

A History of Third-Party Voter Registration Drives

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By Joshua A. Douglas^{1*}

The process likely seems routine for most Americans today: to be able to vote, you must take the initial step of registering, thereby placing your name on the state's voter registration list. As this report discusses, in every election cycle third-party voter registration groups help millions of people register to vote — and have done so for almost as long as voter registration has existed.

Forty-nine of the fifty states (all besides North Dakota²) mandate voter registration before someone can cast a ballot, though twenty-two states and D.C. have enacted same-day voter registration, where a voter can register and then vote at the same time.³ In addition, over a third of the states have adopted automatic voter registration, where the state has the onus of putting eligible individuals on its voter registration list.⁴ States also vary in their voter registration deadlines, with some closing the voter list thirty days before the election and others allowing people to register up until and on Election Day.⁵

But states have not always required voter registration. Although the first registration law dates to 1800 in Massachusetts, most states did not adopt a voter registration practice until the late 19th and early 20th centuries.⁶ The history of voter registration reveals competing forces: on the one hand, the requirement to register was often used as a tool of disenfranchisement, particularly to harm minority populations. At the same time, several voting movements have embraced voter registration drives to encourage more people to participate in democracy.

^{1*} Ashland, Inc.-Spears Distinguished Research Professor of Law, University of Kentucky J. David Rosenberg College of Law. Thanks to Whittington Wiman for extremely helpful research assistance and to Tony Gaughan and Tova Wang for useful comments on an earlier draft.

² North Dakota was one of the first states to require voter registration but repealed the practice in 1951. Instead of registering ahead of time or even on Election Day, voters simply show up to the polls, provide proper identification, and cast a ballot. See ALVIN A. JAEGER, N.D. ELECTIONS DIVISION, NORTH DAKOTA....THE ONLY STATE WITHOUT VOTER REGISTRATION (2004).

³ *Same-Day Voter Registration*, NAT'L CONF. STATE LEGISLATURES, <https://www.ncsl.org/elections-and-campaigns/same-day-voter-registration> (last updated Jan. 31, 2023).

⁴ *Automatic Voter Registration*, NAT'L CONF. STATE LEGISLATURES, <https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration> (last updated Feb. 7, 2023).

⁵ *Voter Registration Deadlines*, NAT'L CONF. STATE LEGISLATURES, <https://www.ncsl.org/elections-and-campaigns/voter-registration-deadlines> (last updated Feb. 10, 2023).

⁶ ALEXANDER KEYSSAR, *THE RIGHT TO VOTE: THE CONTESTED HISTORY OF DEMOCRACY IN THE UNITED STATES* 67 (Basic Books rev. ed. 2009).

This report explores the long history of the voter registration efforts of third parties — non-governmental entities focused on enhancing democracy. The history reveals three primary time periods when third parties, who were trying to expand the electorate for particular constituencies, took the lead in registering voters: the 1920s and the women’s suffrage movement, the 1960s and the Civil Rights movement, and the 1990s with the federal Motor Voter law.

A key takeaway from this history is that for almost as long as there have been registration lists, interested parties and organizations have engaged in voter registration activities. If voter registration is considered a deeply rooted aspect of the election process, then so is the practice of third parties conducting voter registration drives and helping others register to vote.

The Earliest Voter Registration Practices

In 1800, Massachusetts was the first state to pass a voter registration law. Most states did not follow suit until the late 1800s or early 1900s.⁷ Voter registration was not necessary in the late 1700s and much of the 1800s because election officials often personally knew everyone in their voting wards or precincts, so there was no need for an official list. The growth of America’s cities and the influx of new citizens through immigration resulted in a surging electorate that rendered the voting process more anonymous — and more open to manipulation and disorder at the polls.⁸

Initially, states with a voter registration requirement simply asked local government officials to create the list based on their own knowledge of who was eligible.⁹ In many ways, then, automatic voter registration was the first form of voter registration. As populations grew, states began to mandate personal appearance to register to vote. Some states allowed for registration only on a specific day or days, making it difficult for some people to register and therefore causing disenfranchisement.¹⁰ In a few states, voters did not need to apply to vote in person and instead could submit a written form.¹¹ Registration officials in some places would go door-to-door and register eligible people they encountered.¹² This practice permitted local registrars to simply skip over certain people they did not want to register.¹³ It also opened the door to fraud with fake registrations that officials would accept.¹⁴ In other states — particularly in rural areas where

⁷ *Id.*

⁸ JOSEPH P. HARRIS, REGISTRATION OF VOTERS IN THE UNITED STATES 4–5 (1929), available at [https://babel.hathitrust.org/cgi/pt?id=uc1.\\$b22360&view=1up&seq=1](https://babel.hathitrust.org/cgi/pt?id=uc1.$b22360&view=1up&seq=1); KEYSSAR, *supra* note 5, at 152.

⁹ Daniel P. Tokaji, *Voter Registration and Election Reform*, 17 WM. & MARY BILL RTS. J. 453, 456–57 (2008); Bertrall L. Ross II & Douglas M. Spencer, *Voter Data, Democratic Inequality, and the Risk of Political Violence*, 107 CORNELL L. REV. 1011, 1021 (2022).

¹⁰ Alexander Keyssar, *Voter Registration: A Very Short History*, INST. FOR RESPONSIVE GOV’T (Aug. 1, 2022), <https://responsivegoverning.org/research/voter-registration-a-very-short-history/>.

¹¹ HARRIS, *supra* note 7, at 198.

¹² John Seven, *The Exclusionary History of Voter Registration Dates to 1800*, HIST. (Oct. 22, 2018), <https://www.history.com/news/voter-registration-elections-president-midterms>.

¹³ *Id.*

¹⁴ *Id.*

personal appearance would be difficult — election officials created a voter list without the voter doing anything to be put on the rolls. The theory behind this practice was that the local registrar knew all of the voters in the area, so personal appearance by each voter was unnecessary. The system did not work well, however, as the local registrars failed to update the list each year and instead used “the list of registered electors of the preceding year, and let it go at that.”¹⁵

These early registration practices also revealed the first examples of voters assisting others in registering to vote. Colorado law allowed a voter, in any city over 2,000 in population, to register for themselves,¹⁶ other members of their household, and up to three other people who resided at the same address.¹⁷ Indiana permitted a voter to register in front of a notary, but political parties exploited this rule to have their operatives become notaries, inflating the voter rolls in the process.¹⁸ In some states, such as Connecticut, voters added to the rolls by other individuals would still eventually have to appear in person to verify their eligibility and provide a signature.¹⁹ Demonstrating the use of these laws, there is scattered historical evidence of individuals, often affiliated with political parties, assisting others in registering to vote. A short article in the *Salt Lake Herald* in 1908 reported on a lawsuit stemming from an incident in October 1905 when an individual named George L. Herndon was driving voters to registration places and “ran into an embankment which, it was asserted, had no warning light on it, and was thrown from his rig.”²⁰ (The Utah Supreme Court reversed his initial \$1,445 jury verdict against the city.)²¹

Political Party Machines and Voter Registration

As part of the earliest registration practices — where election officials created a voter list from people they knew or by conducting door-to-door canvases — the political parties often sought to inflate the voter rolls by handing the precinct officers a list of supposedly qualified voters or turning in registration papers for select voters who would support the party’s candidates.²² The political machines, such as Tammany Hall in New York, added fraudulent names to pad the voter rolls so the parties could then engage in voter fraud by paying “repeaters” to vote multiple times on Election Day.²³ “Names of persons in jail, in the hospitals, in the cemeteries or simply nonexistent were added with cavalier abandon.”²⁴ There were also reports of political bosses greeting new immigrants at the docks to “convince” them to join the party: “[a] New York politician recalled in an afterglow of nostalgia that when immigrants arrived, the party ward heeler

¹⁵ HARRIS, *supra* note 7, at 198.

¹⁶ Colorado granted women the right to vote in 1893. Amanda Miller, *Colorado’s Legacy of Women’s Suffrage*, RED (Sept. 17, 2020), <https://red.msudenver.edu/2020/colorados-legacy-of-womens-suffrage>.

¹⁷ HARRIS, *supra* note 7, at 198.

¹⁸ *Id.* at 199.

¹⁹ *Id.*

²⁰ *City Wins on Appeal*, SALT LAKE HERALD, Apr. 24, 1908, at 5.

²¹ *Id.*

²² HARRIS, *supra* note 7, at 198; Tokaji, *supra* note 8, at 457–58.

²³ Alexander B. Callow, Jr., *Fraud! Fraud! Gone Are the Days (Aren’t They?) When Dead Men and Dogs Could ‘Vote’ and the Boss Held Sway*, N.Y. TIMES MAGAZINE, Sept. 28, 1963, at 60.

²⁴ *Id.*

‘took them as fast they came [and] flung them into his melting pot . . . he naturalized them, registered them and voted them for Tammany Hall.’²⁵ The political party bosses also employed voter registration rules as a tool for disenfranchisement: as law professor Dan Tokaji summarized, “voter registration rules were sometimes used to prevent groups of voters deemed undesirable—particularly workers and recent immigrants from southern and eastern Europe — from voting. Racist motivations and xenophobic rhetoric were not uncommon in the battles to tighten voter recommendation rules in northern cities.”²⁶ As historian Alexander Keyssar recounted, “in most cities, the machines learned to live with and take advantage of the systems of registration that were imposed on them. They rapidly mastered techniques for insuring that their own voters were registered, and when in power, they often embraced the registration laws as a means of keeping other men and women from voting.”²⁷

A 1929 history of the earliest registration rules, by political scientist Joseph P. Harris, argued that personal registration was preferable to ensure that “such a person exists and is qualified to vote.”²⁸ The author suggested that personal appearance would limit fraud and was not too much of a hardship, especially if registration was permanent. “With the prevalence of good roads and automobiles, the old argument that the requirement of personal application would work an undue hardship upon the rural voters who would have to travel long distances to register, has lost force.”²⁹ That sentiment, however, did not win the day, as many states both early in the history of voter registration and throughout the years have allowed organizations to help register voters. The political parties engaged in voter registration activities from the time states adopted registration laws, continuing to today. Other organizations that sought to attract specific constituencies have also focused their efforts on voter registration. The women’s suffrage movement—and the effort to engage women in democratic participation soon after the adoption of the Nineteenth Amendment to the U.S. Constitution — provides one of the earliest examples of sustained non-partisan third-party voter registration efforts.

The 1920s and the Women’s Suffrage Movement

The National American Woman Suffrage Association (NAWSA) was the primary organization behind the fight for women’s suffrage in the late 1800s and early 1900s. This organization was also the first group to engage in systematic voter education and registration efforts. The on-the-ground, grassroots activities were informed, in part, by the prominence of women in the temperance movement of the late 1800s, which sought to amend the U.S. Constitution to ban the sale of alcohol.³⁰ The temperance and women’s suffrage movements were intertwined, as

²⁵ MICHAEL JONES-CORREA, *BETWEEN TWO NATIONS: THE POLITICAL PREDICAMENT OF LATINOS IN NEW YORK CITY* 69 (Cornell University Press 1998).

²⁶ Tokaji, *supra* note 8, at 458.

²⁷ KEYSSAR, *supra* note 5, at 157.

²⁸ HARRIS, *supra* note 7, at 197.

²⁹ *Id.* at 200.

³⁰ *Suffrage in 60 Seconds: Temperance*, NAT’L PARK SERV., https://www.nps.gov/articles/000/suffrage60seconds_temperance.htm (last updated Jan. 5, 2022).

leaders of the Woman’s Christian Temperance Union convinced members that they could achieve social change through grassroots efforts if women won the right to vote.³¹

The NAWSA eventually morphed into the League of Women Voters (LWV) after the ratification of the Nineteenth Amendment, which enfranchised women nationwide in 1920. In an address to the NAWSA convention in St. Louis in 1919, the president of the association, Carrie Chapman Catt, proposed the creation of a “league of women voters” to “finish the fight” and “aid in the reconstruction of the nation.”³² The LWV was officially formed on February 14, 1920. One of its primary goals was to engage and educate voters, particularly newly enfranchised women.³³ “Providing citizens with accurate, non-partisan information about candidates, election issues, and voting procedures was a community service early established.”³⁴ A history written to celebrate the twenty-fifth anniversary of the LWV recounted that a key early desire of the organization was to “awaken the electorate — to arouse many citizens to participate in government.”³⁵

The earliest mentions of voter registration in the nation’s newspapers reflect the NAWSA’s and LWV’s opening efforts to engage voters through registration drives. An October 11, 1916 article in the *Spokane Daily Chronicle* announced an initiative to assist “aged and infirm women” in registering to vote.³⁶ “Plans whereby any woman or elderly man of the city, of whatever political belief, will be taken to the city hall in an automobile to register, were announced by Mrs. [Elizabeth D.] Christian,” the notice read.³⁷ (Washington granted women the right to vote in 1910.) The article further quoted Mrs. Christian: “We will not ask the political affiliation of any woman. I believe it is the right of every woman to register and vote, and that she should exercise this right.”³⁸ In addition to offering transportation, Mrs. Christian organized thirty women to canvas the city to look for unregistered female voters to encourage them to register.³⁹

In 1917, the Indiana General Assembly passed a law that granted women the right to vote for presidential electors as well as for some state offices and in municipal elections that year — although women were not ultimately allowed to vote that fall because the Indiana Supreme Court

³¹ *Id.*

³² *The League of Women Voters Through the Decades!*, LEAGUE OF WOMEN VOTERS (Feb. 16, 2012), <https://www.lwv.org/league-women-voters-through-decades>.

³³ *A War on Voting...*, LEAGUE OF WOMEN VOTERS (last updated Oct. 31, 2011) <https://www.lwv.org/blog/war-voting>.

³⁴ KATHRYN H. STONE, 25 YEARS OF A GREAT IDEA: A HISTORY OF THE NATIONAL LEAGUE OF WOMEN VOTERS, A NON-PARTISAN ORGANIZATION ESTABLISHED IN 1920 TO ENCOURAGE CITIZEN PARTICIPATION IN GOVERNMENT 8 (1946).

³⁵ *Id.* at 6.

³⁶ *Aged and Infirm Women to Be Carried in Automobiles to Register*, SPOKANE DAILY CHRON., Oct. 11, 1916, at 2.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* Reviewing these century-old newspapers is a delight for the stories and advertisements they contain. This October 11, 1916 issue of the *Spokane Daily Chronicle* included a headline that “Maude Potter Becomes Bride of L.L. Bakken” and an advertisement for a department store called The Crescent, which proclaimed, “These Cool Days Call for Heavier Underwear.”

invalidated the new law in October 1917.⁴⁰ The summer of 1917 saw a flurry of activity in Indiana as women sought to embrace their new voting rights by registering. “Imagine the scene,” historian Anita Morgan wrote. “Thousands of Indiana women celebrating their victories, rushing out to register to vote over the course of the summer of 1917.”⁴¹ Newspaper articles from that summer promoted the various registration efforts. For example, *The Star Press* of Muncie, Indiana announced, on July 1, 1917, a big voter registration effort planned for the following week.

Elwood women announced today that they would start their big drive next week to secure the registration of every woman in Elwood and they have made their slogan, “1,000 registered during the week.” Five women notaries will be found at the uptown registration office throughout the day and a notary will be on duty to go to any home where because of sickness a woman is unable to go to the office. Several registration offices for men will also be open and no fees will be charged for registering and filling the blanks.”⁴²

The *Indianapolis Star*, on July 8, 1917, published “State Franchise League Notes” from the Women’s Franchise League of Indiana, which touted various registration efforts around the state.⁴³ The *Bloomington Evening World* wrote, on August 1, 1917, of the numerous elderly women who were registering, often after attending a suffrage meeting.⁴⁴ Mrs. Mary Ann Williams of Economy, Indiana was 94 years old — meaning she was born in 1823 — and registered to vote.⁴⁵ Alas, it is unclear if Mrs. Williams was ever able to exercise the franchise given that Indiana did not finally allow women to vote until 1920.

Significant activity on voter registration accelerated with the adoption of the Nineteenth Amendment to the U.S. Constitution, which was ratified on August 18, 1920. The methods for encouraging and educating women on the voting process, including voter registration, varied throughout the country. “Without a centralized organizational structure in place, get-out-the-vote efforts fell to state and local governments, political parties and nonpartisan organizations, all of which had varying approaches to the issue at hand. Inevitably, this uneven rollout resulted in a registration process that played out differently depending on an individual’s race, ethnicity and geographic location.”⁴⁶ Indeed, Black women faced numerous obstacles to register and vote,

⁴⁰ Dr. Anita Morgan, “An Act of Tardy Justice”: *The Story of Women’s Suffrage in Indiana*, IND. WOMEN’S SUFFRAGE CENTENNIAL (2019), <https://indianasuffrage100.org/indiana-womens-suffrage-history/>; Bd. of Election Commissioners of City of Indianapolis v. Knight, 117 N.E. 565 (Ind. 1917).

⁴¹ Morgan, *supra* note 39.

⁴² *A Registration Drive*, STAR PRESS (Muncie, Indiana), July 1, 1917, at 8. Directly below this notice of the voter registration drive was a news story about a boy taken to the hospital after a bite from a stray dog. It is unclear how the boy fared after his hospital visit.

⁴³ *State Franchise League Notes*, INDIANAPOLIS STAR, July 8, 1917, at 37.

⁴⁴ *Elderly Women Register*, BLOOMINGTON EVENING WORLD, Aug. 1, 1917, at 4.

⁴⁵ *Id.*

⁴⁶ Meilan Solly, *What the First Women Voters Experienced When Registering for the 1920 Election*, SMITHSONIAN MAGAZINE (July 30, 2020), <https://www.smithsonianmag.com/history/what-first-women-voters-experienced-when-registering-1920-election-180975435/>.

particularly in southern states, including “murder, kidnap and lynching, threats of arson against homes and businesses, and in one town, 500 warrants against black women charged with ‘registering illegally.’”⁴⁷ States, such as Virginia, helped white women register by hiring additional deputies to process their registration papers but “refused to hire even one extra deputy to work with black applicants.”⁴⁸

Political parties showed particular interest in attracting these new voters. The *New York Herald* reported that in Detroit, there was an “[e]ndless chain system for getting women to register and vote being worked by 12,000 Republican women, each one pledged to get twelve other women.”⁴⁹ The Massachusetts Republican State Committee’s “women’s division” staged a “play election” in August 1920 to “teach” women how to register and vote.⁵⁰ “Wives of newly-naturalized citizens are especially invited to attend the rally.”⁵¹ In Chicago, both the Democratic and Republican party organizations “worked overtime” to register as many women as possible in the one day available to register before the September primary that year.⁵² Sometimes these appeals from political parties were explicitly racist. A headline in the *Richmond Times-Dispatch* declared, “Purcell Calls on White Women to Qualify to Vote” and noted that John M. Purcell, the Democratic Chairman of the city, “declares action essential to race domination.”⁵³ That is, the political party leader was urging white women to register to combat the new registrations of Black women.

The most intensive efforts for voter registration in the wake of the Nineteenth Amendment came from women’s organizations and specifically the League of Women Voters. A Detroit newspaper noted that “[a] great part of the registration on the part of women is attributed to the efforts of leaders among the club women of the State and the various women’s political clubs representing both parties.”⁵⁴ The organizational push also included instruction for women on the process of voting, sometimes using patronizing language. The *Washington Post* reported that the League of Women Voters was organizing “schools of citizenship” throughout the country, which included instruction on “practical politics, the American system of government and the machinery of elections.”⁵⁵ On September 11, 1920, the *Daily Gate City and Constitution-Democrat*, from Keokuk, Iowa, noted in a headline that women “Will Be Shown How to Vote.”⁵⁶ The planned event, with

⁴⁷ J. Kevin Corder & Christina Wolbrecht, *Did Women Vote Once They Had the Opportunity?*, AM. BAR ASS’N (Oct. 21, 2021), https://www.americanbar.org/groups/public_education/publications/insights-on-law-and-society/volume-20/issue-1/did-women-vote-once-they-had-the-opportunity/.

⁴⁸ Solly, *supra* note 45.

⁴⁹ *Women in Every Section Anxious to Vote; Registration Heavy, Organization Strong*, N.Y. HERALD, Oct. 24, 1920, at 1.

⁵⁰ *Play Election Devised to Teach Women How to Vote*, BOS. GLOBE, Aug. 10, 1920, at 2.

⁵¹ *Id.*

⁵² *Wednesday Only Day for Women to Get Votes*, CHI. DAILY TRIB., Aug. 20, 1920, at 3.

⁵³ *Purcell Calls on White Women to Qualify to Vote*, RICHMOND TIMES-DISPATCH, Sept. 18, 1920, at 1.

⁵⁴ *Id.*

⁵⁵ *To Teach Women Politics*, WASH. POST, Aug. 1, 1920, at 7.

⁵⁶ *Will Be Shown How to Vote*, DAILY GATE CITY AND CONST.-DEMOCRAT (Keokuk, Iowa), Sept. 11, 1920, at 5.

support from the Mayor, included “registration blanks” and voting booths so new voters could understand the “machinery for casting ballots.”⁵⁷ “The new voters will be shown how to register, will be told what questions are to be answered and how they must be registered in the wards in which they live before they can be allowed to vote on election day.”⁵⁸ Women attending the Minnesota State Fair in September 1920 could visit the “Women’s building,” where they would encounter “community recreation programs every afternoon, a beauty show, a hat clinic, a style show of good and bad dressing, a children’s home made style show, lessons in shopping, home conservation methods shown in a thrift exhibition,” and a “voting booth.”⁵⁹ That voting booth included “judges, clerks, printed ballots with fictitious names, and a regular box. Women will be shown how to register and taught the technicalities of casting the ballot.”⁶⁰

The 1922 election saw further registration efforts targeted toward women. An article from August 15, 1922 in the *Sheboygan Press-Telegram* reported that the League of Women Voters had created a new organization in Wisconsin to teach women “what’s what and who’s who in this business of running the government” and that the League planned a registration drive for that October.⁶¹ A September 1922 article in the *Indianapolis Star* reported that the League was compiling a list of “1,000 prominent and active women of Indiana” and that many local League chapters throughout the state were conducting voter registration drives for the upcoming election.⁶²

These activities continued throughout the 1920s. A 1923 report in the *Baltimore Sun* promoted a voter registration drive organized by the League of Women Voters, the Democratic Women’s Club, and the Maryland Federation of Republican Women.⁶³ The League of Women Voters in Birmingham, Alabama planned a similar effort in that state for July 1923.⁶⁴ The Maryland League had become prominent enough by 1924 that the governor spoke at its state convention at the Hotel Emerson in Baltimore — a two-day event where the League sought 100 percent registration, using the slogan, “if you are not a voter, you don’t count.”⁶⁵ The League had also become an organizer of other civic groups by 1924, such as in Portsmouth, Virginia, where the League had secured the support of at least eight other women’s organizations in its voter registration efforts.⁶⁶ A St. Louis newspaper noted that several women from the city’s League chapter had “labor[ed] unremittingly” to register voters for that primary and were taking vacations

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Women Will Learn How to Vote at Minnesota Fair*, GRAND FORKS HERALD, Aug. 30, 1920, at 6.

⁶⁰ *Id.*

⁶¹ *Women Voters’ League Plans to Register Voters*, SHEBOYGAN PRESS (WISCONSIN), Aug. 15, 1922, at 5.

⁶² *League to Publish Directory of 1,000 Prominent Women*, INDIANAPOLIS STAR, Sept. 22, 1922, at 7.

⁶³ *Women Voters Plan Registration Drive*, BALT. SUN, May 5, 1923, at 12.

⁶⁴ *Voters Objective of League Drive for Registration*, BIRMINGHAM AGE-HERALD, June 17, 1923, at 1.

⁶⁵ *Registration Drive Planned by Women*, EVENING SUN (BALTIMORE, MARYLAND), May 5, 1924, at 2.

⁶⁶ *Women Voters Plan Aid to Registration*, VIRGINIAN-PILOT AND THE NORFOLK LANDMARK, Mar. 19, 1924, at 13; see also *Women Voters Get Assignments for Registration Work*, VIRGINIAN-PILOT AND THE NORFOLK LANDMARK, Mar. 7, 1924, at 8.

before embarking on the “most intensive work of the campaign” for the November 1924 election.⁶⁷ The various state Leagues even competed in 1924 for the Silver Loving Cup, which the national League awarded to the state League that showed the highest percentage gain in voting from 1920.⁶⁸ (California won.)⁶⁹



Photo from *Richmond Times-Dispatch*, Aug. 17, 1924, Page 44.

Following California’s success on this front in 1924, the League chapter in San Francisco engaged in another registration drive in 1926, which included the placement of posters in streetcars to promote voter registration and sending speakers to other clubs and organizations to highlight the importance of registering and voting.⁷⁰ Reflecting the modernization of travel, the *Atlanta Constitution* reported in 1926 on the League of Women Voters’ “registration truck,” with a detailed schedule of the truck’s appearance around the city.⁷¹ In addition, the article stated that as part of the registration truck effort, the newspaper was “cooperating with the League” to arrange for five minutes of radio airtime each afternoon to promote voting as a “patriotic duty.”⁷²

⁶⁷ *Registration Drive Planned by League of Women Voters*, ST. LOUIS GLOBE-DEMOCRAT, Aug. 10, 1924, at 30.

⁶⁸ *Women in Drive to Get Out Vote*, RICHMOND TIMES-DISPATCH, Aug. 17, 1924, at 44.

⁶⁹ LIETTE GIDLOW, *THE BIG VOTE: GENDER, CONSUMER CULTURE, AND THE POLITICS OF EXCLUSION, 1890s–1920s* 83 (Johns Hopkins University Press 2007).

⁷⁰ *League in Registration Drive*, S.F. EXAM’R, June 3, 1926, at 16.

⁷¹ *Registration Truck Begins Tour of City*, ATLANTA CONST., May 25, 1926, at 6.

⁷² *Id.*

In sum, voter registration drives, especially for the suffragists, had become part of the social fabric of many places, as seen through this voter registration tally board in downtown Cincinnati⁷³:



A group from the Cincinnati chapter of the League of Women Voters stands in front of a board showing voter registration by city ward. Photo by Library of Congress / Corbis / VCG via Getty Images

Third-party organizations promoting women’s suffrage used voter registration as a key tactic to promote democratic participation.

Other Voter Registration Activities in the 1920s

Separate from the women’s suffrage movement, civic organizations were involved in voter registration in numerous places in the 1920s or earlier. Organized labor, for example, sought to improve registration numbers among its supporters. The “citizens labor” party took credit for three-quarters of the new registrations in Great Falls, Montana in 1920 thanks to a “vigorous campaign having as its objective the registration of all laboring men.”⁷⁴ An October 1924 registration drive in Minneapolis by the Farmer-Labor Federation focused on the area’s “labor

⁷³ Solly, *supra* note 45; *Cincinnati League of Women Voters gets after registration, ward by ward*, LIBRARY OF CONGRESS, <https://www.loc.gov/pictures/item/2022633924/> (last accessed Apr. 25, 2023).

⁷⁴ *Third Party Claims 900 of New Voters for City Election*, GREAT FALLS DAILY TRIB. (Montana), Feb. 29, 1920, at 16.

districts.”⁷⁵ “Civic workers” in Flatbush Square, a neighborhood of Brooklyn, planned a non-partisan voter registration drive in 1926.⁷⁶

Registration officials also went out into the community and appeared at public meetings to register voters. In San Francisco in the 1920s, election officials conducted a house-to-house canvas every two years to create a voter registration list; “Registration deputies are also sent upon request to all kinds of public meetings to take care of unregistered voters who may be present.”⁷⁷ Further, “[t]he registrar of voters gives cooperation to any organization working to increase registration” — though the historical record is not specific on which organizations were involved or what assistance they received.⁷⁸ Civic organizations in places such as Kansas City and Philadelphia were also involved in the effort to convince legislatures to adopt a system of permanent voter registration so voters did not have to rejoin the registration list every year.⁷⁹

Yet certain private entities were not focused on helping people register but instead sought to root out fraud within the registration system by curtailing voter registration activities. The “Citizens’ Association of Chicago,” for instance, pushed for stricter registration laws in the 1870s. Joseph P. Harris’s 1929 history of voter registration noted that “[t]he Citizens’ Association of Chicago has for years acted as the chief private agency for the detection and prosecution of election frauds in that city, and during the last ten years has unearthed an amazing amount of evidence showing the padding of registration lists, fraudulent voting and other illegal practices.”⁸⁰ The “Union League Club” in Chicago, which supported a third presidential term for Ulysses S. Grant in 1880, also pushed for “registration reform.”⁸¹

Voter Registration and the Civil Rights Movement of the 1950s and 1960s

The next major landmark in a sustained push for voter registration came through the Civil Rights movement and the goal of truly effectuating the ideals of the Fifteenth Amendment to the U.S. Constitution, which prohibits the denial of the right to vote on the basis of race or color. The activity started well before the 1960s. In 1946, for instance, the *Daily Bulletin*, which billed itself as “one of the two only Negro Dailies in the World,” promoted a statewide voter registration drive by the “North Carolina Progressive Voters league,” an organization comprised primarily of Black individuals.⁸² They used the slogan, “vote-less people are hopeless people anywhere on earth.”⁸³ Similarly, the *Jackson Advocate*, an African-American weekly in Mississippi, touted a 1951 voter registration drive in Atlanta promoted by the Atlanta Negro Voters League.⁸⁴ In 1952, the *Miami*

⁷⁵ *Registration Drive in Labor Districts*, MINNEAPOLIS STAR, Oct. 7, 1924, at 2.

⁷⁶ *Plan Registration Drive*, BROOKLYN TIMES UNION, Sept. 23, 1926, at 12.

⁷⁷ HARRIS, *supra* note 7, at 299.

⁷⁸ *Id.*

⁷⁹ *Id.* at 19.

⁸⁰ *Id.* at 83.

⁸¹ KEYSSAR, *supra* note 5, at 124.

⁸² *N.C. Voters League Starts State-Wide Registration Drive*, DAILY BULL. (Dayton, Ohio), Feb. 8, 1946, at 1.

⁸³ *Id.*

⁸⁴ *Voters Registration Drive Off to Enthusiastic Start*, JACKSON ADVOC., Nov. 17, 1951, at 1, 5.

Times, “Florida’s Favorite Colored Weekly,” noted that numerous organizations and individuals had encouraged people to register to vote, including clubs, ministers, and newspapers.⁸⁵ Another article in the *Miami Times* detailed the various ways that groups were spreading the message: “newspaper articles, spot radio announcements, distribution of thousands of leaflets, displaying of signs at strategic locations, making personal contacts . . . [and] free transportation.”⁸⁶ In 1958, the Junior Chamber of Commerce called every listed telephone number “to spur citizens to re-register as voters.”⁸⁷ With a headline that could read from 2023, but was actually from 1958 — “Tighter Voting Rules Likely for Georgians” — the *Atlanta Constitution* reported that the NAACP sought to boost voter registration among Black people by 300,000.⁸⁸ This registration drive was part of a broader effort across the south in the late 1950s and early 1960s.⁸⁹ After the creation of the Voter Education Project (VEP) in 1961, approximately 500,000 Black individuals were registered to vote in the south between 1960 and 1964, in part thanks to the VEP’s efforts in “channeling funds for local voter registration drives into the eleven southern states.”⁹⁰ In 1962, President John F. Kennedy offered financial support for voter registration, which helped to further boost these efforts.⁹¹

The main action on voter registration, especially for Black voters, culminated in the Freedom Summer of 1964 in Mississippi. Over a thousand students from northern states flooded Mississippi to canvas neighborhoods throughout the state and register Black people to vote.⁹² Robert Moses, one of the organizers who began a grassroots voter registration effort in the early 1960s through the Student Nonviolent Coordinating Committee, gave a speech at Stanford University in April 1964 in which he touted the goal for that summer to register up to 400,000 people in Mississippi: “We want to register upwards of 300,000 to 400,000 Negroes around the state of Mississippi. To dispel, at least, once and for all, the argument that the reason Negroes don’t register is because they’re apathetic. Because there are these 400,000 people to be registered.”⁹³ Young individuals went door-to-door to assist people and accompany them to go register.⁹⁴ Through this grassroots effort, “the nation began to realize that the times were

⁸⁵ *Books Still Open*, MIAMI TIMES, Oct. 4, 1952, at 4.

⁸⁶ *Jaycees Conducting Registration Drive*, MIAMI TIMES, Sept. 27, 1952, at 1.

⁸⁷ *Cayce-WC Jaycees Continue Registration Phone Drive*, STATE (South Carolina), Jan. 12, 1958, at 11.

⁸⁸ *Tighter Voting Rules Likely for Georgians*, ATLANTA CONST., Jan. 2, 1958, at 2.

⁸⁹ *Negro Voter Registration Drive Slated*, ORLANDO SENTINEL, Jan. 31, 1958, at 12; *Negro Voter Registration Drive Starts*, BIRMINGHAM NEWS, Feb. 12, 1958, at 10.

⁹⁰ John Lewis & Archie E. Allen, *Black Voter Registration Efforts in the South*, 48 NOTRE DAME L. REV. 105, 111 (1972).

⁹¹ Robert P. Moses, *Speech on Freedom Summer at Stanford University* (Apr. 24, 1964) (transcript available at American Radioworks, <https://americanradioworks.publicradio.org/features/blackspeech/bmoses.html>); see also William Sturkey, *The Quiet Courage of Bob Moses*, ATLANTIC (July 28, 2021), <https://www.theatlantic.com/ideas/archive/2021/07/remembering-bob-moses-civil-rights-leader/619579/>.

⁹² Stanley Fritz, *Freedom Summer: The Revolutionary Movement to Register Voters*, HUFFPOST (Aug. 4, 2017), https://www.huffpost.com/entry/freedom-summer-the-revolutionary-movement-to-register_b_5984b2b4e4b0bd823202974a.

⁹³ Moses, *supra* note 90.

⁹⁴ Jesse Hinds, *Freedom Summer: Going South for Social Justice*, 17 LEGACY no. 1 article 5, 2017.

changing in America.”⁹⁵ As one scholar wrote about the volunteers, who faced intimidation and violence from recalcitrant segregationist whites, the volunteers “did much more than just register voters. In helping register voters, [they] gave African-Americans a political voice.”⁹⁶

There are scores of newspaper articles from the time and other reports of the rallies and marches for voting rights, many noting the participation of Dr. Martin Luther King, Jr. The stories also highlighted the barriers to registration, which included harassment and violence.⁹⁷ Most notably, three civil rights workers — James Chaney, Andrew Goodman, and Michael Schwerner — were killed in Philadelphia, Mississippi after they traveled to a nearby community to meet with members of a Black church that the White Knights of the Ku Klux Klan had burned down. Churches were important to the organizational efforts for minority voter registration. Mississippi’s “freedom schools” and the newspapers they published also offered an outlet for youth social activism.⁹⁸ College students — including those from northern states who went to southern states such as Mississippi — were prominent in these registration drives, often organized by civil rights groups collectively known as the Council of Federated Organizations (COFO).⁹⁹ (Chaney, Goodman, and Schwerner were working with the Congress of Racial Equality (CORE), which was part of COFO). The Student Nonviolent Coordinating Committee, or SNCC, was also heavily involved in the registration activities.¹⁰⁰ These students often faced harassment, including arrests, from the white establishment.¹⁰¹

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Influential Mississippians Join Fight for Integration*, PITTSBURGH COURIER, Aug. 1, 1964, at 2; *Mississippi Vote Project Suffers Switch in Plans*, UKIAH DAILY J. (Ukiah, California), July 1, 1964, at 8.

⁹⁸ William Sturkey, “*I Want To Become a Part Of History*”: *Freedom Summer, Freedom Schools, and the Freedom News*, 95 J. AFR. AM. HIST. 348, 354–55 (2010).

⁹⁹ *State Civil Rights Workers Feel ‘Police State’ Pressure*, HARTFORD COURANT, July 10, 1964, at 6; *To Work in Mississippi*, ALBUQUERQUE J., June 7, 1964, at 30.

¹⁰⁰ *Negroes Happy?—Just Isn’t True*, BOS. GLOBE, Aug. 2, 1964, at 49.

¹⁰¹ HARTFORD COURANT, *supra* note 98, at 6.

What You Can Do:

This is your FREEDOM SUMMER. It will not work without your help.

COFO is asking you to:

- provide housing for the people who are coming to work here.
- look for buildings which can be used for Freedom Schools and Community Centers.
- get names of students who want to go to Freedom Schools.
- let us know when you have meetings or arrange meetings so we can come answer questions about the FREEDOM SUMMER.

Many people are coming here to work during our FREEDOM SUMMER. They want to learn about Mississippi. They feel that the problems here are the problems of people all over the country. Most of them will be college students, both Negro and white.

COFO is your organization. The things it is trying to do should be done by the state. The people who have been elected to run the state say that they do not have to do things for Negroes.


IT IS THE FAULT OF THE STATE that you cannot:

- find work
- read and write
- send your children to better schools.


If you work with COFO you will be working to get yourself the better conditions you deserve.

What Is COFO?

COFO is an organization made up of all the civil rights and local citizenship groups in Mississippi which decided they must work together to improve conditions in Mississippi.



Council Of Federated Organizations



**MISSISSIPPI
FREEDOM
SUMMER**

For more information:

Write to - COFO STATE OFFICE
1017 Lynch Street
Jackson, Mississippi

Or call - 352-9605

Other offices near you:

CLARKSDALE - 213 4th Street
phone - 624-2913

COLUMBUS - 1323 6th Ave. North
phone - 328-8916

GREENWOOD - 708 Avenue N
phone - 453-1282

HATTIESBURG - 507 Mobile Street
phone - 584-7670

MERIDIAN - 2505 1/2 5th Street
phone - 485-9286

Image, available on Wikimedia Commons, courtesy of the Mississippi Department of Archives and History

The voter registration activities became more formalized throughout the 1960s. The Voter Education Project, for instance, offered small grants to local organizations, which then conducted “intensive four-to-eight week citizenship education and registration drives.”¹⁰² The activities often faced backlash from white local registrars, who would implement “regulations” to slow down registration or even close registration offices entirely.¹⁰³ Nevertheless, the registration activities of third-party groups persevered. In 2018, the *New York Times* profiled four individuals who had volunteered during the Mississippi Freedom Summer who returned to Mississippi over fifty years later to work with a voter registration group called Mississippi Votes.¹⁰⁴ “Young and old, two full generations apart, gathered at a Jackson church, in nearby neighborhoods, on the balcony of an Oxford bookstore to talk about the perils and stakes of voter activism, then and now.”¹⁰⁵

Despite the countless barriers the activists faced, advocates highlighted how the voter registration drives were “paying off” with an increase in the number of racial minorities registered.¹⁰⁶ That said, the gains in voter registration were not particularly large: one report

¹⁰² Lewis & Allen, *supra* note 89, at 121–22.

¹⁰³ *Id.* at 122.

¹⁰⁴ Audra D. S. Burch, *A New Class of Voting Rights Activists Picks Up the Mantle in Mississippi*, N.Y. TIMES (Sept. 25, 2018), <https://www.nytimes.com/2018/09/25/us/freedom-summer-mississippi-votes.html>.

¹⁰⁵ *Id.*

¹⁰⁶ *Sponsor Claims Negro Drive for Registration Paying Off*, CLARION-LEDGER (Jackson, Mississippi), Aug. 3, 1964, at 2.

explained that “[a]lthough approximately 17,000 black residents of Mississippi attempted to register to vote in the summer of 1964, only 1,600 of the completed applications were accepted by local registrars.”¹⁰⁷ More importantly, Freedom Summer generated significant media attention to the problems happening in the south, which prompted further protests, the March in Selma, Alabama, and the eventual passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.¹⁰⁸ Thanks in large part to these laws, as well as continued registration activities, by 1967 almost 60 percent of Mississippi’s Black voting eligible population was registered to vote, compared to a mere 6.7 percent in 1965 (though there was still a 32-point gap between white and Black registration in 1967).¹⁰⁹

John Lewis, a civil rights icon who participated in Freedom Summer and marched over the Edmond Pettus Bridge in Selma, Alabama in 1965, reflected twenty years after the voter registration drives on his involvement:

I have often been asked what it felt like to participate in such a movement. I can remember many emotions—fear, anger, and sadness, but also hope, love, and compassion. Most of all, there was an all-pervading sense that one was involved in a movement larger than oneself, almost like a Holy Crusade, an idea whose time had come.¹¹⁰

Stemming from the 1960s and the Mississippi Freedom Summer, voter registration drives remain important in the culture of southern politics. A fifty-year retrospective of the Mississippi Freedom Summer noted that “[t]he ‘human’ element of activism, the aspect of relationship building and trust, was a significant factor in the favorable outcome of Freedom Summer.”¹¹¹ As one scholar wrote in 1985, “[t]here is no doubt that registration drives are an emotionally charged and even revered component of southern black politics, a component that may provide organizational strength, unity, identity, and motivation far beyond any actual increases in registrants and voters. It may be that registration drives have symbolic and nonpolitical functions that reach far beyond increases in voter turnout alone.”¹¹²

¹⁰⁷ *Freedom Summer*, MARTIN LUTHER KING, JR. RSCH. AND EDUC. INST., STAN. UNIV., <https://kinginstitute.stanford.edu/encyclopedia/freedom-summer> (last accessed Apr. 8, 2023).

¹⁰⁸ Fritz, *supra* note 91.

¹⁰⁹ German Lopez, *How the Voting Rights Act Transformed Black Voting Rights in the South, in One Chart*, Vox (Aug. 6, 2015), <https://www.vox.com/2015/3/6/8163229/voting-rights-act-1965> (citing data from the U.S. Commission for Civil Rights).

¹¹⁰ John Lewis, *Mississippi Freedom Summer—20 Years Later*, DISSENT, Winter 1985, at 15.

¹¹¹ Sherita L. Johnson & Cheryl D. Jenkins, “*If It Ain’t Local, It Ain’t Real!*” *The 50th Anniversary of Freedom Summer at Southern Miss*, 52 S. Q. 13, 28 (2014).

¹¹² Arnold Vedlitz, *Voter Registration Drives and Black Voting in the South*, 47 J. POL. 643, 644 (1985).

The efforts to register Black people continued throughout the late 1960s, 1970s, and beyond. The 1973 Black Expo in Chicago, Illinois featured a voter registration drive.¹¹³ Churches promoted voter registration during Harold Washington’s successful 1983 campaign to become Chicago’s first Black mayor¹¹⁴ — though under federal law, all church activity must be nonpartisan.¹¹⁵ “One prominent black minister bluntly told his parishioners that nonregistrants were not welcome in the congregation. A voter registration card was the price of access to free food distributed by one of the major Baptist churches in the black community. Under the slogan, ‘Praise the Lord and Register,’ the black churches committed themselves wholeheartedly to serving as registration centers.”¹¹⁶

Of course, during this time period other groups with specific constituencies were also engaged in voter registration activities. The *Carlsbad Current-Argus* in New Mexico noted in 1958 that “organized labor,” led by the New Mexico AFL-CIO, was engaged in a voter registration drive and that “other groups and the political parties will follow.”¹¹⁷ The AFL-CIO was also active in Kentucky in 1964, attempting to register voters in Louisville and Northern Kentucky.¹¹⁸ That same year, a local water conservation group in California went door-to-door to register voters ahead of a bond election to finance a new dam.¹¹⁹ In the late 1960s, the Mexican American Federation and the United Farm Workers union spearheaded an effort to increase voter registration among Mexican-Americans in Yakima County, Washington.¹²⁰ The League of Women Voters also continued its voter registration activities throughout the 1960s (and beyond).¹²¹

In sum, third-party organizations were vital to the massive voter mobilization efforts of the 1960s. The Mississippi Freedom Summer of 1964 and its voter registration activities led directly to the Selma marches in 1965 and the passage of the Voting Rights Act of 1965, which is one of the most important laws Congress has ever enacted.

The National Voter Registration Act of 1993 (“Motor Voter”)

The third significant time period of increased voter mobilization through voter registration stemmed from Congress’s enactment of the National Voter Registration Act of 1993 (NVRA), often referred to as the “Motor Voter” law. Congress passed the NVRA to create a uniform mechanism

¹¹³ *Voting Rights Throughout United States History*, NAT’L GEOGRAPHIC (July 15, 2022), <https://education.nationalgeographic.org/resource/voting-rights-throughout-history/>.

¹¹⁴ Dena S. Davis, *Ironic Encounter: African-Americans, American Jews, and the Church-State Relationship*, 43 CATH. U. L. REV. 109, 141 (1993) (citing KENNETH D. WALD, RELIGION AND POLITICS IN THE UNITED STATES 318 (1992)).

¹¹⁵ I.R.S., TAX GUIDE FOR CHURCHES & RELIGIOUS ORGANIZATIONS, Publication 1828, at 11, 13 (2015).

¹¹⁶ Davis, *supra* note 113, at 134 n.126.

¹¹⁷ *Organized Labor Starts Voter Registration*, CARLSBAD CURRENT-ARGUS, Jan. 2, 1958, at 2.

¹¹⁸ *Labor Opens Registration Campaign*, LOUISVILLE COURIER-J., June 4, 1964, at 26.

¹¹⁹ *Voter Registration Drive Under Way By Citizens Committee*, TIMES-ADVOC. (Escondido, California), Jan. 2, 1964, at 8.

¹²⁰ *Ballot Blocked Episode 5: Mexican American Voting Rights*, NAT’L PARK SERV. (Aug. 12, 2021), <https://www.nps.gov/articles/000/ballot-blocked-episode-5.htm>.

¹²¹ *L.V.W. Aids Drive for Registration*, DAILY ARGUS (White Plains, New York), July 10, 1964, at 3.

for voter registration across the country, replacing the “patchwork” of state laws.¹²² The law’s explicit purposes were:

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.¹²³

The law applies to all states except for the five that, by 1994, had implemented same-day voter registration (Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming) or had no voter registration requirement at all (North Dakota). The law requires states to offer voter registration opportunities at motor vehicle agencies when someone applies for or renews a driver’s license, which is why it is often known as the Motor Voter law. States must also provide for voter registration at state agency offices, such as those that offer public assistance. The law further requires states to allow voter registration through the mail, though — pursuant to the Help America Vote Act of 2002 — voters who register via mail must show some form of identification (which can include a utility bill) the first time they vote. Federal Armed Forces recruitment offices in each State must provide voter registration services. And the NVRA requires active list maintenance of the voter rolls, including a prohibition on purging someone from the rolls unless they fail to respond to a written notice and then do not vote in two subsequent federal elections.¹²⁴

The law also mandates that states accept a “federal form” for voter registration, available in numerous languages. As Justice Samuel Alito wrote (in dissent) in a case about Arizona’s attempt to add a proof-of-citizenship requirement for voter registration, “Thanks to the federal form, volunteers distributing voter registration materials at a shopping mall in Yuma can give a copy of the same form to every person they meet without attempting to distinguish between residents of Arizona and California.”¹²⁵ The Court found that the NVRA preempted the Arizona law that required proof of citizenship.¹²⁶

Of course, many organizations embraced the NVRA and its simplification of the voter registration process by having a federal form for all states. The League of Women Voters engaged in a major

¹²² Clifford Krauss, *Senate Passes Bill to Force States to Make Voter Registration Easier*, N.Y. TIMES, May 21, 1992, at B11.

¹²³ National Voter Registration Act of 1993, Pub. L. No. 103-31, 107 Stat. 77.

¹²⁴ *The National Voter Registration Act Of 1993 (NVRA)*, U.S. DEP’T OF JUST., <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (last updated July 20, 2022).

¹²⁵ *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 46 (2013) (Alito, J., dissenting).

¹²⁶ *Id.* at 15.

voter registration effort in the lead up to the 1996 presidential election, the first after the enactment of the NVRA.¹²⁷

The NVRA has been a huge success, at least when measuring the rates of voter registration. The law helped to ease voter registration drives, allowing groups and individuals to go into communities and bring a simple form to register voters. Voter registration increased by 1.82 percent, or about 3,390,000 people, in the states subject to the NVRA during the twenty-two months after it was implemented before the 1996 presidential election.¹²⁸ Third-party voter registration drives contributed significantly to the rise in registration. As a report by the Brennan Center for Justice recounted, “[a]vailable data from 2004, which was typical of other presidential election years, shows that large nonprofit organizations submitted at least 10 million new registrations — more than 20 percent of the total. In one Florida county, civic organizations registered 63 percent of all new voters.”¹²⁹ One study noted that “5 percent of voters in the 2012 election cycle reported registering with a voter registration ‘booth,’ and an additional 5.5 percent reported registering at a school, hospital, or campus, which are places where drives are traditionally conducted.”¹³⁰ The authors further suggested that “many of the 13.1 percent of voters who reported registering by mail likely received a voter registration application from a voter registration organization and subsequently mailed it to their election office.”¹³¹

Third-party voter registration drives, especially after the adoption of the NVRA, have helped to break down barriers on both race and class lines. As the American Bar Association notes, the law “facilitates third parties or community organizations in conducting voter registration drives. These community-based voter registration drives often assist traditionally under-represented segments of our electorate, including those who are limited-English proficient (LEP) and communities of color, usually in a nonpartisan manner.”¹³² Indeed, statistics reveal that registration drives are particularly helpful at reaching racial minorities and individuals of a lower socioeconomic status: in 2012, for example, “while 4.2 percent of Whites reported registering through a drive, the percentage increases to 6.4 percent for Asian Americans, 6.9 percent for Hispanics, and 8.1 percent for African Americans. A similar trend was reported for racial minorities registering on

¹²⁷ *Local Groups Mobilize to Spur Voters*, HERALD STATESMAN (Yonkers, New York), May 18, 1996, at 10; *Voter Registration Drives Scheduled*, ISLAND PACKET (Hilton Head Island, South Carolina), Apr. 7, 1996, at 16.

¹²⁸ FEDERAL ELECTION COMMISSION, *THE IMPACT OF THE NATIONAL VOTER REGISTRATION ACT OF 1993 ON THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE 1995-1996, A REPORT TO THE 105TH CONGRESS*, at 12 (1997).

¹²⁹ Diana Kasdan, *State Restrictions on Voter Registration Drives*, BRENNAN CTR. FOR JUST. 3 (2012).

¹³⁰ Stephen Mortellaro & Michelle Kanter Cohen, *Restricting Voter Registration Drives*, PROJECT VOTE, Sept. 2012, at 2 (quoting 2012 Current Population Survey), <https://www.projectvote.org/wp-content/uploads/2015/06/RESTRICTING-VR-DRIVES-POLICY-PAPER-SEPT-2014.pdf>.

¹³¹ *Id.*

¹³² Terry Ao Minnis & Niyati Shah, *Voter Registration in Today's Democracy: Barriers and Opportunities*, AM. BAR ASSOC. (Feb. 09, 2020), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-rights/-use-it-or-lose-it--the-problem-of-purges-from-the-registration/.

school, hospital, or campus.”¹³³ The Brennan Center report notes that “[t]hese non-partisan efforts are especially important for registering Blacks and Hispanics, who traditionally have lower registration rates than whites. For example, Blacks and Hispanics are nearly twice as likely to register through a drive as whites.”¹³⁴ Another study using field experiments — going door-to-door to promote voter registration on some streets but not others — showed an increase in registration and voter turnout for those who encountered face-to-face encouragement, with the biggest impact on streets with less affluent individuals.¹³⁵

The NVRA also helped courts recognize how voter registration drives facilitate First Amendment activities. After the NVRA’s enactment, several states passed restrictions on voter registration, such as limiting who can canvas to register voters, adopting strict submission deadlines, imposing bans on paying canvassers, and the like.¹³⁶ Some courts upheld certain restrictions as valid regulations of the electoral process, while courts in other cases invalidated the rules.¹³⁷ In both scenarios, courts acknowledged the First Amendment values inherent in voter registration drives. A district court in Ohio found that “participation in voter registration implicates a number of both expressive and associational rights which are protected by the First Amendment. These rights belong to — and may be invoked by — not just the voters seeking to register, but by third parties who encourage participation in the political process through increasing voter registration rolls.”¹³⁸ Similarly, a New Mexico district court noted that voter registration “implicates expressive conduct,” involves “incidental speech,” and “implicates expressive association.”¹³⁹ A Florida court declared that the “collection and submission of voter registration drives is intertwined with speech and association.”¹⁴⁰

In sum, the NVRA represented a significant catalyst for modernizing the voter registration system. Third-party organizations were key to the NVRA’s success in increasing voter registration.

Third-Party Voter Registration Today

¹³³ Mortellaro & Cohen, *supra* note 129, at 2.

¹³⁴ Kasdan, *supra* note 128, at 3.

¹³⁵ David W. Nickerson, *Do Voter Registration Drives Increase Participation?*, 77 J. POL. 88 (2015).

¹³⁶ Mortellaro & Cohen, *supra* note 129, at 4–6.

¹³⁷ See *id.* at 8–14 (summarizing some of this litigation).

¹³⁸ *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 700 (N.D. Ohio 2006).

¹³⁹ *Am. Ass’n of People with Disabilities v. Herrera*, 690 F. Supp. 2d 1183, 1215, 1217 (D.N.M. 2010).

¹⁴⁰ *League of Women Voters of Fla. v. Cobb*, 447 F. Supp. 2d 1314, 1334 (S.D. Fla. 2006). There are many additional cases involving restrictions on voter registration—too many to list in this report. For just a small snippet, see *Voting Section Litigation*, U.S. DEP’T OF JUST., <https://www.justice.gov/crt/voting-section-litigation> (last updated Mar. 2, 2023).

Third-party organizations — political parties and good government groups — continue to play a vital role in today’s election system. Each election cycle, scores of third-party groups engage in massive voter registration drives.

Much like in the 1920s and 1960s, political protests often spur voter registration activities. In 2020, after the murder of George Floyd and the ensuing protests on police brutality, voter registration surged, at least among Democrats and independents.¹⁴¹ The protests themselves served as voter registration opportunities: one report noted that activists placed QR codes to voter registration websites on their protest signs so people could scan the code on their phones.¹⁴² Similarly, League of Women Voters volunteers attended rallies in Houston, clipboards and voter registration forms in hand.¹⁴³ A study found that general protests themselves tend not to increase voter registration among young people, but that the protests after George Floyd’s murder in the summer of 2020 correlated with an uptick of voter registration among 18-and 19-year-olds, people of color, higher-income voters, and Democrats.¹⁴⁴

Faith groups have also continued their voter registration activities. An organization called My Faith Votes facilitated voter registration tables in more than 500 churches around the country in September 2019, just as the 2020 presidential campaign began to heat up.¹⁴⁵ In 2022, My Faith Votes led a movement for a “National Voter Registration Sunday.”¹⁴⁶ Other groups that promote voter registration among congregants include CatholicVote, Faith in Public Life, and Our Faith, Our Vote.¹⁴⁷ The group Our Church Votes published a thirty-page guide to hosting a voter registration drive: “We want to challenge every church in America to hold at least one voter registration drive each year, whether that’s in person, online, or both. This guide will equip you to do so successfully.”¹⁴⁸

The COVID-19 pandemic demonstrated the value and importance of third-party voter registration drives — because they could not happen as easily in the lead-up to the 2020 presidential

¹⁴¹ Jane C. Timm, *Voter Registration Surged During BLM Protests, Study Finds*, NBC NEWS (Aug. 11, 2020), <https://www.nbcnews.com/politics/elections/voter-registration-surged-during-blm-protests-study-finds-n1236331> (citing a report from TargetSmart, a Democratic political data firm).

¹⁴² *Id.*

¹⁴³ Michael Wines, *Covid-19 Changed How We Vote. It Could Also Change Who Votes.*, N.Y. TIMES (June 14, 2020), <https://www.nytimes.com/2020/06/14/us/voter-registration-coronavirus-2020-election.html>.

¹⁴⁴ John Holbein, Kei Kawashima-Ginsberg & Tova Wang, *Quantifying the Effects of Protests on Voter Registration and Turnout*, CIRCLE, Aug. 2021, at 16–19, https://circle.tufts.edu/sites/default/files/2021-09/Youth_Movements_Quant.pdf.

¹⁴⁵ Tom Gjelten, *Church Groups Registering Voters Must Heed IRS Laws*, NPR (Sept. 20, 2019), <https://www.npr.org/2019/09/20/762643522/church-groups-registering-voters-must-heed-irs-laws>.

¹⁴⁶ *National Voter Registration Sunday*, MY FAITH VOTES, <https://www.voterregistrationsunday.org> (last accessed Apr. 8, 2023).

¹⁴⁷ *Id.*

¹⁴⁸ OUR CHURCH VOTES, YOUR GUIDE TO HOSTING A VOTER REGISTRATION DRIVE 4, https://www.ourchurchvotes.org/downloader/OurChurchVotes/ocv_church_voter_registration_day_guide.pdf (last accessed Apr. 8, 2023).

election. “In a normal election year,” the *New York Times* reported, “volunteers from the Columbus, Ohio, chapter of the League of Women Voters would have spent last weekend at the Columbus Arts Fair, pens and clipboards in hand, looking to sign up new voters among the festival’s 400,000 or so attendees.”¹⁴⁹ But 2020 was obviously not a normal year due to the pandemic. New registrations dropped 70 percent in April 2020 compared to January 2020.¹⁵⁰ The executive director of the Andrew Goodman Foundation, which works to engage young people, noted that, “[w]e’ve been of the belief that if you ask someone to register and vote, that they will. But typically, that’s been in person, at a registration drive, setting up a table.”¹⁵¹

Even given these hurdles to traditional voter registration, however, turnout soared in 2020, with the highest percentage of eligible Americans voting (66.3 percent) since the 1900 presidential election between William McKinley and William Jennings Bryan (which saw 73.7 percent turnout).¹⁵² Of course, the eligible electorate has expanded significantly since 1900, particularly with the women’s suffrage and civil rights movements. And Donald Trump’s re-election campaign in 2020 surely motivated a lot of voters on both sides. But some of the increase is also due to the massive mobilization efforts of many third-party organizations, such as Fair Fight and New Georgia Project, two groups that Stacey Abrams created in Georgia — which registered over 800,000 new voters.¹⁵³

Third-party groups continue to target specific voters, such as those who have just turned eighteen. In Texas, the secretary of state designated high school principals as “deputy voter registrars” so they can register students.¹⁵⁴ The League of Women Voters created a Youth Voter Movement to engage teens.¹⁵⁵ The Voter Participation Center, created in 2003, works to increase registration numbers particularly among young people, people of color, and unmarried women — which the group notes is the “New American Majority.”¹⁵⁶ The work of these organizations is vital to improve voter participation: A recent study showed that voter registration of those aged 18–24

¹⁴⁹ Wines, *supra* note 142.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² Kevin Schaul, Kate Rabinowitz & Ted Mellnik, *2020 turnout is the highest in over a century*, WASH. POST (Nov. 5, 2020) (data updated Dec. 28, 2020), <https://www.washingtonpost.com/graphics/2020/elections/voter-turnout/>.

¹⁵³ Maya King, *How Stacey Abrams and her band of believers turned Georgia blue*, POLITICO (Nov. 8, 2020), <https://www.politico.com/news/2020/11/08/stacey-abrams-believers-georgia-blue-434985>.

¹⁵⁴ JOSHUA A. DOUGLAS, *VOTE FOR US: HOW TO TAKE BACK OUR ELECTIONS AND CHANGE THE FUTURE OF VOTING* 59 (Prometheus Books 2019).

¹⁵⁵ YOUTH VOTER MOVEMENT, LEAGUE OF WOMEN VOTERS, <https://youthvotermovement.org/> (last accessed April 20, 2023).

¹⁵⁶ WHO IS VPC?, VOTER PARTICIPATION CENTER, <https://www.voterparticipation.org/about-us/> (last accessed May 5, 2023).

increased in 2022 by 6 percent as compared to 2018, particularly in key battleground states, though the numbers were lower for eighteen and nineteen-year-olds specifically.¹⁵⁷

Various organizations are also engaged in assisting voters who speak languages other than English. The group Voto Latino includes a guide on its website on how to conduct a voter registration drive.¹⁵⁸ Univision, the country's largest Spanish-language television station, adopted a goal of registering three million new voters in 2016 through its voter registration and citizenship drives.¹⁵⁹ Mi Familia Vota went to colleges and high schools to promote voter registration.¹⁶⁰ There are many additional examples of third-party voter registration drives targeted toward language minorities. A favorite example comes from Texas, where the group Mi Familia Vota partnered with taco trucks in Latino communities in Houston to promote voter registration: patrons could fill out a voter registration form while they waited for their tacos.¹⁶¹

Native American populations face unique challenges in accessing voter registration materials and securing access to the ballot, so voter registration drives and voter education are particularly important for these communities. A report by the Native American Voting Rights Coalition in 2018 summarized survey data of Indigenous individuals in Arizona, New Mexico, Nevada, and South Dakota, which highlighted the various barriers Native American voters face, including on voter registration:

Given the lack of awareness of how and where to register to vote, Native American voters would benefit from voter registration drives in their own communities, where they congregate and at institutions they trust. The surveys indicated that most respondents were not aware of any voter registration drives in their community. There were generally low levels of activity by third-party groups to conduct registration drives, with just 29% of Arizona and 33% of New Mexico respondents indicating awareness of third-party registration drives. Slightly higher numbers were recorded in South Dakota (44%) and Nevada (43%). Clearly, more “get out the vote” drives need to be organized to increase turn out.¹⁶²

¹⁵⁷ Ruby Belle Booth & Alberto Medina, *Youth Voter Registration Is Up Compared to 2018—Especially in Key Battlegrounds*, CIRCLE (Nov. 1, 2022), <https://circle.tufts.edu/latest-research/youth-voter-registration-compared-2018-especially-key-battlegrounds>

¹⁵⁸ *How to Host a Voter Registration Drive*, VOTO LATINO (last accessed April 19, 2023).

¹⁵⁹ Catherine Ho, *Univision draws 100,000 to voter registration drives in move to increase its political clout*, WASH. POST (May 20, 2016), <https://www.washingtonpost.com/news/powerpost/wp/2016/05/20/univision-draws-100000-to-voter-registration-drives-in-move-to-increase-its-political-clout/>.

¹⁶⁰ DOUGLAS, *supra* note 153, at 59.

¹⁶¹ DOUGLAS, *supra* note 153, at 59.

¹⁶² *Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada and South Dakota*, THE NATIVE AMERICAN VOTING RIGHTS COALITION (January 2018), <https://www.narf.org/wordpress/wp-content/uploads/2018/01/2017NAVRCsurvey-summary.pdf>.

That said, several groups do engage in outreach to Native American voters. The Phoenix Indian Center, an organization created in 1947, seeks to reach the Indigenous population in the Phoenix area to engage them in democratic participation in both U.S. governmental elections and tribal election.¹⁶³ The Gila River Indian Community, a reservation near Phoenix, celebrated Indigenous Peoples' Day with a voter registration drive, which included the use of the Pinal County mobile voter outreach van.¹⁶⁴ In 2020, the Navajo Technical University in Farmington, New Mexico created a program to train those who speak the Navajo language to translate election materials for Navajo voters.¹⁶⁵

Civic health organizations have also sprung up throughout the country to promote voter registration and civic education. CivicLex, for instance, helps to educate people in Lexington, Kentucky about local government, including through a website, Lex.vote, which includes links to voter registration information and candidate profiles for all local races.¹⁶⁶

Conclusion

Third-party voter registration drives have a venerated history, from the earliest days of voter registration laws to the present. The nation's newspapers are full of reports about individuals, political parties, and other organizations helping to engage voters and ensure they are on the registration rolls. The most significant and sustained push for voter registration correlate with three major inflection points in the history of democratic expansion: the women's suffrage movement of the 1920s, the civil rights movement of the 1960s, and the modernization and expansion of voter registration after Congress passed the National Voter Registration Act of 1993.

Today's Supreme Court focuses on history and tradition when analyzing the U.S. Constitution. Although the Constitution does not explicitly grant the right to vote, the Court has long recognized constitutional protection for voting rights through the Equal Protection Clause of the Fourteenth Amendment.¹⁶⁷ In all states besides North Dakota, a key component of exercising the right to vote is having one's name on the voter rolls. That is, there is no ability to vote in most places without registering first. A common practice, from the late 1800s and early 1900s to today,

¹⁶³ Arlyssa D. Becenti, *'Power of the Native vote' drives a campaign to register Indigenous voters in Phoenix area*, ARIZONA REPUBLIC (Sept. 21, 2022), <https://www.azcentral.com/story/news/local/phoenix/2022/09/21/indigenous-registration-drive-targets-voters-metro-phoenix/8067555001/>.

¹⁶⁴ Debra Utacia Krol, *Native people won the right to vote in 1948, but the road to the ballot box is still bumpy*, ARIZONA REPUBLIC (Nov. 4, 2022), <https://www.azcentral.com/story/news/politics/elections/2022/11/04/how-native-people-fought-right-vote-azizona-elections/10652710002/>.

¹⁶⁵ Noel Lyn Smith, *NTU starts Navajo language translation program for elections*, FARMINGTON DAILY TIMES (Jan. 19, 2020), <https://www.daily-times.com/story/news/local/navajo-nation/2020/01/19/navajo-language-program-elections-start-navajo-technical-university/4504814002/>.

¹⁶⁶ LEX.VOTE, CIVICLEX (last accessed Apr. 27, 2023).

¹⁶⁷ Joshua A. Douglas, *Is the Right to Vote Really Fundamental?*, 18 CORNELL J. OF L & PUB. POL'Y 143 (2008).

is for groups and organizations to facilitate voter registration. Third-party voter registration activities are deeply rooted in the nation's history and tradition.