbers of presidential votes. Some states have not reported their total ballots counted, including ballots where no vote was cast for president. USEP estimates the national total ballots counted by multiplying the total votes for president by 1.016, which is the ratio of the total ballots counted to presidential votes for the 43 states and District of Columbia reporting both statistics. The Elections Project continues to update total ballots counted in 2017 as states report data<sup>1</sup>, but a handful may never report this statistic.

*Same Day Voter Registration (SDR)*: The same day registration or SDR states are those that allow voters to register or update their voter registration when they vote during early voting and/or on Election Day. It includes North Dakota the only state without voter registration.

*Battleground States*: The list of battleground states used in this report was created using data on reported ad spending and campaign visits by the two major party campaigns in combination with the Cook Political Report's list of battleground states. Data on ad spending came from the [AP](#) and [Ad Age's](#) Presidential Campaign Ad Scorecard. Data on major party campaign visits to the states came from Fair Vote's [Presidential Tracker](#).

*Margin of Victory*: The margin of victory is the percentage point difference between the winner and the second place candidate. The source for margin of victory in the Presidential election is David Leip's [Atlas of U.S. Presidential Elections](#). For the House elections, we use [Ballotpedia's](#) United States House of Representatives elections, 2016.

<sup>1</sup> This makes minor changes in the data that can but typically does not change state rankings.

*Youth Vote:* Estimates of Citizen Voting Age Population (CVAP) and voter turnout are from the [Census Current Population Survey's](#) biennial supplement on voting and registration. 2016 turnout is an estimate by [CIRCLE](#): Center for Information and Research on Civic Learning & Engagement at the Jonathan M. Tisch College of Civic Life at Tufts University.

*New Citizen Vote:* Estimates of Citizen Voting Age Population (CVAP) and voter turnout are from the Census Current Population Survey's biennial supplement on voting and registration. The report used the [Census' October, 2016](#) estimates of CVAP in the states. These estimates were also used to determine the number of voters by race/ethnicity living in and outside battleground states. Latino and AAPI voter contact rates for voters in non-battleground vs. battleground states was reported in election eve polls by [Latino Decisions](#) and [Asian American Decisions](#).

# EXECUTIVE SUMMARY

## NATIONAL TURNOUT

Voter turnout exceeded 2012 at a level consistent with the last three presidential elections.

- 60.2% of the nation's 231 million eligible voters cast ballots, according to ballots counted and certified by state election boards, compared to 58.6% turnout in 2012.
- Four in ten eligible voters didn't vote. Among the most common reasons voters cite for not voting are a lack of competition and meaningful choices on the ballot or problems with their voter registration or getting to the polls.

## STATE TURNOUT RANKINGS

The two factors that consistently correlate with higher voter participation are the ability to fix a registration issue when you vote and living in a battleground state.

### Same Day Voter Registration

- **The six highest-ranking states offered same day voter registration (SDR)**, which allows voters to register or fix a registration problem when they vote (In order – Minnesota, Maine, New Hampshire, Colorado, Wisconsin and Iowa).
- **Voter turnout in states with SDR was seven points higher** than states without the option, consistent with every election since the policy was first introduced in the 1970s.
- **The significant turnout advantage of SDR states has persisted** even as four new states (Colorado, Connecticut, Illinois and Maryland) implemented the policy since the 2012 election.

### Automatic Voter Registration (AVR)

- **Oregon, the first state to implement AVR, saw the highest turnout increase of any state** over 2012 – 4.1 percentage points. AVR pro-actively registers citizens at DMV transactions.

### Battleground States

- **Five of the six highest-turnout states, and 12 of the top 20**, were battleground states.
- Voter turnout in contested battleground states has been **five to eight percentage points higher** than in non-battleground states in each of the last five presidential elections.
- **The campaigns dedicated 99% of their ad spending and 95% of campaign visits** to the 14 battleground states – well over half going to just four states – FL, NC, OH and PA.
- **The voices of 65% of the electorate – 147 million voters** – were left on the sidelines from determining the presidency – living in the 36 non-battlegrounds states whose electoral votes were pre-ordained. That, in fact, is largely what happened.
- **Latino (75%) and Asian American voters (81%) lived disproportionately outside swing states** and, as a result, experienced 10-16 percentage points less contact than their swing state counterparts and a reduced voice in the election of the president.

### Lowest Ranking States

- **Hawaii, West Virginia, Texas, Tennessee, and Arkansas were at the bottom five** for the third consecutive presidential election. None were battleground states. All five cut off the ability to register or update a registration three to four weeks before Election Day.
- **National turnout was reduced by 1.5 percentage points**, due to low turnout in three of the four most populous states – California, New York and Texas.

## RECORD LOW COMPETITION IN U.S. HOUSE RACES

The lack of competition in Congressional races compounds the lack of competition in non-battleground states in the presidential race.

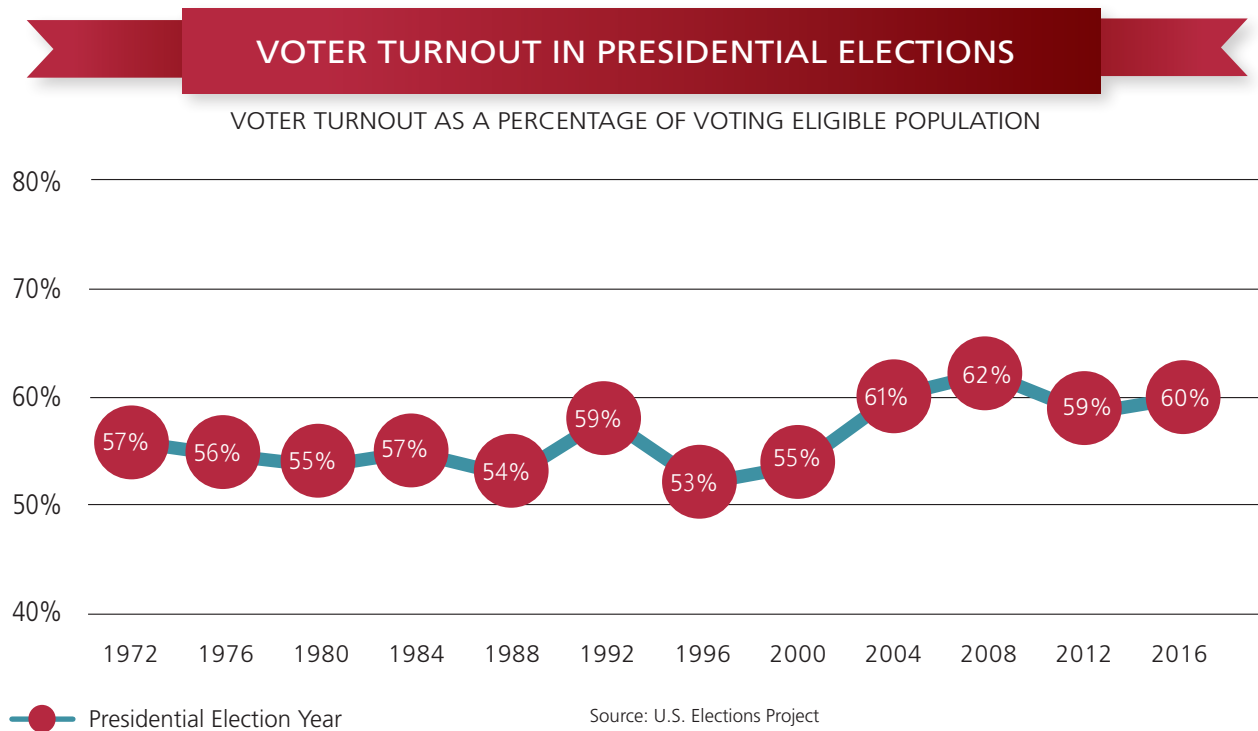
- **Competition in House elections reached its lowest level** since [Cook Political Report](#) began rating competition in 1984. Cook rated 37 of the 435 U.S. House races as competitive on the eve of the 2016 election.
- In the end, even fewer House seats – 33 – ended up being competitive with a margin of victory between the top two candidates of 10% or less. **73% of House races were won by landslide margins of victory – over 20%.**

# U.S. VOTER TURNOUT 2016

## VOTER TURNOUT IN 2016 AND THE HISTORICAL TREND

Despite – or perhaps because of – the leading candidates’ historically low favorability ratings, voter interest was high<sup>1</sup>, yielding the third highest turnout rate in a presidential contest since the voting age was lowered to 18 in 1971.

- 139 million or 60.2% of the nation’s 231 million eligible voters cast ballots, according to results counted and certified by state election boards.
- Still, four in ten eligible voters didn’t vote. Non-voters have a variety of reasons for not voting.
  - In a Pew Research survey, 25% of non-voters reported that their vote wouldn’t make a difference, and 15% said they thought the outcome of the election, at least in their state, was a foregone conclusion.<sup>2</sup>
  - In 2012 the Census reported eight million voters cited solvable problems such as a voter registration issue or getting to the polls as a primary reason for not voting.<sup>3</sup>
  - Others point to low voter confidence in the fairness and integrity of U.S. elections.<sup>4</sup>



Source: U.S. Elections Project  
Note: The chart shows voter turnout as a percentage of total ballots counted divided by the voting eligible population for each year, 1972 to 2016.

<sup>1</sup> Pew Research Center, [Campaign Engagement and Interest](#), July 2016.

<sup>2</sup> Pew Research Center, In [Election’s Wake, Partisans Assess the State of Their Parties](#), P. 30, December, 2016. Note that the survey question asked respondents to “check all that apply,” thus individual respondents might have checked boxes for both the reasons cited here.

<sup>3</sup> Bloomberg.com, [The Definitely Messy, Probably Solvable Reasons Americans Don’t Vote](#), April 2016 (based on the 2012 U.S. Census voting and registration report, Table 10).

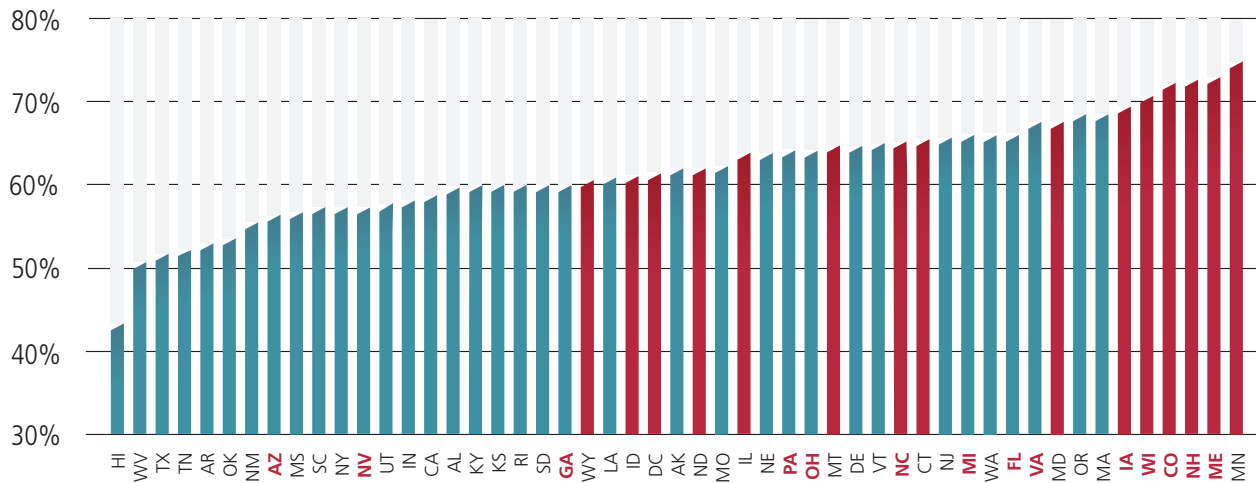
<sup>4</sup> Washington Post Monkey Cage, Norris et al, [Why don’t more Americans vote?](#) Maybe because they don’t trust U.S. elections, December 2016.



## 2016 STATE VOTER TURNOUT RANKINGS

Following a long-standing trend, states with high voter turnout in 2016 had two notable characteristics: they offered same day voter registration and/or were highly contested battleground states. Same day voter registration (SDR) allows voters to register or correct a registration issue when voting early or on Election Day. States with battleground status are those where the presidential race was expected to be close and candidates and campaigns focused most of their efforts.

### 2016 STATE VOTER TURNOUT RANKINGS



● States with Same Day Registration  
**INIT.** Initials of Battleground States in Red

Source: U.S. Elections Project

- **Notable as well among high turnout states were the “All Vote by Mail” states of Colorado, Oregon and Washington.** They ranked 4th, 8th and 12th respectively. Their average turnout was 68%. In each of those states every registered voter receives a ballot in the mail before the election and may return that ballot at their convenience at a local drop box or by mail.

## 2016 STATE VOTER TURNOUT RANKINGS

VOTER TURNOUT AS A PERCENTAGE OF VOTING ELIGIBLE POPULATION

STATE	TURNOUT	RANK '16 ('12)	STATE	TURNOUT	RANK '16 ('12)	STATE	TURNOUT	RANK '16 ('12)
Minnesota	74.8%	<b>1</b> (1)	Delaware	64.6%	<b>18</b> (17)	Kentucky	59.7%	<b>35</b> (39)
Maine	72.8%	<b>2</b> (6)	Montana	64.3%	<b>19</b> (15)	Alabama	59.3%	<b>36</b> (32)
New Hampshire	72.5%	<b>3</b> (3)	Ohio	64.2%	<b>20</b> (13)	California	58.4%	<b>37</b> (42)
Colorado	72.1%	<b>4</b> (4)	Pennsylvania	64.0%	<b>21</b> (28)	Indiana	57.9%	<b>38</b> (41)
Wisconsin	70.5%	<b>5</b> (2)	Nebraska	63.8%	<b>22</b> (23)	Utah	57.7%	<b>39</b> (40)
Iowa	69.0%	<b>6</b> (5)	Illinois	63.4%	<b>23</b> (30)	Nevada	57.3%	<b>40</b> (38)
Massachusetts	68.3%	<b>7</b> (9)	Missouri	62.3%	<b>24</b> (18)	New York	57.3%	<b>41</b> (44)
Oregon	68.3%	<b>8</b> (14)	North Dakota	61.9%	<b>25</b> (26)	South Carolina	57.3%	<b>42</b> (37)
Maryland	67.2%	<b>9</b> (7)	Alaska	61.8%	<b>26</b> (34)	Mississippi	56.5%	<b>43</b> (29)
Virginia	67.2%	<b>10</b> (8)	Dist. of Col.	61.1%	<b>27</b> (20)	Arizona	56.2%	<b>44</b> (45)
Florida	65.7%	<b>11</b> (16)	Idaho	60.9%	<b>28</b> (24)	New Mexico	55.2%	<b>45</b> (43)
Washington	65.7%	<b>12</b> (10)	Louisiana	60.6%	<b>29</b> (25)	Oklahoma	53.2%	<b>46</b> (49)
Michigan	65.7%	<b>13</b> (12)	Wyoming	60.4%	<b>30</b> (33)	Arkansas	53.1%	<b>47</b> (47)
New Jersey	65.5%	<b>14</b> (19)	Georgia	59.9%	<b>31</b> (31)	Tennessee	52.0%	<b>48</b> (46)
Connecticut	65.4%	<b>15</b> (21)	South Dakota	59.9%	<b>32</b> (27)	Texas	51.6%	<b>49</b> (48)
North Carolina	65.2%	<b>16</b> (11)	Rhode Island	59.7%	<b>33</b> (35)	West Virginia	50.8%	<b>50</b> (50)
Vermont	64.8%	<b>17</b> (22)	Kansas	59.7%	<b>34</b> (36)	Hawaii	43.0%	<b>51</b> (51)

Source: U.S. Elections Project  
 Note: 2012 turnout rank in parenthesis.

- **Minnesota has been number one in turnout for eight out of the last nine presidential elections.** In 2016, it was trailed by five states – Maine, New Hampshire, Colorado, Wisconsin and Iowa – all of which had both same day registration and battleground status.
- The bottom five states in voter turnout – Texas, West Virginia, Arkansas, Tennessee and Hawaii – have been at the bottom for **the last three presidential elections.**<sup>5</sup> These were not battleground states. Low turnout can also relate to restrictive voting laws and a less educated electorate. These three factors reinforce a culture of non-voting that seems hard to change.
- **Hawaii\* has finished last in voter turnout for the last five presidential elections in a row.** It's far from the mainland and receives few visits and little attention, in addition to being a non-battleground state having only three electoral votes that predictably go to the Democratic party.
- **California, New York and Texas continue to bring down turnout nationwide.** Together, the three states represent a quarter of the voting-eligible population. Had they voted at the same rate other states did in 2016, national turnout would have been 1.5 percentage points higher.

\* There is also the added layer of the [Hawaii sovereignty movement](#), which is a movement that supports Hawaii becoming its own sovereign state.

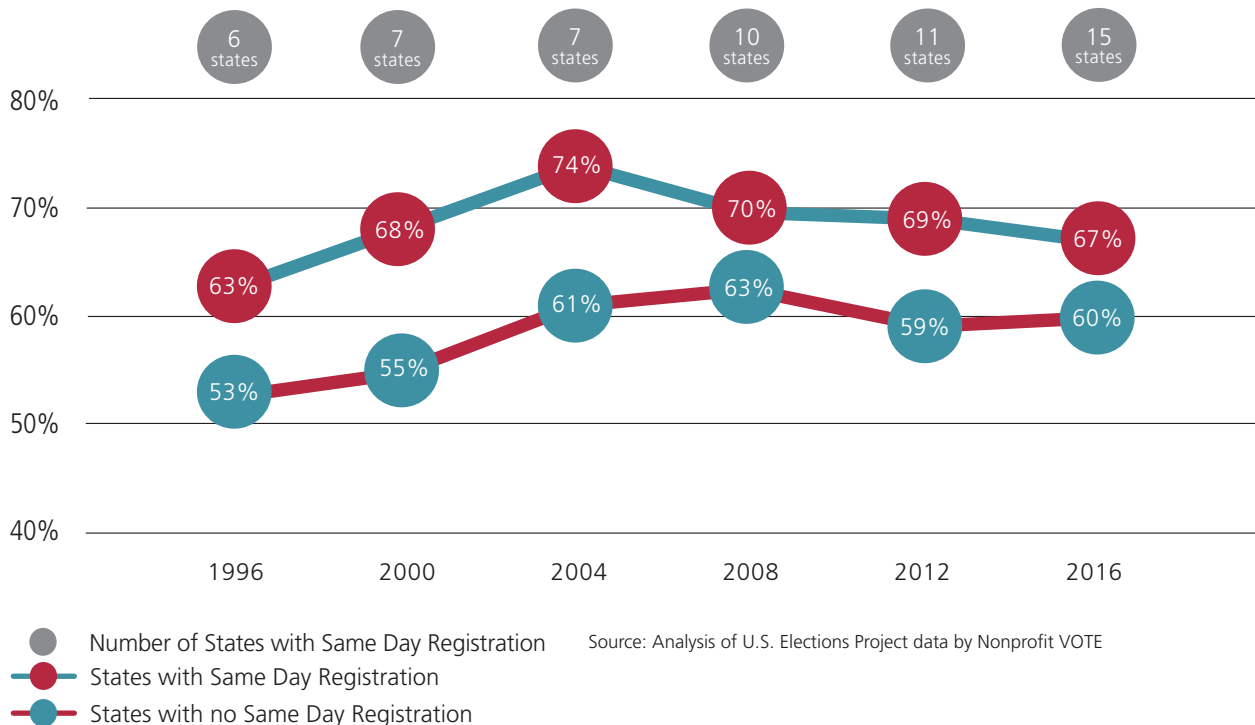
## SAME DAY VOTER REGISTRATION AND VOTER TURNOUT

Same day voter registration (SDR), also known as Election Day registration, allows voters to register or fix a problem with their existing voter registration at the polls during early voting or on Election Day. States with SDR have, overall, higher voter turnout than states without it. Maine, Minnesota, and Wisconsin were the first three states to adopt SDR, in the early 1970's. As of 2016, 14 states and District of Columbia have adopted SDR. Two of them – North Carolina and Maryland – only allow SDR during early voting.

- In 2016, voter turnout in states with SDR was, on average, seven points higher than in states without it.
- The newest adopters of SDR, Connecticut and Illinois<sup>6</sup>, were among the top four turnout increase states between 2012 and 2016 – 4.1% points and 4.0% points respectively. New adopters should continue to see the participation benefits as research suggests states implementing SDR should over time expect a turnout increase closer to 5-7% points.
- Wisconsin was the only SDR state with a large drop in voter turnout – 3.1% points, its lowest presidential turnout since 2000. This may be associated with recent implementation of a restrictive voter ID law.<sup>7</sup>

### SAME DAY VOTER REGISTRATION'S BENEFIT OVER TIME

VOTER TURNOUT AS A PERCENTAGE OF VOTING ELIGIBLE POPULATION



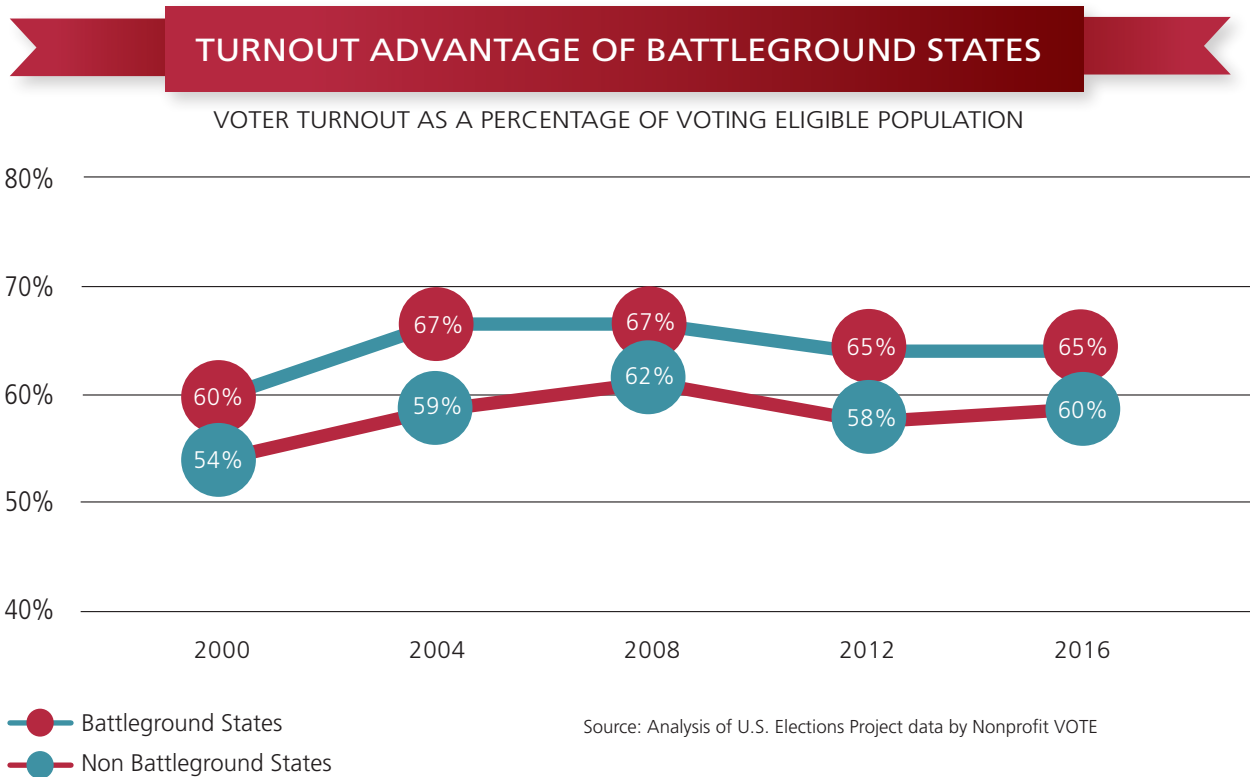
<sup>6</sup> Maryland also implemented same day voter registration in 2016 but only during early voting.

<sup>7</sup> Los Angeles Times, [Minority Voter Suppression](#), March 2017.

## BATTLEGROUND STATES, COMPETITION AND TURNOUT

Due to the Electoral College, only a small number of closely contested battleground states receive serious attention from the two major parties' presidential candidates or their campaigns.<sup>8</sup> In 2016, these battleground states were generally assumed to be Arizona, Colorado, Florida, Georgia, Iowa, Maine, Michigan, Nevada, New Hampshire, North Carolina, Ohio, Pennsylvania, Virginia, and Wisconsin.

- Voter turnout in contested battleground states has been **five to eight percentage points higher** than in non-battleground states in each of the last five presidential elections.
- In 2016, four battleground states alone – **Florida, North Carolina, Ohio and Pennsylvania** – were the target of the majority of campaign ad spending (71%) and candidate appearances (57%). Together the 14 battleground states absorbed 99% of ad spending and 95% of candidate visits for campaign purposes.<sup>9</sup>
- **Only 35% of eligible voters** lived in a battleground state in 2016. The remainder, 147 million voters, lived in the 36 states and the District of Columbia – sidelined and largely by-passed by the national campaigns.<sup>10</sup>

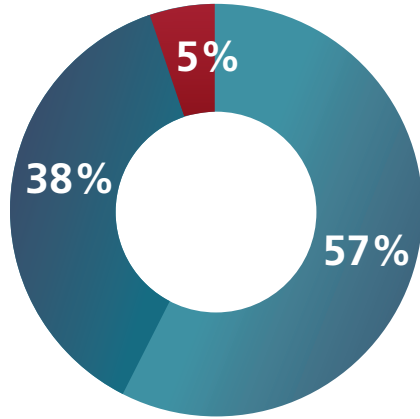


<sup>8</sup> Battleground designation is based on candidate spending and appearances and competitiveness ratings in the Cook Political Report and other sources. See methodology.

<sup>9</sup> An appearance at a rally, speech, or public event, not a fundraising event.

<sup>10</sup> U.S. Census, Citizen Voting Age Population, October 2016.

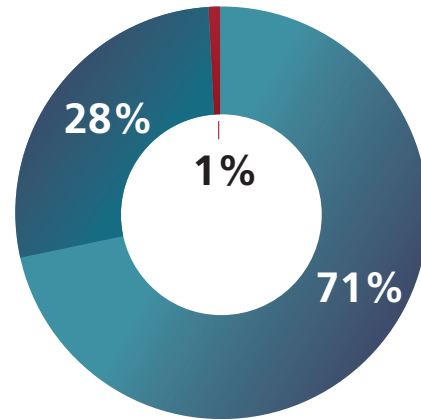
**95% OF CAMPAIGN VISITS IN BATTLEGROUND STATES**



Top 4 Swing States: FL, NC, OH, PA **57%** Other Swing States **38%** Non Swing States **5%**

Source: Analysis of Fair Vote data by Nonprofit VOTE  
Note: The chart shows where campaigns spent their time between Jul. 19 and Nov.7.

**99% OF CAMPAIGN SPENDING IN BATTLEGROUND STATES**

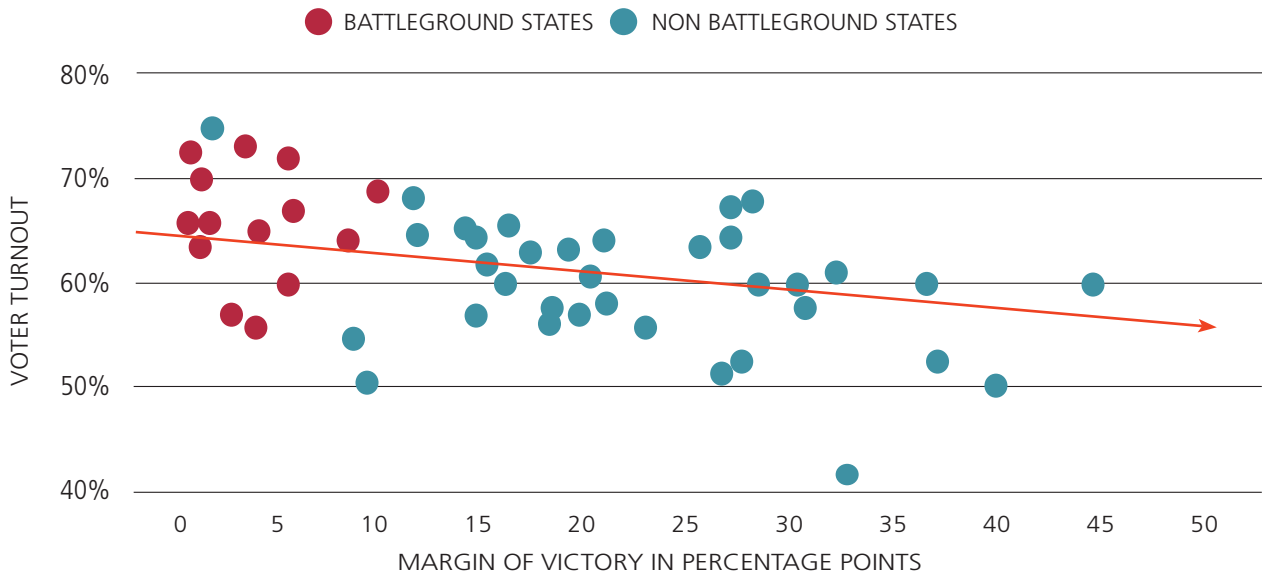


Top 4 Swing States: FL, NC, OH, PA **71%** Other Swing States **28%** Non Swing States **1%**

Source: Analysis of Associated Press data by Nonprofit VOTE  
Note: The chart shows where campaigns spent their money in the final weeks of the campaign – Sept. 4 – Nov. 5.

**VOTER TURNOUT AND MARGIN OF VICTORY**

IN THE BATTLEGROUND STATES

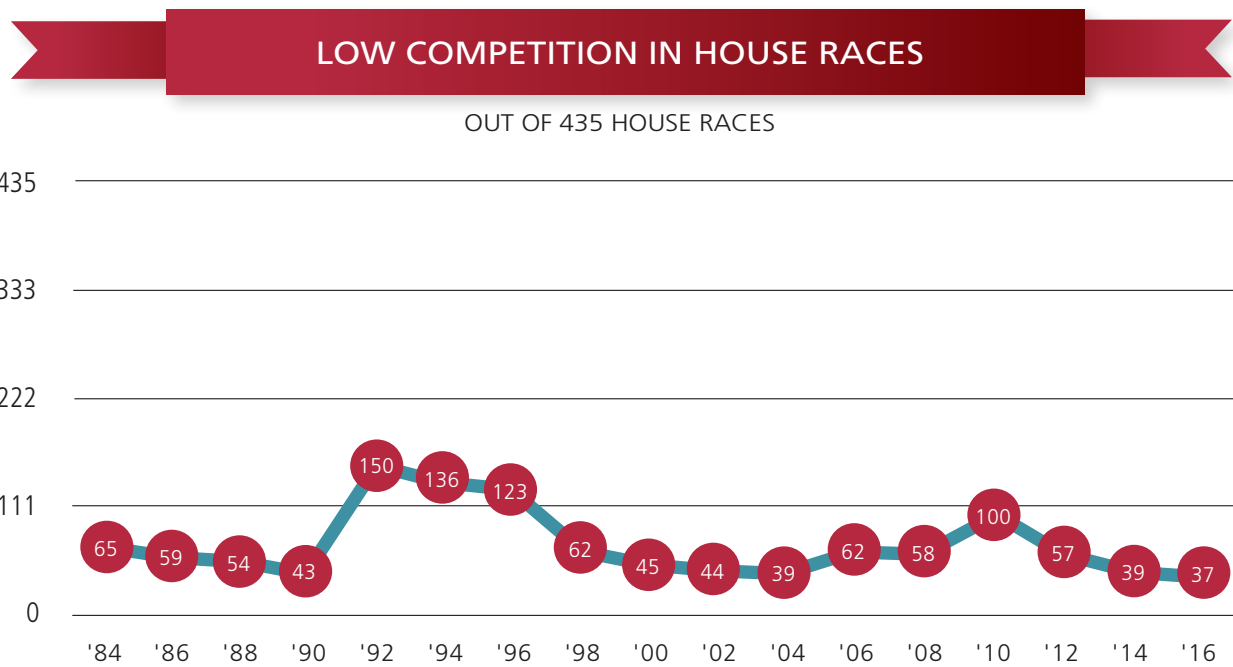


Source: Turnout by US Elections Project. Vote margin between top two candidates (Atlas of U.S. Presidential Elections).  
Note: The chart shows voter turnout on the vertical axis and the margin of victory by the winner over the second place candidate on horizontal axis. Each point represents a state.

## U.S. HOUSE RACE COMPETITION: LOWEST IN 30 YEARS

Since 1984, the nonpartisan Cook Political Report has assigned competition ratings to races for Congress, Governor and the Presidency. Competition in 2016 was the lowest it has been since these ratings began, adding little in the way of meaningful electoral competition for voters in or outside the battleground states.

- In 2016 **only 37 or 8.5% of the 435 seats** were considered competitive before the election, the lowest in 30 years of Cook's ratings.
- In the end even fewer House seats – 33 – had a margin of victory of less than 10% between the two top candidates. **Nearly three-quarters of House races were won by landslides** margins of 20% or more or were entirely unopposed.



Source: Cook Political Report

Note: This chart shows the trend in the number of competitive House races in the last 17 congressional elections. "Competitive" here means a race was designated as a toss up or leaning to one party by the Cook Political Report.

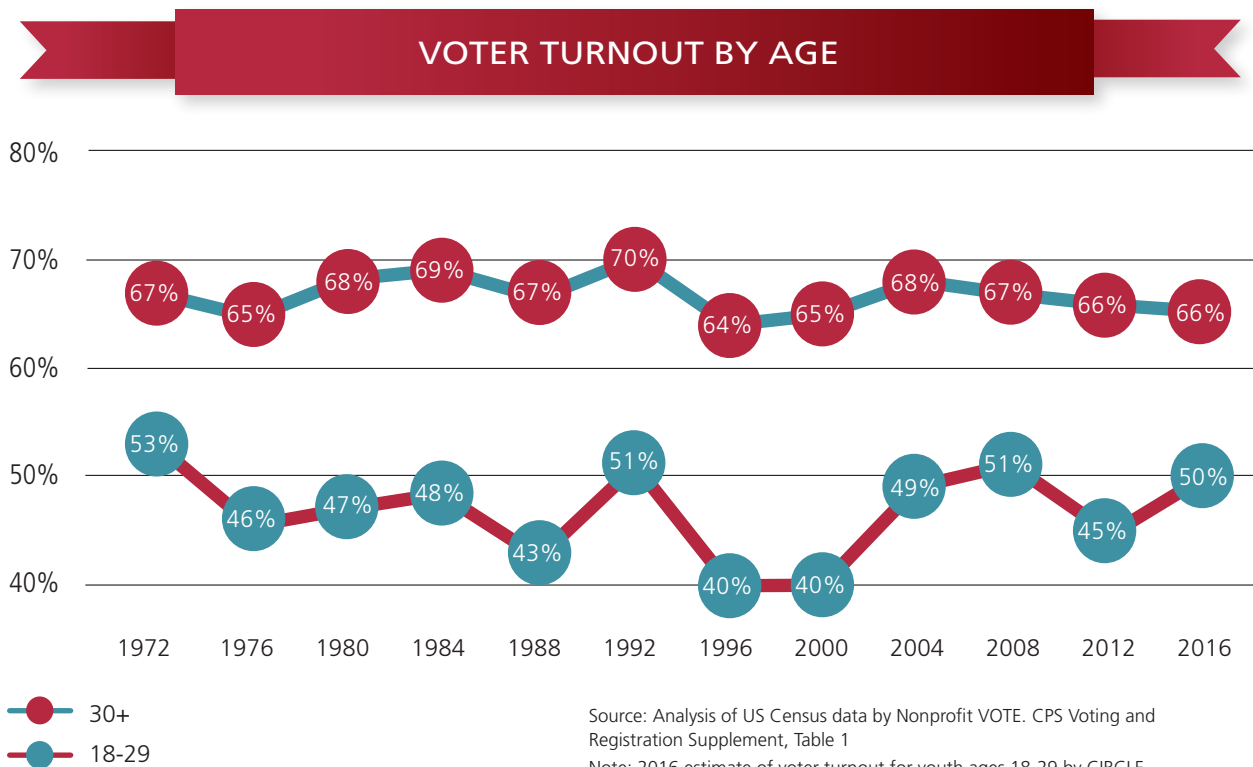


Source: Ballotpedia, U.S. House Race by margin of victory, 2016.

## THE YOUTH VOTE

Age is the most reliable predictor of voter turnout. On average, turnout rate goes up symmetrically by age. For every year older, you are that much more likely to vote.<sup>11</sup> Still, about one in five of those who voted in 2016 were under 30, and these voters remain a potential target for outreach by current and future campaigns.

- Contrary to some reports, **turnout among voters 18-29** is now seen as higher than 2012.
  - Youth share of the voting electorate held steady at 19%.<sup>12</sup>
  - CIRACLE, the leading national research center on youth civic engagement, estimates youth voter turnout at 50%, five points higher than four years ago.<sup>13</sup>
- Youth voters were the most independent in 2016. One in twelve or 8% of younger voters ages 18-44 **supported a third party candidate**. That is more than twice the support third party candidates received from voters over 45, where only 2-3% voted third party.<sup>14</sup>



<sup>11</sup> US Census voter registration and turnout data by age, Table 1, 2012.

<sup>12</sup> National Election Exit Poll (NEEP) 2016, Edison Research.

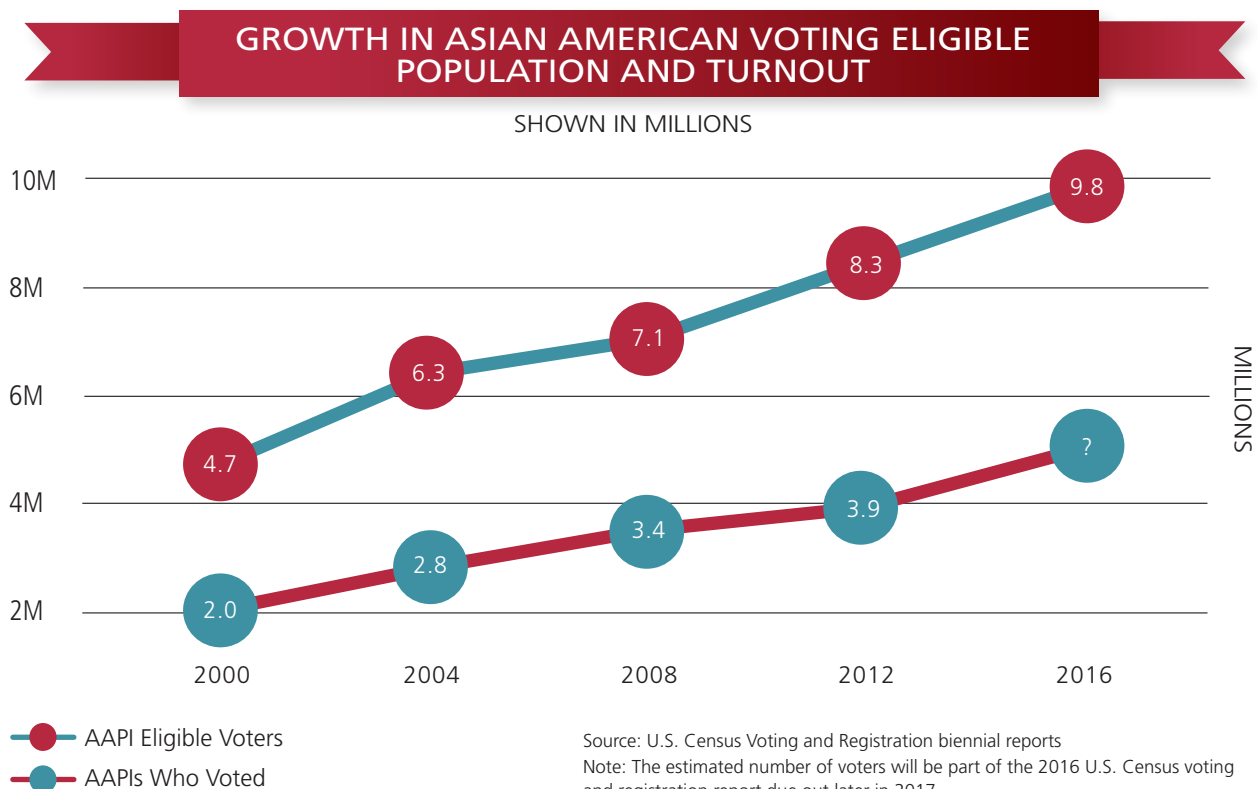
<sup>13</sup> CIRACLE, Youth Vote 2016

<sup>14</sup> Op Cit., NEEP 2016

## LATINO AND ASIAN-AMERICAN VOTERS

Latinos and Asian American/Pacific Islander (AAPI) voters have voting rates 5-20 percentage points below those of black or white voters. Several factors are at play. Latino voters are disproportionately younger than other voters. Both Latinos and AAPI voters face language and other barriers common to new citizens, and both populations live disproportionately in non-battleground, less competitive states. Still, as the fastest growing part of the electorate, their impact will increase in local and national elections to come.

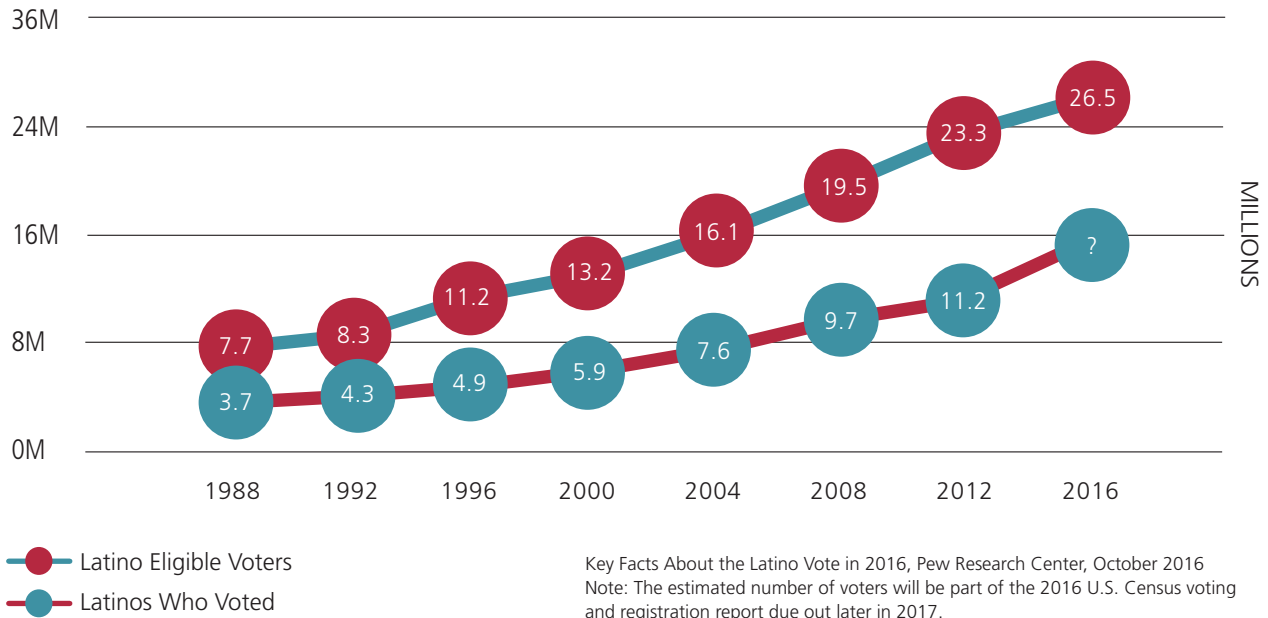
- An estimated **26.7 million citizens of Latino descent** were eligible to vote in 2016, twice the number in the 2000 election. 44% of Latino voters were millennials (18-35), by far the youngest of any demographic. Their relative youth gives Latinos potential for turnout growth as the population gets older and/or votes at higher rates.
- There were **9.8 million AAPI voters** eligible to vote in 2016, double the number for the 2000 election and growing at an even faster rate than Latinos.
- Preliminary estimates from exit polls indicate **voter turnout of Latino and AAPI voters went up in 2016**. It appears both groups slightly narrowed participation gaps between themselves and higher turnout white and black voters. The Census voting and registration report released in late spring will have more accurate turnout estimates.



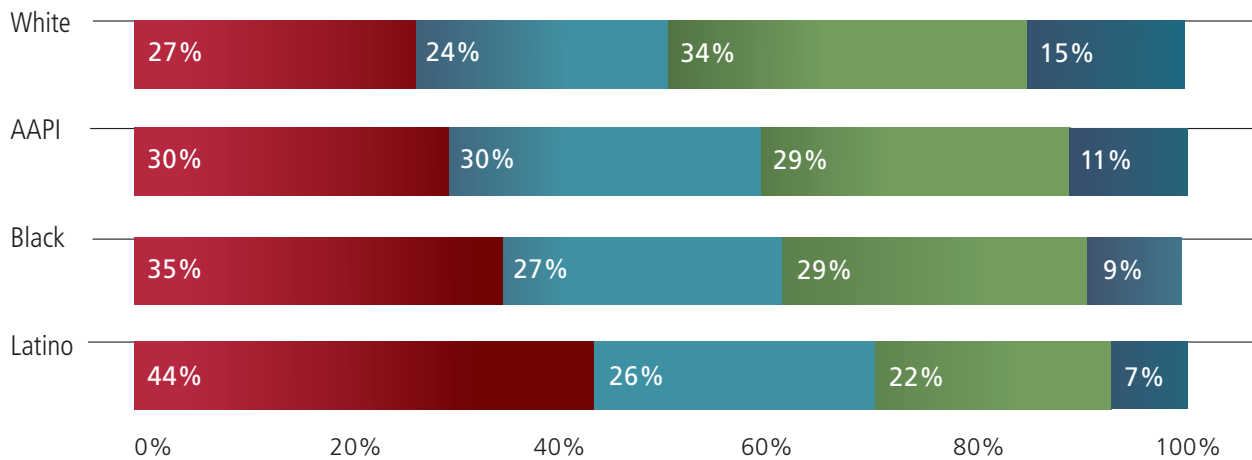


### GROWTH IN LATINO VOTING ELIGIBLE POPULATION AND TURNOUT

SHOWN IN MILLIONS



### MILLENNIALS MAKE UP A LARGER SHARE AMONG LATINO ELIGIBLE VOTERS THAN OTHER GROUPS IN 2016

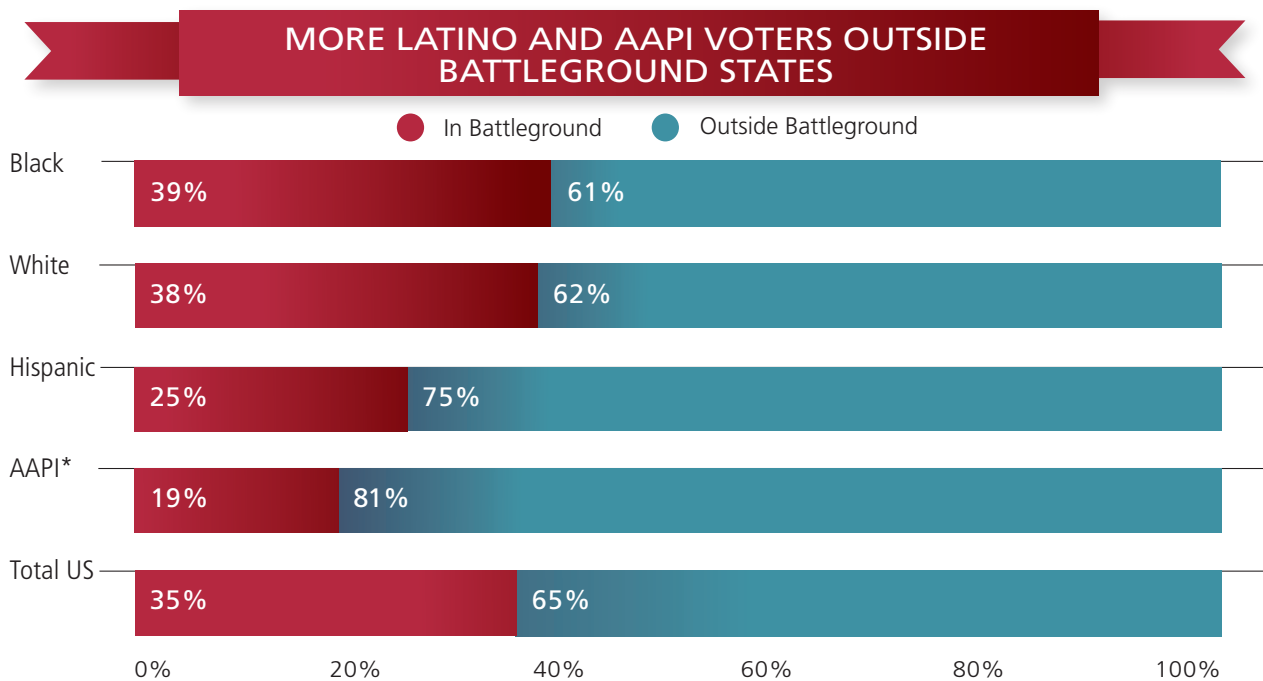


- Millennial (35 and under)
- Gen X (36-50)
- Baby Boomer (51-69)
- WWII (70 and over)

Source: Millennials Make Up Almost Half of Latino Eligible Voters in 2016, Pew Research Center, January 2016  
 Note: This chart shows the relative composition of non-Hispanic white, AAPI, Black and Latino eligible voters by generation: Millennial, Gen X, Baby Boomer, and WWII.

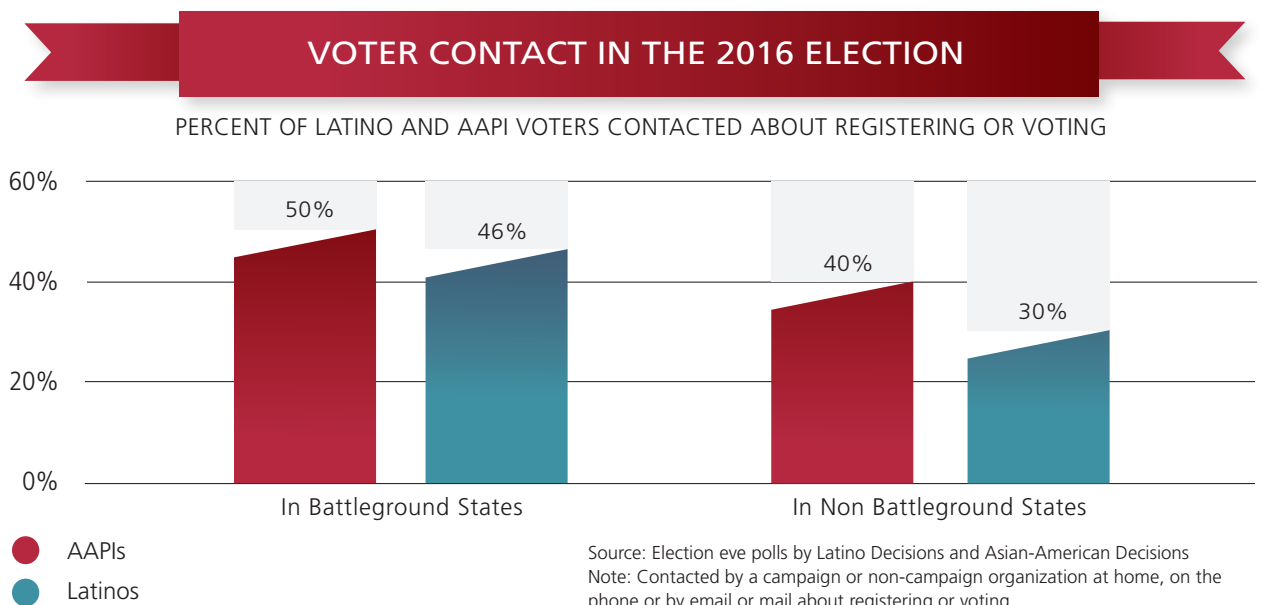
## LESS COMPETITION, LOWER VOTER CONTACT

- Latino and AAPI voters live disproportionately outside battleground states. 75% of Latinos and 81% of the AAPI eligible voters did not live in a battleground state for the 2016 election.
- Voters who live in areas with less political competition inevitably hear little from the candidates. Just 42% of AAPI voters and 35% of Latino voters reported any contact at home, on the phone, or otherwise with a major campaign. Latino and AAPI voters in battleground states reported 10 to 16 percentage points higher levels of voter contact.<sup>15</sup>



Nonprofit VOTE summary of U.S. Census Voting Eligible Population, October 2016 release

Note: This chart shows that, while many whites and blacks lived in battleground states in 2016, relatively few AAPI and Latino voters did.



Source: Election eve polls by Latino Decisions and Asian-American Decisions

Note: Contacted by a campaign or non-campaign organization at home, on the phone or by email or mail about registering or voting.

<sup>15</sup> Latino Decisions/Asian American Decisions, Election Eve Survey, November 2016.

# MAKING DEMOCRACY WORK

## Policies to Increase Voter Participation, Promote Citizenship, and Build Voter Confidence in Elections and Government.

If states are laboratories for democracy, this is no truer than in elections. How you register and vote is largely determined by your state, and no two states do it exactly the same way. That can lead to problems, but it also allows for innovation. The following is a discussion of practical reforms – already implemented in several states – that have promise of making democracy work in the 21<sup>st</sup> century and beyond.

### IMPROVING VOTER REGISTRATION

Voter registration remains the greatest barrier for eligible voters to participate in elections.

- More than one in four eligible voters are not registered to vote.
- One in eight people on registration rolls have a “serious” error in their registration record.<sup>1</sup>
- In 2012, five million people cited a problem with their voter registration as the main reason they didn’t vote, a slight improvement over the six million who said the same in 2008.<sup>2</sup>

The largest barrier to voting is a fixed, advance registration deadline with no option to register or to correct a registration at the polls. Before computers and central state voter files, setting an advance deadline allowed officials to process new and updated registrations before Election Day. Deadlines still serve a purpose to encourage voters to address a registration issue earlier on, but today there is no reason a missed deadline or a problem with a registration should prevent citizens of voting age with proof of residency from exercising their franchise.

*For more background on these election policies, see the election laws and procedures page of the [National Conference on State Legislatures](#).*

<sup>1</sup> Pew Research Center, *Inaccurate, Costly and Inefficient*, 2012.

<sup>2</sup> U.S. Census Voting and Registration, 2012, Table 10.

## Same Day Voter Registration

Same day voter registration (SDR) has proven to be the most effective and multi-faceted policy to increase voter participation across all states, regardless of voters' ages and backgrounds.

### *How It Works*

Voters can register or correct their registration when voting early and/or on Election Day with valid ID. As of 2016, 15 states and the District of Columbia offered SDR. Two additional states (California and Vermont) added it in 2017 and Hawaii will be adding it in 2018. Two states, North Carolina and Maryland, only offer SDR during their early voting period.

### *Turnout Impact*

- Same Day Voter Registration is the policy that – controlling for other factors – has the most discernable impact on increasing voter turnout. Once SDR is fully in place, states are likely to see at least a four percentage point increase in average voter turnout, with the highest impact on turnout among younger voters age 18-35.<sup>3</sup>
- Since 1996 the turnout in states with SDR has been, on average, consistently 7-13 points above turnout in non-SDR states.

### *Attributes*

- Ensures all eligible voters with appropriate ID who wish to vote can.
- Allows voters to fix errors made by themselves, a volunteer, or an election official.
- Eliminates most of the need for and cost of provisional ballots.
- Increases accuracy of registration rolls.
- No reported problems of any consequence after implementation in any state.

### *Issues*

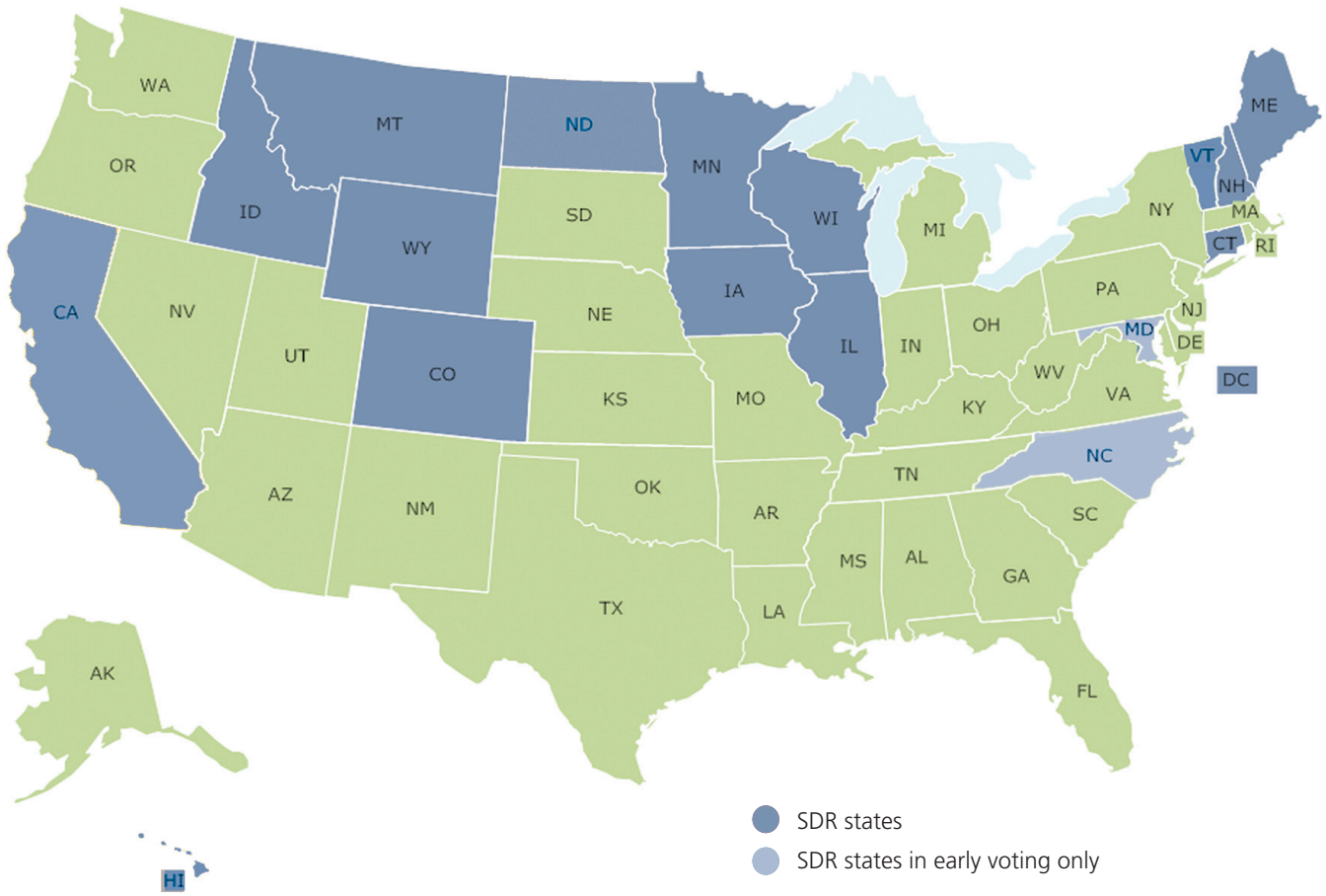
- Some states only allow SDR at an election office, as opposed to any polling place. In these states, large cities and counties may want to provide additional locations to voters.

## Portable Voter Registration

Seven states, including Delaware, Florida, Maryland, Ohio, Oregon, Pennsylvania, and Utah, have systems of portable registration that allow registered voters who move to cast valid ballots even if they do not update their registrations before Election Day. Portable voter registration can be a supplement to or step towards same day voter registration. Visit the [Brennan Center](#) to learn more.

<sup>3</sup> Alvarez and Nagler, [Election Day Registration in California](#), 2011.

STATES WITH SAME DAY VOTER REGISTRATION



States with Same Day Voter Registration

Year first used in a National Election

California <sup>^</sup>	2018	New Hampshire	1996
Connecticut	2014	North Carolina <sup>+</sup> *	2008 -12 & 2016
Colorado	2014	North Dakota <sup>**</sup>	1952
Hawaii	2018	Minnesota	1974
Idaho	1994	Wisconsin	1976
Iowa	2008	Illinois	2014
Maine	1974	Montana	2006
District of Columbia	2012	Vermont <sup>^</sup>	2018
Maryland <sup>+</sup>	2016	Wyoming	1994

+ In early voting only.

\* North Carolina voted to eliminate SDR in early voting in 2013. In 2016 election, a federal court reinstated SDR finding that state actions had been illegally designed to restrict voting based on ethnicity and partisanship.

\*\* North Dakota eliminated all voter registration in 1951. Voting rolls are updated at the polls and other government lists.

<sup>^</sup> Implemented in 2017.

## Automatic Voter Registration

Viewing voting as a responsibility and right of citizenship, most advanced democracies automatically enroll those eligible when they reach voting age. In 2016, Oregon became the first state to implement Automatic Voter Registration (AVR) through its “motor voter” program. Instead of opting in when getting a license, voters are automatically registered or have their current registration updated unless they opt out. Six more states and the District of Columbia have adopted AVR programs set for implementation in 2017 or later.

### *How It Works*

In Oregon, eligible voters are automatically registered to vote when they apply for an original, renewal, or replacement license, permit, or ID card at the DMV. Within 3 weeks, voters receive a card and a postage-paid return envelope that allows them to opt-out or to choose a party affiliation. Other states ask voters about opting out when the transaction takes place. Registrations are processed and certified by county election offices.

### *Turnout Impact*

It has only been one year, so it’s too soon to know with certainty how AVR will affect turnout. However, two data points show some positive effect:

- Oregon voter turnout rose 4.1 points over 2012, the highest increase of any state in that same period.
- 43.5% of the 225,796 voters who were registered during a DMV transaction in time for the election cast ballots. While this group voted at a lower rate than the state average, their votes are a net gain since a large number of those who voted would not have been registered otherwise.

### *Attributes*

- More convenient and less error-prone for voters and government officials.
- Voters who wouldn’t otherwise be on the rolls hear from candidates and campaign volunteers and learn about politics and upcoming elections.
- Cleans up voter rolls with address updates.
- Lowers registration costs, even including the costs of follow up.

### *Issues*

- Automatic voter registration is generally limited to DMV transactions. States are considering other appropriate government services to incorporate it into.

### *States*

- Oregon – Implemented in 2016.
- Alaska, California, Colorado, Connecticut, District of Columbia, Vermont and West Virginia – Enacted in 2016.

*For additional background:* Oregon Elections – [How Does it Work](#)

## Online Voter Registration

As of 2016, two-thirds of the states had implemented online voter registration (OVR) – with 15 states adding it in just the last two years. The 2016 election brought record growth in voters registering online. Two large surges occurred. Around September’s National Voter Registration Day, new online registrations spiked up 70% higher than the same period the previous year, amounting to more than two million registrations.<sup>4</sup> Then in October, in the two days before many states’ registration deadlines, online registration tools experienced six to sixteen-fold increases in traffic, resulting in tens of thousands of registered voters who may otherwise have missed their state’s cutoff.

### *How It Works*

Online voter registration systems work for people who have state-issued driver’s licenses or identification cards, although a few states provide online access for other potential voters as well. In all states, paper registration forms are available for anyone, including those who cannot register online.

### *Turnout Impact*

The impact of OVR on increasing participation is hard to assess. That said, if paper were still the only option in 2016, one would likely have seen a drop off among voters under 40, who conduct most transactions online. Studies in California<sup>5</sup> and other OVR states have pointed to a positive impact on turnout among young voters. The surge in online registrations seen in the two days before state deadlines would indicate that it helped voters who otherwise might have missed the deadline.

### *Attributes*

- Reduces errors made by individuals during the registration process and eliminates the possibility of transcription errors by data entry personnel, leading to more accurate, cleaner voter lists.
- Saves costs on data entry and processing of paper.
- Enables language options helpful to new citizen voters.

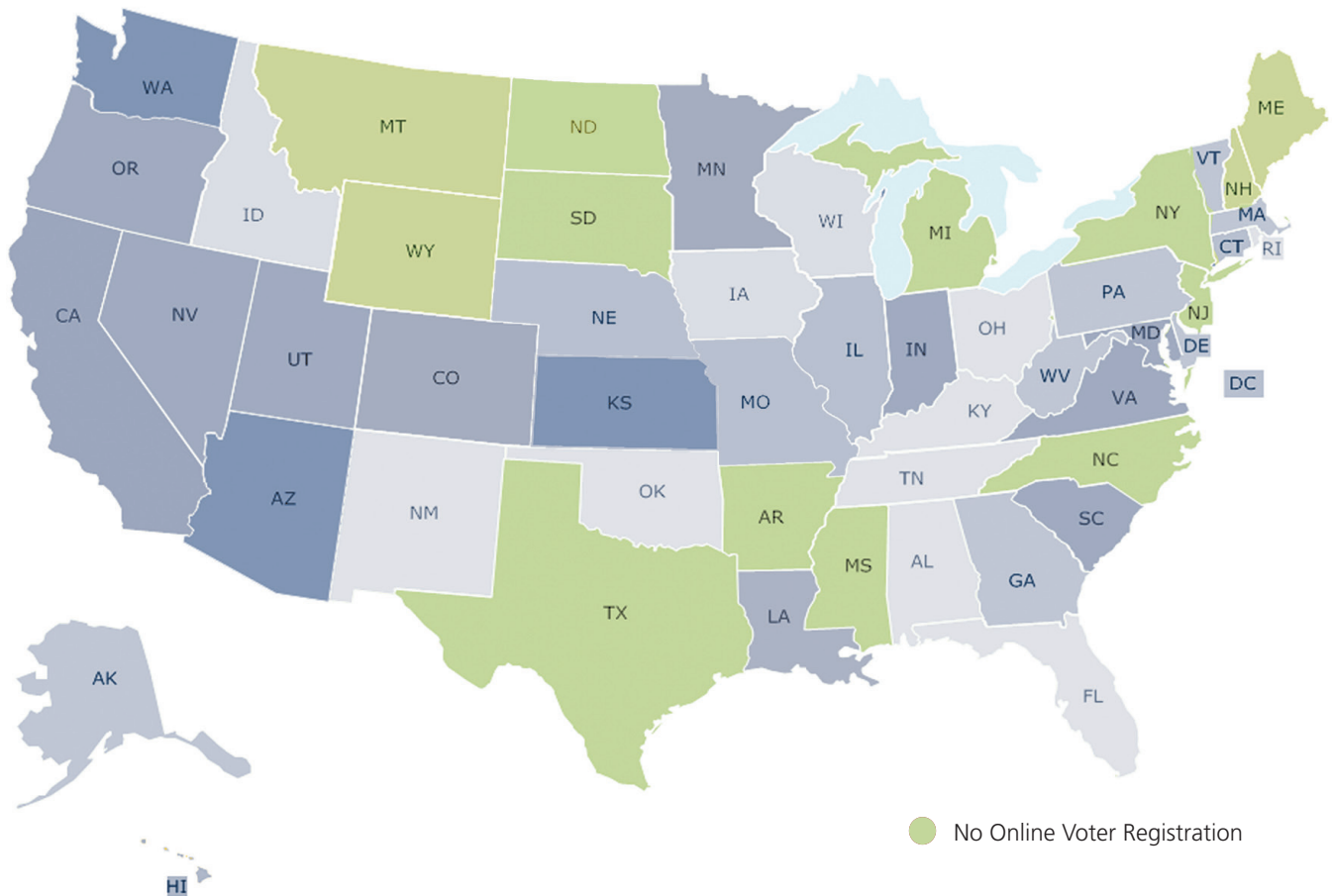
### *Issues*

- OVR systems need to expand online access for those without state IDs. Five states have taken steps to allow people to register with their SSN and other ways to verify their identity.
- As of yet, no states have reported problems related to fraudulent registration, but as with all things electronic, security concerns remain.

<sup>4</sup> Data from National Association of State Election Directors and Center for Election Innovation and Research.

<sup>5</sup> [The Impact of Youth and Online Voter Registration](#), UC Davis policy brief, 2012

STATES WITH ONLINE VOTER REGISTRATION



States with Online Voter Registration and Year Implemented

**2001-2009**

- Arizona
- Kansas
- Washington

**2010-2013**

- California
- Colorado
- Indiana
- Louisiana
- Maryland
- Minnesota
- Nevada
- Oregon
- South Carolina
- Utah
- Virginia

**2014-2015**

- Alaska
- Connecticut
- Delaware
- District of Columbia
- Georgia
- Hawaii
- Illinois
- Massachusetts
- Missouri
- Nebraska
- Pennsylvania
- Vermont
- West Virginia

**2016-2017**

- Alabama
- Florida
- Idaho
- Iowa
- Kentucky
- New Mexico
- Ohio
- Oklahoma
- Rhode Island
- Tennessee
- Wisconsin

For additional background: [Pew Research Center Issue brief](#)



## Pre-Registration of 16-17 Year Olds

Sixteen (16) states have some form of pre-registration that allows youth to “pre-register” when they reach 16 or 17 in preparation for voting when they turn 18. Pre-registration enables young people to register to vote while living at home or still in high school. High schools or other youth organizations can combine voter registration drives with enhanced civic education.

### *How It Works*

Eligible youth can register to vote when they turn 16 (or 17) and be prepared to cast a ballot when they turn 18.

### *Turnout Impact*

A recent study,<sup>6</sup> found that:

- The probability that youth will vote increases in states with pre-registration laws by an average of 2 to 13 percentage points, depending on the model the authors used for their analysis.
- The impact of pre-registration is similar for both major parties, as well as the same across gender or race and ethnicity.

### *Attributes*

- It welcomes teens to the political process and builds enthusiasm that can turn voting into a lifelong habit.
- Many 16 and 17 year olds visit the DMV for the first time years before they're 18. Pre-registration allows them to use that visit to register.
- Pre-registration creates opportunities for youth to register in high school and a through a broad range of other community and civic youth activities.

### *Issues*

- High schools and youth organizations are often unaware of this option and can do much more to engage students.

### *States*

California, Colorado, District of Columbia, Delaware, Florida, Hawaii, Louisiana, Maryland, Massachusetts, Rhode Island, Utah. [Full list here.](#)



High School Voter Registration in Action: The Pharr-San Juan-Alamo Independent School District in South Texas with the support of a nonpartisan AACT NOW, registers over 1,000 students (and parents and teachers) each year on National Voter Registration Day.

<sup>6</sup> Holbein and Hillygus, [Making Young Voters: The Impact of Preregistration on Youth Turnout](#), American Journal of Political Science, 2016.

### Electronic Registration Information Center (ERIC)

20 States and District of Columbia are members of ERIC, a multistate partnership that uses a secure data-matching tool to improve the accuracy and efficiency of state voter registration systems. Member states can compare official data on eligible voters – such as voter and motor vehicle registrations, U.S. Postal Service addresses, and Social Security mortality records to update and clean voter rolls. ERIC uniquely provides members lists to contact of potentially eligible but unregistered voters in their state. In 2016, this included 14 million records of potential eligible voters. Learn more about ERIC and member states [here](#).

## ALL VOTE BY MAIL

Since Oregon, Washington and Colorado adopted “Vote by Mail”, the promising reform – still evolving – has received high marks from voters and election administrators alike. In addition, it has helped sustain or improve turnout rates in all three states.

In Vote by Mail states, every registered voter automatically receives a ballot in the mail. But in actuality, the majority of voters return their ballot *in person* to official drop-sites, many open 24/7. These all mail systems also should not be confused with “absentee voting” available in most states, which requires voters to apply in advance if they want to receive and use an absentee or mail ballot.

#### *How It Works*

Registered voters receive their ballot 2-3 weeks before the election and may return it at their convenience by mail or at a local drop-box.<sup>8</sup> Colorado maintains Election Day voting centers as an option for in-person Election Day voting.

#### *Turnout Impact*

Vote by Mail has its biggest impact in midterm or local elections. However, 2016’s results show strength in presidential elections, as well.

- All three Vote by Mail states were in the top 15 for turnout.
- A 2013 study in Washington found the state’s adoption of Vote by Mail increased turnout in all types of elections by an aggregate two to four percent.<sup>7</sup>
- In the most recent mayoral elections in the 30 largest cities, two of the top three cities in voter turnout were Portland (1st) and Seattle (3rd).<sup>8</sup>
- Oregon’s turnout of registered voters in its May presidential and state primary election – 69% in the Democratic primary and 61% in the Republican primary – was one of the nation’s highest.<sup>9</sup>

<sup>7</sup> Gerber, et al, [Identifying the Effect of All-Mail Elections on Turnout](#), Political Science Research and Methods, 2013.

<sup>8</sup> Keisling and Jurjevich, Portland State University, [Who Votes for Mayor?](#), 2016.

<sup>9</sup> [Oregon elections](#).

### *Attributes*

- Receiving your ballot at home 2-3 weeks before Election Day means that voters have more time to study and understand their choices.
- The convenience of having two weeks to return a ballot helps with transportation challenges and unexpected scheduling issues.
- Vote by Mail lowers costs and reduces the need for provisional ballots. It also reduces difficulties related to finding one's polling place and navigating the voting process.

### *Issues*

- A small but important core of voters prefer in-person voting on Election Day, and mail states should look at the effort Colorado has made to accommodate that.
- Concerns about potential bias towards older voters who move less and use mail more are so far unfounded. Initial studies<sup>10</sup> show young and diverse voters participate at *equal* or *higher* rates in Vote by Mail states.
- Postal delivery is an ongoing issue. Vote by Mail states make efforts to get ballots to those who miss theirs or register late and to make them as easy to return as practicable. Their high turnout rates indicate their relative success in doing so.

### *States*

*Following pilot initiatives, date of full implementation.*

- Colorado, 2013.
- Oregon, 2000.
- Washington, 2011.
- California, 2017 – Starting this year, counties may opt into to all mail elections, using the “Colorado model” that includes election day vote centers to return ballots.

*For more background: [Why “vote by mail”](#)*

<sup>10</sup> Some also liked the idea of an elite body making the final decision rather than a popular vote. This idea never took hold as the selection of the electors soon devolved to the political parties.

## NONPARTISAN REDISTRICTING

A nonpartisan, citizen led solution to legislative incumbents drawing their own districts.

Every ten years incumbents draw the boundaries of their legislative districts – choosing their voters long before voters get the chance to choose them. Legislators use sophisticated software, individual voters’ voting history, and demographic data to divide communities into districts that are safe for incumbents or winnable for the party in power. It’s democracy in reverse.

Partisan line drawing, whether by one or both parties, reduces political competition and voter choice. In 2016, just 33 out of 435 House seats offered voters a truly competitive race between two or more candidates.<sup>11</sup> The situation among state legislative or municipal elections is much the same.

Lack of competition depresses voter turnout. In addition, incumbents without a serious opponent lack election year accountability to voters. The same lack of competition also further fuels hyper-partisanship, as elected officials need only campaign to donors and base voters to win.

Redistricting is meant to promote equitable representation and the fundamental principal of one person, one vote. It’s not meant to be an exercise in incumbent protection and partisanship. Some states seeking to reduce partisan gerrymandering have created nonpartisan or bi-partisan redistricting commissions. Democracies with district elections similar to ours – England, Canada, and Australia – have moved to nonpartisan commissions as well.

### *How It Works*

One solution is the use of nonpartisan commissions made up of a group of citizens tasked to work on a nonpartisan basis. This is what Arizona and California recently opted to do. Six other states have bi-partisan commissions appointed equally by the major parties whose members choose a neutral chair as the tie-breaking vote.<sup>12</sup> Both kinds tend to be more transparent and make better use of established nonpartisan criteria.

### *Turnout Impact*

It’s hard to disaggregate the impact of nonpartisan redistricting on voter turnout as commissions use multiple criteria to draw districts. If political competition were the only factor at play, we would expect turnout to go up. However, commissions must balance multiple factors such as keeping together communities with similar interests and/or protections afforded minority voters in the Voting Rights Act. More states with nonpartisan commissions would provide a better sample for study.

<sup>11</sup> Op. Cit., Ballotpedia

<sup>12</sup> National Conference of State Legislators, [Redistricting](#).



### *Attributes*

- Greater public support and approval, and greater voter confidence in our elections.
- More transparency and the appropriate use of established nonpartisan redistricting criteria, including political competition.
- Removing the cloud of incumbents designing their own districts.

### *Issues*

- Bi-partisan commissions that are appointed directly out of the legislature still creates the perception that parties may be colluding to create safe districts.
- Fair redistricting necessary to promote political competition still involves drawing districts that may not look pretty on a map that divide some communities.

### *State Policies*

- Arizona and California – Nonpartisan Commissions.
- Hawaii, Idaho, Montana, New Jersey, and Washington – Bi-Partisan Commissions.
- Alaska, Arkansas, Colorado, Ohio, Missouri and Pennsylvania – Other commissions with primary responsibility for redistricting.
- Iowa – Iowa gives legislators a set of computer generated maps drawn by a nonpartisan legislative staff commission to choose from. It's generally resulted in more competitive districts.

## **NATIONAL POPULAR VOTE**

Nonprofit VOTE has long recognized the Electoral College as a flawed compromise never meant to last. The Electoral College stands in opposition to democracy's fundamental principle of one person, one vote and devalues the participation of voters (147 million this year) who do not live in battleground states.

The Electoral College was a compromise designed to encourage slaveholder states to ratify the Constitution.<sup>13</sup> Some slaveholder states feared that without it they would be overmatched by states with larger populations of free persons. As James Madison himself said, it was never about "small states", but slave states with fewer free persons eligible to vote.<sup>14</sup> It came with a second compromise – counting slaves as three-fifths of a person to boost their number of Congressional districts and therefore electoral votes allocated.<sup>15</sup> The result? A candidate from Virginia, the largest slave state, won eight of the first nine presidential elections.

<sup>13</sup> Some also liked the idea of an elite body making the final decision rather than a popular vote. This idea never took hold as the selection of the electors soon devolved to the political parties.

<sup>14</sup> "states were divided into different interests not by their difference of size, but by other circumstances; the most material of which resulted partly from climate, but principally from [the effects of] their having or not having slaves", [Madison debates of June 30, 1787](#).

<sup>15</sup> [Constitution Laws](#)

Having a national election decided by a handful of swing states rather than all voting-eligible citizens is problematic and in opposition to democracy's accepted principle of one person, one vote. In 2016, it meant the following:

- 147 million voters, two-thirds of the electorate, were relegated to the sidelines – left to ratify their state's likely results and watch the election unfold on TV or online.
- Voters outside battleground states received little attention and were engaged or contacted by national campaigns at much lower rates.
- Volunteers for presidential candidates had to leave their state – physically or virtually – to have an impact instead of talking to their neighbors or peers at home.
- Political polarization is exacerbated as the nation becomes increasingly divided between red and blue states.

Change will not be easy. That said, given that a popular vote is the only common practice actually shared by every state and nation, it's likely it will – but only with broad public discourse about its history, common myths, and how change can be made.

### *How It Works*

One way to move to a popular vote is by amending the Constitution. Alternately, an interstate compact among a sufficient number of states – whose Electoral College votes collectively equal 270 or more – to give their electoral votes to the winner of the national popular vote could achieve the same goal. A third, less-preferred method is the Maine and Nebraska model that allocates electors individually by Congressional Districts, based on the popular vote winner of that district. However, most House districts are dominated by one party and susceptible to gerrymandering as discussed earlier. See the National Popular Vote [homepage](#) to learn more.

### *Attributes*

- Engaging all voters regardless of where they live, increased voter education and participation among all citizens.
- Increase competition and turnout in non-battleground states.
- Improving voter engagement and outreach across demographics and geography.
- Making every state a purple state – a start towards a united vs. a divided states of America.

### *Issues*

- A recount, while unlikely, could be a challenge. Large states and countries already manage this.
- Some argue that less populated areas will be ignored. The reality is small states are already “ignored” as few are battlegrounds. More importantly, it carries an inherent bias that some people's votes should count more than others. Again, small states already have an advantage in the U.S. Senate and other protections granted all states.

### *States*

Eleven states have formally voted to pledge their state to the national popular vote through the Interstate Compact. It's passed at least one legislative body in several more. See the list [here](#).

## RESTORING VOTING RIGHTS FOR EX-OFFENDERS

In the late 1800's, states enacted statutes to disenfranchise those convicted of a felony, laws intended to limit voting by ex-slaves. Today, an estimated 3.1 million Americans in 34 states are barred from voting, *even after* completing their prison term and returning to their communities to live, work, and raise a family.<sup>16</sup> Fourteen (14) states and the District of Columbia automatically allow citizens to vote upon release.<sup>17</sup>

Voting is rehabilitative. People who vote are more likely to connect with their neighbors, engage in community events and be active civically.

One study of urban youth found ex-offenders who vote are less than half as likely to get re-arrested (See chart).<sup>18</sup> Similarly, the Florida Parole Commission found lower recidivism among those whose civil rights had been restored.<sup>19</sup> To promote a positive re-integration of ex-offenders and reduce recidivism, all states should restore the opportunity to vote upon release and re-entry.

### *How It Works*

Allow voting eligible citizens to register and vote after leaving prison and upon re-entry. In the states with this policy, people have to re-register in order to vote. Voter and civic education can be included as part of their re-integration into society.

### *Turnout Impact*

No current data. Voting eligible population would increase.

### *Attributes*

- Promoting the inherent health and social benefits of civic engagement.
- Lowering post-release criminal activity and recidivism rates.
- Ending the counter-productive debasement of offenders as less able and rightful citizens.
- Achieving a uniform 50 state policy that would end confusion within and across states for ex-offenders by voters, campaign volunteers and election officials.

<sup>16</sup> The Sentencing Project, *Felony Disfranchisement*, 2016.

<sup>17</sup> Maine and Vermont also allow those in prison to vote.

<sup>18</sup> Uggens study 2005, *Citizenship, Democracy, and the Civic Reintegration of Criminal Offenders*.

<sup>19</sup> *Status Updated: Restoration of Civil Rights' (RCR) Cases Granted 2009 and 2010*, Florida Parole Commission.



States

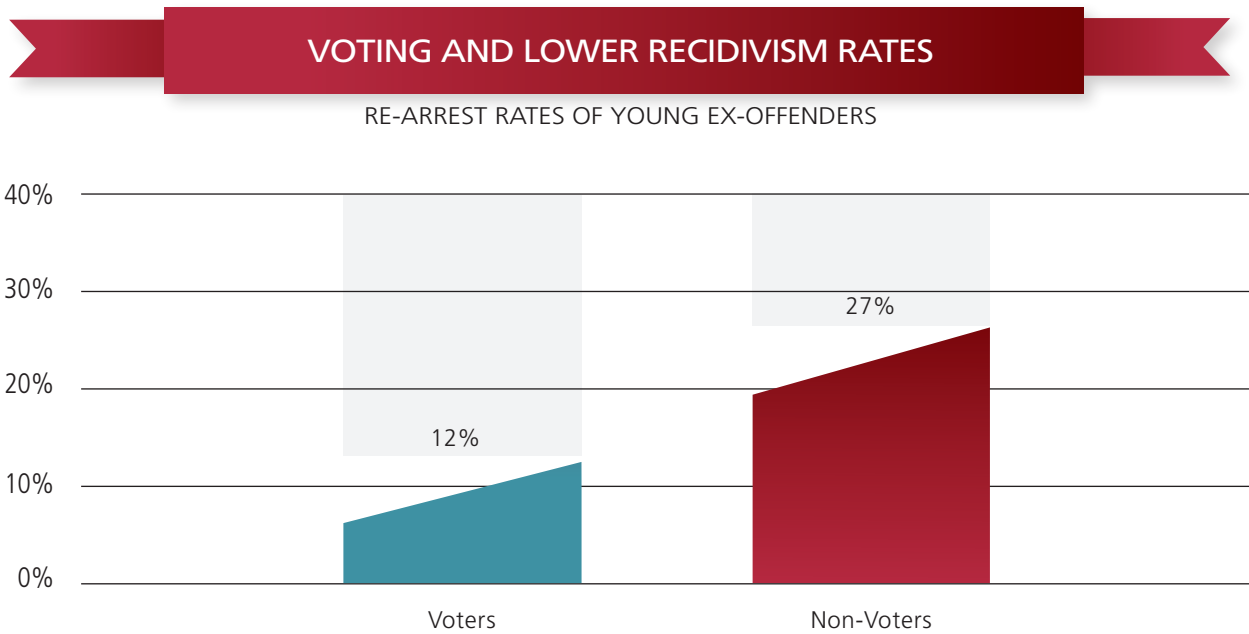
No restrictions, even while in prison.

Maine and Vermont.

May vote upon re-entry – no post-release restrictions.

District of Columbia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah.

For full list including states with post-release and permanent voting restrictions: See the Sentencing Project [state guide](#).



Source: Uggen et al, *Citizenship, Democracy, and the Civic Reintegration of Criminal Offenders*, 2006



## RANKED CHOICE VOTING

In 2016 by voter initiative, Maine became the first U.S. state to adopt Ranked Choice Voting<sup>20</sup> (RCV) for state and federal elections. Already used locally in several states, RCV allows voters to rank candidates for an office by preference. RCV provides three benefits to voters: first, it allows voters more choices; second, it allows voters to vote for minor party or less known candidates without any fear of “throwing away” their vote; and third, it ensures the winner is the genuine choice of the majority of voters.

For Maine, it addresses the fact that nine out of the last eleven gubernatorial elections were won by less than 50% of the vote – in other words by a candidate who the majority of voters voted against. This often occurs when independent or third party candidates “spoil” the election by splitting the vote and handing it to a candidate only a minority of voters support. This is a common issue in U.S. elections under the winner-take-all, plurality voting system we inherited from colonial England.

Ranked choice voting – used in many U.S. settings and other democracies – eliminates the problem of a large field of candidates splitting the vote only to see the “winner” win with 30-40% of the vote or less.

### *How It Works<sup>21</sup>*

Voters rank candidates for a given office by their preference – first choice, second choice, etc. The votes are first tallied based on the first choice on every ballot. If no one candidate wins a majority in the first-round, then the candidate with the lowest number of votes is eliminated and the votes cast for that candidate go to the second choice listed. If needed, the count continues until eventually one candidate receives a majority (over 50 percent).

### *Turnout Impact*

- Ranked Choice Voting has the potential to increase turnout as it gives voters more meaningful choices and creates greater electoral competition.
- Studies have shown does significantly increase the otherwise lower turnout associated with a second round or run-off election.<sup>22</sup>

### *Attributes*

- Gives voters more choices and opportunity to vote for a candidate who expresses their views.
- Ensures a majority winner.
- Reduces negative campaigning as candidates must appeal to more voters for their second choice vote.
- Saves the cost of a second run-off election for jurisdictions that now use run-offs.

<sup>20</sup> Also known as “Instant Runoff Voting”, it was developed in 1870 by William Robert Ware, the founder of the schools of architecture at MIT and Columbia University.

<sup>21</sup> How RCV works in elections where one candidate is elected – Congress, state legislatures, mayors, governors, etc.

<sup>22</sup> Fair Vote, [RCV Voter Turnout](#).

*Issues*

Some worry that RCV is confusing for voters. In practice, voters get the idea of having a second choice and how the counting works. It does require an initial cost to upgrade voting equipment to allow voters to rank their choices.

*States*

Maine is the first state to enact ranked choice voting statewide.<sup>23</sup> It is used in cities and locally in Colorado, Maryland, California, Minnesota and Maine, as well as for overseas and military voters in states that hold run-off, second round elections like Alabama, Louisiana and Mississippi. It's used in Australia, Ireland, Canada and other countries that like the U.S. inherited winner-take-all, plurality voting for England.

<sup>23</sup> Current members of the legislature and state offices are challenging it in court.

