

House Bill 1355 and Voter Registration in Florida*

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Abstract

New state laws governing voter registration went into effect in Florida on July 1, 2011. Among the legal changes promulgated as a consequence of a piece of Florida state legislation known as House Bill 1355 were new registration requirements for third-party groups like the League of Women Voters and a new oath, warning of prison time and fines, that voter registration agents had to sign before engaging in registration activities. Such changes raised the implicit costs that eligible Florida citizens faced when registering to vote, and we show, consistent with this logic, that voter registrations across Florida in late 2011 dropped precipitously compared to registrations in late 2007. This pattern is evident among registrants in general, among registrants age 21 and younger, and among the number of individuals who registered as Democrats as well as the number who registered as Republicans. Outside of House Bill 1355, we know of no credible explanations for our findings about Florida registration drops in 2011. Our results thus show how restrictions on the way that third-party organizations register voters can have tangible effects on actual registrations and, given that registration prior to an election is a civic necessity in Florida, can affect electoral participation.

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Introduction

July 1, 2011, saw legal changes in Florida that modified the formal regulations which govern community organizations that have historically conducted voter registration drives and in various other ways helped eligible residents of Florida register to vote. These changes established a variety of new restrictions on the environment in which such community organizations operate, and generally speaking the restrictions were considered onerous by the groups that they targeted. At the time of their implementation the new restrictions on community organizations were controversial, both within Florida and outside of it, because of concerns that they might diminish the number of voter registrations in this politically important state.

In late August, 2012, a federal judge issued a ruling permanently enjoining the new voter registration rules that had caused such consternation.¹ Despite such a decision, however, the registration changes were in force for over a year, and it is thus reasonable to ask whether the concerns that they inspired were warranted. That is to say, either the new, as of mid-2011, restrictions on community organizations that traditionally have registered voters diminished voter registrations in Florida, or they did not. Put simply our goal is to determine which of these scenarios occurred before the new registration rules were eliminated due to federal judicial proceedings. Of course it is theoretically possible that the new restrictions increased voter registrations in Florida, but this scenario is rather implausible and, as we show, inconsistent with the data we bring to bear on the recent history of voter registration in the Sunshine State.²

As will be clear shortly, the research described here focuses in particular on the consequences for Florida of the passage of a piece of state-level legislation known as House Bill 1355 (hereinafter, HB 1355). Although our focus is narrow and consists solely of an analysis of the effects of this legislation on voter registration, the framework of this study is a general one and points toward the exploration of the effect of a formal rule or law on an important form of civic behavior, in our case registering to vote.

Generally speaking, there is no doubt that laws and administrative rules affecting voter registration and voting profoundly shape the electorate—the contrasting histories of the pre- and post-Civil Rights South are ample evidence of this.³ Here we are not, though, exploring whether obviously race-based or wealth-based barriers to registration affected the composition of the registered voter pool in Florida in the aftermath of July 1, 2011. Rather, the contem-

¹The permanent injunction is available at http://www.brennancenter.org/page/-/Democracy/VRE/LWVF_v_Browning_Final_Order.pdf (last accessed September 4, 2012). See as well “Judge to Toss Out Changes in Florida Voter Registration,” *The New York Times*, August 29, 2012, available at <http://www.nytimes.com/2012/08/30/us/judge-to-block-changes-in-florida-voter-registration.html?ref=politics> (last accessed August 31, 2012) and a prior court ruling available at http://www.brennancenter.org/page/-/Democracy/VRE/FL_injunction_082912.pdf (last accessed August 31, 2012). The latter explains the sequence of events in the case *League of Women Voters of FL et al. v. Kurt S. Browning, et al.*, N.D. Fla. (4:11-cv-00628). Another lawsuit on the subject of the voter registration changes, among other things, is *Florida v. United States*, D.D.C. (1:11-cv-01428), and this lawsuit remains active.

²Although the registration law changes have been the subject of federal litigation, the courts have not offered a judgement on the matter of whether these changes have led to actual drops in voter registrations. That empirical matter is the subject of this paper.

³See Keyssar (2000) for a comprehensive overview of the variegated history of voting across the American states.

porary political debate in the United States about registration and voting is more subtle, and this debate turns not on race *per se* or wealth *per se* but instead on rules about voter identification, early voting, and registration, among other things. Rules governing these issues are in flux in many states,⁴ and both race and wealth remain dominant themes in the overall picture on voting even in the absence of obviously race-based institutions like the white primary, poll taxes, and so forth.

It is essential, we believe, that the scholarly community that focuses on election administration understands how changes in laws affect voter registration patterns. This is particularly true when legal changes affect large organizations, like the League of Women Voters and the National Association for the Advancement of Colored People (NAACP), that conduct mass voter registration drives. Indeed, given the plethora of civic organizations across the country that seek to help eligible individuals register to vote, it is unfortunate that the contemporary literature on voter registration is largely silent on the question of what laws have facilitated community-based voter registration efforts and, in contrast, what laws have impeded them.⁵

We describe our methodology shortly, but for the moment it suffices to note that our analysis of the effects of HB 1355 on voter registration in Florida is based on comparisons of voter registration counts in 2007 with those in 2011. The focus on these two years reflects a recognition that our analysis of HB 1355 would be incomplete were we simply to ascertain whether, say, Florida registration numbers fell in the latter half of 2011 (post-July 1) compared to the first half of that year (pre-July 1). It is possible that in all years Florida voter registration counts are greater before July than after. If this were the case, then the advent of new registration regulations in mid-2011 with a post-July drop in voter registrations would be spurious and conceivably orthogonal to the passage of HB 1355.

We thus contrast 2011 and 2007, both of which are years identically placed in the four-year general election cycle, and our comparison of these years leads us to the following two questions: are the last six months of 2011 (post-HB 1355 implementation) different than the last six months of 2007 (pre-HB 1355 implementation)? And, are the first six months of 2011 similar to the first six months of 2007? If the implementation of HB 1355 on July 1, 2011, changed voter registration patterns in Florida—and in particular diminished voter registrations as many have conjectured—then we would expect to see affirmative answers to both of these questions.

The year 2007 is an appropriate comparison year for 2011 because, as just noted, both of these years fall one year before a year with a regularly-scheduled, presidential election. In addition, the contemporary Florida Voter

⁴For example, see “New State Rules Raising Hurdles at Voting Booth,” *New York Times*, October 2, 2011, available at <http://www.nytimes.com/2011/10/03/us/new-state-laws-are-limiting-access-for-voters.html> (last accessed August 12, 2012).

⁵For instance, more than 250 partner organizations plan to coordinate their efforts and “hit the streets” to register voters on September 25, 2012, dubbed by organizers National Voter Registration Day. See <http://nationalvoterregistrationday.org/partners> (last accessed August 16, 2012).

Registration System—called the FVRS—went into effect starting in 2006.⁶ Because the FVRS was new as of 2006, comparing voter registration patterns in Florida in 2011 to, say, those that occurred in 2003 (another year that precedes a presidential election) would not be ideal.

Our study of the effect of HB 1355's implementation on voter registration in Florida is a quasi-natural experiment where the treatment of interest is implementation of HB 1355. Although the design lacks random treatment assignment—because, for example, Florida state laws are not randomly assigned to Florida counties and because the timing of HB 1355 was not randomly chosen—the legal changes wrought by HB 1355 did not immediately apply to all of Florida's 67 counties. As a consequence of the extended preclearance provisions of the Voting Rights Act (VRA), five of Florida's counties were initially exempt from this law, and these counties provide a control group for our research design, albeit not a randomly assigned control group.⁷ This means that, when we compare 2011 registration figures to those from 2007, we can do so for the 62 Florida counties in which HB 1355 took effect on July 1, 2011, independently from the five counties where it did not. The latter five counties are not a perfect control group, as we describe later, but the existence of a non-perfect control is certainly fortuitous compared to the situation we would face had HB 1355 affected all 67 Florida's counties simultaneously and uniformly.

Our research design relies on observed, daily registration counts from Florida voter files and, briefly, we find that voter registrations in the end of 2011 were sharply lower compared to the registrations in 2007. This drop is evident across Florida in the aggregate, among the non-Section 5 counties in Florida, and among voters age 21 and younger. The drop affected both the number of individuals who registered as Democrats and the number who registered as Republicans, but the negative effect on Democratic registrations was stronger.

Beyond the implementation of HB 1355 on July 1, 2011, we know of no credible explanations for these findings. Our results thus show how legislative restrictions on the way that third-party organizations register voters can have tangible effects on actual registrations and, given that registration prior to an election is a civic necessity in Florida, can affect electoral participation.

We now provide a short overview of the legal restrictions on voter registrations that followed from the passage and subsequent implementation of HB 1355. We then review the literature on voter registration across the American states, present our research design, and then turn to results.

⁶For some details on the FVRS see <http://election.dos.state.fl.us/hava/fvrs/index.shtml> (last accessed August 12, 2012).

⁷These five Florida counties were added in 1975 to the list of Section 5 jurisdictions. See Overton (2006) for a discussion of the expansion of states and counties covered by the Voting Rights Act.

HB 1355 and Limits on Third-Party Voter Registration Organizations

On May 19, 2011, the Republican-controlled state legislature in Florida passed HB 1355, an omnibus election reform bill.⁸ Among its many provisions, which were publicly motivated by allegations of voter fraud,⁹ HB 1355 reduced from a maximum of 14 to just eight the number of days county Supervisors of Elections could offer early voting; eliminated early voting on the Sunday immediately preceding Election Day; gave county Supervisors of Elections the discretion of offering between 48 and 96 hours of early voting over the reduced eight days as opposed to requiring them to provide 96 hours; required voters seeking to update their addresses at the polls to cast provisional ballots; and, placed restrictions on individuals and community organizations wishing to engage in voter registration efforts. See Herron and Smith (2012) for a discussion of HB 1355 with a particular focus on early voting.

For the purposes of this paper, we write about and describe HB 1355 in its original form. This reflects the fact that we are studying the consequences of HB 1355 as it was that passed by the Florida legislature in May, 2011, i.e., before any parts of this legislation were modified by judicial processes. We will return to this matter in the conclusion.

With respect to voter registration, HB 1355 placed several new restrictions on what are commonly known as “Third-Party Voter Registration Organizations,” or 3PVROs.¹⁰ HB 1355 defines a 3PVRO as “any person, entity, or organization that solicits (for collection) or collects any voter registration application.”¹¹ Specifically, HB 1355 states that, before distributing and collecting voter registration forms, registration agents of 3PVROs must sign an oath warning of prison time and fines and submit background information to the Florida Division of Elections.¹² Prior to HB 1355, no such oath was required by Florida law. Moreover, as directed by regulations due to HB 1355 all 3PVROs in Florida are required to communicate to the Florida state Division of Elections within ten days any changes concerning their registration agents, file monthly reports with the Division accounting for all registration forms provided to and received from their registration agents, and ensure that 3PVROs’ assigned identification numbers are on all voter registration forms in possession of their registration agents.¹³

⁸This bill amended the Florida Election Code (Chapters 97-106, Florida Statutes) and became law (Chapter 2011-40, Laws of Florida).

⁹Various claims of fraudulent voter registrations successfully being processed were made by members of the Florida legislature during floor debates over HB 1355, but to the best of our knowledge none of the claims has ever been substantiated. For comments on these fraud allegations, see “UNITED STATES AND DEFENDANT-INTERVENORS JOINT SUBMISSION CONCERNING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW,” available at http://brennan.3cdn.net/946ab19cebca93e754_xem6bh4j4.pdf (last accessed August 18, 2012).

¹⁰In contrast to the allegations of fraud noted in fn. 9, Leon County Supervisor of Elections Ion Sancho stated in his Declaration as a Defendant-Intervenor in a lawsuit filed in federal district court (State of Florida v. United States (1:11cv-1428-CKK-MG-ESH)), that, since his election in 1988: “[W]ith the exception of a high-profile incident in Orange County in 2009, I have never heard a confirmed report of intentional abuse by third-party voter registration organizations from my fellow Supervisors of Elections” (p. 13).

¹¹See in particular Section 97.021 (37) Florida Statutes and Rule 1S.2.042.

¹²Individuals and entities are exempt from HB 1355 and need not register with the state as a 3PVRO if they distribute voter registration applications but do not collect them.

¹³See Florida Statutes, chapter 97.0575, and Secretary of State Rule 1S-2.042. HB 1355 allowed for two exceptions concerning registration with the state as a 3PVRO. First, individuals collecting voter registration applications from their spouse, child, or parent do not have to register. And second, certain official state agencies (or agents or employees of such agencies) are exempt from having to register as 3PVROs; exempt agencies include the Division of Elections, Florida’s 67 independent Supervisors of Elections, the Department of Highway Safety and Motor Vehicles, and

Under HB 1355, once a registration agent of a 3PVRO receives a completed voter registration application, he or she has a period of 48 hours to deliver it to the Florida Division of Elections or the appropriate county Supervisor of Elections; these Supervisors, one per county for each of Florida's 67 counties, are elected, constitutional officer of the State of Florida. Agents of 3PVROs face fines of \$50 for each voter registration application received after the 48-hour deadline (or \$250 fines per tardy application, if an act of tardiness was deemed to be "willful").¹⁴ Also under HB 1355, individuals who knowingly complete a voter registration card with false information, compensate individuals who register to vote, or alter a voter registration application without an applicant's knowledge and consent, face up to five years in prison and a \$5,000 fine for perjury.¹⁵

Broadly speaking, HB 1355 significantly increased the level of regulation under with 3PVROs operated in Florida. As one commentator quipped, "Florida had turned what used to be a proud act of civic engagement into an experience as demanding as applying for a business loan and far more complicated than buying a gun."¹⁶

Despite considerable concerns and objections raised by various nonprofit groups,¹⁷ Florida Republican Governor Rick Scott signed HB 1355 when it was presented to him, and the legislation went into effect on July 1, 2011. However, since the new law did not receive pre-clearance by the United States Department of Justice under Section 5 of the VRA, the previously described regulations placed on 3PVROs did not apply to five of Florida's 67 counties. These counties—Collier, Hardee, Hendry, Hillsborough, and Monroe—fall under federal oversight, and as a consequence the initial application of HB 1355 was uneven across Florida. Thus, 3PVROs operating in Florida after July 1, 2011, were required to act under two separate sets of laws depending on the counties in which they conducted their voter registration drives.

The new restrictions on 3PVROs were not simply window-dressing. Indeed, several individuals who engaged in voter registration efforts after July 1, 2011, but who had not registered with the Florida Secretary of State as 3PVROs, were referred to the Secretary of State by at least two county Supervisors of Elections, who then turned over information about alleged offenses to the Florida Attorney General. Of those who ran afoul of the new Florida

any other voter registration agency as defined by the Florida Voter Registration Act. These latter agencies include public libraries, public assistance offices, centers for independent living, and office serving persons with disabilities. These agencies operate under a different state statute, namely, Section 97.021 (37)(b).

¹⁴The fine increases to \$100 for each violation if the application is collected prior to "book closing for any given election for federal or state office and received by the Division or the Supervisor of Elections after the book closing deadline" ("\$500 per application if the act was willful"), and "\$500 for each voter registration application collected by a 3PVRO or any person, entity, or agent acting on its behalf, which is not submitted to the Division or the Supervisor of Elections" (increasing to \$1,000 for any "willful" violation). See "Third-Party Voter Registration Organizations Fact Sheet," Division of Elections, Florida Secretary of State. November 2, 2011, available at <http://election.dos.state.fl.us/voter-registration/third-party.shtml>.

¹⁵See Fla. Stat. Section 104.

¹⁶Brentin Mock, "Florida to People of Color: Don't Vote Here," *The Nation*, July 16-23, 2012, available at <http://www.thenation.com/issue/july-16-23-2012>.

¹⁷See, for example, the Florida NAACP's press release on April 26, 2011, "NAACP Florida State Conference Opposes Florida Voter Suppression Bill Passed by the State House," available at <http://www.naacp.org/press/entry/naacp-florida-state-conference-opposes-florida-voter-suppression-bill-passe> (last accessed August 18, 2012) and the League of Women Voters of Florida's press release on April 28, 2011, "League and Others Call for a Halt to the Attack on Voters' Rights," available at <http://thefloridavoter.org/files/download/368> (last accessed August 18, 2012).

voter registration laws were Sabu L. Williams, the president of the NAACP's Okaloosa County Branch as well as two public school civics teachers—Dawn Quarles of Santa Rosa County and Jill Cicciarelli of Volusia County—both of who failed to deliver voter registration applications collected from their students within the previously noted 48-hour timeframe.¹⁸

The response of 3PVRs to HB 1355 was in some cases rather severe. Indeed, as a result of the new restrictions placed on them, numerous 3PVRs that were previously active in Florida, such as Rock the Vote, a nonpartisan organization that in 2008 registered nearly 140,000 new voters, primarily college students, did not engage in voter registration activities after July 1, 2011.¹⁹ Concerned that they would not be able to meet the new regulatory standards, the League of Women Voters of Florida, Rock the Vote, the National Council of La Raza, and various other organizations completely ceased their voter registration activities in all of Florida. It was unclear as of mid-2011 to these organizations whether they would “be subject to the law’s requirements” if they limited their activities to the five Florida counties covered by Section 5 of the VRA, or if they did continue registering voters in these counties, whether such activity would subject them, as statewide organizations, to regulations.²⁰

Despite facing two lawsuits—League of Women Voters of FL v. Browning, N.D. Fla. (4:11-cv-00628), in which several organizations challenged the new restrictions placed on voter registrations, and Florida v. United States, D.D.C. (1:11-cv-01428), in which the state of Florida challenged the federal preclearance of voter registration, early voting, and provisional ballot provisions in the five preclearance counties—and notwithstanding the duty of the Florida Secretary of State to ensure uniform application of voter registration laws across the state,²¹ the Division of Elections in Florida moved forward with partial enforcement of HB 1355 (partial meaning, full application to the non-Section 5 counties), including the provisions that impacted the activities of third-party voter registration organizations.²²

¹⁸To avoid the requirement of school teachers becoming officially registered agents, some county Supervisors of Elections decided to swear in educators as “Deputy SOEs.” Nonetheless, Republican Ann McFall, the Volusia County Supervisor of Elections, called HB1355 a “bad law,” and she refused to circumvent it by swearing in teachers. See “Third-party groups are registering voters — very carefully,” *Orlando Sentinel*, April 26, 2012, available at http://articles.orlandosentinel.com/2012-04-26/news/os-florida-voter-registration-20120423_1_voter-registration-league-of-women-voters-registration-drives (last accessed August 10, 2012), “When Voter Registration is a Crime,” *Time*, November 7, 2011, available at <http://ideas.time.com/2011/11/07/when-voter-registration-is-a-crime/> (last accessed August 10, 2012), “Voter registration law is frustrating and unenforceable,” *The Daytona Beach News-Journal*, October 23, 2011, available at <http://www.news-journalonline.com/opinion/editorials/guest-columns/2011/10/23/voter-registration-law-is-frustrating-and-unenforceable.html> (last accessed August 10, 2012), and , and “Florida’s New Election Law Blunts Voter Drives,” *The New York Times*, March 27, 2012, available at <http://www.nytimes.com/2012/03/28/us/restrictions-on-voter-registration-in-florida-have-groups-opting-out.html> (last accessed August 17, 2012).

¹⁹See “Rock The Vote’s Legal Challenge To Florida Voting Law Goes Before Federal Judge,” *Huffington Post*, March 2, 2012, available at http://www.huffingtonpost.com/2012/03/02/judge-hears-rock-the-vote_n_1316999.html (last accessed August 10, 2012).

²⁰See “Letter to the Honorable Kurt Browning, Florida Secretary of State,” June 2, 2011, available at <http://www.brennancenter.org/page/-/Democracy/Letter%20to%20Sec.%20Browning%20re%20Statewide%20implementation%206.2.11.pdf> (last accessed August 13, 2012) and “Third-party groups are registering voters — very carefully.”

²¹This requirement is spelled out in Florida Statute § 97.012(1).

²²Beyond the two lawsuits mentioned above, a different lawsuit challenging HB 1355’s voter registration constraints was thrown out because the plaintiffs lacked standing and the claims were not yet ripe for consideration. KENNETH SULLIVAN, et al., v. RICK SCOTT, et al., UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, Case No. 11-10047-CIV/MOORE/SIMONTON,

Typical for those members of 3PVROs that did decide to operate as registration agents under HB 1355 were the experiences of 63 year old LaVon Bracy, a leader of the New Covenant Baptist Church in Orange County, as told to journalist Brentin Mock.²³

The changes in the voter registration process were equally stark. LaVon Bracy walked me through how she became a third-party voter registrar under the new law. The process seemed custom-made for creating errors and provoking penalties. To begin, Bracy first had to fill out Form DS-DE 119 and send it to her county supervisor of elections, who then approved her as a voter registration agent. After that, she was assigned an identification number, which had to be recorded on every voter registration application she collected so that each one could be traced back to her. She then had to fill out Form DS-DE 120, an affidavit swearing that she understands she'll be charged with a felony with a penalty of up to five years' imprisonment—if she attempts fraud. If she enlisted any staff or even walk-up volunteers for registration activities, they would also have to sign the affidavit acknowledging they understood the penalties. When registering voters, she had to time-stamp each application so that the county knew exactly when the forty-eight-hour deadline clock started ticking for that specific registration. Within that forty-eight hours, Bracy made copies of each completed registration form and stored it in a white binder. She also had to review every application to make sure it was accurately filled out—because if anything was wrong, she could be charged with fraud. She then physically transported the applications to the county. She could also mail them, but if any application arrived late, she'd be fined \$50 per application (\$250 if her tardiness was found “willful”). Other tardiness violations could raise the fines as high as \$1,000 per application. If a completed application was lost in the mail or on the way to the county office, and someone else delivered it days later, that would elicit a fine. Also, the law demanded that registrars fill out monthly and quarterly reports on the number of people they registered, and would penalize them if they failed to hand in those reports on time.

On May 31, 2012, almost a year after HB 1355 had gone into effect in Florida's 62 non-Section 5 counties, United States District Judge Robert L. Hinkle granted from his bench in Tallahassee a preliminary injunction blocking the enforcement of what appear to be the most burdensome provisions placed on 3PVROs who were plaintiffs in *League of Women Voters of FL v. Browning*.²⁴ Judge Hinkle enjoined the enforcement of the 48-hour turnaround deadline

available at http://www.postonpolitics.com/wp-content/uploads/2011/10/DE_27_dismissal1.pdf (last accessed August 18, 2012).

²³See fn. 16.

²⁴According to a summary of the injunction provided by the Florida Division of Elections, the main effects of the court order are as follows:

For Collier, Hardee, Hendry, Hillsborough, and Monroe counties: No changes in current procedures. 3PVROs and supervisor of elections in these counties still operate under the 2010 version of section 97.0575, Florida Statutes and Rule 1S-2.042, F.A.C. (eff. 05/2010) with corresponding forms until the 2011 law is pre-cleared. For the other 62 counties: the 3PVROs and Supervisors of Elections in these counties still operate under are the 2011 version of section 97.0575, Florida Statutes (opens in a new window) and procedures under Rule 1S-2.042, F.A.C. (eff. 11/2011), with corresponding forms EXCEPT that 3PVROs: Do not have to complete Block 6 (as pertains solely to volunteer registration agents) on page 2 of the 3PVRO registration form (DS-DE 119/eff. 06/2011). Do not need to notify the Division of Elections when a volunteer registration agent terminates for the 3PVRO. Do not need to have their registered agent complete or submit the sworn statement form (DS-DE 120/eff. 06/2011). Do not need to file monthly reports (DS-DE 123, eff. 06/2011) that account for the applications it provides to and receives from its registration agents. HAVE 10 days (instead of 48 hours) to deliver a completed voter registration application to the Division or to a supervisor of elections' office after an applicant delivers the application to the 3PVRO. The 10-day requirement applies regardless of the method of delivery (personal delivery or mail).

This summary is available at <http://election.dos.state.fl.us/voter-registration/third-party.shtml> (last accessed August 18, 2012) and the court order at http://election.dos.state.fl.us/voter-registration/pdf/Order_Granteeing_in_Part_Motion_for_PI.pdf (last accessed August 18, 2012). Other details on this lawsuit is available from the Brennan Center at http://www.brennancenter.org/content/resource/league_of_women_voters_of_florida_v._browning (last accessed August 13, 2012). See also fn. 1.

for collected voter registration forms and blocked the oath registration agents were required to sign before registering voters, calling the 48-hour deadline “harsh and impractical” and writing that the sworn oath “could have no purpose other than to discourage voluntary participation in legitimate, indeed constitutionally protected, activities.” In his published opinion,²⁵ the judge ruled that the Florida law based on HB 1355 made voter registration drives “a risky business,” and he ruled that the plaintiffs would likely succeed on their claims that the voter registration provisions in HB 1355 violate First Amendment rights protected under the United States Constitution and federal law.²⁶ “Together speech and voting are constitutional rights of special significance; they are the rights most protective of all others, joined in this respect by the ability to vindicate one’s rights in a federal court,” Judge Hinkle wrote.²⁷ “When a plaintiff loses an opportunity to register a voter, the opportunity is gone forever,” he continued, as “allowing responsible organizations to conduct voter-registration drives—thus making it easier for citizens to register and vote—promotes democracy.”²⁸

On June 6, 2012, a week after the Hinkle ruling, the League of Women Voters, Rock the Vote, Florida PIRG, and various other organizations resumed their statewide efforts to register voters.²⁹ “Our representative democracy relies on an engaged citizenry,” stated Brad Ashwell of the Florida Public Interest Research Education Fund following the ruling, and “[t]hat’s why we work to sign up thousands of first time voters across the state each election cycle.”³⁰

As of this paper’s writing, the aforementioned preliminary injunction has been made permanent, and the key features of HB 1355 that many feared would lead to diminished voter registrations across Florida are no being enforced in the state. Nonetheless, neither United States District Court Judge Hinkle’s preliminary nor his permanent injunction commented on whether, empirically speaking, the “harsh and impractical” regulations actually did cause lower registration numbers. This is the subject of our upcoming statistical analysis.

The Returns and Costs of Voter Registration

How might a change in the laws that regulate community groups that engage in voter registration drives affect actual voter registrations? From a theoretical perspective, registering to vote involves a rational calculus as does the decision to vote, the antecedent of casting a ballot. As Downs (1957, p. 260) notes, “Every rational man decides to vote just

²⁵League of Women Voters of Florida et al. v. Kurt S. Browning etc., et al., Case 4:11-cv-00628-RH-CAS, p. 2 and p. 18, available at <http://fcir.org/wp-content/uploads/2012/05/Vote-injunction1.pdf> (last accessed August 18, 2012).

²⁶Ibid., p. 8.

²⁷Ibid., p. 4.

²⁸Ibid., p. 24.

²⁹“League of Women Voters and Rock the Vote Announce Resumption of Voter Registration in Florida,” press release from the League of Women Voters and Rock the Vote, June 6, 2012, available at <http://www.p2012.org/electorate/lwv060612pr.html> (last accessed August 18, 2012).

³⁰See the Brennan Center press release, Federal Judge Halts Florida’s Restrictive Voting Law, May 31, 2012, available at http://www.brennancenter.org/content/resource/federal_judge_halts_floridas_restrictive_voting_law.

as he makes all other decisions: if the returns outweigh the costs, he votes; if not, he abstains.” Should the act of registering to vote be thought of any differently? We believe that the answer to this question is, no. Because the most egregious barriers to registration and voting—racial and gender prohibitions, taxpayer or landholder requirements, poll taxes, literacy tests, and so forth—no longer are embedded in the American electoral landscape, the rational approach to registration is more amenable than it was, say, 50 years ago.

In considering the necessarily prior act of voter registration from a Downsian perspective (we ignore North Dakota, where there is no voter registration), we argue that the motivation undergirding an individual’s decision to register to vote is likely determined by some combination of potential returns offset by potential costs. The plausible individual benefits or returns of registering to vote are roughly constant for eligible individuals holding one’s state constant.³¹ In contrast, costs or institutional barriers that confront these individuals when they try to register to vote can be quite variable, not to mention often “diffuse and vaguely defined” (Converse and Niemi, 1971, p. 456).³²

The potential returns of registering to vote include a delayed instrumental benefit—being eligible to cast a decisive vote in a future election—combined with an expressive benefit—being a responsible citizen. With respect to the former, when an individual considers whether or not to register the associated instrumental benefit is very abstract, even more abstract than the potential instrumental return of casting a decisive vote in an electoral contest. And beyond abstraction there is the fact that the instrumental value of registration is often delayed. Indeed, except in states with Election Day voter registration,³³ any gratification an individual gleans from registering to vote can be delayed by months and possibly by years if said individual votes rarely, say, in General Elections only.³⁴

Any expressive benefits derived from registering to vote, too, are likely tertiary. Unlike in the aftermath of casting

³¹With respect to presidential elections, the instrumental value to an individual of registering to vote is a function of the likelihood that this individual is pivotal in a state that is pivotal in the Electoral College. There is variance across states in this likelihood, as shown by Gelman, Silver and Edlin (2012).

³²Today, a federal “floor” is in place undergirding state voter registration laws, making them considerably less variable than 40 years ago. Beginning with the passage of the 1993 National Voter Registration Act, known colloquially as the “Motor Voter Act”, all states must accept mail-in registrations forms if postmarked 30 days prior to an election and may not require applicants to appear in person. The Motor Voter Act also requires public agencies to provide voter registration forms. Such changes made in 1993 by federal law stimulated what the Brennan Center calls “community-based voter registration drives” that could operate without local election officials having to deputize individuals collecting voter registration forms, as was often required prior to 1993. After passage of the Motor Voter Act, groups could “circulate blank mail-in forms, collect the completed forms, and return them to county offices, regardless of [a] county clerk’s approval.” See “State Restrictions on Community-Based Voter Registration Drives,” a report published by the Brennan Center for Justice, available at http://brennan.3cdn.net/ca85dbcf2d2ac045ff_awn6iviui.pdf (last accessed August 7, 2012). In addition, the Help America Vote Act (HAVA) passed by Congress in 2002 required states to implement “in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally required voter in the State and assigns a unique identifier to each legally registered voter in the State” (Section 303). The text of HAVA can be found at http://www.eac.gov/assets/1/workflow_staging/Page/41.PDF (last accessed August 12, 2012). See also R. Michael Alvarez, “Voter Registration: Past, Present and Future,” Written Testimony Prepared for the Commission on Federal Election Reform, June 17, 2005, available at <http://www1.american.edu/ia/cfer/0630test/alvarez.pdf> (last accessed August 12, 2012).

³³Eight states currently have election-day registration, and they are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, Wyoming. Two states, North Carolina and Ohio, permit eligible voters to register and vote during the early voting period. See “Same-Day Voter Registration,” National Conference of State Legislatures, available at <http://www.ncsl.org/legislatures-elections/elections/same-day-registration.aspx> (last accessed on August 20, 2012).

³⁴As Wolfinger and Rosenstone (1980, p. 61) state, “Citizens must first perform a separate task that lacks the immediate gratification characterizing other forms of political expression (such as voting).”

a ballot, to the best of our knowledge, Supervisors of Elections in Florida and their related contemporaries across the United States generally do not hand out Red, White, and Blue “I Registered” stickers when a citizen fills out a sterile registration form. The expressive motivation of registering to vote does not carry with it the same “feeling that one has affirmed one’s allegiance to or efficacy in the political system,” as casting a ballot has been characterized by Wolfinger and Rosenstone (1980, p. 7).

The expressive value of registering to vote to show one’s duty to country, to a given reference group (be it a political party, a racial or ethnic group, or one’s gender), or to affirm one’s political efficacy, may fluctuate given a spatial or temporal context, and it is certainly possible that the expressive benefits of registering may be slightly greater for certain individuals, namely newly naturalized citizens and young adults who are eligible to vote for the first time. Nonetheless, the overall benefits, both instrumental plus expressive, of registering to vote holding state constant would seem to be relatively consistent across demographic groups, particularly in contrast to any institutional hurdles or costs that must be overcome.

With respect to such costs, the institutional barriers to registering to vote can be considerable, and there is no reason to think that these costs are roughly uniform across individuals. In contrast to the gradual expansion and federal standardization of voting rights, in the later half of the 20th Century state legislatures and election administrators continue to wield considerable discretion over regulating voter registration. Among the states, regulations differ concerning how long an eligible citizen must be a permanent resident of his or her state before being eligible to register, the closing date prior to an election an eligible citizen must be registered, the ease of registering by mail or online, whether registrations on the same day of an election are allowed, or even whether or not (as in the case of North Dakota) voter registration is required at all.³⁵ As such, barriers to registration can vary greatly depending on where a citizen lives, and in part this is because registration laws within states—and even across local jurisdictions—are uneven and even occasionally even seemingly capricious (Rosenstone and Wolfinger, 1978; Leighley and Nagler, 1992; Burden et al., 2011). Within Florida, the 67 independently-elected Supervisors of Elections in Florida do not offer an identical number of hours of operations, and they do not allocate proportionally (in terms of county population) similar numbers of staff members to the task of voter registration outreach.³⁶

Because of the rather abstract benefits combined with the considerable costs of registering to vote, it should come as little surprise that many American citizens who are eligible to register do not. According to a recent report commissioned by the PEW Charitable Trusts, an estimated 51 million citizens in 2012 were unregistered, roughly 24 percent,

³⁵See Gerken (2009). For example, prior to the 2004 General Election, Ohio Secretary of State Kenneth Blackwell ruled that voter registration forms submitted on anything other than 80-pound weight bond paper were invalid, even though many of “the forms had been officially sanctioned by local election boards.” See “Twelve ways Bush is now stealing the Ohio vote,” *The Free Press*, October 27, 2004, available at <http://www.freepress.org/departments/display/19/2004/810> (last accessed August 7, 2012).

³⁶Conversation between Daniel A. Smith and Pam Carpenter, Alachua County Supervisor of Elections, Gainesville, Florida, April 17, 2012.

or one-eighth, of the eligible population.³⁷ And according to the United States Bureau of the Census, there are racial and ethnic differences among those eligible citizens who have registered to vote; in 2008, for example, eligible voters residing in households earning more than \$100,000 per year were much more likely to be registered as those living in impoverished households, say, those earning less than \$30,000 per year.³⁸ Unlike other western industrial countries that systematically register their citizens to vote when they become eligible,³⁹ American state governments have no affirmative role to register citizens as qualified voters, although Florida state law requires that “every qualifying educational institution” give its enrolled students “the opportunity to register to vote or to update a voter registration record on each campus at least once a year,” and these efforts are usually assisted by county Supervisors of Elections.⁴⁰ And though many local elections offices make great efforts to reach out to those living in their counties in order to assist them in registering to vote, they are often limited by a lack of resources.⁴¹ As such, not an insubstantial percentage of those who do those who do choose to register to vote—especially racial and ethnic minorities—are often assisted by community associations (e.g., Levitt, 2012).

Despite the fact that there is a dearth of scholarship devoted to the voter registration efforts of community groups in the American states, there seems little question that 3PVROs serve an important function registering eligible citizens to vote, certainly in the state of Florida. For example, the nonpartisan League of Women Voters of Florida has registered voters in the state for seven decades, and Rock the Vote claims to have registered 90,000 citizens to vote in Florida, aged 18 to 29, in 2008 alone.⁴² From nonpartisan voter registration drives on college campuses, sometimes referred to as “dorm storms,”⁴³ to the University of Florida’s “Chomp the Vote,”⁴⁴ to tabling community events and festivals, and to circulating forms at church services and senior centers, 3PVROs have actively participated in a variety of venues in voter registration efforts in Florida.⁴⁵ In Leon County, home of the state capital, Tallahassee, as well as Florida State

³⁷See PEW Charitable Trusts, “Inaccurate, Costly, and Inefficient: Evidence That America’s Voter Registration System Needs an Upgrade,” February 14, 2012, available at http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Pew_Upgrading_Voter_Registration.pdf (last access August 7, 2012).

³⁸See Table 2 on p. 4 of Thom File and Sarah Crissey, “Voting and Registration in Election of November 2008,” United Statesq Bureau of the Census, Current Population Reports, available at <http://www.census.gov/prod/2010pubs/p20-562.pdf> (last accessed August 21, 2012).

³⁹In Canada, for example, the federal government automatically registers individuals to vote when they turn 18 years of age. See, for example, Rosenberg and Chen (2009).

⁴⁰See Section 97.0583 Florida Statutes, available at http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0097/Sections/0097.058.html (last accessed August 20, 2012).

⁴¹Conversation between Daniel A. Smith and Pam Carpenter, Alachua County Supervisor of Elections, Gainesville, Florida, April 17, 2012.

⁴²“Voter registration groups sue over new Florida election law,” *Tampa Bay Times*, December 16, 2011, available at <http://www.tampabay.com/news/politics/legislature/voter-registration-groups-sue-over-new-florida-election-law/1206508> (last accessed August 20, 2012).

⁴³For references to “dorm storms,” see “Voter Registration Picks Up at FAMU,” *The Famuan*, January 16, 2012, available at <http://www.thefamuanonline.com/news/voter-registration-picks-up-at-famu-1.2686342#.UCha9kIuiS0> (last accessed August 12, 2012) and an announcement on October 3, 2008, by the Puerto Rico Statehood Students Association at Florida International University Chapter, available at <https://sites.google.com/a/prssa.we.bs/fiu/announcements/fiu-dorm-storm> (last accessed August 12, 2012).

⁴⁴“Chomp the Vote restarts efforts to register student voters,” *the independent florida alligator*, August 28, 2007, available at http://www.alligator.org/news/student_government/article_d4de1fd6-574e-57cb-8eeb-6f273b17585d.html (last accessed August 12, 2012).

⁴⁵For example, September 25, 2012, is “National Voter Registration Day.” Under the umbrella organization Nonprofit VOTE, hundreds

University and Florida A&M University, in 2008 roughly 27,000 new voters were registered by third-party registration efforts, amounting to 15 percent of the approximately 175,000 county residents on the rolls, according to Leon County Supervisor of Elections, Ion Sancho. Four years earlier, in 2004, according to Sancho, 3PVROs working in the county signed up 22,000 new voters, or 13 percent of those who were registered to vote.⁴⁶

Even with the regulations of HB 1355 in force in 62 of the Florida's 67 counties, 556 organizations and individuals registered as 3PVROs between July 1, 2011 and May 10, 2012, according to the Florida Division of Elections. Yet according to state records,⁴⁷ only a handful of the registered 3PVROs were actively engaged in registering new voters. Furthermore, of the 71,492 new voter registration applications received by the Division of Elections nearly a year after HB 1355 went into effect, nearly 90 percent of them were collected by just ten 3PVROs and their registered agents.⁴⁸ A cursory analysis of comparable months (July through December) in 2007 and 2011 similarly reveals a steep drop in the number of new registrations. Most notably, 25,000 fewer voter registration forms were submitted by 3PVROs in 2011 compared to 2007.⁴⁹

Research Design

We have now provided background on HB 1355 and the voter registration regulations that came out of this legislation, and we elucidated a simple cost-and-benefit approach that one can use to think about the act of registration. We now turn to our attempt to ascertain the causal impact of HB 1355's regulations that until mid-2012 governed the environment of community groups who register voters, among other things. We surmise that these regulations raised the cost of registration with a 3PVRO agent and thus may have diminished voter registrations across Florida. Whether this latter implication is true empirically is the subject of our research design and then the results that follow from it.

of groups, including the League of Women Voters, the Bus Federation Civic Fund, and Voto Latino plan to conduct major voter registration drives across the United States in anticipation of the 2012 General Election. See, "National Voter Registration Day," available at <http://www.nationalvoterregistrationday.org> (last accessed August 18, 2012).

⁴⁶See "Declaration of Ion V. Sancho," *State of Florida v. United States*, United States District Court for the District of Columbia, No. 1:11-cv-1428-CKK-MG-ESH, p. 12.

⁴⁷Division of Elections, Florida Secretary of State, "Third Party Voter Registration Organizations, Voter Registration Applications Received and/or Provided," available at <http://tpvr.election.myflorida.com/Applications.aspx> (last accessed August 20, 2012).

⁴⁸Top 3PVROs in voter registration forms, with a date beginning July 1, 2012, were as follows: the Florida Democratic Party (31,980); National Council of La Raza/Democracia USA (15,298); Miami-Dade County Public Schools Miami Florida (10,228); the Republican Party of Florida (4,373); Mi Familia Vota Education Fund, Inc. (1,699); America First Party (1,512); Pinellas County Republican Executive (791); Dr. Walter M. Fordham NAACP Political Action Chair/Bethune Cookman (422); Manatee Democratic Executive Committee (336); and Miami-Dade Young Democrats (331). See "Third Party Voter Registration Organizations," available at <http://tpvr.election.myflorida.com/Default.aspx> (data accessed and downloaded on May 10, 2012).

⁴⁹The numbers are the authors' calculations, drawn from data available from the Florida Department of State, Division of Elections, "Third Party Voter Registration Organizations." See as well testimony presented by the authors on January 27, 2012, in Tampa Bay, Florida, at a hearing held by the United States Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights.

Daily Registration Data

Recall that the legal changes wrought by HB 1355 went into effect on July 1, 2011. This being the case, we first take a Florida voter file, valid as of April, 2012, and from this we calculate the number of registrants on every day of 2011.⁵⁰ Because Florida voter files contain information on voter race and ethnicity, party registration, age, and gender, we can disaggregate our daily registration counts into counts of registered Democrats, registered Republicans, registered voters in Broward County, registered Democrats in Broward County, and so forth.⁵¹

Second, we perform a similar exercise using a Florida voter file that was valid as of April, 2008. From this file we assemble daily voter registration counts for each day in 2007.

Our use of daily registration counts constitutes an advantage over the use of surveys insofar as survey responses regarding voter registration seem often to be unreliable. For example, Converse and Niemi (1971, p. 456) draw on American National Elections Studies data from the 1950s and 1960s and identify individuals who attributed not voting to not being registered, even when voter registration was not required at the time in the states in which said individuals resided; Wolfinger and Rosenstone (1980, p. 66) note that, in the 1972 United States Census Current Population Survey, one-third of respondents living in North Dakota, which still does not require voters to register, claimed they did not go to the polls due to “restrictive registration provisions;” Bernstein, Chadha and Montjoy (2003) find that the average difference in reported voter registration rates in the 1984 and 1988 Current Population Surveys compared to “estimated actual rates for the same years” ranged from 1.5 percent to 7.5 percent with the greatest difference in the Deep South; and, Ansolabehere and Hersh (2012, p. 2) show very recently that “[survey] respondents regularly misreport their voting histor[ies] and registration status[es], but almost never misreport other items on their public record[s].”

Self-reported survey data can of course provide insight on aspects of voting and registration that are otherwise difficult to study. For example, citing Current Population Survey (CPS) data from Florida, Levitt (2012, p. 100) finds that, “[M]inority citizens disproportionately register and re-register through voter registration drives: while 6% of non-Hispanic white voters reported registering through a voter registration drive in 2008, twice as many—12% of Hispanic voters and 13% of non-Hispanic African-American voters—reported registering through a drive.” Still, since the state in Florida maintains voting registration records, actual registration data are preferable to surveys when assessing how a regulatory change, i.e., new regulations produced by the implementation of HB 1355, may have dampened voter registration overall and might have diminished the ability of certain individuals to register to vote relative to others.

⁵⁰We acquired this voter file, and similarly all voter files mentioned in this paper, via a public records request to the Florida Secretary of State, Division of Elections.

⁵¹Florida voter files do not specify if a given registration connotes the first time an individual has registered to vote.

Smoothing

Although this study appears to be the first to rely on daily voter registration data in an attempt to determine whether a change in state regulations affected registration patterns, and although our daily data provide us with leverage that studies which use temporally aggregated data do not have, our use of these data is not without difficulties. The most obvious difficulty is that daily voter registration counts across Florida fluctuate, sometimes tremendously and in ways that are hard to rationalize. The right skewness in registration counts in 2011 (2007 is similar and a plot is available from the authors) is apparent in Figure 1, which is a histogram of daily registrations. There are a few days in 2011 in which the number of daily registrations was very large—for example, Thursday, April 21 with 8,689 registrations—and one day, Sunday, February 20, in which the number of registration was zero. Overall, in 2011 the mean number of daily registrations was approximately 1,327 ($s \approx 967$) and the median, 1,652.

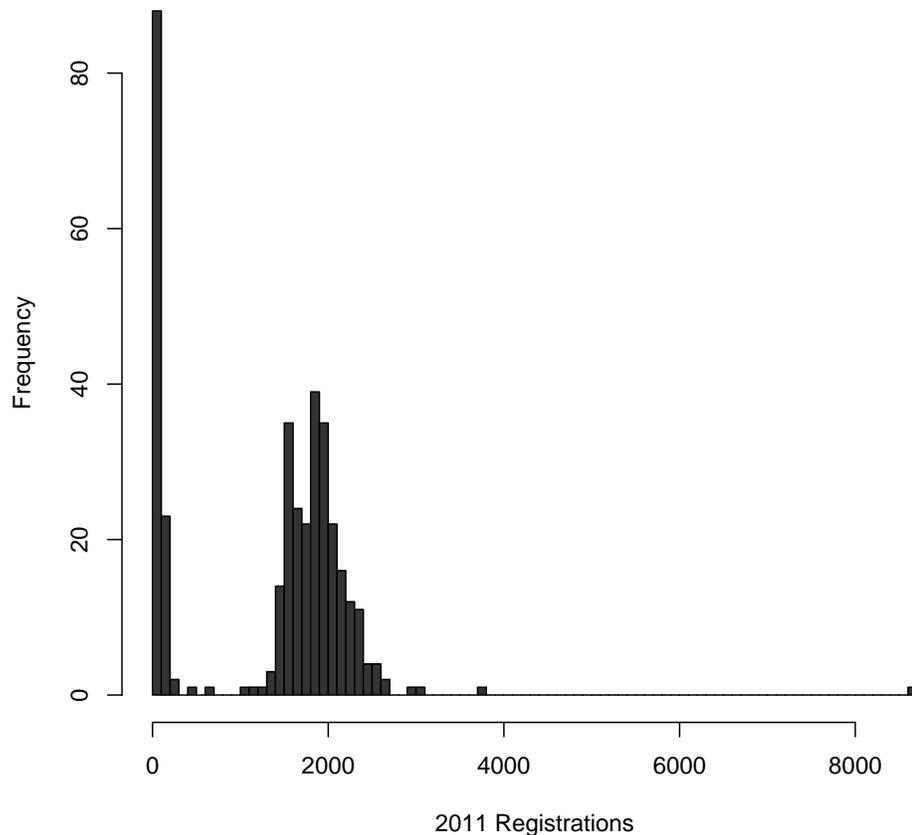


Figure 1: Histogram of Daily Registration Counts from 2011

Some of the observed fluctuations in our daily registration data are clearly weekend effects: a voter who completed a voter registration form on, say, a Saturday during a voter registration drive may not be listed as having registered on the said Saturday. It is instead possible that this voter will be listed as having registered during an official working day after his or her paperwork was received by an appropriate Supervisor of Elections.⁵² In addition, voter registration drives can generate large spikes in registration, spikes that, in our data, are very brief in duration.⁵³

For example, with many civic groups that traditionally registered high school voters on the sideline during the spring of 2012, the Miami-Dade Public School system registered itself as a 3PVRO with the Division of Elections. On a single day, April 4, 2012, 60 district schools “registered more than 10,000 high school students” to vote.⁵⁴

Given the large amount of daily variance in registration counts, we smooth our daily registration data using a loess smoother.⁵⁵ Then, when we ask whether the implementation of HB 1355 affected Florida voter registrations, we answer this question based on smoothed daily registration figures. In addition, we calculate bootstrap 95% confidence intervals around our time series of smoothed daily registration counts.

Both 2007 and 2011 contained 365 days. Notwithstanding the earlier comments about excessive day-to-day fluctuations, we need to smooth our registration counts because the series of days in 2007 and in 2011 do not line up nicely. For example, January 1, 2007, was a Monday and January 1, 2011, was a Saturday. It would obviously not make sense to compare voter registrations on a day in 2007 that occurred during the work week and a day in 2011 that was on a weekend. Many other holidays are similar to New Years Day in this way (e.g., Independence Day) and the situation is the same for holidays that do not always fall on the same day (e.g., Thanksgiving). The point here is that ordering the 365 days in 2007 and 2011 will not necessarily provide us with useful registration comparisons on a daily basis. Smoothing our data, however, adjusts for the fact that our two years of interest start on different days of the week and have slightly different holiday schedules, and accordingly we eschew specific daily comparisons.⁵⁶

⁵²Prior to the implementation of HB 1355, the lag between the date an eligible registrant completed his or her paperwork and his or her formal registration date may have been up to ten days. HB 1355 reduced this time period to 48 hours.

⁵³See, for example, Florida State Association of Supervisors of Elections, “Register to Vote,” available at <http://www.myfloridaelections.org/?id=36> (last accessed August 21, 2012). This document notes that, if a registration is completely new, “the date a signed voter registration application is postmarked or hand delivered to [a] county Supervisor of Elections office will be [the] registration date.”

⁵⁴See “Florida Once Again at Center of Debate Over Voting Rules,” *Florida Center for Investigative Reporting*, available at <http://fcir.org/2012/08/15/florida-once-again-at-center-of-debate-over-voting-rules> (last accessed August 20, 2012).

⁵⁵Smoothing calculations were done with the `loess` command in the R (R Development Core Team, 2011) computing environment. All bootstrap confidence intervals are based on 500 repetitions and use the `loess.boot` command in the `simpleboot` package.

⁵⁶Some of the registration patterns in our data are difficult to interpret. For example, according to our Florida voter files, there were six voter registrations on January 1, 2007, and 11 registrations on January 1, 2011. Did these individuals literally register on New Years Day? It is possible that they signed paperwork on this holiday, but we cannot be sure. This sort of data issue is another rationale for smoothing.

The Section 5 Counties in Florida

As we mentioned in the introduction, the implementation of HB 1355 was not uniform across Florida. Indeed, the regulations that came out of this legislation were not enforced in Florida's five counties covered by Section 5 of the VRA, Collier, Hardee, Hendry, Hillsborough, and Monroe. This is because the United States Department of Justice argued that it did not receive ample time to preclear the changes made to Florida's election laws. As such, the costs of registering to vote for those Floridians living in the Section 5 counties were arguably less than those for those eligible citizens residing in Florida's 62 other counties. Yet, due to the ambiguity of whether or not the restrictions placed on 3PVRs would inhibit community groups seeking to register voters even if they limited their voter registration activities to the five preclearance counties, many organizations played it safe and, simply put, their local chapters stayed on the sidelines.

This choice affected the five so-called preclearance counties. For example, Hillsborough County Supervisor of Elections Earl Lennard testified in one of the federal lawsuits regarding HB 1355 that the "decision by the Hillsborough Chapter of the NAACP to stop voter registration activities could have an 'adverse effect on the number of registered voters' served by that group." Similarly, Monroe County Supervisor of Election of Monroe County Harry Sawyer noted that he saw "an impact on minorities, as they may not have access to voter registration through [3PVRs] that they would have had in the past because groups like the [League of Women Voters] and the NAACP were uncertain as to whether they would have to comply with the law."⁵⁷ In summary, then, the Section 5 counties of Florida were not immune to the effects of HB 1355 even though, technically speaking, the new voter registration regulations inspired by HB 1355 were not enforced in these counties.

Potential Caveat: Presidential Primaries

One limitation of our research design is the fact that the treatment we are studying—the implementation of HB 1355—was not randomly assigned and neither are the five Section 5 counties in Florida. Simply put, we cannot control for all exogenous events that might have affected Florida voter registrations between 2007 and 2011, and one such exogenous event that theoretically could cause problematic inferences is the fact that there was no Democratic Presidential Preference Primary in January, 2012, while there was such a primary in 2008.

Why might this be a problem? One might conjecture that the 2008 Democratic Presidential Preference Primary led to a surge in Democratic registration in late 2007. Such a surge might make the lack of a surge in 2011 appear to be a consequence of HB 1355 when in reality it was a reflection of the lack of a 2012 Democratic Presidential Preference

⁵⁷See "UNITED STATES' AND DEFENDANT-INTERVENORS' JOINT SUBMISSION CONCERNING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW," *State of Florida v. United States*, United States District Court for the District of Columbia, No. 1:11-cv-1428-CKK-MG-ESH, p. 32.

Primary.

Fortuitously for our research design, the 2008 Florida Presidential Preference Primary was not officially sanctioned by the Democratic National Committee, no delegates were awarded based on its results, and the Democratic candidates for president did not officially campaign in Florida prior to it.⁵⁸ Moreover, and particularly relevant for our objectives here, Barack Obama's field operation did not begin registering voters in Florida in earnest until May, 2012.⁵⁹ This means that a possible Florida registration surge reflecting the historic 2008 General Election should not be visible in our registration counts, which end on the last day of 2007. Of course one could argue that in 2008 there was not a "real" Democratic Presidential Preference Primary because, officially, this primary was effectively disowned by the Democratic National Committee. Nonetheless, we wish to be methodologically conservative and hence we treat the 2008 Democratic Presidential Preference Primary as real. Indeed, more than 1.5 million people voted in it, with Hillary Clinton winning what was dubbed a "beauty contest" by some political observers.⁶⁰

Perhaps counter-intuitively, in light of the fact that there was no Democratic presidential primary in January, 2012, the Florida Democratic Party's voter registration efforts in the fall of 2011 far exceeded its efforts in 2007. Beginning in May, 2011, President Obama's field campaign, Organizing for America, was already setting up shop in Florida to conduct voter registration drives in conjunction with the state party. According to a Vice Chair of the Florida Democratic Party, the party's voter registration effort in 2011 was "massive" and "night and day" from its efforts in 2007. In the summer and fall of 2011, the Democratic party trained "thousands of volunteers" in three day sessions so as to comply with the 3PVRO requirements wrought by HB 1355.⁶¹ This is fortuitous for our research design because it means that a relative drop in voter registrations in 2011 cannot be attributed to the fact that the Florida Democratic Party was making only a lackluster effort at registration in the latter months of 2011.

Furthermore, in both 2008 and 2012 there were competitive Republican Presidential Preference Primaries. If the lack of a Democratic Presidential Primary in 2012 is responsible for the relative lack of registrants in late 2011, then we should expect to see a drop in Democratic registrants in late 2011 but no comparable drop in Republican registrants during this period. As will be clear shortly, we do not see this in our data, indicating that the presence or lack of a presidential primary in 2012 was not the key issue affecting daily voter registrations in 2011.

⁵⁸See, for example, "DNC Strips Florida Of 2008 Delegates," *The Washington Post*, August 26, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/25/AR2007082500275.html> (last accessed August 15, 2012), "Clinton roils vote dispute in presidential race," *Reuters*, January 25, 2008, available at <http://www.reuters.com/article/2008/01/26/us-usa-politics-clinton-dispute-idUSN2533575920080126> (last accessed August 7, 2012), and "Surge in Early Balloting Shifts Florida Races," *The New York Times*, January 27, 2008, available at http://www.nytimes.com/2008/01/27/us/politics/27florida.html?_r=1&oref=slogin (last accessed August 7, 2012). The official results for the primary are available at <http://election.dos.state.fl.us/elections/resultsarchive/SummaryRpt.asp?ElectionDate=1/29/2008&Race=PRE&Party=DEM&DATAMODE=> (last accessed August 10, 2012).

⁵⁹Phone conversation between Daniel A. Smith and Steve Schale, Florida statewide campaign manager for Barack Obama, May 9, 2012.

⁶⁰See "Clinton Wins in Florida, but Without Any Delegates to Sweeten the Victory," *The New York Times*, January 30, 2008, available at <http://www.nytimes.com/2008/01/30/us/politics/30dems.html> (last accessed August 22, 2012).

⁶¹Phone conversation between Daniel A. Smith and Alison Morano, Vice Chair, Democratic Party of Florida, August 15, 2012.

Lastly, if there were a registration surge in 2007 that might artificially make it appear that registrations in 2011 were relatively few in number—this could lead us wrongly to blame HB 1355 for depressing registrations—we lessen the chance of this surge causing problematic inferences by focusing most of our attention on voters who were no older than 7,665 days (21 years) when they registered. We do this because, had the, say, Obama campaign registered an older voter in 2007, this voter would not need to register again in 2011. As noted, we have no reason to think that this happened insofar as the Obama campaign began its registration push in 2008 as opposed to 2007. Still, since we for the most part exclude older voters from our analysis, this potential problem is not an issue for us.

Summary of Research Design

After we sort our 2007 and 2011 registration counts (aggregated, broken, down by party, broken down by county, and so forth) and then smooth them, we compare 2007 and 2011 by constructing a series of plots. Most of the plots involve young voters only for the reasons noted above.

We expect the first half of 2011 and the first half of 2007 to have shared similar registration patterns, and we should see evidence of this in our smoothed registration data. Why? HB 1355 was implemented on July 1, 2011, both 2007 and 2011 are placed similarly in the general election cycle, and both years follow 2006, the year in which Florida installed the current voter registration system, FVRS as noted earlier. In Downsian terms, the costs for eligible Floridians interested in registering to vote are quite similar over the first six months of both 2007 and 2011.

On the other hand, if the implementation of HB 1355 depressed voter registrations in Florida—because, though the returns of registering remained constant, the new law raised the costs placed on eligible citizens interested in registering—then we expect to see lower voter registration counts in 2011 compared to 2007, particularly among the 62 non-Section 5 counties in Florida in which HB 1355 took full effect. In contrast, we expect to see an attenuated effect of HB 1355 in the five Section 5 counties as the full weight of HB 1355 did not affect this latter group, as we just explained.

Findings

We now turn to results and begin with a simple summary of 2007 and 2011 registration results. See Table 1.

This table contains counts of all voter registrations (see columns labeled “All”) as well as counts of registrations of voters who were no older than 21 years of age upon day of registration (“Under 21”). Note as well that Table 1’s results are broken down by date, specifically pre-July 1 and post. The choice of this date reflects that fact that HB 1355 came into force on July 1, 2011, in Florida’s 62 counties not subject to Section 5 of the Voting Rights Act.

	2007		2011	
	All	Under 21	All	Under 21
January 1 - June 30	257,470	76,049	228,826	75,888
July 1 - December 31	306,170	82,647	255,745	67,676
Total	563,640	158,696	484,571	143,564

Note: the columns labeled “Under 21” contain counts of registrations who were no more than 21 years of age upon registration.

Table 1: Summary of 2007 and 2011 Voter Registrations

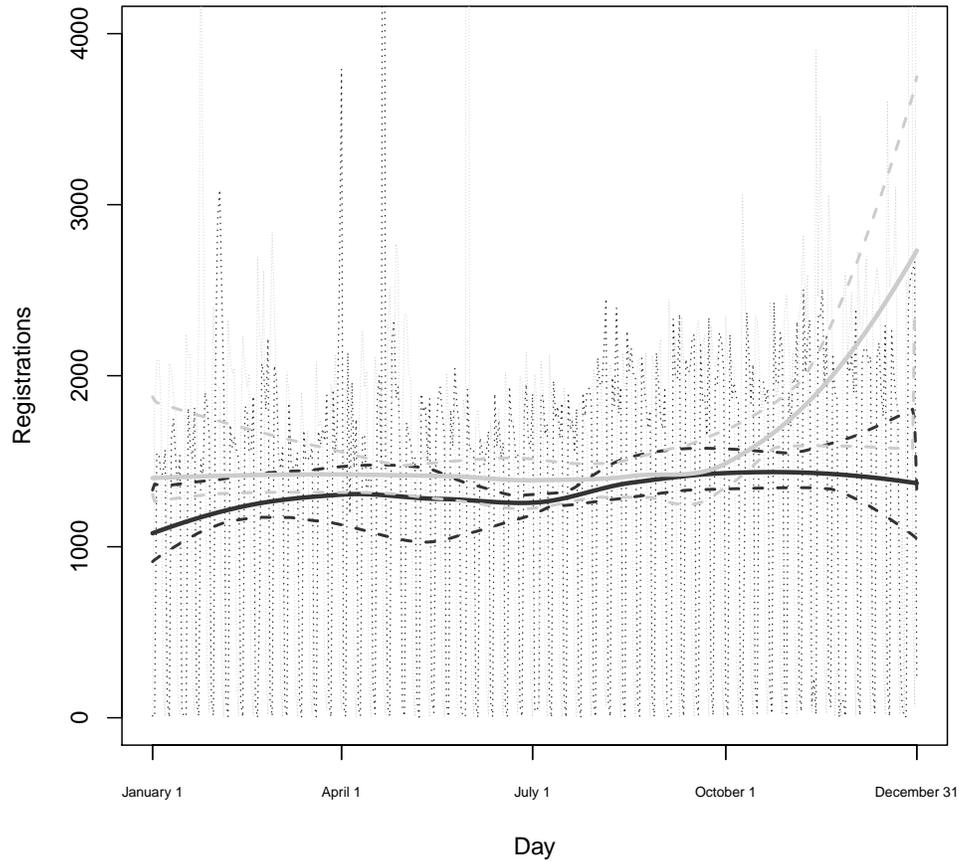
Simple comparisons of the numbers in Table 1 show that Florida voter registrations were lower in 2011 than in 2007. The decrease in registration was approximately 14 percent among all voters and 9.5 percent among only those voters less than or equal to 21 years of age on day of registration.

What is particularly notable, though, is the extent to which the magnitude of the 2011 to 2007 registration drops differ depending on whether they calculated before or after July 1. For example, the pre-July 1 drop among total voters in Florida was approximately 11 percent and the post-July 1 drop, approximately 16 percent. In other words, there was a greater percentage decrease in registrations from the second half of 2011 to the second half of 2007 compared to the first half of 2011 to the first half of 2007. Among younger voters where young is defined as no older than 21, the pre-July 1 registration drop was approximately zero percent and the post July 1 drop, approximately 18 percent. We see, therefore, that post-July registration drops are greater than pre-July drops and that this effect is magnified for younger voters

These findings are consistent with the conjecture that the implementation of HB 1355 led to decreased voter registrations in Florida. The data in Table 1 are rough, however, and we now disaggregate them in order to further our ability to compare voter registration trends from 2007 with those of 2011.

Daily Registrations across Florida

We now turn in particular to daily registration data and start by comparing the daily sequence of voter registrations from 2007 and 2011 across all Florida counties and across all ages of registrants. To this end, Figure 2 plots daily registrations from 2007 (light gray) and 2011 (dark gray), smoothed and with 95% bootstrap confidence intervals. The colored dots in the background of the figure are actual daily registration counts, and as previously discussed and illustrated with the histogram in Figure 1, there is significant temporal variance in them. The smoothed counts in Figure 2 are less variable (by construction), and the figure shows that the lower registration count confidence limit for 2007 is always below the upper registration count confidence limit for 2011, except toward the end of the year, after approximately mid-November. In other words, Florida voter registrations in the end of 2007 were statistically



Note: light gray denotes 2007 and dark gray denotes 2011. Actual registration counts appear in the background of the figure and are connected by dotted lines, solid lines are smoothed counts, and dashed lines denote 95% bootstrap confidence intervals.

Figure 2: Daily Registration Counts from 2007 and 2011

significantly higher than in 2011; and in contrast, there is no such evidence of a 2007-2011 voter registration gap in the first six months of 2011 and 2007.

Recall our earlier statements about expected changes in voter registrations across 2007 and 2011. To the point, if HB 1355 led to decreased registration counts, then we would anticipate observing in registration data something akin to the 2007 versus 2011 gap that we do in fact see in Figure 2.

Paralleling our discussion of the result in Table 1, one explanation for the results in Figure 2—namely, the post-July drop in registrations in contrast with the pre-July non-drop—is HB 1355. Nonetheless, there are other possible

explanations for the registration gap that have nothing to do with this legislation, and in particular one such explanation is the possibility that the observed surge in voter registration in late 2007, prior to the 2008 General Election, could not be repeated in 2011 because the voters registered in the surge were already registered by the time 2011 occurred.⁶² That is, if 2007 saw a surge in registration of older voters, then 2011 might have lower registration counts simply because older voters, once registered, do not need to register again. By this logic, we should expect high registration years to be followed by low registration years independently of legal changes, like HB 1355, to registration laws. We noted this possible confound in our research design discussion, and we discussed it in the analysis of Table 1 (see the “Under 21” columns in this table). We now continue our exploration of the possible age confound, this time with daily registration date.

Daily Registrations among Younger Florida Residents

To control for the possibility that the relative decrease in registration in 2011 seen in Figure 2 is due to the fact that older voters who registered in 2007 did not need to re-register in 2011, Figure 3 again displays daily registration counts but this time for voters who were no more than 21 years old when they registered. Older voters (where old is defined here as greater than 21 years of age) are not part of Figure 3.

The color and plotting scheme in Figure 3 mirror those in the earlier Figure 2 (2007 registrations are pictured in light gray, 2011 in dark gray) although the y-axis the former goes only to 2000 as opposed to 4000. This is because the raw numbers of younger registrants are by construction no greater than the raw numbers of total registrants.

Despite the fact that Figure 3 is restricted to relatively young registrants, we again see a gap in registrations between 2007 and 2011. In particular, the key implication of Figure 3 is that the pattern observed earlier—fewer registrations in the end of 2011 compared to the end of 2007—is apparent among young registrants, i.e., those no more than 21 years of age upon registration.

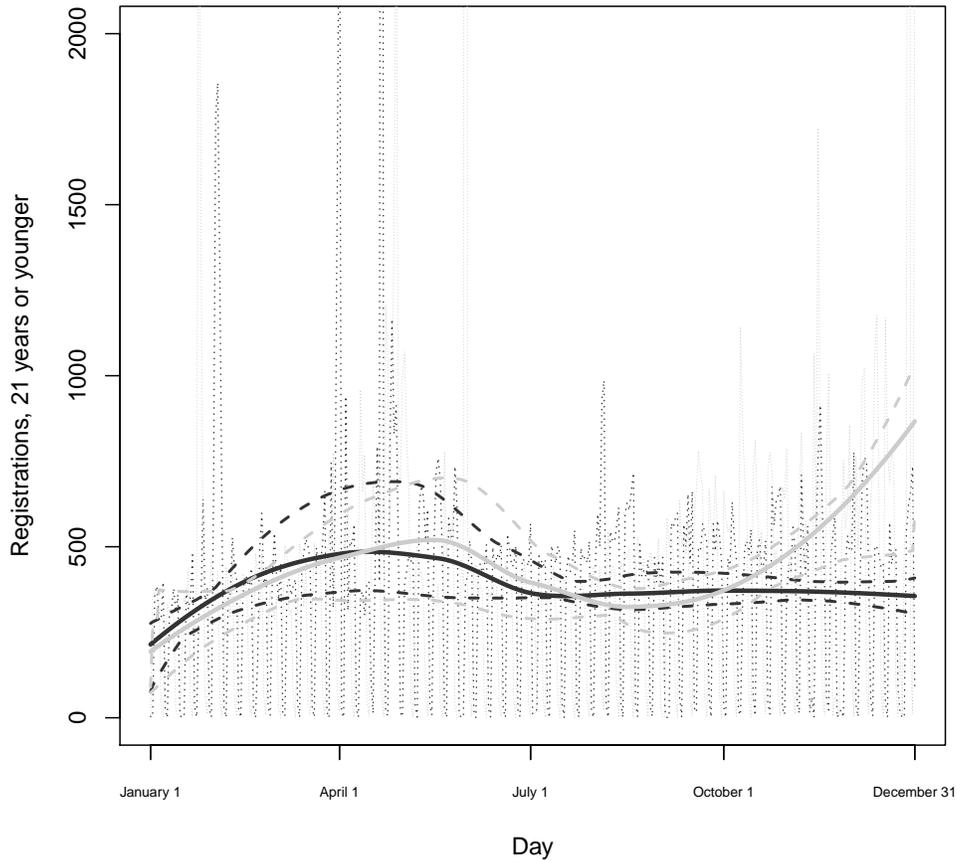
A plot (not shown) for registrants who were 18 or younger on their dates of registration has similar patterns as that in Figure 3, although the gap in 18 and under registration is not as large as that for 21 and under registration.⁶³ The gap also starts a bit later in the year.⁶⁴

From this point onward all of our plots include only voters age 21 years or younger upon date of registration. This means that all of these plots are immune to the possible confound of older voters who registered in 2007 not needing to re-register in 2011.

⁶²As evidence of the voter registration surge in 2008, Slade and Smith (2011) report that more than 230,000 African Americans registered to vote between January 1, 2008, and October 1, 2008.

⁶³This plot is available from the authors.

⁶⁴Florida law allows citizens over the age of 16 years old to pre-register, although they are not permitted to vote until they are 18 years old (? , p. 553, fn. 12).

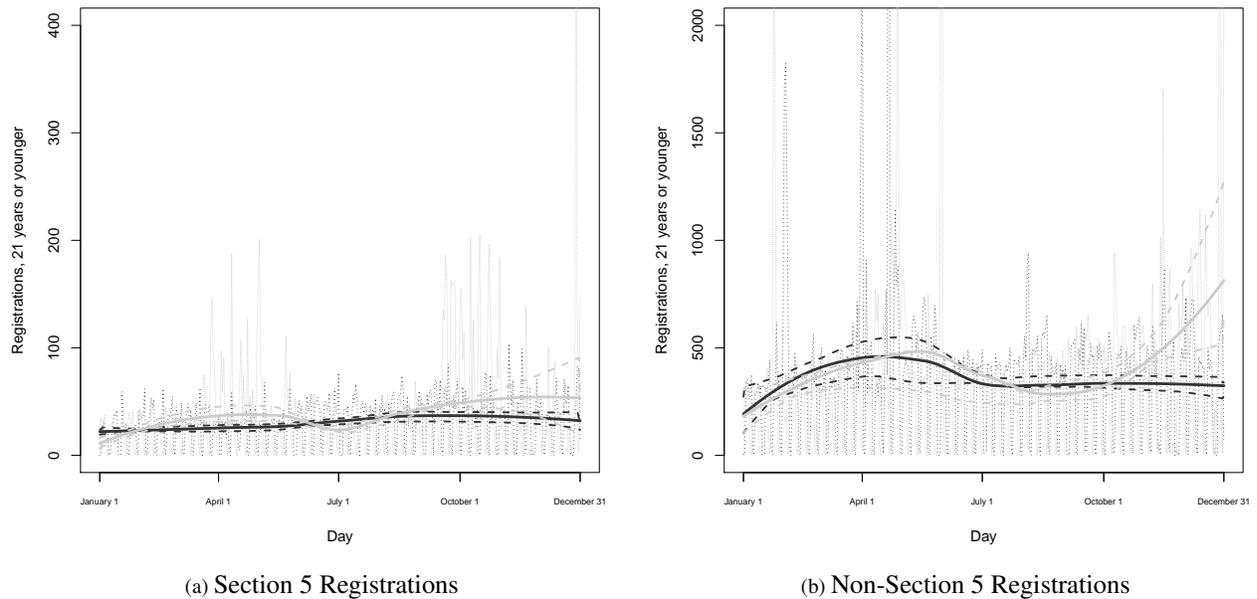


Note: light gray denotes 2007 and dark gray denotes 2011. Actual registration counts appear in the background of the figure and are connected by dotted lines, solid lines are smoothed counts, and dashed lines denote 95% bootstrap confidence intervals.

Figure 3: Daily Registration Counts from 2007 and 2011, Registrants no Older than 21

Section 5 and non-Section 5 Counties

As noted in our discussion of methodology, there was variance across Florida in the extent that HB 1355 was implemented. In particular, its provisions were not implemented in the five Section 5 counties in Florida, though as we noted previously there were almost certainly negative spillover effects in these counties from the 62 non-preclearance counties because some civic groups opted after July 1, 2011, to suspend voter registration activities statewide. Nonetheless, registration patterns from Florida’s five Section 5 counties as well as patterns from the 62 non-Section 5 counties are shown in Figure 4.



Note: light gray denotes 2007 and dark gray denotes 2011. Actual registration counts appear in the background of the figure and are connected by dotted lines, solid lines are smoothed counts, and dashed lines denote 95% bootstrap confidence intervals.

Figure 4: Daily Registrations by Section 5 Status, Registrants no Older than 21

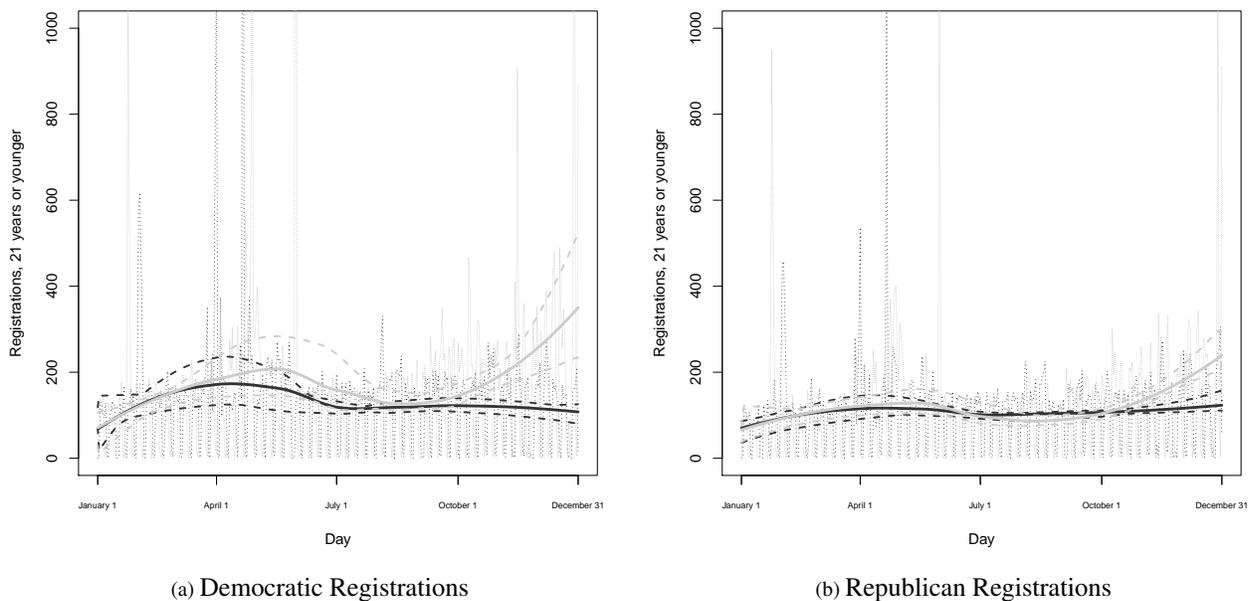
The left panel of Figure 4 shows that the 2011-2007 registration gap among Section 5 counties in Florida is relatively small and statistically insignificant. A positive gap is not surprising given that community groups that canceled registration drives in the entirety of Florida could have affected registration counts in the state’s Section 5 counties. In contrast, among the 62 non-Section 5 counties in Florida—this is the treatment set of counties—we see the familiar pattern of a large and statistically meaningful gap between registration in 2011 and in 2007. Simply put, the patterns in both panels of Figure 4 are fully consistent with the idea that the implementation of HB 1355 led to registration drops.

Partisanship and Registration

Figure 5 breaks our results down by partisanship, and the reason we focus now on party affiliation is because it is important to determine whether the results we have thus far described reflect exclusively registrants of one political party. It is fair to say that most of the objections to HB 1355 and its new requirements were publicly associated with supporters of the Democratic Party to the extent that they have any partisan affiliation at all. Based on the rhetoric of

such supporters, one might expect to see particularly strong drops in Democratic registration in late 2011 compared to 2007. Nonetheless, to the extent that Republican registrations dropped in this period as well, we will have evidence that HB 1355 affected (21 and under) Florida voters in the aggregate.

Indeed, Figure 5 shows that, broadly speaking, voter registrations were relatively down by the end of 2011 compared to 2007 for both Democrats *and* Republicans. We show below that the Democratic drop in registrations seems more precipitous than the Republican drop, but *prima facie* we see evidence in Figure 5 that both parties suffered from relative registration drops in the aftermath of HB 1355's implementation.



Note: light gray denotes 2007 and dark gray denotes 2011. Actual registration counts appear in the background of the figure and are connected by dotted lines, solid lines are smoothed counts, and dashed lines denote 95% bootstrap confidence intervals.

Figure 5: Daily Registrations by Party, Registrants no Older than 21

Any drop in Democratic registration could in theory be rationalized by arguing that it reflects the lack of a 2012 Democratic Presidential Preference Primary. However, as we noted previously, the Florida Democratic Party had a much stronger registration effort in 2011 compared to 2007, and because of this our results on the Democratic gap in Figure 5 are cautious or what one would call methodologically conservative. In particular, that Democratic registrations were down despite a relatively strong registration push from the Florida Democratic Party means that corresponding estimates of the putative effect of HB 1355 are biased down or lower than they would have been in

the absence of a strong party registration effort. Regardless, were one to argue that all of the drop in Democratic registrations was due to the lack of a 2012 Democratic Presidential Preference Primary and occurred despite the strong registration push by the Florida Democratic Party, one would be rather hard-pressed to explain the Republican registration drop in Figure 5b in this way insofar as there were competitive Republican Presidential Preference Primaries in both January, 2008, and January, 2012.

A sense of the magnitude of the effect that HB 1355 appears to have had on young Democratic registrants as opposed in particular to young Republicans can be gleaned from Figure 6, which plots daily differences in Democratic and Republican registrations. The color scheme in this plot is the same as before, but here each point is a *difference* between the number of registrants age 21 years and younger who chose the Democratic party and the number of registrants age 21 years and younger who chose the Republican party.

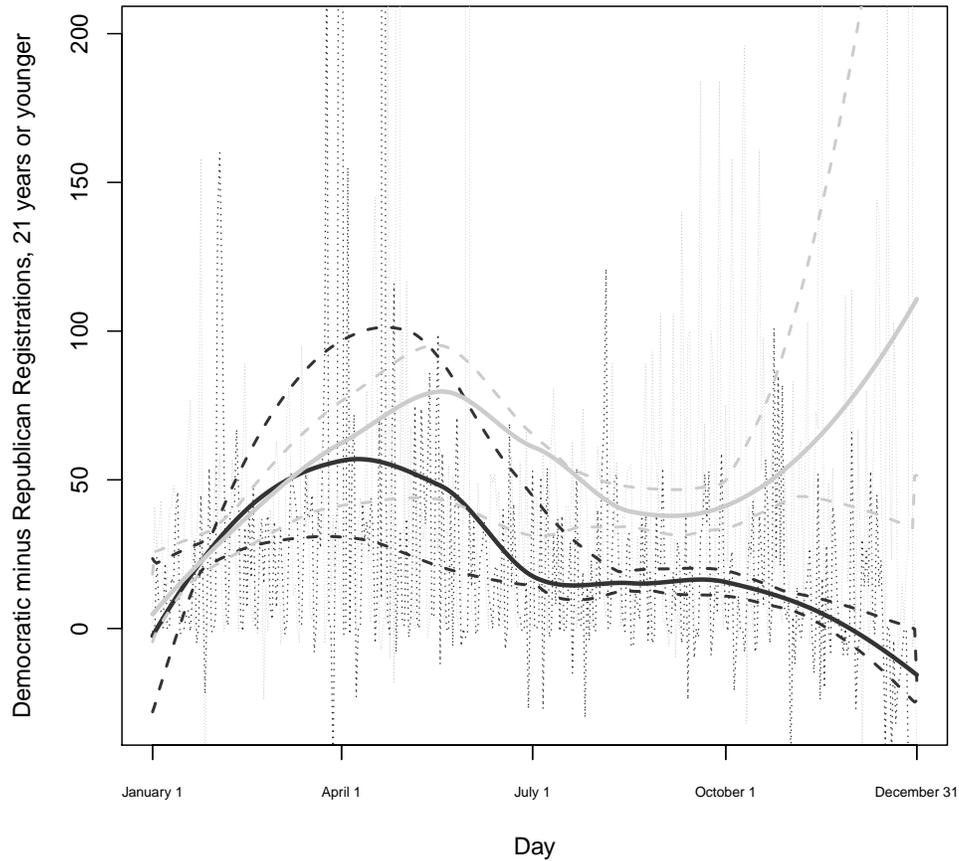
We see from Figure 6 that toward the end of 2007 there was a sizable gap in Democratic registrations over Republican registrations. One can see this because the light gray line in the figure is positive (meaning, there were more Democratic registrants than Republicans) and the gap increased sharply in the last quarter of this year. It is moreover notable that the Democratic - Republican registration gap was large in 2007 despite the fact that the Florida Democratic Party's voter registration effort at this time was relatively weak.

In contrast, the Democratic - Republican registration gap dropped in the last quarter of 2011 and then turned negative. When such a gap is negative, it follows that there were more Republican registrations than Democratic ones. And, recall that the Florida Democratic Party worked much harder in 2011 to register voters than it did in 2007. Thus, cautiously speaking, after HB 1355 was implemented it appears that Democratic registrations among those 21 years and younger dropped much faster than Republican registrations although, as we showed earlier in Figure 5, both parties suffered from relative registration drops in the latter part of 2011.

That there appear to have been in December, 2011, more young Republican than young Democratic registrations is not an artifact of the smoothing process behind the various curves in Figure 6. In particular, there were 3,882 Republican registrations (age no greater than 21 years) in December, 2011, compared to 3,574 Democratic registrations (same age limit) in this same month. Building on this point, Table 2 breaks down party registrations by pre- and post-July in a manner similar to that seen in the initial results we offered in Table 1.

	2007		2011	
	Democratic	Republican	Democratic	Republican
January 1 - June 30	29,816	19,979	26,531	19,210
July 1 - December 31	32,673	22,700	21,995	19,877
Total	62,489	42,679	48,526	39,087

Table 2: Summary of 2007 and 2011 Voter Registrations and Partisanship, Registrants no Older than 21



Note: light gray denotes 2007 and dark gray denotes 2011. Actual registration counts appear in the background of the figure and are connected by dotted lines, solid lines are smoothed counts, and dashed lines denote 95% bootstrap confidence intervals.

Figure 6: Democratic - Republican Differences in Daily Registration Counts from 2007 and 2011, Registrants no Older than 21

From Table 2 we know the following. Among Democratic registrants no greater than 21 years of age, there was an approximate 11% drop in registrations from the first half of 2007 to the first half of 2011. This drop became approximately 33% when comparing the latter half of 2007 to the latter half of 2011. And with respect to young Republicans, there was a 4% drop in registrations from the first half of 2007 to the first half of 2011, and this drop grew to approximately 12% when comparing the second half of 2007 to the second half of 2011. Thus, for both Democrats and Republicans, registration numbers in the latter half of 2011 were down compared to 2007, but the drop was proportionately greater for Democratic registrants.

Race and Ethnicity in Registrations

Figure 7 describes the racial and ethnic dimensions of the changes in registrations that we have thus far commented on at length. The basic conclusion from this figure is that the three main racial groups in Florida—African American, Hispanic, and white—all suffered from drops in voter registrations in late 2011 as compared to late 2007.

There is some evidence that voter registrations among young African Americans (Figure 7a) and Hispanics (Figure 7b) actually dipped in the second half of 2011, when the sanctions on 3PVRs were being enforced by the Division of Elections in 62 of Florida's counties. And there is some evidence that, during the later six months of 2011, voter registrations among whites no older than 21 were relatively flat. However, this sort of variance across racial and ethnic groups is not statistically significant.

Registration among Growing Florida Counties

We end our discussion of results by considering one final caveat to our findings, a caveat reflecting the fact that our results hold Florida constant between 2007 and 2011. That is to say, our findings thus far have ignored migration in and out of Florida, and this is in theory problematic. Put simply, one explanation for our findings, that we have linked to HB 1355, is that the state's population shrunk between 2007 and 2011. If there were relatively few eligible registrants in Florida in 2011, it would be no surprise to see relatively small registration counts for that year, HB 1355 notwithstanding.

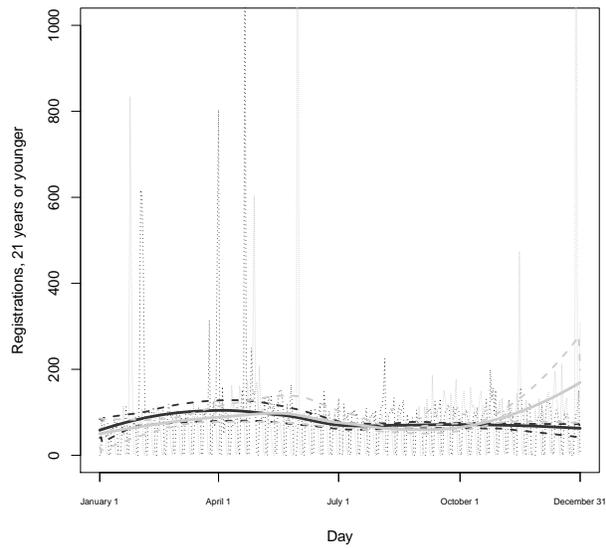
According to the United States Census Bureau, the population of Florida in 2007 was estimated to be 18,251,243 and in 2011 it was estimated to be 19,057,542. Since Florida's population expanded between 2007 and 2011, it follows that our results about registration drops between these two years are conservative.⁶⁵

In the interest of being very cautious with our results, in the following plot we restrict ourselves to the 54 Florida counties that had positive population growth between 2007 and 2011.⁶⁶ By doing this we are biasing ourselves against finding low registration counts in 2011, and with this objective in mind Figure 8 breaks down party registrations by year (2007 versus 2011), restricting attention to Florida counties that grew between 2007 and 2011. The figure is thus analogous to Figure 5, which also disaggregated registrations by party, except for the fact that Figure 8 includes registrations from only 54 counties.⁶⁷

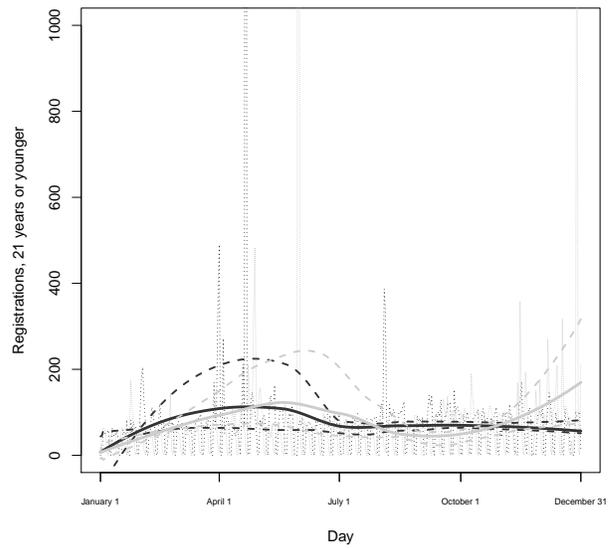
⁶⁵2007 county population estimates are from <http://www.census.gov/popest/data/state/totals/2007/tables/NST-EST2007-01.xls> (last accessed August 21, 2012) and the 2011 estimate, <http://quickfacts.census.gov/qfd/states/12000.html> (last accessed August 21, 2012).

⁶⁶The 13 negative growth counties are Bradford, Citrus, Columbia, Escambia, Gadsden, Gilchrist, Hardee, Hendry, Highlands, Lake, Okeechobee, Pinellas, and Volusia. Hardee and Hendry Counties, as mentioned previously, are covered by Section 5 of the Voting Rights Act.

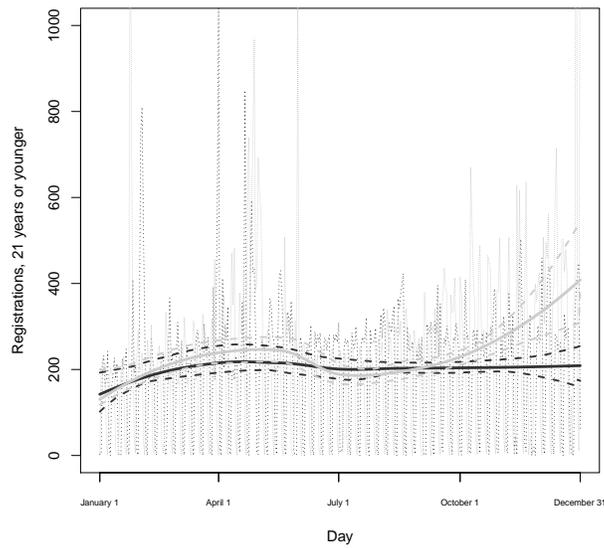
⁶⁷County data on 2007 population estimates were downloaded from <http://www.census.gov/popest/data/counties/totals/2007/tables/CO-EST2007-01-12.csv> (last accessed April 12, 2012), and data for 2011 population estimates were downloaded from <http://www.census.gov/popest/data/counties/totals/2011/tables/CO-EST2011-01-12.csv> (last accessed April 12, 2012).



(a) African American Registrations



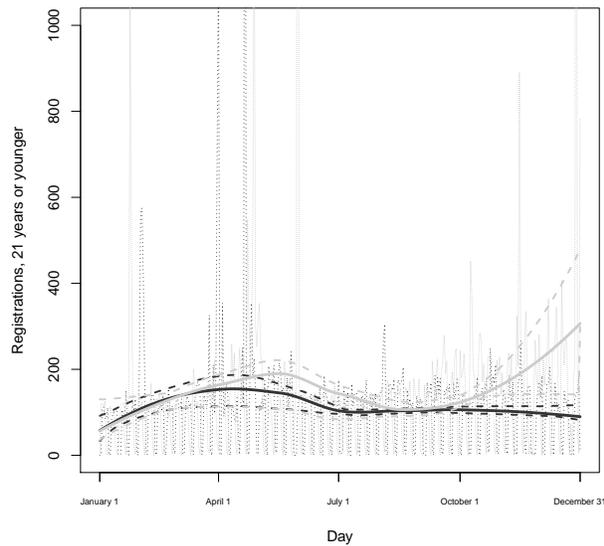
(b) Hispanic Registrations



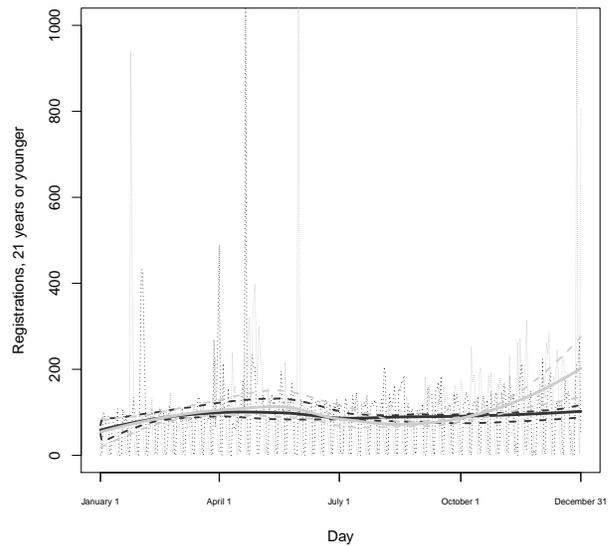
(c) White Registrations

Note: light gray denotes 2007 and dark gray denotes 2011. Actual registration counts appear in the background of the figure and are connected by dotted lines, solid lines are smoothed counts, and dashed lines denote 95% bootstrap confidence intervals.

Figure 7: Daily Registrations by Race, Registrants no Older than 21



(a) Democratic Registrations



(b) Republican Registrations

Note: light gray denotes 2007 and dark gray denotes 2011. Actual registration counts appear in the background of the figure and are connected by dotted lines, solid lines are smoothed counts, and dashed lines denote 95% bootstrap confidence intervals.

Figure 8: Daily Registrations by Party, Registrants no Older than 21, over Florida Counties that Grew between 2007 and 2011

One can see that the party registration patterns in Florida counties that grew between 2007 and 2011 are essentially the same as those we saw earlier when examining all Florida counties. Therefore, the 2011 drop in registration that we have observed in a variety of ways is not a function of our choosing to analyze a state, Florida, that has suffered from population decreases.⁶⁸

Conclusion

In this paper we have compared daily voter registration patterns in Florida for two comparable pre-General Election years and in so doing have taken a first step in assessing how a set of new state regulations placed in mid-2011 on community groups that traditionally conduct voter registration drives may have affected the number of voter registrants in Florida. These restrictions were implemented because of the passage of Florida House Bill 1355, a controversial piece of election-related legislation whose implementation many feared would depress voter registrations. The restrictions

⁶⁸Plots of overall registrations and for registrations of individuals no older than 21 on date of registration, restricted to counties that experienced population growth between 2007 and 2011, are available from the authors. The patterns in these plots match those already discussed.

we have studied are no longer in force as of late August, 2012, as a federal judge found them to be in violation of the Voting Rights Act. They were nonetheless on the books in Florida for almost a year and, notably, during the run-up to the November, 2012, presidential election.

Our analysis has found that voter registrations in the latter part of 2011 were significantly lower than registrations in the latter part of 2007, that this pattern applies to younger registrants in particular, and that individuals of all major race groups in Florida—namely, African American, Hispanic, and white—appear to have been affected negatively by the drop in registrations in 2011 in comparison to 2007. Such a drop has affected both main political parties in Florida—Democratic and Republican—but it is more pronounced for Democratic registrants.

With a Downsian perspective as background, this study uses observational data in its attempt to understand whether a rule change affected a common civic behavior. We exploit the quasi-experimental aspect of the implementation of HB 1355 insofar as the regulations that were produced by this legislation directly affected only 62 of Florida's 67 counties. The five other counties were indirectly affected by HB 1355 and thus are not a perfect control group, but we have argued that we should expect attenuated effects of HB 1355 in this control group, to the extent that we see any effects at all. We sought to exploit the quasi-experimental side of HB 1355's implementation by comparing the aforementioned 62 counties to the five others, and our results are intuitive. Namely, the 62 Florida counties where HB 1355 was fully implemented suffered a drop in registrations in late 2011 compared to late 2007, and, while we find a similar drop in the five counties that were not so affected, we do not find this drop to be statistically significant.

Comparing voter registration patterns across time in a state as dynamic as Florida does not present an ideal research environment. Nonetheless, we believe that our research design—which disaggregates two Florida voter files separated by four years and takes advantage of a quasi-natural experiment—is a viable method for assessing the costs and benefits to citizens due to changes in the state's elections code. Moreover, we believe our method to be preferable to a statewide public opinion survey, which could lack external validity.

Having examined two years worth of registration data, broken down in a variety of categorizations, we know of no credible, alternative explanation for our findings about relatively low voter registrations in 2011 except for HB 1355 and the new regulations that this legislative fostered. Our results thus imply that the fears of many of the critics of HB 1355—that the implementation of this legislation would depress voter registrations across Florida—have been realized.

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