Introduction

We face a crisis of confidence in our democracy. Only 60% of eligible young people are confident that they will be able to cast a ballot and have it counted as they intended in the 2020 election. To strengthen our democracy, we must bolster citizens’ confidence in our democratic institutions, especially among young Americans. The 2016 and 2018 elections brought claims of tampering, fraud, and interference from across the political spectrum, demonstrating a clear need to find bipartisan policy approaches that strengthen faith in our democracy and institutions.

State legislators are uniquely positioned to implement policies that safeguard the political life of their communities, states, and the country. The Millennial Action Project has identified two policy priorities that will help create a vibrant and dynamic political culture, while strengthening faith in the future of the American democracy:

1. Modernize Voting and Election Infrastructure
2. End Partisan Gerrymandering

The Challenge

Studies have shown that low trust in government leads to increased polarization in political attitudes and behavior. In recent decades, the American public’s trust in government institutions has dramatically declined. Younger generations are much more pessimistic than older ones on the state of the American Democracy; for example, only 44% of young adults are confident the American people will accept election results no matter who wins, compared with 66% of older adults. Distrust and polarization are stifling civil discourse and electoral participation in a time desperately in need of both. Lawmakers must work to restore trust by investing in democratic infrastructure and exploring policies that guarantee fair elections and representation.

Solutions

Voting

Same Day Registration

Policymakers in many states have enacted same day registration, or election day registration programs, including recent legislation in New Mexico, Nevada, and Washington. All states that allow election day registration require proof of residency and a valid form of identification. Same day registration increases turnout and, when implemented correctly, increases security and ease-of-use of electoral systems. Election day registration must be accompanied by state-wide voter databases that can check voter status and information in real-time, often times using electronic polling books. State-wide registration systems are an example of top-down voter databases. While there are other ways to structure state voter databases, such as collecting information from local jurisdictions’
systems and compiling data in the statewide database at regular intervals, top-down state-wide voter systems offer the greatest upside to voters and can ensure security, increasing turnout, trust, and transparency in our elections.  

**Automatic Voter Registration**

Automatic voter registration (AVR) uses electronic voter registration to increase turnout and mitigate some urgent security threats. AVR creates a voter registration system that is “opt-out” in place of the prevalent “opt-in” approach. Most states with AVR have implemented the program legislatively and the majority of AVR systems allow voters to register at state Department of Motor Vehicles, and in some cases at other social service agencies. AVR also streamlines voter roll maintenance by providing a constant inflow of up-to-date information while eliminating errors caused by hand-processing registrations. Most states with AVR offer citizens the option to decline registration at these points of service, and five states explicitly call for educational campaigns around AVR. Thirty-nine states considered some form of AVR legislation during their 2019 legislative sessions. Four states—Colorado, Maine, Nevada, and Vermont—enacted AVR laws this year.

**Alternative Voting Methods**

Many states are exploring policies that change how Americans vote. Vote-at-home strategies, where eligible voters receive an official ballot ahead of time and either return it by mail or at designated drop-off locations, has been shown to reduce costs, ensure security, and increase voter engagement. Vote-at-home expansion can especially facilitate election processes for older citizens and for rural districts. North Dakota, for example, has 30 counties that use 100% mailed out ballots for elections. Lastly, several jurisdictions have recently implemented blockchain voting. While in places like Utah County, UT, the technology is restricted to local primary elections, West Virginia recently piloted a blockchain voting program for statewide elections. The West Virginia pilot program focuses on allowing overseas and active duty military voters access to the ballot on election day. While this technology demands a robust security investment and many questions remain unanswered, its initial implementations in the U.S. deserve attention.

**Ranked Choice Voting**

Ranked choice voting (RCV), or instant runoff voting, is one election policy gaining momentum. RCV has been proposed as a means to mitigate partisanship and encourage not only dynamic elections, but also robust political parties. RCV works by allowing voters to rank their voting preference. If no candidate receives 50 percent or more in the first round of voting, there is no winner and the lowest vote getting candidate is eliminated. If a voter’s number-one choice is eliminated, then their vote goes to their second choice, and so on. The elimination process repeats until one candidate surpasses 50% of the vote. RCV is currently used in ten U.S. cities, for federal elections in Maine, for presidential elections in Ireland, and parliamentary elections in Australia.

**CASE STUDY: MAINE**

Maine became the first U.S. state to adopt ranked choice voting statewide when voters approved the Ranked Choice Voting Act with 52% of the vote in 2016. The system was first used in practice during the Federal primaries and election of 2018, when the state’s 2nd Congressional District race went to a ranked choice runoff. Some uncertainty remains around the future of RCV in Maine with outstanding judicial challenges, and the potential for more legislative action in the future. Nevertheless, in the 2018 election Mainers reiterated their support for RCV, passing Measure 1, effectively a referendum on RCV in the state on the 2018 ballot, with 54% of the vote.
Winner take-all elections tend to produce winners from the dominant faction within parties while RCV has been demonstrated to produce a greater diversity of officeholders. By creating more ideologically diverse parties, ranked choice voting can help limit polarization and make consensus building more attainable. RCV can also help avoid costly runoff elections which typically see lower voter turnout, especially at the state and municipal levels. Some experts speculate that RCV could reduce negative campaign tactics as candidates would be discouraged from alienating portions of the electorate. Others argue that RCV will increase electoral competition by eliminating the “spoiler effect” third parties often play in winner-take-all systems.¹⁷

**CASE STUDY: TENNESSEE**

In 2008, voters in Shelby County, home to Memphis, approved. While implementation was delayed as lawmakers and the courts considered the system’s constitutionality, voters in Memphis reiterated their support for the system, defeating an instant runoff repeal in the 2018 Memphis city elections with 64% of the vote. Legislation was introduced to the Tennessee House during the 2019 session that sought to clarify instant runoff’s constitutionality in the state. The measure would have allowed Tennessee’s four largest cities to implement an IRV system and avoid costly runoffs and low turnout in the second or third round of non-partisan elections. The bill stalled in the House, but plans by other Tennessee municipalities, including the Nashville Metro Council, to expand instant runoff voting in the state will necessitate action by the legislature or the courts.¹⁸

**The Census and Redistricting**

The Census

The decennial United States Census is not only a massive undertaking that requires years of planning, research, and development, but it is also the primary means to maintaining accurate political representation and adequate allocation of federal resources.¹⁹ While the role of the census in determining political apportionment is well known, data generated by the census aids businesses, nonprofits, policymakers, and communities across the country to better perform their jobs and serve their customers, constituents, and communities. Studies have shown underfunded census efforts would particularly harm a diverse range of communities, particularly in parts of rural America, immigrant communities, and those of color.²⁰ For these reasons and more, states should work to supplement the Federal government’s Census efforts to ensure accurate and complete counts of all communities.

The 2020 Census will also be a milestone for technology’s involvement in the once-a-decade population count—for the first time, citizens will be able to participate in the census online, by phone, or on paper. The Census Bureau is encouraging online responses as a means to cut overall costs and improve accuracy.²¹

Many legislatures have already taken measures to guarantee an accurate count of their citizens. Currently, 37 states and the District of Columbia have established some form of a Complete Count Commission or Committee (CCC) tasked with overseeing local census efforts, raising awareness, and encouraging self-responses to cut overall costs.²² Some states have taken the additional step of allocating funds for census outreach, hoping to ensure full participation and the subsequent accurate congressional representation of their state’s population. Equally important is ensuring each state is allotted their full portion of the more than $600 billion in annual federal funds distributed to states through census-guided programs. Among other actions, the Georgia legislature approved $2.25 million for census outreach. Maryland appropriated $5 million for similar purposes, and other legislatures, such as Kentucky, have recently enacted legislation encouraging the development of local CCCs.²³
Redistricting

The recent Supreme Court decision eliminating federal courts’ role in stopping partisanship redistricting strategies firmly places the onus of drawing fair legislative districts in the hands of state legislators.24 Historically, partisan abuse of redistricting schemes has been decidedly nonpartisan, with both major parties demonstrating a willingness to abuse their power to draw legislative lines in their favor. This fact was illustrated in the Supreme Court decision which considered gerrymandering challenges from opposite sides of the political spectrum, one in Maryland and the other in North Carolina.25

Despite the fears that the Supreme Court’s punting of responsibility to prevent partisan redistricting would lead to hyper-partisan gerrymandering, many states are actively working to ensure a fair and transparent redistricting process at all levels. Ohio, for example, began negotiations between legislative leaders and citizen activists following a 2015 ballot measure. As a result, a comprehensive redistricting plan was drafted, and approved by Ohio voters in another ballot measure in 2018. Among Ohio’s safeguards against gerrymandering post-2020 census, the legislature will need a supermajority of 60% to pass a newly drawn map of state legislative and congressional districts. Without such a majority, the responsibility for redistricting would defer to a bipartisan commission of state officials.26

Ohio’s plan is an example of the common approach of state legislatures directly drawing district lines, but with the added requirement of supermajority approval and the fail-safe of a backup commission. Many states are considering strategies such as redistricting by an independent commission, a political commission, or a politically appointed one, each with the objective of ensuring a fair redistricting process.27

CASE STUDY: IOWA

Since 1980, Iowa has used a statutory redistricting process that has garnered national attention for its robust and unbiased method of drawing legislative districts.28 In Iowa’s approach, nonpartisan legislative staff from the state’s Legislative Services Agency (LSA) draw districts following a strict set of criteria that includes a mandate for geographically compact and populationally similar districts, while prohibiting the use of political data in the process.29 Every redistricting cycle, a temporary redistricting advisory commission (TRAC) is created to advise the LSA when requested. After a new legislative map is proposed, the TRAC holds at least three public hearings on the proposal and submits a report to the General Assembly, all within 45 days of receiving Census data from the U.S. Census Bureau. The proposed map is then submitted to the General Assembly for an up-or-down approval with amendments restricted to correcting any errors in the original LSA plan. If the proposed map is rejected, the LSA and TRAC have two more opportunities to submit revised maps. If no plan is approved by the legislature by September 1 of the year following the Census, the Iowa Supreme Court will adopt, or cause to be adopted, a redistricting plan. Since the implementation of this system, the General Assembly has approved an LSA plan for each redistricting cycle.

Conclusion

The fight for a healthy and inclusive democracy is a constant one. The policy solutions mentioned above are offered as strategies that would help restore some confidence in the state of our democracy. While ideas included here are not a comprehensive list of solutions, they serve as examples of policies that could increase political participation among voters and restore trust in our institutions and elections. For more details on these strategies and developments please see MAP’s Democracy Reform Task Force Report.

To contribute your ideas or request further information, please contact policy@millennialaction.org.
Endnotes

[10] Ibid.
[12] https://www.voteathome.org
[15] Ibid.
[16] Ibid.
[17] Ibid.
[19] https://www.census.gov/programs-surveys/decennial-census/2020-census/about.html
[21] https://www.census.gov/programs-surveys/decennial-census/2020-census/about.html
[27] https://ballotpedia.org/State-by-state_redistricting_procedures
[29] https://www.legis.iowa.gov/docs/code/2016/42.4.pdf