

EARLY POLL CLOSINGS: THE NEED FOR STATE REFORM

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INTRODUCTION

The regulation of voting hours has historically been a matter of state legislative concern. State legislatures are empowered to establish polling hours for both state and federal elections. Article I, Section 4 of the U.S. Constitution grants the power to prescribe the "times, places, and manner" for federal elections to the states, while state power to regulate state and local elections derives from the Tenth Amendment.¹ In the absence of federal or uniform state acts, voting hours established by the individual states lack consistency and uniformity.

Initially, many states enacted statutes requiring early poll closing hours even though such statutes were an inconvenience to both urban and rural voters. The practical concern of facilitating the efficient counting of paper ballots on the evening of elections was balanced against the adverse effects of early closing hours on the populace's right to accessibility to the polls. Given the present widespread use of voting machines and computer tabulations of returns, the balance has shifted toward accessibility; states are no longer justified in retaining early poll closing statutes.

This note surveys present state regulations of voting hours and the adverse effect of early poll closings upon the rights of many Americans. Attention is given to past and present proposals for lengthening the voting day and the pressing need for state or federal legislation to protect the voter's right of accessibility to the polls.

THE ADVERSE EFFECTS OF EARLY POLL CLOSINGS

Great inequities exist among the states in providing American voters their right to accessibility to the polls. Citizens of six states must reach the polls before 6 p.m. in order to vote.² Seventeen states require polls to close

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1. U.S. Const., art. I, §4; U.S. Const., amend. X.
2. When citing state statutes for poll closing hours, the earliest poll closing provision was controlling. Alabama: Ala. Code tit. 17, §172 (Cum. Supp. 1973) and tit. 17, §111 (1958). If voting machines are not used in counties of fewer than 400,000, there is a 5 p.m. closing time. Hawaii: Haw. Rev. Stat. §11-131 (1976). Illinois: Ill. Ann. Stat. ch. 46 §17-1 (Smith-Hurd, 1965). Indiana: Ind. Code Ann. §3-1-23-30 (Burns 1971). Kentucky: Ky. Rev. Stat. §118.035 (1976). Mississippi: Miss. Code Ann. §23-5-147 (1972).

at 7 p.m.³ and four state statutes require polls to close at 7:30 p.m.⁴ In contrast, 20 states have established poll closing hours of 8 p.m.⁵ and three states have established poll closings of 9 p.m.⁶

A much documented failure of the American political system has been the low voter turnouts in federal, state and local elections.⁷ Presidential races have seldom drawn more than 60% of the qualified voters to the polls.⁸ Even in the recent close contest between Jimmy Carter and Gerald R. Ford, only 54% of the electorate exercised their privilege.⁹ In off-year congressional elections, there has never been a nationwide voter turnout exceeding 60% in the last 50 years.¹⁰

Political scientists have indicated that apathy and alienation of many voters contribute to the low turnout. They have shown, however, that practical considerations, such as early poll closings also have an impact on voter

3. Arizona: Ariz. Rev. Stat. §16-864A (1975).
Colorado: Colo. Rev. Stat. §1-5-101 (1973).
Florida: Fla. Stat. Ann. §100.011 (West 1975).
Georgia: Ga. Code Ann. §34-1304 (1970).
Kansas: Kan. Stat. §25-106 (1973).
Missouri: Mo. Elec. Code Ann. §15-2 (1976).
Nebraska: Neb. Rev. Stat. §32-445 (1968).
Nevada: Nev. Rev. Stat. §293.273 (1973).
New Mexico: N.M. Stat. Ann. §3-12-1 (1970).
Oklahoma: Okla. Stat. Ann. tit. 26, §7-104 (West 1976).
South Carolina: S.C. Code §23-398 (Supp. 1976). (Lancaster County closing is at 8 p.m.)
South Dakota: S.D. Compiled Laws Ann. §12-2-3 (1974).
Tennessee: Tenn. Code Ann. §2-307 (Supp. 1977).
Texas: Tex. Elec. Code Ann. tit. 2, §2.01 (Vernon Supp. 1977).
Vermont: Vt. Stat. Ann. tit. 17, §1048 (1968).
Virginia: Va. Code §24-1-98 (1973).
Wyoming: Wyo. Stat. §22-1-185 (Supp. 1975).
4. Arkansas: Ark. Stat. Ann. §3-701 (1976).
North Carolina: N.C. Gen. Stat. §163.2 (1976).
Ohio: Ohio Rev. Code Ann. §3501.32 (Page Supp. 1977).
West Virginia: W. Va. Code §3-1-31 (1971).
5. Alaska: Alaska Stat. §15.15.080 (1976).
California: Cal. Elections Code §14206 (West 1977).
Connecticut: Conn. Gen. Stat. Ann. §9-174 (West, Supp. 1976).
Delaware: Del. Code Ann. tit. 15, §4947 (1974).
Idaho: Idaho Code §34-1101 (Supp. 1977).
Louisiana: La. Rev. Stat. Ann. §18:541 (1976).
Maine: Me. Rev. Stat. tit. 21 §741 (Supp. 1977).
Maryland: Md. Elec. Code Ann. §15-2 (1957).
Massachusetts: Mass. Gen. Laws Ann. ch. 54 & 64 (West Supp. 1977).
Michigan: Mich. Comp. Laws Ann. §168.720 (1967).
Minnesota: Minn. Stat. Ann. §204A.05 (West Supp. 1977).
Montana: Mont. Rev. Codes Ann. §23-1202 (1967).
New Hampshire: N.H. Rev. Stat. Ann. §59:41 (1970).
New Jersey: N.J. Stat. Ann. §19:15-2 (West 1964).
North Dakota: N.D. Cent. Code §16.01.02 (Supp. 1977).
Oregon: Or. Rev. Stat. §250.340 (1977).
Pennsylvania: Pa. Cons. Stat. Ann. §3045 (Purdon 1963).
Utah: Utah Code Ann. §20-1-13 (1976).
Washington: Wash. Rev. Code Ann. §29.13.080 (Supp. 1976).
Wisconsin: Wis. Stat. Ann. §6.78 (West Supp. 1976).
6. Iowa: Iowa Code Ann. §4973 (West Supp. 1973).
New York: N.Y. Elec. Law §191 (McKinney Supp. 1976).
Rhode Island: R.I. Gen. Laws §17-18-11 (1970).
7. H. Asher, *Presidential Elections and American Politics: Voters, Candidates - Since 1952*, at 42-48 (1976); Howard D. Hamilton, "The Municipal Voter: Voting and Non-Voting in City Elections," 65 *Am. Pol. Sci. Rev.* 1135 (1971); Gerald W. Johnson, "Research Note on Political Correlates of Voter Participation: A Deviant Case Analysis," 65 *Am. Pol. Sci. Rev.* 768 (1971). *See also*: Jae-On Kim, John R. Petrocik, Stephen N. Enokson, "Voter Turnout Among the American States: Systematic and Individual Components," 65 *Am. Pol. Sci. Rev.* 107-31 (1975).
8. W. Flanigan and N. Zingale, *Political Behavior of the American Electorate* at 14 (3d ed. 1975).
9. *Time*, Nov. 15, 1976, at 20.
10. W. Flanigan, *supra* note 8, at 14.

participation.¹¹ A recent study by Richard Niemi and Herbert Weisberg analyzes individual voting behavior in terms of a cost-benefit approach. According to this analysis, the more "benefit" a person derives from voting, such as peer approval or satisfaction derived from the exercise of civic duty, the more likely he will vote. Conversely, the more it "costs" the citizen to vote in terms of practical obstacles, the less likely he will vote. In view of this theory, the authors recognize that "[f]actors such as registration by mail, more uniform voting dates throughout the nation, more polling places, longer hours for voting, and so on, should result in a considerable increase in turnout . . ."¹²

There have been no statistical compilations of voter turnout for each hour of the voting day. Nonetheless, two studies of the 1964 Johnson-Goldwater election discuss the effect of media predictions on California voters.¹³ These studies indicate that approximately one-third of the California's Presidential votes were cast between 4 p.m. and the 8 p.m. poll closing.¹⁴ If the California statute had required an earlier poll closing, it is conceivable that a sizeable number of citizens who could not vote at an earlier time would have been constructively disenfranchised.

The adverse effect of early poll closings is felt most acutely by suburban voters who work in the large cities of the country. After battling the evening rush hour, many of these commuters reach their home precincts only to find that the polls have closed. While recent demographic research has shown that many jobs are now located in the nation's suburbs, fifty-two percent of the people in metropolitan areas are still employed in the cities.¹⁵ The dilemma of city working voters living in the suburban areas is illustrated by Atlanta and St. Louis, where more than half of the work force is comprised of suburbanites who must vote before a 7 p.m. poll closing.¹⁶ This 7 p.m. closing time also confronts large groups of suburban residents working in Denver (41.4%) and Houston (24%).¹⁷

The problem of access to the polls for the commuting voter is even greater in states such as Illinois, Indiana and Kentucky, which have 6 p.m. poll closings. These early closings affect the rights of several hundred thousand Americans. In Chicago alone, more than 374,000 commuters must return to their suburban precincts before 6 in order to have their votes counted.¹⁸ Similar problems confront many workers in Louisville (94,865 commuters) and Indianapolis (69,130 commuters).¹⁹

These impositions placed upon the urban commuter and other voters in

11. W. Flanigan, *supra* note 8, at 19-29; R. Niemi and H. Weisberg, ed., *Controversies in American Voting Behavior* at 26-27 (1976).
12. R. Niemi, *supra* note 11, at 27.
13. K. Lang and G. Lang, *Voting and Nonvoting* (1968); H. Mendelson, *Ballots and Broadcasts: Exposure to Election Broadcasts and Terminal Voting Decisions* (annual conference paper, American Association for Public Opinion Research, May 14, 1965).
14. K. Lang, *supra*, note 12, at 73-74; H. Mendelson, *supra*, note 12, at 10. The California election law in 1964 provided for 8 p.m. poll closings in counties with electronic tabulating devices and 7 p.m. closing for counties without such systems. Election Code, ch. 23 §§14206, 14207, 1961 Cal. Stats. 582 (1961).
15. J. Hughes, *Suburbanization Dynamics and the Future of the City*, at 5, (1974).
16. T. Stanback, Jr. and R. Knight, *Suburbanization and the City*, at 6 (1976). The percentage of city workers who do not live in the city is 55.2% in Atlanta and 54.7% in St. Louis. Of note is that a substantial number of workers in St. Louis must commute to Illinois which has a 6 p.m. closing time.
17. *Id.*, at 6.
18. U.S. Department of Commerce, Bureau of the Census, *Journey to Work*, at 44 (Subject Report, 1970 Census) (1973).
19. *Id.*, at 102, 126.

many parts of the country have given rise to various attempts of reform by state legislatures.

STATE RESPONSES TO THE WORKING VOTER'S DILEMMA

Many states have enacted legislation to increase the accessibility of polls for the working voter. Such legislation has taken the form of extending voting hours, providing time off from work to vote, or making election day a state holiday.

Extension of Voting Hours

In the past decade, a number of states have extended poll closing hours.²⁰ In part, the extension of hours has resulted from the growing use of voting machines which have expedited the counting of voting returns. The extension of poll hours also reflects state legislative concern for increasing voter convenience and voter turnout. Only one state has gone against this recent trend: in 1969, Indiana changed its poll closing from 7 to 6 p.m.²¹ Unfortunately, in many of the states which have instituted later poll closings, the reforms were not significant enough to insure adequate accessibility to the polls. Six of the "reformed" states still provide for poll closings at 7:30 p.m. or earlier.²²

Some of the states with early poll closings also open polls as early as six in the morning.²³ While early openings offer workers the opportunity to vote before leaving for work, they are not the solution for the commuter's dilemma. If most of the commuters voted before beginning their travel to work, lines at the polls would be too long, causing many to choose between not voting or arriving late at work. It is not practical to force the voter to squeeze in his balloting between his morning coffee and the morning rush hour.

Time-Off-To-Vote Statutes

Twenty-eight states have enacted statutes which permit workers to take time from their workshift if they do not have ample time to vote in their off hours.²⁴ This type of provision, however, is not offered by eight of the states which close their polls before 7:30 p.m.²⁵

20. Iowa (in 1971) and North Dakota (in 1975) changed closing hours from 8 to 9 p.m.; North Carolina (in 1973) from 7:30 to 8:30; Ohio (in 1974) and Arkansas (in 1969) from 6:30 to 7:30; Hawaii (in 1970) from 5:30 to 6; Kentucky (in 1972) from 5 to 6; Kansas (in 1968) and Tennessee (in 1972) made it mandatory that all polls close at 7 p.m. even in small towns which had previously closed earlier. California (in 1976) closed all polls at 8 p.m. where polls without voting machines previously closed at 7 p.m.
21. Ind. Code Ann. §3-1-23-30 (Burns 1972).
22. Arkansas (7:30), Hawaii (6:00), Kansas (7:00), Kentucky (6:00), Ohio (7:30), and Tennessee (7:00).
23. Arizona, Illinois, Indiana, Kentucky, Missouri and Virginia are states which close 7 p.m. or earlier yet have a 6:00 a.m. poll opening. Ariz. Rev. Stat. §16-864a (1975); Ill. Ann. Stat. ch. 46 §17-1 (Smith-Hurd 1965); Ind. Code Ann. §3-1-23-30 (Burns 1972); Ky. Rev. Stat. Ann. §18:541 (1976); Mo. Ann. Stat. §115.407 (Vernon Supp. 1978); and Va. Code §24-1-98 (1973).
24. Alaska Stat. §15.55.070 (1976); Ariz. Rev. Stat. §16-897a (1975); Ark. Stat. Ann. §3-1306 (1976); Cal. Elections Code §14350 (West 1977); Colo. Rev. Stat. §1-5-102 (1973); Ga. Code Ann. §54-1101 (1970); Ill. Ann. Stat. ch. 46 §17-15 (Smith-Hurd 1965); Ind. Code Ann. §3-1-21-7 (Burns 1972); Iowa Code Ann. §49.109 (1973); Kan. Stat. §25-418 (1973); Ky. Rev. Stat. §118.035 (1976); Md. Elec. Code §24-26 (Supp. 1977); Mass. Gen. Laws. Ann. ch. 149 §178 (West 1976); Minn. Stat. Ann. §205A.36 (West Supp. 1977); Mo. Ann. Stat. §115.639 (Vernon Supp. 1978); Neb. Rev. Stat. §23.1046 (1968); Nev. Rev. Stat. §293.463 (1973); N.Y. Elec. §226 (McKinney 1964); N.M. Stat. Ann. §3-12-66 (1953); Ohio Rev. Code Ann. §3599.06 (Page 1972); Okla. Stat. Ann. tit. 26 §7-101 (West 1976); S.D. Compiled Laws Ann. §12-3-5 (1975); Tenn. Code Ann. §2-106 (Supp. 1977); Tex. Elec. Code Ann. tit. 15 §14 (Vernon Supp. 1977); Utah Code Ann. §20.13.18 (1953); W. Va. Code §3-1-42 (1971); Wis. Stat. Ann. §12.49 (West 1967); Wyo. Stat. §22.1-14 (Supp. 1975).
25. Alabama, Florida, Hawaii, Mississippi, North Dakota, South Carolina, Vermont and Virginia.

While the time-off-to-vote statutes recognize the difficulty of many voters on election day, these statutes, in view of their practical application, are inferior to the proposal of extending the voting hours. First, most states which have time-off-to-vote statutes do not provide for a mandatory posting of the law so that the voters are aware of their rights.²⁶ Second, employees may be hesitant to exercise their right for fear of forfeiting promotions or benefits from employers who are opposed to the time-off-to-vote statutes.

A third problem arises regarding the compensation of the workers for their time off. Twenty of the 28 states which have a time-off-to-vote statute expressly provide that employers must compensate employees for the hours they took from work in order to vote.²⁷ The Supreme Court has declared these compensation provisions do not violate the due process clause of the Fourteenth Amendment since they were "designed to eliminate any penalty for exercising the right of suffrage and to remove a practical obstacle to getting out the vote."²⁸ When the constitutionality of these compensation provisions was challenged under several state constitutions, the decisions of the courts have been split. Three state courts have deemed the public policy involved so important as to justify the slight burden placed upon the employer.²⁹ The Kentucky and Illinois courts, however, have held that the compensation provision constitutes arbitrary use of the legislature's police power and violates the due process clause of their respective constitutions.³⁰

If polling hours were extended in the evening so that employees would have adequate time to vote outside their workshift, there would be no need for time-off-to-vote statutes. By eliminating the need for such laws, neither the rights of the employees nor employers would have to be compromised on election day.

State Election Holidays

Some states have sought to provide relief for working voters by enacting legislation declaring election day a state holiday.³¹ Such statutes, however, are not sufficient since only employees in the public sector are usually exempt from working on these days. Employees in the private sector must rely upon ad hoc union contracts or the generosity of their employers to recognize the election holiday. Thus, state holidays do not ensure equal access to the ballot box.

Since these state reforms effectively fail to solve the problem which early poll closings present to the working voter, it is of value to appraise several federal proposals for substantially lengthening the voting day. These proposals, as well as the objections raised to them, can serve as springboards for future reform.

26. California, an exception to the rule, specifically mandates that employers post the time-off-to-vote statute at the place of work at least ten days before the election. Cal. Elections Code §14351 (West 1977).
27. Alaska, Arizona, California, Colorado, Iowa, Kansas, Maryland, Minnesota, Missouri, Nebraska, Nevada, New York, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, Wyoming.
28. Day Brite Lighting, Inc. v. Missouri, 342 U.S. 421, 424, *reh. den.*, 343 U.S. 921 (1952).
29. *Benane v. International Harvester Co.*, 142 Ca. App. Supp. 874, 299 P. 2d 750 (1956); *State v. International Harvester Co.*, 241 Minn. 367, 63 N.W. 2d 547, *app. dismissed*, 348 U.S. 853, *reh. den.*, 348 U.S. 903 (1954); *People v. Ford Motor Co.*, 271 App. Div. 141, 63 N.Y.S. 2d 697 (1946).
30. *Heimgaertner v. Benjamin Electric Mfg. Co.*, 6 Ill. 2d 152, 128 N.E. 2d 691 (1955); *People v. Chicago M. & St. P. Ry. Co.*, 306 Ill. 486, 138 N.E. 155 (1923); *Ill. Cen. R. Co. v. Commonwealth*, 305 Ky. 632, 204 S.W. 2d 973 (1947), *cert. den.*, 334 U.S. 843 (1948).
31. *E.g.*, Haw. Rev. Stat. §§80-4, 8-1 (1976); Tenn. Code Ann. §2-106 (1968); Rev. Code Wash. Ann. §1.16.050.

LATER POLL CLOSINGS: PAST PROPOSALS AND OBJECTIONS

The subject of conflicting state election laws and the disparities which accrue from such laws is not new to the public forum. The Voting Rights Act of 1965 established uniform national standards for absentee registration and voting.³² While Congress has refrained from enacting legislation regarding poll closing hours, a number of proposals have surfaced since World War II which would create uniform voting hours for federal elections. Some of these proposals, especially the Lucas bill, can be considered as models for state and federal reform.

The Lucas Bill: 1943

In 1943, Senator Scott Lucas submitted a proposal for uniform polling hours in federal elections.³³ The Lucas proposal, S. 1089, called for a 6 a.m. opening and a 9 p.m. closing of polling places nationwide. The bill grew out of a wartime concern for four major groups of voters: the commuting factory worker, the farmer, the housewife and the businessman. Factory shifts, harvest schedules and inflexible work hours made early closing hours inconvenient for these voters.³⁴

The Lucas bill attracted considerable support from a wide range of political and labor organizations. Both the Republican and Democratic national chairmen voiced strong support for the bill in Senate subcommittee hearings.³⁵ The American Federation of Labor supported the bill, pointing out that the added opportunity to get to the polls would increase the tendency of workers to vote.³⁶ The United Auto Workers testified that the Lucas bill would give commuters a better chance to gain access to the polls.³⁷

Despite its widespread support, the Lucas bill was not enacted into law. During the Senate subcommittee hearings on the bill, objections were raised about the bill's constitutionality, about possible administrative problems, and about the possibility of increased political corruption.

The constitutionality of congressional regulation of election hours was a major concern focused upon during the Senate hearings. The Attorney General of the United States, Francis Biddle, referred the subcommittee to Article I, Section 4, of the U.S. Constitution, and to judicial decisions which held that Congress has the right to regulate election details.³⁸ Article I, Section 4, grants Congress the power to "make or alter" state regulations involving "times, places, and manner" of federal elections.³⁹ By the end of the Senate hearings, those opposed to the bill had conceded the constitutionality of S. 1089.⁴⁰

32. 42 U.S.C. §§1971-1973.

33. S. 1089, 78th Cong., 1st Sess. (1943).

34. *Hearings on S. 1089 Before the Subcom. of the Senate Committee on Privileges and Elections, 78th Cong., 1st Sess. (1943)*. [Hereinafter referred to as *Hearings*.]

35. *Hearings*, supra note 34, at 27.

36. *Hearings*, supra note 34, at 29. William Green, president of the AFL in 1943, wrote the committee that "of outstanding importance, however, is the fact that it would extend the time during which workers could go to the polls and cast their votes. I am sure this would mean that a larger percentage of working people would cast their votes on election day."

37. *Hearings*, supra note 34, at 32.

38. Letter from Attorney General Francis Biddle to the Senate Committee on Privileges and Elections (May 24, 1943), *Hearings*, supra note 34, at 26.

39. See: *Ex Parte Siebold*, 100 U.S. 371 (1879).

40. *Hearings*, supra note 34, at 38 (remarks by Fred Benchman, Washington Representative, National Grange).

Objections to the Lucas bill were also raised based upon the practical effects of the bill. Rep. Charles M. LaFollette was concerned about possibly increased opportunities for corruptions. LaFollette's objection focused on the practices of city political bosses and machines which dominated the politics of that era. In addition, LaFollette noted that uniform polling hours would necessitate changes in state voting procedures.⁴¹ Given that some states do not utilize separate ballots for state and federal offices, states which chose to retain more limited polling hours for state elections would be faced with more cumbersome voting procedures.

Although Senator Lucas' bill was proposed in the midst of World War II, with its emphasis directed upon greater voter convenience for factory workers in defense plants, the solution it provides would eliminate the problems faced by present day urban commuters. In addition, many of the objections raised about the Lucas bill have become obsolete. Increased public concern to eliminate voting corruption and the gradual weakening of political bosses and machines undercuts LaFollette's fear of increased political corruption. The procedural problem of combined ballots suggested by LaFollette would be of very limited scope. As a matter of efficient administration, states would be inclined to amend state election hours to coincide with federal hours.

The Javits Bills: 1964-1967

In the mid-1960's, Senator Jacob K. Javits introduced two major election reform bills which would have provided uniform voting hours for federal elections and established a national holiday on days of presidential elections.⁴² Javits' uniform voting hours bill, S. 3118, required polls to close nationwide at 11 p.m., Eastern Standard Time. Thus, S. 3118 required polls to close at 10 p.m. in the Central time zone, 9 p.m. in the Rocky Mountain time zone and at 8 p.m. in the Pacific time zone.⁴³ As a result, election returns would be reported on a uniform national basis, precluding returns from east coast states from affecting turnout of voting elsewhere. Javits' national holiday bill, S. 2111, was designed, in part, to increase voter convenience, and, in particular, to compensate voters in areas other than the Eastern time zone who would be faced with earlier poll closings.

Neither of the Javits bills survived Senate committee hearings. If both S. 3118 and 2111 were enacted into law, the bills would eliminate many of the problems faced by urban commuters. The bills, however, do not necessarily guarantee added convenience if not enacted together. The uniform closing time bill, without the national holiday bill, would create the inconvenience of a 6 p.m. closing hour for voters in Alaska and Hawaii. In addition, as no standard opening time was established in the first Javits bills, polling hours would still vary from state to state. Further, a national holiday would not necessarily guarantee time off for many working Americans as legal holidays may be subject to negotiation between employers and employees.

41. *Hearings, supra* note 34, at 53.

42. S. 3118, 88th Cong., 2d Sess. (1964), S. 2111, 90th Cong., 1st Sess. (1967).

43. S. 3118, 88th Cong., 2d Sess. (1964). Under this bill, the official closing times would be: 11 p.m., EST; 10 p.m., CST; 9 p.m., MST; 8 p.m., PST; 7 p.m., Yukon standard time; 6 p.m., Alaska-Hawaii standard time; 5 p.m., Bering standard time.

The Stanton Proposal: 1965

In a 1965 commencement address at California Institute of Technology, Dr. Frank Stanton, then president of CBS, Inc., proposed the establishment of a 24 hour election day with polls opening and closing simultaneously nationwide.⁴⁴ Dr. Stanton contended that widely divergent opening and closing hours created "inexcusable inequities" for the American voters. The 1966 National Governors Conference adopted a resolution urging the President to study the feasibility of a 24 hour voting day.⁴⁵ Neither Dr. Stanton's nor the governors' proposals were ever seriously advanced. Although the 24 hour election day offers great convenience to the voter, the expense of a prolonged voting period would present a minor financial burden upon the states. Moreover, voter convenience does not mandate a 24 hour voting day to provide voters with a reasonable opportunity to vote.

CONCLUSION

Early poll closings are a significant contributing factor to low voter turnouts in federal, state and local elections. It is imperative that state legislatures, or in their stead, Congress, enact legislation extending voting hours to permit Americans to exercise fully their right to vote.

Senator Lucas' 1943 bill, S. 1089, which would have required polls to open at 6 a.m. and close at 9 p.m., represents an appropriate model for state legislative reform of voting poll hours. These voting poll hours offer urban commuters and other voters a reasonable opportunity to exercise their right to vote and do not constitute an unreasonable burden on state finances to fund the operation of polling places.

The 27 states that currently require their polls to close at 6, 7 or 7:30 p.m. should consider amending their statutory provisions to offer greater voter convenience and thereby increase voter participation. In the absence of such state legislation, Congress should consider enacting appropriate legislation; the Lucas proposal would serve as a valid model for such a law. While this federal approach would, technically, only affect federal elections, it is highly likely that most or all states would follow the guidance provided by Congress.

The necessity to increase voter participation mandates that serious attention be given to polling hours. Clearly, a reform in this area is of significant importance.

44. Address by Dr. Frank Stanton, Commencement Exercises, California Institute of Technology (June 11, 1965).

45. Letter from Governor George Romney to Senator John O. Pastore (July 17, 1967), reprinted in *Hearings Before the Subcom. on Communication of the Com. on Commerce, U.S. Senate, 90th Cong., 1st Sess., on S. 1548, S. 1859, S. 1926, S. 2090, and S. 2128, 90th Cong., 1st Sess. (1967) at 368.*