

MODERNIZING THE ELECTION REGISTRATION PROCESS

HEARING BEFORE THE SUBCOMMITTEE ON ELECTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES ONE HUNDRED ELEVENTH CONGRESS FIRST SESSION

HELD IN WASHINGTON, DC, OCTOBER 21, 2009

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MODERNIZING THE ELECTION REGISTRATION PROCESS

WEDNESDAY, OCTOBER 21, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELECTIONS,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The subcommittee met, pursuant to call, at 1:05 p.m., in room 1310, Longworth House Office Building, Hon. Charles A. Gonzalez (vice-chairman of the subcommittee) presiding.

Present: Representatives Gonzalez, Davis of California, Davis of Alabama, and Harper.

Staff Present: Tom Hicks, Senior Election Counsel; Janelle Hu, Election Counsel; Jennifer Daehn, Election Counsel; Kyle Anderson, Press Director; Joe Wallace, Legislative Clerk; Daniel Favarulo, Legislative Assistant, Elections; Darrell O'Connor, Professional Staff Member; Shervan Sebastian, Staff Assistant; Victor Arnold-Bik, Minority Staff Director; Peter Schalestock, Minority Counsel; Karin Moore, Minority Legislative Counsel; Salley Collins, Minority Press Secretary; and Josiah Prendergrast, Minority Professional Staff Member.

Mr. GONZALEZ. Good afternoon. I would like to call the Committee on House Administration Subcommittee on Elections Hearing on Modernizing the Election Registration Process to order.

An unexpected conflict has prevented Chairwoman Lofgren from being here today, but she was most insistent that this is way too important an issue to be delayed, so we will proceed in her absence, rather than a further rescheduling of the hearing.

I do want to place everyone on notice that we've been notified that we are going to have a series of votes starting around 1:15 or so; and I anticipate that we will get some opening remarks by the members out of the way, probably break for the votes, and then come back 10 minutes after the last vote which I wish I could give you an estimation of time, but it generally could be anywhere from 30 to 40 minutes.

Today's hearing will highlight ways in which technological innovations can modernize the Nation's election system, particularly the voter registration process. As we learned in hearings during this and the 110th Congress, voter registration has been the source of many headaches and obstacles for election officials and voters alike.

The Cooperative Congressional Election Study reports that 2 to 3 million voters in the 2008 general election were prevented from voting because of issues with voter registration or authentication.

These issues have resulted in resounding calls to modernize the registration process to increase efficiency and accuracy as well as lower election administration costs.

As most registration problems result from the time-intensive and paper-based characteristics of the process, technology can play a valuable role in decreasing costs and increasing efficiencies. Tools developed to maximize the Internet in the administration of elections are quickly being embraced. According to a recent Pew report, almost three in four adults use the Internet, and almost two-thirds of all Internet users turn to government Web sites for information. Forward-thinking states are starting to offer voters the opportunity to register to vote, update their registration information, request absentee ballots, view sample ballots, and even find polling places online. Such technological developments have facilitated the registration and voting process for all voters, including the elderly, physically challenged, and individuals living abroad, civilian and military alike.

Representative Lofgren introduced H.R. 1719, the Voter Registration Modernization Act of 2009, to bring every American the benefits that online voter registration technology has brought to the citizens of the states from Washington to Delaware. H.R. 1719 would require states to offer a Web site for voters to register and update their registration information online. Online voter registration makes the entire registration process more accessible to millions of people, while improving the accuracy of voter registration databases. It reduces the cost of administering elections and voter rolls, while making the rolls and our elections even more secure.

The issues we will explore today have the potential to significantly improve the registration process. I look forward to our witnesses addressing the role of technology in modernizing the election registration process and providing insight into implementing online voter registration tools.

We are going to proceed now. The ranking member, Mr. McCarthy, has been delayed. He is in a markup in Financial Services. I am not going to even give you the subject matter, because if you haven't been reading the newspapers, they'll be there the rest of the week. However, at this time I would like to recognize my colleague, Mr. Harper, for an opening statement.

Mr. HARPER. Thank you, Mr. Chairman.

Our committee was fortunate enough to receive the input of a number of State election officials for today's hearing. The resounding sentiment from these officials was great concern about the provisions of H.R. 1719.

The administration of elections is not a one-size-fits-all proposition. States need flexibility in order to best serve the citizens of their States, while still maintaining the highest level of integrity for our elections. Moreover, our election system is better served as secretaries of State and local election officials are actively engaged as participants in the drafting of legislation.

Unfortunately, State and local administrators apparently were not consulted when this bill was being drafted. It seems that this committee and this Congress are creeping ever closer to the complete federalization of elections, a trend that I find highly disturbing.

As I have consulted with State election administrators on the pending legislation, there has been a nearly unanimous outcry concerning some key provisions in H.R. 1719. Central among these concerns has been that the legislation not only doesn't require new online registration systems to include a tie to a current State motor vehicle database but also requires States currently utilizing motor vehicle databases to stop using this important tool for voter identification.

As one election official stated in a letter to the committee, the absence of a validating database renders online voter registration "a method to flood the system with registrations for nonexistent people" and such a structure would "embolden those who would perpetuate voter registration fraud on a new level."

Officials have also expressed grave concerns over H.R. 1719's prohibition against canceling outdated registrations. The bill would prohibit States from deleting certain individuals from the registration rolls, regardless of the length of time since they last voted or had contact with an elections office. Even in the face of overwhelming evidence that the voter should no longer be registered, H.R. 1719 would require election officials to keep voters on the rolls in perpetuity. This will undoubtedly lead to inaccurate voter rolls and overinflated numbers of registered voters, requiring election officials to purchase additional supplies and equipment for ineligible voters and increasing the risk of fraud.

Another common concern expressed by States is the unworkability of shortening of the registration timeline to 15 days. The deadline for registration varies, of course, from State to State, but the overwhelming majority of States share a timeline longer than 15 days. After registration ends, election officials are tasked with accurately reviewing applications, entering new voters, verifying registrants' eligibility to vote, reviewing the voter list for accuracy, and preparing for the upcoming election. Limiting the voter registration deadline to 15 days before an election does not allow election officials the time they need to accomplish these much-needed tasks.

As I have talked with election officials, I have been continually impressed by their professionalism and their commitment to providing a fair and accurate administration of elections. I hope that this committee takes their criticisms to heart when examining this bill.

Mr. Chairman, I also have a number of items I would like to be entered into the record, if I may be allowed to read those items.

I would like to submit the following statements for the record:

A letter from Washington Secretary of State Sam Reed stating that the online voter registration system must be tied to the State driver's license agency;

A letter from Indiana Secretary of State Todd Rokita stating that the link to the motor vehicle database is essential to protect the integrity of the election process;

A letter from the Sacramento County Registrar of Voters stating that collecting e-mail addresses from voters takes too long and is a waste of our time;

A letter from the Secretary of State of Georgia, Karen Handel, opposing H.R. 1719 and stating that she finds the Federal Govern-

ment's intrusion on State administration elections to be a disturbing trend and not in the best interest of our citizens, our country, or our democracy;

A letter from Thurston County Auditor Kim Wyman stating, without verification to a database, online registration becomes a method to flood the system with registrations for nonexistent people;

A letter from Kansas Secretary of State Ron Thornburgh where he calls section 5 of H.R. 1719 the most troubling and potentially damaging section of the bill which would set back States many years in their ability to know who is qualified to vote;

A letter from the Arizona Association of County Recorders expressing grave concerns regarding the list maintenance portion of the bill;

A letter from Mississippi Secretary of State Delbert Hosemann calling H.R. 1719 "very disturbing" because officials would have to register voters without verifying their identity;

A letter from the National Association of Election Officials raising the cost and impracticality of collecting and utilizing e-mail addresses for voter communication;

A letter from Maricopa County stressing the vital role of linking registration to the motor vehicle database;

And also a letter from James Alcorn of the Virginia State Board of Elections stating the new 15-day registration timeline would be difficult to process.

[The information follows:]

**SECRETARY
of STATE**

Sam Reed



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PO Box 40220
Olympia, WA 98504-0220
Tel 360.902.4151
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www.sectate.wa.gov

September 10, 2009

The Honorable Zoe Lofgren
United States House of Representatives
Chair, Subcommittee on Elections, Committee on House Administration

Dear Congresswoman Lofgren,

I strongly support the online voter registration proposed in **H.R. 1719**. Washington and Arizona are the only states in the nation with online voter registration. Our online programs have been very popular in Washington, with approximately 160,000 registrations and 50,000 registration updates in 2008. In addition, we have used email for many years to transmit ballots and other election materials.

In support of **H.R. 1719**, I do have a few recommendations to make it even better legislation.

- **Driver's License or State ID Card.** The online voter registration system *must* be tied to the state driver's licensing agency (DMV or DOL). Without this, there is no signature for the voter registration file. It goes without saying that a sound voter registration system requires a signature from each voter. The online registration systems in Washington and Arizona both link to their state licensing agencies. Because these applicants have previously come into a driver's licensing office in person, online applications are less subject to fraud than paper applications. I recommend inserting the DMV/DOL requirement in place of the reference to "technological security measures" because fraud is not prevented with a piece of technology, but by requiring each user to prove his or her identity.
- **Timing of Registration.** The bill forces every state to adopt a voter registration deadline of 15 days or earlier. This is too close to Election Day and jeopardizes the integrity of the election. For millions of Americans who vote absentee, this is too late. Most states have a 25-30 day deadline. Fifteen days is insufficient time to identify the thousands of duplicate registrations that result each time a person who is already registered submits a new registration application.
- **Prohibiting Cancellation of Invalid Registrations.** For over 15 years, NVRA has stated that once a voter moves and fails to update his or her information through two federal General Elections (a Presidential election cycle), the invalid registration may be cancelled. This bill prohibits states from cancelling registrations that are clearly invalid, even though the person may have moved 15 years ago or died 5 years ago. There is no doubt that this provision will result in inaccurate voter rolls. The provision refers to registrants "on the official list of eligible voters ... to whom a unique identifier has *not* been assigned under the computerized Statewide voter registration list." This sentence makes no sense since the "official list of eligible voters" may only include voters "to whom a unique identifier has been assigned."

Online voter registration is convenient, accessible, and efficient. I hope that these suggestions can improve your legislation. Please call on me if I can provide additional information, (360) 902-4151.

Sincerely,


SAM REED
Secretary of State

cc: Subcommittee on Elections, Committee on House Administration



SECRETARY OF STATE
STATE OF INDIANA



TODD ROKITA
SECRETARY OF STATE

October 5, 2009

The Honorable Kevin McCarthy
United States House of Representatives
1523 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman McCarthy:

I am writing to you in regard to H.R. 1719, authored by Representative Zoe Lofgren of California.

I strongly support leveraging existing and newer technologies to improve election administration processes. I firmly believe that new voting systems, statewide voter registration databases, e-mailing ballots to and from UOCAVA voters, and the use of electronic poll books have improved election administration and ballot access in Indiana and across the nation.

During the last session of the Indiana General Assembly, Indiana lawmakers passed an initiative I sought to permit Hoosiers to register to vote or change their voter registration information on-line. The bi-partisan legislation had overwhelming support and will be available to Indiana citizens beginning July 1, 2010.

While supporting these and other election reform measures, I also realize the need to be vigilant in protecting the franchise of Hoosier voters. It is extremely important that as we move forward with technological advances in election administration, we also build in safeguards against those who would attempt to take advantage of these systems by violating election laws.

Indiana has done so by requiring photo ID for those voting in person to prove their identity. To confirm an applicant's identity, Indiana has also required those who use the new online voter registration application have an Indiana-issued driver's license or photo identification card. Immediate confirmation of a voter registration applicant's status will be confirmed by an interface with the records of the state's Bureau of Motor Vehicles, which includes an electronic signature from the holder of the driver's license or identification card. This step is essential to protect the integrity of the election process. H.R. 1719 does not currently include this requirement.

SECRETARY OF STATE
STATE OF INDIANA



TODD ROKITA
SECRETARY OF STATE

Indiana also protects the integrity of the election process through various voter list maintenance activities. Since the National Voter Registration Act of 1993 (NVRA), Indiana's population has increased by roughly 830,000 people. During that same period, the number of names on our voter rolls has increased by 1,540,000 records.

NVRA imposes severe restrictions on keeping voter lists accurate. Indiana's increase in the number of voter registration *records* (which does not necessarily translate as "new voters"), in conjunction with the limits under NVRA in maintaining accurate voter lists, has caused Indiana's counties to add many new precincts. This increase in the number of voter registration records has significantly increased the cost of conducting elections and the opportunity for individuals to commit voter fraud.

In 2006, Indiana conducted a uniform, non-discriminatory statewide NVRA mailing to all 4.2 million registered voter. Over **one million** of these cards (which represented more than 20% of the entire state's registration records) were returned as "undeliverable." Following the federally required follow-up mailing, over 500,000 existing registration records were designated "inactive." Under NVRA, these records were eligible for cancellation following the 2008 General Election, assuming that the voter did not vote or appear to vote *from that registration address*.

This voter list clean-up effort cost the state over one million dollars to conduct, and took more than two years to result in more accurate voter registration rolls. However, this voter list maintenance will likely save counties thousands each election in eliminating the need to prepare election materials to serve voters who are no longer there. It appears H.R. 1719 does not permit this voter list cleanup activity to continue.

It is important to implement election reforms to improve voter rights; however, it is equally important for local and state election administrators to have the tools to ensure elections are conducted in a fair and accurate manner. I strongly urge you to improve H.R. 1719 by requiring signatures from existing databases, such as Indiana's BMV database, for on-line voter registration and by continuing to permit state and local government election officials to conduct voter list maintenance activities.

Thank you for your consideration.

Sincerely,

Todd Rokita
Indiana Secretary of State

Here are some of my comments on HR 1719 from a California perspective.

Jill

Jill LaVine
Registrar of Voters
County of Sacramento
7000 65th Street, Suite A
Sacramento, CA 95823
916-875-6558
Fax 916-876-5130

--Sec. 2(a) requiring acceptance of online registrations without providing for linkage to driver's license databases (p. 2)

Last year California passed SB 381 that will allow on-line voter registration as soon as our state-wide voter registration system is up and running. In that bill it requires the SOS system to "obtain an electronic copy of applicant's signature from his or hers driver's license or state identification card directly from the Department of Motor Vehicles."

Link to bill for CA on-line voter registration:

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_381_bill_20080930_chaptered.pdf

While the Department of Motor Vehicles (DMV) became a voter registration agency with the passage of NVRA it would be clearer if there was language added to H.R. 1719 to make sure the DMV knows of this added responsibility included in this bill. It will also be necessary for DMV to have a digitized signature file, and a law that allows a digitized signature to be used for voter registration purposes.

--Sec. 2(b) creating a 15-day registration period (p. 4)

California already has a 15 day registration period and it has been difficult. This bill may ease the burden of last minute registrations having to be entered. For November 2008 we received over 45,000 registration cards and over 33,000 changes to our voter file in the last month. (Our final registration number was 684,588) Because of this large number of additions and corrections we were not able to close our files until 7 days before the election. The 15-day timeline is too short.

While this shortened time period sounds like a good idea to allow a voter more time to register the biggest problem comes from the inconsistent dates of when a vote-by-mail (VBM) ballot can be sent, and the close of registration. For instance 29 days before an election we mail out our permanent VBM ballots. Then there is some breaking news so now all the Republicans now want to be Democrats and visa versa. The voter then re-registers, request a second ballot of the new chosen party and we now have two ballots in circulation for one voter. This becomes a logistical nightmare trying to keep the up with the new registrations and mailing the new ballots, and receiving the returned voted ballots in these two weeks.

--Sec. 5 regarding acceptance of registration when SSN or DL do not match (p. 10)

I would like to see this section changed. Just because the applicant has provided the information it may not be correct as often happens even on the written affidavit. An applicant is not a "valid" voter until the information has been check to make sure it is valid. We allow a "want-to-be" voter the opportunity to

vote a Provisional ballot and when the correct/missing information has been validated then we count the ballot.

Other thoughts –

Sec. 3 Prevention of Unauthorized Revisions and Fraud.

We have had a few cases of a voter changing their ex-spouse's registration to get even, with paper copies of all transactions we can go back and compare signatures and the necessary correspondence. This section allows the state to put in the appropriate security measures since not all states have the same system. While it is a little vague I believe it is best to leave those options to the state. There will need to be changes in state legislation to allow changes without a signature.

Sec. 4 Provision of Election Information Bu Electronic Mail to Individuals Registered to Vote

California already requires a space on the voter affidavit for an e-mail address. It is an optional field for the applicant. Most election offices have found that it takes too long to enter those addresses and they are not valid for any length of time. There is no way to track a voter with an e-mail address as opposed to a street address where you can send an address forwarding card. It is a waste of our time so we do not enter the e-mail addresses on our files.

The only time an e-mail address is beneficial is for the military and only for that one election.

Please keep this section as optional.

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The Office of Secretary of State

Karen C. Handel

SECRETARY OF STATE

October 20, 2009

The Honorable Zoe Lofgren
United States House of Representatives
102 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Lofgren,

As Georgia's Secretary of State and Chief Election Official, I am writing to express my serious concern regarding several areas of HR 1719, and based on these concerns, I must oppose the bill as it is currently written.

First, the administration of elections is not a "one size fits all" proposition. What works best in Georgia may not work best in California or Michigan. Therefore, all proposed changes to federal law that mandate universal and very specific processes must be viewed skeptically. Congress should give consideration to the flexibility that state and local elections administrators require in order to best serve the citizens of our states, while maintaining the highest level of integrity for our Elections.

Further, as Congress considers changes to federal election law, we would all be better served if Secretaries of State and local elections officials were actively engaged as participants in the drafting of the legislation. Unfortunately, this has not been the case. In recent years, Congress has advanced legislation almost universally opposed by state and local administrators – legislation that would have had a profound and negative impact on elections in this country had they become law.

The proposed "federalizing" of state elections is a disturbing trend and one that is ultimately not in the best interests of our citizens, our country or our democracy. I believe we all share the same goals: to provide our citizens with the easiest, most transparent elections that inspire the highest levels of confidence our citizens because of the measures in place to protect against voter fraud. Too often, legislation such as HR 1719 fails to meet those goals.

Lack of signature requirement: While I have no objection to online voter registration generally, one significant problem with HR 1719 is that it fails to include a mechanism to obtain signatures from online voter registration applicants. Some States have had success allowing online voter registration utilizing the information and the electronic signatures acquired via their state department of motor vehicle records. However, HR 1719 includes no provision for using such a database. The lack of this requirement for a signature is a serious omission that should be corrected. Any online voter registration must be tied to the state department of motor vehicle or similar state entity database to ensure accuracy of the records and to prevent fraud.

Prohibition against canceling outdated registrations: HR 1719 includes language that appears to prohibit States from deleting certain individuals from the registration rolls, regardless of the length of time since they last voted or had contact with an elections office. This amounts to allowing these individuals who

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www.sos.state.ga.us

The Honorable Zoe Lofgren
October 20, 2009
Page 2

have had absolutely no contact with election officials to remain on the registration list in perpetuity. This unnecessary prohibition prevents much needed list maintenance and will result in inaccurate voter rolls. If this provision remains in the bill, it will negatively affect the elections process in numerous ways, such as overinflating the number of registered voters, causing election officials to purchase additional supplies and equipment at taxpayer expense, and will result in the increased risk of voter fraud.

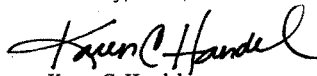
Limiting voter registration timeline: As a state in full compliance with the National Voter Registration Act, Georgia requires an individual to be registered thirty days before an election. For a State the size of Georgia, the thirty-day deadline provides local election officials with time to accurately review applications that have been submitted, enter registrants' information into the statewide voter registration database, verify each registrant's eligibility to vote in that election and jurisdiction, review the voters list and ensure its accuracy, and prepare for the upcoming election. In Georgia, all of this takes place while election officials are conducting in-person early voting and absentee voting by mail. Limiting the voter registration deadline to fifteen days before an election does not allow election officials sufficient time to accurately accomplish all of these equally important tasks.

Elimination of application verification: Section 5 of HR 1719 appears to eliminate the States' ability to verify whether an applicant is eligible to vote in an election. The bill provides that an applicant must simply "provide" the requested information. This language could be read to replace the verification process currently required under the Help America Vote Act (HAVA). I strongly object to any attempt to prohibit a State from verifying information provided on a mail-in voter registration application by a first-time applicant who does not provide one of the HAVA-required forms of identification with the voter registration application.

Disparate effective dates: If HR 1719 becomes law, the effective dates of all provisions should be 2016, as it is for Section 2 of the bill. This would provide adequate time to implement any changes in state election law and practice, as may be necessary. Requiring changes in processes without allowing enough time only leads to mistakes and confusion in implementation. Therefore, all provisions of HR 1719 should have effective dates of 2016.

I appreciate the opportunity to bring my concerns regarding HR 1719 to your attention. We share the common goal of improving elections processes for all voters. As this bill moves through the legislative process, I hope changes will be made in the areas I have mentioned. If I can answer any questions or provide any further information to either you or any member of the House Subcommittee on Elections, please do not hesitate to ask.

Sincerely,



Karen C. Handel
Secretary of State

cc: House Subcommittee on Elections



KIM WYMAN
AUDITOR

September 22, 2009

The Honorable Zoe Lofgren
Chair, Subcommittee on Elections
U.S. House of Representatives
102 Cannon House Office Building
Washington, DC 20515

Dear Representative:

Thank you for your commitment to modernizing voter registration and your leadership on H.R.1719, the Voter Registration Modernization Act of 2009. As a local election official, I work hard to make voter registration and elections accessible, transparent, and accurate. I appreciate your efforts.

If online registration is going to be required by states, I am concerned that H.R. 1719 does not require states to match the information entered online by the citizen with any other data sources, such as state licensing databases. Washington State law has this provision. It strengthens the credibility of the registration, as every person who holds a state issued driver's license or identification card has appeared in an office in-person. Including similar language in the Act would provide uniformity between states.

While the Act requires states to prevent unauthorized persons from updating a registration, there needs to be a confirmation loop back to the voter, independent of electronic mail, to ensure it was the voter who made the changes online. Otherwise, changes could be made to a voter's record without his/her knowledge and cause the voter to be ineligible to participate in an election.

Without data and voter verification, online registration becomes a method to flood the system with registrations for non-existent people. The speed and ease of completing forms online emboldens those who would perpetrate voter registration fraud on a new scale. It would also enable hackers to overload the system with registrations, for example, a denial of service attack near Election Day, making it difficult or impossible to issue ballots to voters.

I support using the Internet for online voter registration as it will improve access for many citizens and will be a more efficient manner of handling the data. We have successfully implemented online voter registration in Washington State and I hope you include aspects of our law into your bill. If you have any further questions, please contact me at the numbers and addresses listed below. Thank you for your consideration.

Sincerely,

Kim Wyman
Thurston County Auditor
2000 Lakeridge Drive SW, Olympia, Washington 98502-6090
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Phone: (360) 786-5401
E-mail wymank@co.thurston.wa.us

Office of the Kansas Secretary of State**Comments on H.R. 1719**

September 18, 2009

Following are comments of Kansas Secretary of State Ron Thornburgh on specific portions of the bill. He has no comments or suggestions on sections not listed here.

General Comment

I support the concept of using computerization and the Internet to better serve the voting public, and, in fact, in Kansas we have already accomplished some of what would be required with passage of H.R. 1719, but I do not support the federal government taking the leading role or writing specific requirements for such programs. To do so limits states' opportunities for innovation. The federal government should set broad goals and provide resources, then let the states design the programs to meet the goals in ways that are most effective for them. A recent example of this is the Help America Vote Act. HAVA succeeded because it set goals and provided some resources but was not restrictive or overly specific in its mandates so that the states were allowed to be innovative. States are already moving toward online voter registration and do not need a federal mandate to accomplish it.

Section 2

Section 7A, Subsection (a)—

Kansas offers two online services relevant to this section of the bill:

(1) The Kansas voter registration application form is available online in a fillable format. By fillable we mean the applicant may type in all required information except the signature, print the form, sign it and mail or fax it to the election official.

(2) In July, 2009, we implemented an online voter registration system that was developed jointly by my office and the Kansas Division of Motor Vehicles (DMV). The reason DMV was involved is that voter registration requires a signature, which is captured in a digitized format by DMV through the electronic driver's license program pursuant to the requirements of NVRA.

H.R. 1719 does not appear to require or assume the involvement of DMV in online registration. This presents a serious logistical difficulty for many states because, to my knowledge, no state election offices have the means to capture signatures electronically. It is unclear if H.R. 1719 assumes election offices will acquire the means to electronically capture signatures or if it assumes signatures will no longer be required. Neither is desirable. If the latter, I would argue that signatures are necessary for identification of voters and for the administration of other political acts by voters, such as signing petitions and running for office.

Subsection (c)—

The requirement for "appropriate technological security measures to prevent unauthorized access" is a given, and I support this concept. We must protect and hold confidential any information provided by individuals, and we must prevent others from accessing or altering it.

Subsection (d)—

If H.R. 1719 passes in some form, implementation by the 2016 elections is a reasonable requirement. States need time to plan for these changes, and that should allow adequate time.

Section 3

Subsection (a)(6)—

It is reasonable to allow registrants to update their registration information at any time once the online system is in place. The online system we have implemented in Kansas allows that, although, once again, it is linked to DMV. Registrants gain access to the system by entering their names and driver's license numbers due to the link with DMV. Without a valid driver's license a registrant is not permitted to use the online system.

Subsection (a)(6)(B)—

This section would require election officials to notify registrants of changes in their records by email. At present, the Kansas system does not provide for this and under current laws I do not support it.

I do not want to collect email addresses from registrants for the following two reasons:

(1) People frequently change their email addresses and the task of maintaining an up-to-date database of emails is not one for which we are staffed or equipped.

(2) At present, laws do not exclude email addresses from public disclosure, and if candidates, campaigns and political parties obtain email addresses and barrage voters with emails during campaign season, election officials will bear the brunt of the voters' outrage. This will be the email equivalent of robocalls, which are abhorrent to much of the voting public.

Subsection (a)(1)(C)—

As mentioned before, these security requirements are necessary and should be given. Most states have established databases in compliance with HAVA, and any state that did so without including security measures to prevent unauthorized access and the entry of fraudulent data should be required to do so immediately.

Subsection (b)(1)—

It is reasonable and efficient to allow registrants to confirm their changes of residence online the same as they currently do on paper.

Subsection (b)(2)—

This provision appears to limit election officials' ability to cancel the registrations of persons who have been designated as inactive pursuant to NVRA due to evidence from the U.S. Postal Service indicating that they've moved out of the registrar's jurisdiction.

I oppose this provision in the bill. Before passage of NVRA, Kansas and many other states had purge laws that worked to keep lists clean and up to date. NVRA changed all that and instituted an expensive, time consuming confirmation mailing process that severely hampers election officials' ability to keep their lists clean. Removing the ability to cancel registrations after completing the confirmation mailing process will add untold amounts of deadwood to the states' registration lists without lessening the expense and effort required to administer the process.

Section 4

Subsection (a)(3)—

For the reasons stated above under Subsection (a)(6)(B), I do not support requiring election officials to maintain a database of email addresses.

Section 5

This is the most troubling and potentially damaging section of H.R. 1719. It would take away the states' capacity for security and set us back many years in our ability to know who is qualified to vote.

This section would require election officials to add to the official registration list any person who supplies information indicating they meet the qualifications to vote. It appears to circumvent or supersede the verification process required by HAVA, which is already in place in most states. If that is the intent, I do not support it. Under HAVA, each registration record is verified through the state's DMV office and the American Association of Motor Vehicle Administrators (AAMVA). If the verification fails, the registration is not complete.

In Kansas, in such cases the registrant is added to the registration list, but it is flagged "needs to show ID." The flag is printed on the poll book so poll workers know to ask the voter to show his/her identification. This system works.

If we are to add records to the database when the applicants have not been identified, it increases opportunities for fraud. Also, this would raise equal protection issues because we would not be treating all persons the same—those who failed a verification check or who failed to provide all the information needed to prove their identity would be registered the same as those who met all the requirements.

Section 6

This provision allows states to use HAVA requirements payments to pay for the new requirements of H.R. 1719. This is necessary, and probably would be assumed by most election officials. But it is not enough.

HAVA has never been fully funded, and the funding formulas used in HAVA did not account for the requirements of H.R. 1719. If Congress adds new requirements it should add new funding.

Suggestions

Section 2—

H.R. 1719 would be greatly improved if state motor vehicle offices were motivated to cooperate with state election officials in developing online voter registration systems.

Section 3—

Registrants should not be required to provide email addresses, election officials should not be required to use email to contact registrants, and election officials should not be required to maintain databases of email addresses.

Regarding Subsection (b)(2), I do not support this provision because it further dilutes election officials' ability to keep voter registration lists clean.

Section 5—

This legislation should be amended to keep current verification procedures in place, if not to increase them. Voters must be required to meet certain qualifications to vote, and they should be

required to demonstrate that they meet those qualifications. HAVA took us a step forward in that regard, and we should not retreat from it. It is not adequate, and it does not provide enough security, for a person to be allowed to simply submit information indicating compliance with the constitutional qualifications to vote without any proof or verification.

Section 6—

Generally speaking, I do not support adding new federal requirements, but if they are added, they should be funded separately from and in addition to HAVA funding.



Arizona Association of County Recorders

October 16, 2009
 Honorable Zoe Lofgren
 United States House of Representatives
 Chair, Elections Subcommittee, Committee on House Administration

Dear Chairwoman Lofgren,

The Arizona Association of County Recorders has been keenly watching HR 1719 since it was introduced this spring. While we enthusiastically support the offering of online voter registration so that voters across the United States can benefit, as hundreds of thousands of Arizona voters do, from its convenient accessibility and economic administration, we feel that we must voice our grave concerns regarding the elimination of the list maintenance procedures currently required under the National Voter Registration Act (HR 1719 Section 3 (b)(2)).

We would oppose efforts to remove the list maintenance capabilities for a variety of reasons:

- **Moving voters to an inactive status upon the return reception of two mail pieces for the two federal election cycles allows for sufficient time for voters to update their registrations** either by providing their new information to us directly, or by voting in any election during that timeframe. Indeed, we see many voters updating their information in this fashion. Across the state this means tens of thousands of voters--thousands of which may be on the inactive list and consequentially have their records restored; even during our smaller jurisdictional elections we still have hundreds of voters move back to the active status based on their voting behavior.
- **Although this safety net is there for voters who do not update their information any other way, the preponderance of voters on the inactive list are there because they no longer reside in our jurisdiction.** The voters who have been removed based on the NVRA process is the equivalent to the combined totals of those voters who have requested removal or who have died and we received notification. In one county alone that would be half a million voters still on the voter file had they not been removed via the NVRA process.
- **We must retain this critical list maintenance function so that we are able to preserve the integrity of the voter registration lists.** Removing this function would unnecessarily bloat the voter file with such a retrogressive mandate. As long as the voter is responsible for keeping their registration current, election administrators must have the ability to react when they fail to do so.

List maintenance becomes more critical as Election Day draws near. HR 1719 would require registrations to be accepted 15 days prior if submitted online which directly impacts our preparation of Signature Rosters and Registers which list eligible voters. We encourage modifying page 4 lines 5-8 to simply read "if the valid voter registration form is submitted online not later than the period provided by State law". This provides consistency in application for all voters-- regardless of the method they chose to submit their registration.

We applaud efforts to modernize the voter registration process, but want to caution proposals which so dramatically impede our ability to serve our voting public effectively.

Respectfully,
 The Arizona Association of County Recorders



DELBERT HOSEMANN
Secretary of State

September 28, 2009

The Honorable Gregg Harper
 United States Congressman
 307 Cannon HOB
 Washington, D.C. 20515

Dear Gregg:

We have reviewed the most current version of H.R. 1719 current pending in the United States Congress, and we find it very disturbing. Please note below the comments that we have regarding this bill.

In Section 2 of the bill, Section 7A(a)(3) requires online completion and submission of voter registration forms and Section 7A(a)(4) requires online acceptance of completed voter registration application forms. Please note that Mississippi currently requires the signature of an applicant to become a qualified elector. Thus, it would be impossible for Mississippi to allow "completion" and "acceptance" of forms through an online mechanism. This new federal requirement creates unnecessary tension between the federal and state laws that would ultimately require litigation or further legislative action to solve. Further, I am not in support of removing the signature requirement because this is one method whereby Mississippi is able to reduce the number of fraudulent voter registration applications.

Section 2 allows online completion and acceptance of voter registration forms, but it does not specify how this form of registration should be treated for identification purposes. As you know, the Help America Vote Act of 2002 (HAVA) requires a voter to present certain forms of identification when voting for the first time, after having registered to vote through the United States mail, if their identifying numbers do not match the numbers in the appropriate database. 42 USC 15483(b). This requirement appears to be a fraud prevention method. If a voter does not appear in person to register, does not supply a form of identification with the registration, and his numbers cannot be matched, there is a distinct possibility that fraud is being committed. Congress, in its wisdom, required such individuals to present certain forms of identification when voting for the first time. Registering to vote electronically holds most of the inherent potential for fraud that registered to vote by mail does. If a person registers to vote electronically, without providing identification, and his identifying numbers do not match numbers in the appropriate databases, that person should be required to show identification in order to vote for the first time, regardless of the transmission method for the voter registration application. This is of particular importance in Mississippi, where we do not have a state law requiring the production of identification as a condition of voting.

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In Section 3 of the bill, there are several references to individuals who are registered to vote, but to whom no identifying number is assigned in the statewide voter registry. Please remember that HAVA requires that every voter in the statewide voter registry be assigned a unique identifier as a condition of being placed into the system. 42 USC 15483 (a)(1)(A). Thus, there should never be an instance of a legally registered voter's being in the system without a unique identifier. Therefore, any of these references in Section 3 would refer to an impossible condition.

In Section 3(a)(1), Section (6) is to be amended to allow updating voter registration information online. Again, this presents a large problem of how to police these activities. Although (6)(C) would require us to establish an appropriate level of security, it is unclear how that level of security would be achieved. How can Mississippi be sure that an online operator really is the person they purport to be? Mississippi could assign PIN numbers to each voter for the express purpose of online activity. This method would be very time-consuming, draining resources with inquiries from the public about their PIN numbers, probably immediately before an election, when election officials are most engaged in the preparation for the election. Mississippi could attempt to gather IP addresses from voters. Aside from the obvious inherent constitutional issues with that endeavor, IP addresses are not attached to the individual voter. Several voters may share the same IP address. In short, I can think of no practical and cost-effective method to ensure that someone does not log on to a computer as NAME OF RECIPIENT OF THIS LETTER, and change your address to another location in Mississippi, without your knowledge.

Again in Section 3, please be aware that there is no provision in this bill that would exempt electronic mail addresses from disclosure under appropriate public records requests. Further, Mississippi's public records laws do not exempt such disclosure. It appears that this provision was inserted to be utilized by campaigns to allow direct contact with the voter through a public records request for those electronic mail addresses. This invades the privacy of voters under the guise of improving elections, and I would urge you to impose an exemption from disclosure, if this measure remains in the bill.

Throughout Section 3, references to online access by registrants to the statewide voter registry imply direct access from the citizens. I am against any direct access to the working database of Mississippi's statewide voter registry by anyone other than election officials. It goes without saying that recent activities of suspect voter registration organizations demonstrate the wisdom of this principle. I do not want disinterested, third parties to have the ability to stuff our voter rolls full of improper or fraudulent voter registrations. Applicants should not have direct access to the voter registry; their applications should be processed by registrars and reviewed to determine that the application is sufficient under state law to allow the applicant to become registered.

Section 3 references the use of electronic mail addresses for the purpose of list maintenance under the National Voter Registration Act of 1993 (NVRA). There are several problems with this concept. First, electronic mail addresses are not tied to a specific residential address at a fixed place in Mississippi or any other state. Second, the use of an electronic mail address for voter list maintenance purposes would exploit the poor in Mississippi by not

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allowing them to use the quickest, most efficient means to update voter roll information that would be available to those with computers in their homes and electronic mail addresses for communication with election officials.

More importantly, Section 3 of this bill effectively ends the practice of removing someone from the voter rolls based on a change in residence. Currently, there are only two ways for a person to be removed from the rolls after moving out of the jurisdiction. First, those voters can confirm in writing that they have moved to a new jurisdiction. 42 USC 1973gg-6(d)(1)(A). Second, election officials can remove voters if they have failed to respond to a confirmation, or voter notification, card, and two federal general elections have passed and the voters have failed to vote. 42 USC 1973gg-6(d)(1)(B). Section 3 of this bill limits the mailing of confirmation cards to only those who have no unique identifying number in the voter registry—exactly zero people in Mississippi, and every other state that follows the law regarding centralized voter registries. Therefore, the only option for election officials is to receive confirmation in writing from the voter. Based on anecdotal evidence, this practice results in an abysmally low number of removals in Mississippi. The vast majority of removals for moving out of the jurisdiction results from the confirmation card process.

I understand that this bill purports to allow online “confirmation in writing” through the online system created in Section 2. When people move, they always have their electricity service moved with them. They often move other utilities as well. However, only the most civic-minded remember to update their voter registration information. Those that do remember will go to the new location and register to vote, where the new registrar will capture information about the prior jurisdiction and alert that jurisdiction to remove the individual from the voter rolls. Therefore, the universe of people who would be helped by this electronic “confirmation in writing” is miniscule.

At last count, there were twenty-nine counties in Mississippi with greater numbers of registered voters than voting age population according to the United States Census estimates. We are connected to the Department of Health to obtain death records and to the Administrative Office of Courts to obtain criminal convictions. These two processes work moderately well, depending on the diligence of the local election officials, in removing the dead or the disenfranchised felons. We are also connected to the National Change of Address (NCOA) program through the United States Postal Service, where we can obtain change of address information, match it to a voter, and determine who has moved out of the county of residence. This is a relatively new process for us, and we still have some wrinkles to iron out. However, Section 3 of H.R. 1719 would not allow us to continue using NCOA. Section 3 would require us to leave on the voter rolls every person who moves out of the county or state who does not contact us in writing. I am absolutely opposed to leaving those voters on the voter rolls. The only people who should vote in Mississippi are people who live in Mississippi.

In the event that this bill continues to require the gathering of electronic mail addresses, there is another provision in Section 4 that needs to be addressed. This section requires that electronic mail be sent to registered voters no later than seven (7) days prior to an election, containing information about where to vote, how long the polls are open, and what identification is necessary in order to cast a ballot. Regrettably, Mississippi has no voter identification.

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However, we already send a voter registration card by United States mail to every registered voter. That card contains polling place information specific to that voter. Further, Mississippi is required to maintain a polling place locator on our website, and that information is available to anyone who wants to visit the website. Although the voter registration card does not indicate the hours that the polls are open, it is universally known that voting occurs from 7 a.m. to 7 p.m. in Mississippi. Sending one million, nine hundred thousand electronic mails is a technological obstacle that will be very difficult for Mississippi to hurdle. It is sometimes difficult to get electronic mail across the hall in my office. Sending almost two million individual e-mails would require a great deal more manpower than available. Sending almost two million e-mails in bundles would require a great deal of coordination of technological resources. Further, only those who are affluent enough to own a computer and maintain an electronic mail address would benefit from this system. Because there are already two methods for individuals to determine where they vote, because it is universally known when the polls are open, and because there is no voter identification requirement in Mississippi, and because of the disparate impact of this provision, I am not in support of electronic mail to inform voters of this information. Section 6 of H.R. 1719 allows states to spend requirements payments out of HAVA to cover the costs of implementing the foregoing provisions of the bill. Please remember that HAVA has never been fully funded and Mississippi is almost completely drained of its allotment. We have contracts for technological support for the statewide voter registry and for the voting system that both expire on December 31, 2010. It is anticipated that we can provide these services with federal funding through the election cycle of 2012. After that election cycle, we will be dependent upon the provision of further federal funding or we will be required to ask the State to fund these federal requirements. H.R. 1719 would place further financial burdens on our State, and would probably require us to seek further federal funds or state funds to be able to support the general election of 2012, or face the very real possibility of holding elections that are not in compliance with federal law.

Improving access to voter registration and providing greater efficiency in list maintenance are two laudable goals that I support. However, I urge you not to support H.R. 1719 in its current form because it creates more problems than it solves and it is financially unsupportable at this time.

Best regards,

Sincerely,



Delbert Hosemann
Secretary of State

CDH,JR/me

National Association of Election Officials

The Election Center 12543 Westella, Ste 100 o Houston, TX o 77079 281-239-0101

October 19, 2009

Reaction to HR1719 -- Internet Voter Registration

As the National Association of Election Officials, we specialize in voter registration and election administration issues. Our members are the election professionals within local governments at both the city and county level as well as states. We are a non-partisan, nonprofit organization

Our role is to improve the administration of elections for all voters throughout the nation and to assure that the elections process is fair to all voters regardless of political point of view and regardless of political party.

It is within this context that we offer the House Administration Committee, including both the Democratic and Republican sides, our recommendations and observations concerning HR 1719 concerning Internet voter registration.

We welcome the opportunity to continue to modernize elections. In fact, it has been state and local governments that, without federal legislation, have created most of the innovative and unique solutions that have become commonplace in elections. That is true too of use of the internet for voter information, for serving overseas voters, for locating polling places and for Internet voter registration.

Background:

Following on the lead of Arizona as the first state to offer on-line registration, Washington state and other states (now totaling six states) currently offer Internet registration and the concept is rapidly expanding to others already in the process of developing their own programs.

As an elections community we welcome changes that better serve voters and which can be administered fairly without partisan impact that favors one party over another. Internet voter registration can be a useful process to continue to improve open access to the democratic process in America.

However, online registration must be recognized as only an additional option available to voters. While it will appeal to many voters, we still live in a age when the "digital divide" is still a reality: some segments of society have far more access to computers than others and one of our concerns is that government not place primary emphasis on one method of registration to the detriment of all other methods. We are still developing the capability of Internet voter registration and what does -- and does not -- work well for voters. Our learning curve on just how it impacts the availability of access to voting is still developing. We are likely to continue to discover how to improve access to all segments of society rather than those initially who have the education, the means, or the technology that allows greater participation.

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Recommendations for the bill as presented:

Our first set of recommendations is to say we completely agree with the comments of Washington Secretary of State Sam Reed in his letter to the Committee on September 10, 2009:

In support of H.R. 1719, I do have a few recommendations to make it even better legislation.

- **Driver's License or State ID Card.** The online voter registration system *must* be tied to the state driver's licensing agency (DMV or DOL). Without this, there is no signature for the voter registration file. It goes without saying that a sound voter registration system requires a signature from each voter. The online registration systems in Washington and Arizona both link to their state licensing agencies. Because these applicants have previously come into a driver's licensing office in person, online applications are less subject to fraud than paper applications. I recommend inserting the DMV/DOL requirement in place of the reference to "technological security measures" because fraud is not prevented with a piece of technology, but by requiring each user to prove his or her identity.
- **Timing of Registration.** The bill forces every state to adopt a voter registration deadline of 15 days or earlier. This is too close to Election Day and jeopardizes the integrity of the election. For millions of Americans who vote absentee, this is too late. Most states have a 25-30 day deadline. Fifteen days is insufficient time to identify the thousands of duplicate registrations that result each time a person who is already registered submits a new registration application.
- **Prohibiting Cancellation of Invalid Registrations.** For over 15 years, NVRA has stated that once a voter moves and fails to update his or her information through two federal General Elections (a Presidential election cycle), the invalid registration may be cancelled. This bill prohibits states from cancelling registrations that are clearly invalid, even though the person may have moved 15 years ago or died 5 years ago. There is no doubt that this provision will result in inaccurate voter rolls. The provision refers to registrants "on the official list of eligible voters ... to whom a unique identifier has *not* been assigned under the computerized Statewide voter registration list." This sentence makes no sense since the "official list of eligible voters" may only include voters "to whom a unique identifier has been assigned."

While we cannot at this time say whether we support or oppose the legislation, we especially agree with the concerns cited by Secretary Reed on each of the bulleted points.

In addition to Secretary Reed's comments above regarding cancellation of invalid registrations, voter registration numbers largely determine resource allocations. If voters are not removed when they are no longer resident within a jurisdiction, resources (and costs) for such items as mailings, poll workers, voting equipment and ballots become greatly increased.

Many states require minimum resources, e.g., voting machines or ballots, be available based on "eligible" voters. This includes both "active" and "inactive" voters. With the effective repeal, contained in HR 1719, of the NVRA list maintenance provisions, the "inactive" voters will grow to exceed the "active" voters. As election professionals we clearly know that voting is not only about conducting fair and impartial elections, it is also about the "perception of fairness" in elections. If voters perceive that our processes result in more voters on the rolls than the voting age population, then there is little faith that the process protects from the abuse of those who may be inclined to manipulate the election for personal or partisan gain. Please do not ask us to administer a process that is inaccurate by design.

Safeguards Necessary: We cannot overstate the *importance* of continuing the processes passed by bi-partisan efforts of both the NVRA and HAVA. List maintenance is a *necessary* process that is important to the future of American democracy because it assures Americans that we pay attention to the details of voter rolls and continued eligibility of voters. We recommend this bill reaffirm the long history of appropriate list maintenance as provided under NVRA.

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When HAVA was passed, it was passed with overwhelming bi-partisan support for its provisions of what is necessary for states and local governments to assure voters of their eligibility. This bill needs to reaffirm that Internet registration must be in accordance with the provisions established in HAVA to provide either a drivers license (DL) number OR the last four digits of a Social Security number (and in rare instances, establish another unique identifier if neither DL or state ID card is available). The reason states that have enacted online registration mandate a driver license number is that it is essential to the administration of elections that election officials have a signature on file for each voter. Without a signature, voters will be unable to vote by mail or vote early in many states. Signature comparison is still used to verify authenticity of an application for an absentee ballot and the returned absentee ballot.

These provisions are both *important and necessary* to maintaining a sound voter registration process that protects the integrity of elections in this country. Beyond those concerns, it is expensive to maintain out of date lists, to mail to voters who are not there (because they have moved one or more times between elections), to create and mail sample ballots to ineligible voters or voters no longer living at the given address.

Cost IS Important: Make no mistake about it, *cost is important in this economic climate* where employees at state and local levels are being place on unpaid furlough or are being laid off because local governments don't have enough tax revenues to even pay salaries, let alone administrative costs of new legislative mandates. Congress and state legislatures cannot ignore ongoing costs related to legislative change. The lack of appropriate controls within the legislation means that local governments will be faced with growing voter rolls. As we mentioned above, the allocation of resources, voting equipment, poll workers, sample ballots, and a host of other preparations is dependent on accuracy of voting rolls.

Supplanting email for postal mail carries adverse cost and policy implications. Currently, according to the US Postal Service, 25 to 30 percent of postal recipients are changing addresses in any given year. Email addresses are not more stable than physical addresses, they are changing more rapidly. Additionally, the only email address for many people is their work email. If election officials bombard the email addresses of all the voters with voter registration information and/or "official" elections notices, they will, by necessity of the volume of returned emails, have to hire full time staff to correct email addresses on a continuous basis. With postal addresses, the US Postal Service greatly assists in updating of addresses but with email the entire burden of address updating is left with election officials. And this presumes that there is even a capability of finding or correcting email addresses beyond what the voter may willingly provide; since there is no known single source of such data, it becomes difficult to even comply.

Additionally, when postal mail addressed to a voter is returned as undeliverable-election officials have instant notice that follow-up is necessary to determine if the voter still resides at that location. A change in email address does not evidence a change in residence by a voter. With email addresses, we may or may not know if the email was "delivered". If it is eliminated through an Independent Service Provider as Spam, we may not know it was not delivered; if it is eliminated by the recipients' spam filters, we won't know if it was received. The sending servers utilized by local governments to relay email messages sent to thousands, or hundreds of

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thousands (or millions) of voters will also treat mass email as spam and may not alert election officials that all or most of it was blocked.

Our recommendations:

- Do not require the collection of email addresses; leave it to the option of voters to provide if they choose. State and local government can choose to do so without Federal legislation.
- Further, do not permit delivery of official *confirmation notices* by email.
- Finally, only permit email delivery of “voter information” as an option for the voter with appropriate notifications to the voter that it may mean missing important election information. We believe firmly that Postal mail, websites with voter information, news media notifications and more traditional methods of voter notification are still valid. We welcome the opportunity to engage newer technologies such as email and Internet but they are not yet as good as they will need to be in order to assure good service to voters. By providing it as an option to the voter for “voter information” only, we can continue to work through the issues related to electronic notifications.
- Email confirmation of residence is virtually impossible: an important safeguard vital to the integrity of elections would be lost.
- Specify that address “verification” and “confirmation” notices continue to be sent by regular mail. Verification by mail of voter residence cannot be conducted by email.

Our reasons:

- ? This raises numerous difficulties:
 - o The same information may not be provided to voters without recorded email addresses creating an “equal protection” problem. There remain significant socio-economic disparities in access to email.
 - o Some states send such election information by mail immediately prior to each election. Others simply provide this type of information as part of each voter’s “voter information” or “voter verification” mailing when they register or make a change to their registration. Would states which have elected to mail such information only when it changes now be required to send repeated mailings for each election?
 - o Based on our experience with similar systems, many voters would not receive these notices due to spam filter blockages of which they may or may not be aware.
 - o Available data indicates that less than 1% of voters voting at their polls on election day in 2008 went to the wrong polling place. Vote by mail, early voting, provisional voting and voting centers have also greatly reduced the reliance on “correct polling place.”
 - o Most states now provide electronic access to this information via their websites. A number of states are experimenting with such electronic transmission with mixed results.
 - o Informing voters of the availability of their registration and election information via a link to a state or local website is recommended as a better alternative than providing voter specific content in an email. This provides greater security and privacy protections and would better facilitate electronic update, by voters, of

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outdated information. State and local election officials have invested substantial time and resource into the development and marketing of these voter information websites. Tens of millions of hits to these websites were recorded in 2008 indicating that voters are aware of their existence and are using them.

Cutoff dates: We are greatly concerned about the limitation of 15 days for voter registration cutoff. Regardless of how well-intentioned this policy may be, it hinders ability to administer the election. Despite the belief of some that 15 days is adequate, it is a disservice to elections. It places an undue burden on resources to process voter registrations within that time frame. Not only do all the registrations have to be processed during that time but there has to be enough time to allow the election officials time to mail confirmation notices to the address list on the voter registration application to assure that the voter's address is correct and that there is an actual eligible voter at that location. Mailing a voter registration card to the voter is one important step in the checks and balances built into the elections process to assure that we have the correct information and that we establish voter eligibility. We need time to process the applications, then to send the confirmation notice to the address listed by the voter, and the transit time for any returned information. As it was necessary in UOCAVA legislation to provide transit time for ballots and ballot applications, it is also necessary to allow transit time to process voter registrations. In major urban areas, the processing of voters to get them on the rolls can take the 15 days leaving little or no time to allow transit time to assure eligibility prior to an election. Additionally, the extremely short time allowed in HR1719:

- Negatively affects the printing and delivery of accurate poll books, which is paramount to the security of an election; this endangers that process as voters who have not had time to get registration confirmation documents processed may not be in the poll book, thus creating a mountain of provisional ballots. For the voter, the difference is enormous because a qualified ballot is issued if we have the appropriate amount of time versus a provisional ballot which may or may not be counted.
- Negatively affects the states conducting elections by mail as most mail ballots 18-22 days prior to the election. It seriously decreases the amount of time available for transit of a ballot after the registration confirmation is completed.

Our recommendation: We recommend the legislation leave the cutoff date for registrations to the individual states themselves where they can best determine the amount of time necessary to meet administrative needs and for determination of eligibility.

We further recommend for First time voters: We recommend that the bill specify that voters who are registering by email for the first time within a jurisdiction must meet the individual state's requirements for postal mail registration as compliance with HAVA in the state's processes.

Privacy For Email Addresses: We recommend that "electronic mail addresses" referred to in Sec. 4, be excluded from public records – and that they be exempted from FOIA (Freedom of Information Act) requests. Email addresses and their use should be under the control of, and at the option of, the voter; failure to do so may lead to further deterioration of voter participation.

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Discussion: As in the case of email addresses for UOCAVA voters, such addresses should be protected from public disclosure for both security purposes and to encourage the use, by the public, of electronic transmission of election information. People are extremely sensitive to abuse of their email addresses, even more so than their telephone numbers, and will readily apply spam filters to unauthorized sources of email as well as voice their complaints, loud and long, to both election officials and elected officials.

Clarifications Sought:

- ? Sec. 3 (6)(A) requires election officials to allow **online** updates through the official public website of the election official...*"as well as at any location at which under State law the voter may update the information in person."*

Does this anticipate computer stations in all public registration locations to permit walk-ins to update their registration records online? If so, substantial resources would be required to meet such a requirement. We would recommend ending the sentence following "at any time." This will require public computer terminals in all social service office, all DMV offices, all designated voter registration offices, all election official office etc.

- ? Sec. 5 states that *"the State shall consider an applicant to have provided a 'valid voter registration form' if the applicant has provided the appropriate State or local election official with all of the information necessary to demonstrate that the applicant is eligible to vote in elections for Federal office in the State or local jurisdiction involved."*
- o Is this intended to leave in place or supplant State established eligibility requirements?
 - o What, in addition to the *"information necessary to demonstrate that the applicant is eligible to vote in elections for Federal office"* is envisioned here as being applied by states to deny registrations?
 - o Further, by implication, this appears to suggest that a voter would not be required to use any type of official voter registration form or Web site in order to register to vote. This, in turn, would result in the proliferation of alternate online sites and forms that a voter could use to submit the information needed to register to vote. There would be nothing to prevent political parties, candidates, special interest groups and commercial concerns from establishing such forms and sites. Without conforming state legislation, a "two-tiered" registration system would result: one for federal elections and one for all other types of elections.



Maricopa County
Office of the Recorder

Helen Purcell - Recorder

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September 17, 2009

Honorable Zoe Lofgren
United States House of Representatives
Chair, Elections Subcommittee, Committee on House Administration

Dear Congresswoman Lofgren,

Maricopa County Elections Department has been the beneficiary of online registration for a number of years now and we would like to go on record in support of the proposed HR 1719. There have been valuable lessons learned in implementing and growing the online process and we feel that sharing some of those experiences will strengthen the bill and prevent unnecessary replication of unintended consequences.

Without online registration last year's presidential election cycle could have been catastrophic for us. Had we received all registrations via paper forms we are certain that we would not have been able to accommodate the volume regardless of resources or staffing. The ability for voters to verify, modify and submit registrations online allowed for our voter registration staff to successfully process petition signature verifications, campaign finance donation slips, and the remaining quarter million forms which we did receive on paper.

Empowering all jurisdictions with the ability to service voters in a timely and economically sound manner is good stewardship. We respectfully submit our comments and supporting data on the importance of this modernization.

A handwritten signature in cursive script, appearing to read "Helen Purcell".

Helen Purcell
Maricopa County Recorder

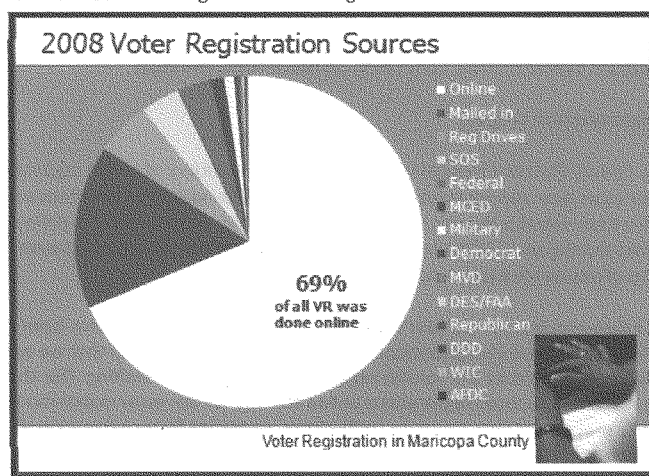
A handwritten signature in cursive script, appearing to read "Karen Osborne".

Karen Osborne
Maricopa County Elections Director

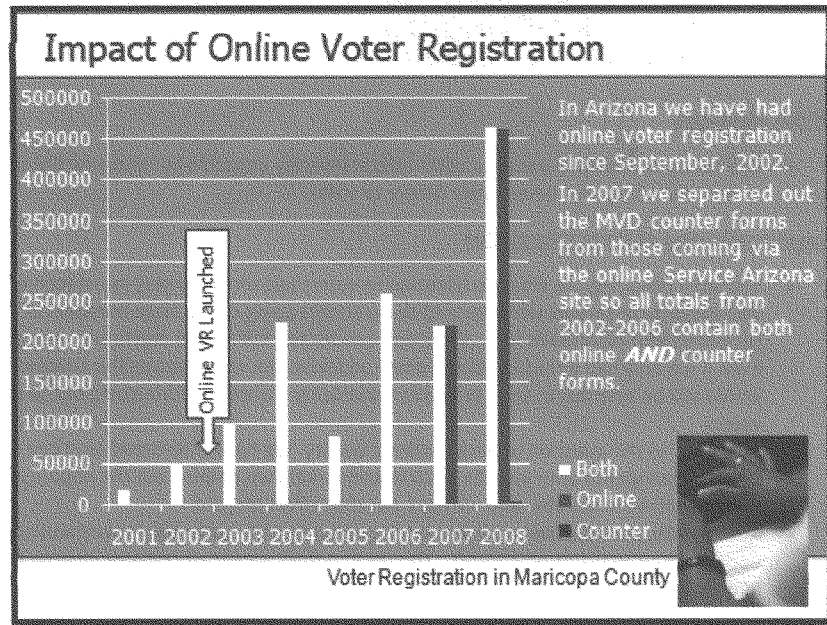
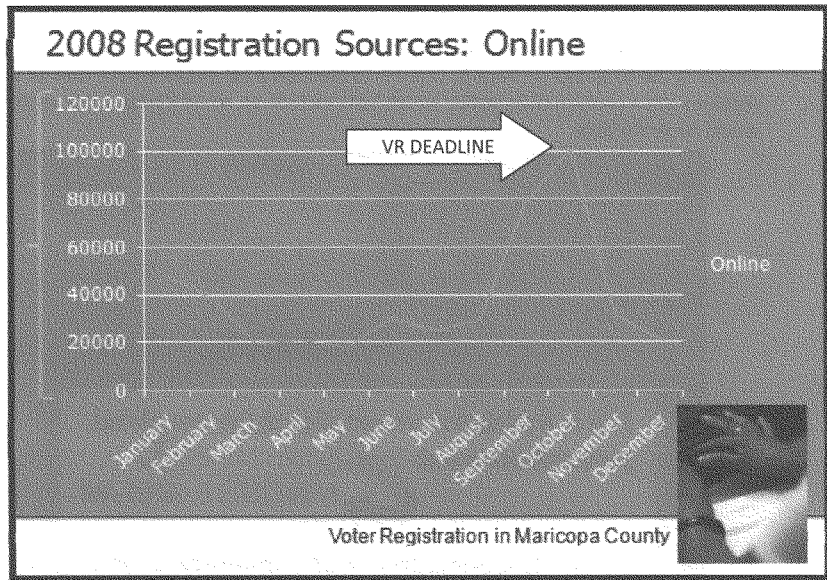
HR 1719 the “Voter Registration Modernization Act of 2009” Comments by Maricopa County, Arizona

Online Voter Registration

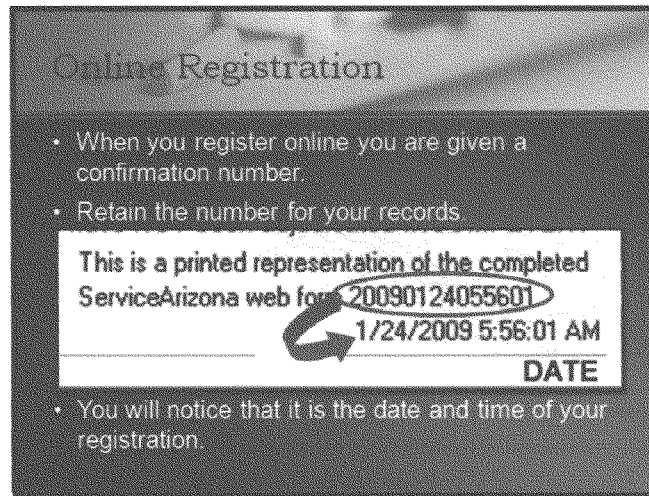
- Arizona is fortunate to have online voter registration to offer our voters. In 2008 69% (roughly 462,000) of all registrations, both new (196,000) registrations and modifications (266,000) of existing voters, came via the online registration service nullifying the need for staff data entry and saving over \$385,000. In 2009 we have seen this increase to 89% of all registrations coming in via the online source.



- By partnering with the Department of Motor vehicles we ensure that the initial contact with the voter is in person with proper documentation of identity provided. This partnership ensures the ability to capture updated signatures which serve a **vital role** in maintaining accurate signatures for use in verification for the ever increasing number of voters who vote by mail.
- HR 1719 allows for states which do not currently have the luxury of online registration sufficient time to implement with the effective date of 2016.
- However, the 15 day mandate on acceptance of online registration has grave ramifications. By allowing ALL voters to register by the same deadline and standards, as set by each state, a tiered effect is not created results in administrative complications. Separate deadlines muddy voter outreach and education, impact the printing of registers and rosters, reduce the reaction time of election officials to respond to the deluge of last minute registrations—15 days out or 29, we will always have voters who will submit at 12:01 AM the next day.



- In regards to voter confirmation in online registration it is important that the voter receive some confirmation notification that they can print or retain for their records. Changing the language on Page 5, Line 17-19 (Section 3 (B) (ii)) to ensure that all voters receive such a confirmation notice which MAY include an email if requested by the voter would be preferable.



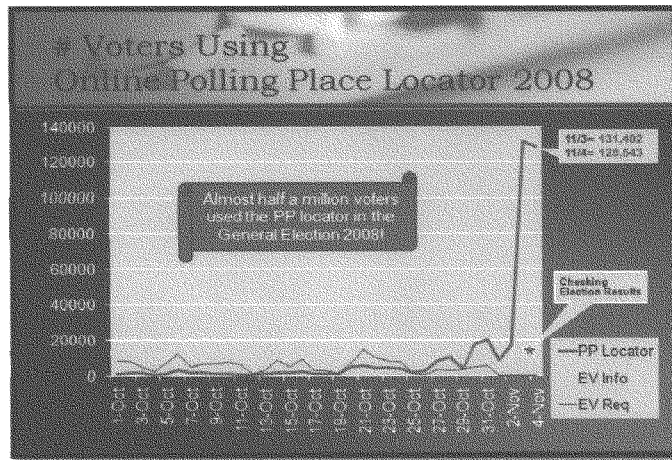
NVRA Provisions

- The ability to maintain accurate voter rolls is severely impeded by removing the practice of removal of inactive voters after failure to vote.

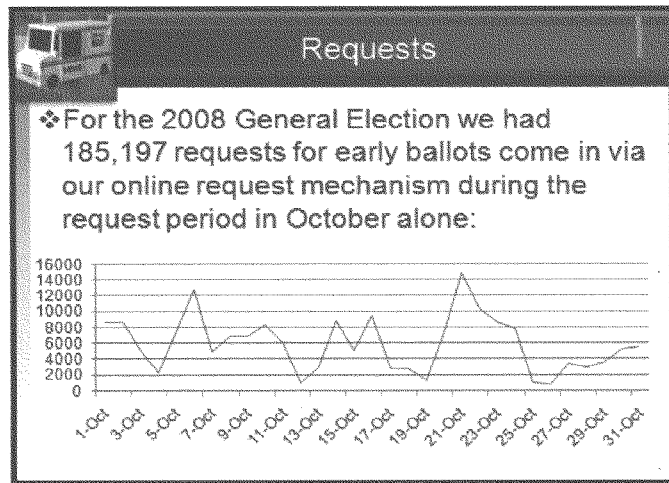
Email Notification of Voter Information

- Section 4 requiring the email notification to voters has some hurdles to overcome. The vast majority of servers will filter and dump emails going out to large numbers of recipients into Junk Mailboxes. Maricopa County has 1.8 million registered voters and even if we only had a fraction of the email addresses for those voters the numbers would still be onerous to send in batches and delay the information going out to some voters.
- There is also the question of email address quality. We have attempted to utilize email for correspondence with just the 7000 boardworkers we employ but the majority are returned as undeliverable and we have put that effort on hold.
- Additionally, perhaps the email address is correct but the voter has moved and not updated their registration address. They would then potentially receive incorrect information on where to vote.

- However, we have had great success with providing the very information outlined under "Provision of Other Information by Electronic Mail" with online search tools for voters. In the month preceding the November 2008 election we had almost half a million voters utilize our polling place locator tool:



- Almost 200,000 voters used the online Early Ballot Request Tool:



- By providing voters the tools to obtain the information they need on their own terms, at any time day or night, the voting public is well served and the complications with maintaining accurate email rolls is avoided.



Washington County Utah
Elections Department
197 E Tabernacle
St George, UT 84770
435.634.5712 Office
435.634.5763 Fax

October 23, 2009

The Honorable Zoe Lofgren
United States House of Representatives
Chair, Subcommittee on Elections, Committee on House Administration

Dear Congresswoman Lofgren,

I strongly support the online voter registration proposed in H.R. 1719. Utah passed an online voter registration law in January 2009. We are working with our State Election officials to make this new addition to the Utah State Voter Registration arsenal, safe, secure and user friendly.

In support of H.R. 1719, I do recommend that these few changes will make H.R. 1719 better legislation.

Driver's License or State ID Card. The online voter registration must be tied into the state Drivers License Division. Our Utah State Law requires this provision. Without this, there is no signature for the voter registration form. Many of our Utah voting laws require signature verification from the County Clerk's office to provide security. If we do not require a signature, I believe that many voters can and will take advantage of this large loophole and undermine the security of our Municipal, County, State and Federal Elections. Utah has also passed a law allowing prospective voters who feel that they cannot afford \$8.00 for a Utah State ID card, if they qualify, to receive an ID card free. As many others have suggested, I also recommend inserting the DMV/DOL requirement in place of the reference to "technological security measures". We want to prevent fraud, by requiring each user to prove his or her identity.

Timing of Registration. This bill forces every state to adopt a voter registration deadline of 15 days or earlier. This is too close to Election Day, and Washington County would be forced into hiring and training temporary staff to help us meet the deadline. Our current Utah State Law gives us a 30 day cutoff to be able to process the applications properly. Voters must also be a citizen of the State of Utah 30 days before the Election Day to be able to register to vote. If the cutoff day is 15 days, then it would be almost impossible to determine if a voter qualifies for residency.

Prohibiting Cancellation of Invalid Registrations. Washington County stands strongly behind the NVRA requirements. We have used this in our past election cycles. Utah has a strong Provisional Ballot process in place, and counts 75-90% of our Provisional Ballots. We must be able to remove INVALID registrations. We must be able to stand behind the integrity of our voter rolls.

I believe that using technology to help assist in voter registration can be accessible, convenient, and secure. I also believe that each State has different needs. In Utah we are very fortunate to have a Statewide Voter Information System that all 29 counties use. We also have strong leadership in our Lieutenant Governor and his capable staff. Please look into these suggestions. We must be able to stand behind the integrity of our voter rolls. Please call on me if I can provide more information, (435) 652-5891.

Sincerely,

Melanie Abplanalp
Washington County, UT
Election Clerk

cc: Utah State Lieutenant Governor, Greg Bell
Washington County, UT Clerk/Auditor, Kim M Hafen

Schalestock, Peter

From: Alcorn, James (SBE) [James.alcorn@sbe.virginia.gov]
Sent: Sunday, October 18, 2009 5:18 PM
To: Hicks, Thomas; Schalestock, Peter
Subject: H.R.1719 the Voter Registration Modernization Act
Attachments: HR1719.doc

Tom and Peter,

I understand that you are both soliciting feedback on HR1719. Attached are some of my comments. Please note, that these comments are my own and do not reflect the position of the Virginia State Board of Elections or the Commonwealth of Virginia.

In sum, I think this is a great idea and my comments are relatively minor. You may be interested to know that we are building an online system to accept changes in voter registration and absentee ballot applications.

Please let me know if I can provide any further assistance,

James Alcorn, Esq.
Deputy Secretary
Virginia State Board of Elections
(804) 864-8944
james.alcorn@sbe.virginia.gov

NOTICE: This message, including any attachments, may summarize laws, regulations and policies. It is not legal advice, nor a binding statement of official policy. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under FOIA.

H.R.1719, Voter Registration Modernization Act

House Administration Committee Changes Date and Time for Hearing on H.R.1719 the Voter Registration Modernization Act

We learned yesterday that House Administration has changed the date and time of the hearing on H.R.1719 the Voter Registration Modernization Act. The hearing will now take place on **Wednesday, October 21, 2009 at 1:00pm**. The committee staff is very interested in hearing comments on this bill. Please send any comments to thomas.hicks@mail.house.gov or peter.schalestock@mail.house.gov. The witnesses scheduled for the hearing are:

- Katie Blinn, Assistant Director of Elections, Washington State Secretary of State's Office
- Doug Chapin, Director, Election Initiatives, Pew Center on the States
- Elaine Manlove, State Election Commissioner, Delaware
- Todd Rokita, Secretary of State, Indiana

H. R. 1719

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote the use of the Internet by State and local election officials in carrying out voter registration activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 25, 2009

Ms. ZOE LOFGREN of California introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote the use of the Internet by State and local election officials in carrying out voter registration activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Voter Registration Modernization Act of 2009'.

SEC. 2. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.

(a) Requiring Availability of Internet for Registration- The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by inserting after section 7 the following new section:

SEC. 7A. INTERNET REGISTRATION.

(a) Requiring Availability of Internet for Online Registration- Each State shall ensure that the following services are available to the public on the official public website of the appropriate election officials in the State:

(1) Online access to, and distribution in electronic form of, mail voter registration application forms in accordance with paragraph (6).

Comment [31]: Most states already do this. If not, they should.

(2) Online assistance to applicants in completing voter registration application forms.

(3) Online completion and submission by applicants of online versions of voter registration application forms.

(4) Online acceptance of completed voter registration application forms.

(b) Provision of Services in Nonpartisan Manner- The services made available under subsection (a) shall be provided in a manner that ensures that--

(1) no person shall seek to influence an applicant's political preference or party registration;

(2) there is no display on the website of any political preference or party allegiance; and

(3) there is no statement or any other feature on the website the purpose or effect of which is to discourage the applicant from registering to vote.

(c) Protection of Security of Information- In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent unauthorized access to information provided by individuals using the services made available under subsection (a).

(d) Effective Date- The requirements of this section shall apply with respect to elections for Federal office occurring in 2016 and each succeeding year.

(b) Conforming Amendments-

(1) TIMING OF REGISTRATION- Section 8(a)(1) of such Act (42 U.S.C. 1973gg-6(a)(1)) is amended--

(A) by striking "and" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

(D) in the case of online registration through the official public website of an election official under section 7A, if the valid voter registration form is submitted online not later than the lesser of 15 days, or the period provided by State law, before the date of the election; and

(2) INFORMING APPLICANTS OF ELIGIBILITY REQUIREMENTS AND PENALTIES- Section 8(a)(5) of such Act (42 U.S.C. 1973gg-6(a)(5)) is amended by striking "and 7" and inserting "7, and 7A".

Comment [12]: Some states (not Virginia) have requirements to match voter signatures for changes in voter registration. How could this still be accomplished with online voter registration? Changes to voter registration are easier to accomplish because verification can be done through matches with existing information (DOB, SSN, etc).

Comment [13]: I worry that some states may not have enough expertise to accomplish this and it become a mess. Give the EAC regulatory authority to establish 1) minimum security requirements 2) minimum matching requirements, and 3) a common data standard. The common data standard is necessary for the future of voter registration where states can match their lists against each other (not the purpose of this legislation). Without a common data standard or matching criteria, state-to-state matching cannot be uniform. I understand that this runs counter to the state plan approach in HAVA and the current trend to respect the diversity of election administration in the 50 states but I view this as an important step toward the future.

Comment [14]: Thank-you

Comment [15]: This could be a problem for some states. In Virginia, registration is closed 28 (soon to be 21) days before a general election. This allows time to create the paper pollbooks that are distributed across the state. (In other states, the pollbooks are produced in the counties or they use electronic pollbooks to expedite the process.) Most people want to submit application (of any kind) so it is logical to think that many of the changes will occur at the deadline. It would be difficult to process the online applications and produce the paper pollbooks in time for an election. I agree that this should be shorter than the current paper NVRA timeline. Can this be moved to 21 days?

SEC. 3. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.

(a) Updates to Information Contained on Computerized Statewide Voter Registration List-

(1) IN GENERAL- Section 303(a) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)) is amended by adding at the end the following new paragraph:

(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION-

(A) IN GENERAL- The appropriate State or local election official shall ensure that any legally registered voter to whom a unique identifier has been assigned under the computerized list may update the voter's registration information, including the voter's address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, at any time as well as at any location at which under State law the voter may update the information in person.

(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS- If a registered voter updates registration information under subparagraph (A), the appropriate State or local election official shall--

(i) revise any information on the computerized list to reflect the update made by the voter; and

(ii) if requested by the voter, confirm the receipt of the update by electronic mail sent to the voter.

(C) PREVENTION OF UNAUTHORIZED REVISIONS AND FRAUD- In meeting the requirements of this paragraph, the appropriate State or local election official shall establish appropriate technological security measures to prevent unauthorized persons from updating a registered voter's registration information and to prevent the entry of fraudulent data.

(D) EFFECTIVE DATE- This paragraph shall take effect on January 1, 2012.

(2) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE- Section 303(d)(1)(A) of such Act (42 U.S.C. 15483(d)(1)(A)) is amended by striking subparagraph

Comment [16]: This isn't the same timetable as above. Is this meant to be Sec 7A(b)(1)(D)? (the lesser of 15 days, or the period provided by State law, before the date of the election?)

Comment [17]: This may be difficult for some states to meet. But I agree that it can be shorter than the timetable for new voter registration applications online.

(B) and inserting subparagraph (B) and subsection (a)(6).

(b) Effect on Voter Removal Program Under National Voter Registration Act of 1993-

(1) USE OF ONLINE UPDATE TO CONFIRM CHANGE OF RESIDENCE- Section 8(d)(1)(A) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(d)(1)(A)) is amended by inserting after 'in writing' the following: 'or by updating information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002'.

(2) PROHIBITING REMOVAL OF REGISTERED VOTERS INCLUDED ON COMPUTERIZED LIST FOR FAILURE TO VOTE OR APPEAR TO VOTE- Section 8 of such Act (42 U.S.C. 1973gg-6) is amended--

(A) in subsection (b)(2), by inserting after 'eligible voters' the following: '(other than an individual to whom a unique identifier has been assigned under the computerized Statewide voter registration list under section 303(a) of the Help America Vote Act of 2002)'; and

(B) in subsection (d)(1)(B)(i), by striking 'has failed' and inserting the following: 'in the case of a registrant to whom a unique identifier has not been assigned under the computerized Statewide voter registration list under section 303(a) of the Help America Vote Act of 2002, has failed'.

(3) CONFORMING AMENDMENT RELATING TO PROCEDURES TO ENSURE ABILITY TO VOTE FOLLOWING FAILURE TO NOTIFY REGISTRAR OF CHANGE OF ADDRESS- Section 8(e) of such Act (42 U.S.C. 1973gg-6(e)) is amended in the heading by striking 'Failure to Return Card' and inserting 'Failure to Notify Registrar of Change of Address'.

(4) EFFECTIVE DATE- The amendments made by this subsection shall take effect on January 1, 2012.

SEC. 4. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.

(a) Including Option on Voter Registration Form To Provide E-Mail Address and Receive Information-

Comment [18]: Great idea

(1) IN GENERAL- Section 9(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(b)) is amended--

- (A) by striking 'and' at the end of paragraph (3);
- (B) by striking the period at the end of paragraph (4) and inserting ' ; and'; and
- (C) by adding at the end the following new paragraph:

(5) shall include a space for the applicant to provide an electronic mail address, together with a statement that, unless the applicant requests otherwise, the applicant shall (if eligible to register to vote) receive voter registration and voting information from the appropriate State or local election official through electronic mail sent to that address.'

(2) EFFECTIVE DATE- The amendments made by paragraph (1) shall take effect January 1, 2012.

(b) Requiring Provision of Information by Election Officials- Section 302(b) of the Help America Vote Act of 2002 (42 U.S.C. 15482(b)) is amended by adding at the end the following new paragraph:

(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL- If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voter registration and voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official shall provide the individual with the following information through electronic mail not later than 7 days before the date of the election involved:

- (A) The name and address of the polling place at which the individual is assigned to vote in the election.
- (B) The hours of operation for the polling place.
- (C) A description of any identification or other information the individual may be required to bring to the polling place.'

Comment [19]: Great idea.

Comment [110]: Great idea. Be proactive with the voters.

Comment [111]: Could also include: 1) contact information for either chief election officer or local registration official; 2) instructions for how to complete ballot or use voting equipment, and/or 3) sample ballot.

SEC. 5. CLARIFICATION OF REQUIREMENT TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6) is amended by adding at the end the following new subsection:

(k) Requirement for State To Register Applicants Providing Necessary Information To Show Eligibility To Vote- For purposes meeting the requirement of subsection (a)(1) that an eligible applicant is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a ' valid voter registration form' if the applicant has provided the appropriate State or local election official with all of the information necessary to demonstrate that the applicant is eligible to vote in elections for Federal office in the State or local jurisdiction involved.'.

SEC. 6. AVAILABILITY OF REQUIREMENTS PAYMENTS UNDER HAVA TO COVER COSTS OF COMPLIANCE WITH NEW NVRA REQUIREMENTS.

(a) In General- Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended--

- (1) in paragraph (1), by striking ' paragraph (2)' and inserting ' paragraphs (2) and (3)';
- (2) by redesignating paragraph (2) as paragraph (3); and
- (3) by inserting after paragraph (2) the following new paragraph:

(2) CERTAIN VOTER REGISTRATION ACTIVITIES- A State may use a requirements payment to carry out the requirements of the National Voter Registration Act of 1993 which are imposed pursuant to the amendments made to such Act by the Voter Registration Modernization Act of 2009.'.

(b) Conforming Amendment- Section 254(a)(1) of such Act (42 U.S.C. 15404(a)(1)) is amended by striking ' section 251(a)(2)' and inserting ' section 251(b)(3)'.

(c) Effective Date- The amendments made by this section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

END

Comment [112]: This is beneficial to states that still have HAVA funds. Will there be additional HAVA funds available for states that spent all of their money?

Schalestock, Peter

From: BOOZE, PHYLLIS [pbooze@botetourt.org]
Sent: Wednesday, October 21, 2009 7:32 AM
To: Schalestock, Peter
Subject: HR 1719

Please read and react strongly to the following information before enacting legislation that could create devastating issues across the nation. Please listen to the professionals in the elections community. It is our JOB to conduct elections. We are your best resource for proper information.

Reaction to HR1719 – Internet Voter Registration

As the National Association of Election Officials, we specialize in voter registration and election administration issues. Our members are the election professionals within local governments at both the city and county level as well as states. We are a non-partisan, nonprofit organization

Our role is to improve the administration of elections for all voters throughout the nation and to assure that the elections process is fair to all voters regardless of political point of view and regardless of political party.

It is within this context that we offer the House Administration Committee, including both the Democratic and Republican sides, our recommendations and observations concerning HR 1719 concerning Internet voter registration.

We welcome the opportunity to continue to modernize elections. In fact, it has been state and local governments that, without federal legislation, have created most of the innovative and unique solutions that have become commonplace in elections. That is true too of use of the Internet for voter information, for serving overseas voters, for locating polling places and for Internet voter registration.

Background:

Following on the lead of Arizona as the first state to offer on-line registration, Washington state and other states (now totaling six states) currently offer Internet registration and the concept is rapidly expanding to others already in the process of developing their own programs.

As an elections community we welcome changes that better serve voters and which can be administered fairly without partisan impact that favors one party over another. Internet voter registration can be a useful process to continue to improve open access to the democratic process in America .

However, on-line registration must be recognized as only an additional option available to voters. While it will appeal to many voters, we still live in a age when the “digital divide” is still a reality: some segments of society have far more access to computers than others and one of our concerns is that government not place primary emphasis on one method of registration to the detriment of all other methods. We are still developing the capability of Internet voter registration and what does – and does not – work well for voters. Our learning curve on just how it impacts the availability of access to voting is still developing. We are likely to continue to discover how to improve access to all segments of society rather than those initially who have the education, the means, or the technology that allows greater participation.

Recommendations for the bill as presented:

Our first set of recommendations is to say we completely agree with the comments of Washington Secretary of State Sam Reed in his letter to the Committee on September 10, 2009: [For content of what was provided by Secretary Reed, see [Letter on HR1719](#) website.]

While we cannot at this time say whether we support or oppose the legislation, we especially agree with the concerns cited by Secretary Reed on each of the bulleted points.

In addition to Secretary Reed’s comments above regarding cancellation of invalid registrations, voter registration numbers largely determine resource allocations. If voters are not removed when they are no longer resident within a jurisdiction, resources (and costs) for such items as mailings, poll workers, voting equipment and ballots become greatly increased.

Many states require minimum resources, e.g., voting machines or ballots, be available based on “eligible” voters. This includes both “active” and “inactive” voters. With the effective repeal, contained in HR 1719, of the NVRA list maintenance provisions, the “inactive” voters will grow to exceed the “active” voters. As election professionals we clearly know that voting is not only about conducting fair and impartial elections, it is also about the “perception of fairness” in elections. If voters perceive that our processes result in more voters on the rolls than the voting age population, then there is little faith that the process protects from the abuse of those who may be inclined to manipulate the election for personal or partisan gain. Please do not ask us to administer a process that is inaccurate by design.

Safeguards Necessary: We cannot overstate the *importance* of continuing the processes passed by bi-partisan efforts of both the NVRA and HAVA. List maintenance is a *necessary* process that is *important* to the future of American democracy because it assures Americans that we pay attention to the details of voter rolls and continued eligibility of voters. We recommend this bill reaffirm the long history of appropriate list maintenance as provided under NVRA.

When HAVA was passed, it was passed with overwhelming bi-partisan support for its provisions of what is necessary for states and local governments to assure voters of their eligibility. This bill needs to reaffirm that Internet registration must be in accordance with the provisions established in HAVA to provide either a drivers license (DL) number OR the last four digits of a Social Security number (and in rare instances, establish another unique identifier if neither DL or state ID card is not available). The reason states that have enacted on-line registration mandate a driver license number is that it is essential to the administration of elections that election officials have a signature on file for each voter. Without a signature, voters will be unable to vote by mail or vote early in many states. Signature comparison is still used to verify authenticity of an application for an absentee ballot and the returned absentee ballot.

These provisions are both *important and necessary* to maintaining a sound voter registration process that protects the integrity of elections in this country. Beyond those concerns, it is expensive to maintain out of date lists, to mail to voters who are not there (because they have moved one or more times between elections), to create and mail sample ballots to ineligible voters or voters no longer living at the given address.

Cost IS Important: Make no mistake about it, *cost is important in this economic climate* where employees at state and local levels are being placed on unpaid furlough or are being laid off because local governments don't have enough tax revenues to even pay salaries, let alone administrative costs of new legislative mandates. Congress and state legislatures cannot ignore ongoing costs related to legislative change. The lack of appropriate controls within the legislation means that local governments will be faced with growing voter rolls. As we mentioned above, the allocation of resources, voting equipment, poll workers, sample ballots, and a host of other preparations is dependent on accuracy of voting rolls.

Supplanting email for postal mail carries adverse cost and policy implications. Currently, according to the US Postal Service, 25 to 30 percent of postal recipients are changing addresses in any given year. Email addresses are not more stable than physical addresses, they are changing more rapidly. Additionally, the only email address for many people is their work email. If election officials bombard the email addresses of all the voters with voter registration information and/or "official" elections notices, they will, by necessity of the volume of returned emails, have to hire full time staff to correct email addresses on a continuous basis. With postal addresses, the US Postal Service greatly assists in updating of addresses but with email the entire burden of address updating is left with election officials. And this presumes that there

is even a capability of finding or correcting email addresses beyond what the voter may willingly provide; since there is no known single source of such data, it becomes difficult to even comply.-

Additionally, when postal mail addressed to a voter is returned as undeliverable-election officials have instant notice that follow-up is necessary to determine if the voter still resides at that location. A change in email address does not evidence a change in residence by a voter. With email addresses, we may or may not know if the email was “delivered”. If it is eliminated through an Independent Service Provider as Spam, we may not know it was not delivered; if it is eliminated by the recipients’ spam filters, we won’t know if it was received. The sending servers utilized by local governments to relay email messages sent to thousands, or hundreds of thousands (or millions) of voters will also treat mass email as spam and may not alert election officials that all or most of it was blocked.

Our recommendations:

- Do not require the collection of email addresses; leave it to the option of voters to provide if they choose. State and local government can choose to do so without Federal legislation.
- Further, do not permit delivery of official *confirmation notices* by email.
- Finally, only permit email delivery of “voter information” as an option for the voter with appropriate notifications to the voter that it may mean missing important election information. We believe firmly that Postal mail, websites with voter information, news media notifications and more traditional methods of voter notification are still valid. We welcome the opportunity to engage newer technologies such as email and Internet but they are not yet as good as they will need to be in order to assure good service to voters. By providing it as an option to the voter for “voter information” only, we can continue to work through the issues related to electronic notifications.
- Email confirmation of residence is virtually impossible: an important safeguard vital to the integrity of elections would be lost.
- Specify that address “verification” and “confirmation” notices continue to be sent by regular mail. Verification by mail of voter residence cannot be conducted by email.

Our reasons:

- ? This raises numerous difficulties:
 - o The same information may not be provided to voters without recorded email addresses creating an “equal protection” problem. There remain significant socio-economic disparities in access to email.
 - o Some states send such election information by mail immediately prior to each election. Others simply provide this type of information as part of each voter’s “voter information” or “voter verification” mailing when they register or make a change to their registration. Would states which have elected to mail such information only when it changes now be required to send repeated mailings for each election?
 - o Based on our experience with similar systems, many voters would not receive these notices due to spam filter blockages of which they may or may not be aware.
 - o Available data indicates that less than 1% of voters voting at their polls on election day in 2008 went to the wrong polling place. Vote by mail, early voting, provisional voting and voting centers have also greatly reduced the reliance on “correct polling place.”
 - o Most states now provide electronic access to this information via their websites. A number of states are experimenting with such electronic transmission with mixed results.
- o Informing voters of the availability of their registration and election information via a link to a state or local website is recommended as a better alternative than providing voter specific content in an email. This provides greater security and privacy protections and would better facilitate electronic update, by voters, of

outdated information. State and local election officials have invested substantial time and resource into the development and marketing of these voter information websites. Tens of millions of hits to these websites were recorded in 2008 indicating that voters are aware of their existence and are using them.

Cutoff dates: We are greatly concerned about the limitation of 15 days for voter registration cutoff. Regardless of how well-intentioned this policy may be, it hinders ability to administer the election. Despite the belief of some that 15 days is adequate, it is a disservice to elections. It places an undue burden on resources to process voter registrations within that time frame. Not only do all the registrations have to be processed during that time but there has to be enough time to allow the election officials time to mail confirmation notices to the address list on the voter registration application to assure that the voter's address is correct and that there is an actual eligible voter at that location. Mailing a voter registration card to the voter is one important step in the checks and balances built into the elections process to assure that we have the correct information and that we establish voter eligibility. We need time to process the applications, then to send the confirmation notice to the address listed by the voter, and the transit time for any returned information. As it was necessary in UOCAVA legislation to provide transit time for ballots and ballot applications, it is also necessary to allow transit time to process voter registrations. In major urban areas, the processing of voters to get them on the rolls can take the 15 days leaving little or no time to allow transit time to assure eligibility prior to an election.

Our recommendation: We recommend the legislation leave the cutoff date for registrations to the individual states themselves where they can best determine the amount of time necessary to meet administrative needs and for determination of eligibility.

We further recommend for First time voters:

We recommend that the bill specify that voters who are registering by email for the first time within a jurisdiction must meet the individual state's requirements for postal mail registration as compliance with HAVA in the state's processes.

Privacy For Email Addresses:

We recommend that "electronic mail addresses" referred to in Sec. 4, be excluded from public records – and that they be exempted from FOIA (Freedom of Information Act) requests. Email addresses and their use should be under the control of, and at the option of, the voter; failure to do so may lead to further deterioration of voter participation.

Discussion:

As in the case of email addresses for UOCAVA voters, such addresses should be protected from public disclosure for both security purposes and to encourage the use, by the public, of electronic transmission of election information. People are extremely sensitive to abuse of their email addresses, even more so than their telephone numbers, and will readily apply spam filters to unauthorized sources of email as well as voice their complaints, loud and long, to both election officials and elected officials.

Clarifications Sought:

- ? Sec. 3 (6)(A) requires election officials to allow **on-line** updates through the official public website of the election official..."*as well as at any location at which under State law the voter may update the information in person.*"

Does this anticipate computer stations in all public registration locations to permit walk-ins to update their registration records on-line? If so, substantial resources would be required to meet such a requirement. We would recommend ending the sentence following "at any time." This will require public computer terminals in all social service office, all DMV offices, all designated voter registration offices, all election official office etc.

?

Sec. 5 states that "*the State shall consider an applicant to have provided a 'valid voter registration form' if the applicant has provided the appropriate State or local election official with all of the information necessary to demonstrate that the applicant is eligible to vote in elections for Federal office in the State or local jurisdiction involved.*"

- o Is this intended to leave in place or supplant State established eligibility requirements?
 - o What, in addition to the "*information necessary to demonstrate that the applicant is eligible to vote in elections for Federal office*" is envisioned here as being applied by states to deny registrations?
- o Further, by implication, this appears to suggest that a voter would not be required to use any type of official voter registration form or Web site in order to register to vote. This, in turn, would result in the proliferation of alternate on-line sites and forms that a voter could use to submit the information needed to register to vote. There would be nothing to prevent political parties, candidates, special interest groups and commercial concerns from establishing such forms and sites. Without conforming state legislation, a "two-tiered" registration system would result: one for federal elections and one for all other types of elections.

Phyllis Booze, CERA, VREO

Registrar, Botetourt County

P.O. Box 62

Fincastle, VA 24090

540-473-8235 p 540-473-8330 f

Schalestock, Peter

From: Marcus, Julie [jmarcus@votepinellas.com]
Sent: Wednesday, October 21, 2009 11:28 AM
To: Hicks, Thomas; Schalestock, Peter
Cc: David Stafford; dlewis@electioncenter.org
Subject: HR 1719 - Comments from Pinellas County SOE, Florida

This email was sent on behalf of Deborah Clark, Pinellas County Supervisor of Elections

The Honorable Members of the House Administration Committee
The Honorable Bill Young
The Honorable Gus Bilirakis
The Honorable Kathy Castor
Senator George LeMieux
Senator Bill Nelson
The Honorable David Stafford
Mr. Tom Hicks
Mr. Peter Schalestock
Mr. Doug Lewis

We **STRONGLY SUPPORT** the comments made by Secretary Reed and the Legislative Committee of the Election Center. In addition to their comments, we would like to share our concerns regarding security and costs.

"Use of Internet by Registered Voters to Update Information" (Page 4, Line 23)– needs to address the assurance that the person completing the application is indeed the actual person. May need to issue unique identifiers to registered voters to allow them to update information via our Web site. This ties in with Internet Registration" (Page 2, Line 7) – applicants would need to establish email addresses, passwords, and challenge phrases prior to being able to register online. This way we are verifying identity in advance to registering and/or updating any information. "Prevention of Unauthorized Revisions and Fraud" (Page 5, Line 20) – The only way to prevent unauthorized use is to implement challenge phrases and passwords.

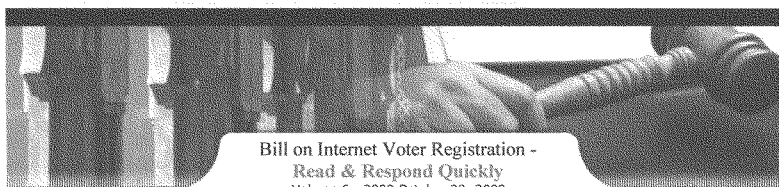
"Online Assistance" (Page 2, Line 16) – We believe there needs to be clarification of what "online assistance" means. For example, some may consider this to be some sort of online dialog (texting) with an elections employee (this idea may be costly for some jurisdictions).

As we are all very aware, all levels of government are struggling with providing basic services to their constituents while making massive budget cuts and reducing the workforce responsible for rendering those services. A major concern with this legislation is the resources that will be required of jurisdictions to implement such a massive restructuring of the voter registration process.

Thank you for your time and consideration.

J/Deborah Clark
Deborah Clark
Pinellas County Supervisor of Elections, Florida
(727) 464-4987
dclark@votepinellas.com

From: Election Center: National Association of Election Officials [mailto:dlewis@electioncenter.org]
Sent: Tuesday, October 20, 2009 3:28 PM
To: David Stafford
Subject: US House Committee to Act on Legislation



National Association of Election Officials

The Election Center



The US House Administration Committee is likely to take action on bills this week affecting elections. Make sure to read all the way through this email so you can see each of the three bills mentioned. Be sure to read the recommendations that we made to both the Democrats and the Republicans for improving the Internet Voter Registration bill. Let us hear from you if you see something we missed or if you feel differently from what the Elections Committee of the Election Center offered or if you fully support one or more of the viewpoints expressed in the recommendations.

Bill on Internet Voter Registration and two other bills up for action in House Administration Committee - Express your views quickly

By Doug Lewis , Executive Director

Members:

On Wednesday, October 21, the US House Administration Committee will hold a hearing on "Modernization of Elections" which is about the Internet voter registration bill offered by Rep. Zoe Lofgren (D-CA). The bill number is [HR1719](#) . "Modernizing the Election Registration Process" is being scheduled to Wednesday, October 21, 2009, at 1:00PM. The witnesses for the hearing will be:

Doug Chapin
Director, Election Initiatives
Pew center on the States

Katie Blinn
Assistant Director of Elections
Washington State Secretary of State's Office

Elaine Manlove
State Election Commissioner, Delaware

Todd Rokita
Secretary of State, Indiana

Once again, we owe deep gratitude to the Legislative Committee of the Election Center and special thanks to both George Gilbert, Director of Elections for Guilford County, NC, who serves as the Legislative Committee Co-chair, and to Christopher Thomas, Director of Elections for State of Michigan, for many, many hours of work on developing a set of recommendations to improving HR1719. Their efforts to distill the viewpoints of all those who contributed to the analysis of the bill and then to take those and fashion them into guidance for the House staff and members is to be commended. The document, as you will see here, is intended to show not only what needs to be changed, but "why" as well as containing discussion items for the policy makers to consider.

Reaction to HR1719 - Internet Voter Registration

As the National Association of Election Officials, we specialize in voter registration and election administration issues. Our members are the election professionals within local governments at both the city and county level as well as states. We are a non-partisan, nonprofit organization

Our role is to improve the administration of elections for all voters throughout the nation and to assure that the elections process is fair to all voters regardless of political point of view and regardless of political party.

It is within this context that we offer the House Administration Committee, including both the Democratic and Republican sides, our recommendations and observations concerning HR 1719 concerning Internet voter registration.

We welcome the opportunity to continue to modernize elections. In fact, it has been state and local governments that, without federal legislation, have created most of the innovative and unique solutions that have become commonplace in elections. That is true too of use of the Internet for voter information, for serving overseas voters, for locating polling places and for Internet voter registration.

Background:

Following on the lead of Arizona as the first state to offer on-line registration, Washington state and other states (now totaling six states) currently offer Internet registration and the concept is rapidly expanding to others already in the process of developing their own programs.

As an elections community we welcome changes that better serve voters and which can be administered fairly without partisan impact that favors one party over another. Internet voter registration can be a useful process to continue to improve open access to the democratic process in America .

However, on-line registration must be recognized as only an additional option available to voters. While it will appeal to many voters, we still live in a age when the "digital divide" is still a reality: some segments of society have far more access to computers than others and one of our concerns is

that government not place primary emphasis on one method of registration to the detriment of all other methods. We are still developing the capability of Internet voter registration and what does - and does not - work well for voters. Our learning curve on just how it impacts the availability of access to voting is still developing. We are likely to continue to discover how to improve access to all segments of society rather than those initially who have the education, the means, or the technology that allows greater participation.

Recommendations for the bill as presented:

Our first set of recommendations is to say we completely agree with the comments of Washington Secretary of State Sam Reed in his letter to the Committee on September 10, 2009: [For content of what was provided by Secretary Reed, see [Letter on HR1719 website](#).]

While we cannot at this time say whether we support or oppose the legislation, we especially agree with the concerns cited by Secretary Reed on each of the bulleted points.

In addition to Secretary Reed's comments above regarding cancellation of invalid registrations, voter registration numbers largely determine resource allocations. If voters are not removed when they are no longer resident within a jurisdiction, resources (and costs) for such items as mailings, poll workers, voting equipment and ballots become greatly increased.

Many states require minimum resources, e.g., voting machines or ballots, be available based on "eligible" voters. This includes both "active" and "inactive" voters. With the effective repeal, contained in HR 1719, of the NVRA list maintenance provisions, the "inactive" voters will grow to exceed the "active" voters. As election professionals we clearly know that voting is not only about conducting fair and impartial elections, it is also about the "perception of fairness" in elections. If voters perceive that our processes result in more voters on the rolls than the voting age population, then there is little faith that the process protects from the abuse of those who may be inclined to manipulate the election for personal or partisan gain. Please do not ask us to administer a process that is inaccurate by design.

Safeguards Necessary: We cannot overstate the *importance* of continuing the processes passed by bi-partisan efforts of both the NVRA and HAVA. List maintenance is a *necessary* process that is important to the future of American democracy because it assures Americans that we pay attention to the details of voter rolls and continued eligibility of voters. We recommend this bill reaffirm the long history of appropriate list maintenance as provided under NVRA.

When HAVA was passed, it was passed with overwhelming bi-partisan support for its provisions of what is necessary for states and local governments to assure voters of their eligibility. This bill needs to reaffirm that Internet registration must be in accordance with the provisions established in HAVA to provide either a drivers license (DL) number OR the last four digits of a Social Security number (and in rare instances, establish another unique identifier if neither DL or state ID card is not available). The reason states that have enacted on-line registration mandate a driver license number is that it is essential to the administration of elections that election officials have a signature on file for each voter. Without a signature, voters will be unable to vote by mail or vote early in many states. Signature comparison is still used to verify authenticity of an application for an absentee ballot and the returned absentee ballot.

These provisions are both *important and necessary* to maintaining a sound voter registration process

that protects the integrity of elections in this country. Beyond those concerns, it is expensive to maintain out of date lists, to mail to voters who are not there (because they have moved one or more times between elections), to create and mail sample ballots to ineligible voters or voters no longer living at the given address.

Cost IS Important: Make no mistake about it, *cost is important in this economic climate* where employees at state and local levels are being placed on unpaid furlough or are being laid off because local governments don't have enough tax revenues to even pay salaries, let alone administrative costs of new legislative mandates. Congress and state legislatures cannot ignore ongoing costs related to legislative change. The lack of appropriate controls within the legislation means that local governments will be faced with growing voter rolls. As we mentioned above, the allocation of resources, voting equipment, poll workers, sample ballots, and a host of other preparations is dependent on accuracy of voting rolls.

Supplanting email for postal mail carries adverse cost and policy implications. Currently, according to the US Postal Service, 25 to 30 percent of postal recipients are changing addresses in any given year. Email addresses are not more stable than physical addresses, they are changing more rapidly. Additionally, the only email address for many people is their work email. If election officials bombard the email addresses of all the voters with voter registration information and/or "official" elections notices, they will, by necessity of the volume of returned emails, have to hire full time staff to correct email addresses on a continuous basis. With postal addresses, the US Postal Service greatly assists in updating of addresses but with email the entire burden of address updating is left with election officials. And this presumes that there is even a capability of finding or correcting email addresses beyond what the voter may willingly provide; since there is no known single source of such data, it becomes difficult to even comply.-

Additionally, when postal mail addressed to a voter is returned as undeliverable-election officials have instant notice that follow-up is necessary to determine if the voter still resides at that location. A change in email address does not evidence a change in residence by a voter. With email addresses, we may or may not know if the email was "delivered". If it is eliminated through an Independent Service Provider as Spam, we may not know it was not delivered; if it is eliminated by the recipients' spam filters, we won't know if it was received. The sending servers utilized by local governments to relay email messages sent to thousands, or hundreds of thousands (or millions) of voters will also treat mass email as spam and may not alert election officials that all or most of it was blocked.

Our recommendations:

- Do not require the collection of email addresses; leave it to the option of voters to provide if they choose. State and local government can choose to do so without Federal legislation.
- Further, do not permit delivery of official *confirmation notices* by email.
- Finally, only permit email delivery of "voter information" as an option for the voter with appropriate notifications to the voter that it may mean missing important election information. We believe firmly that Postal mail, websites with voter information, news media notifications and more traditional methods of voter notification are still valid. We welcome the opportunity to engage newer technologies such as email and Internet but they are not yet as good as they will need to be in order to assure good service to voters. By providing it as an option to the voter for "voter information" only, we can continue to work through the issues related to electronic notifications.

- Email confirmation of residence is virtually impossible: an important safeguard vital to the integrity of elections would be lost.
- Specify that address "verification" and "confirmation" notices continue to be sent by regular mail. Verification by mail of voter residence cannot be conducted by email.

Our reasons:

- ? This raises numerous difficulties:
 - o The same information may not be provided to voters without recorded email addresses creating an "equal protection" problem. There remain significant socio-economic disparities in access to email.
 - o Some states send such election information by mail immediately prior to each election. Others simply provide this type of information as part of each voter's "voter information" or "voter verification" mailing when they register or make a change to their registration. Would states which have elected to mail such information only when it changes now be required to send repeated mailings for each election?
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Our recommendation: We recommend the legislation leave the cutoff date for registrations to the individual states themselves where they can best determine the amount of time necessary to meet

administrative needs and for determination of eligibility.

We further recommend for First time voters:

We recommend that the bill specify that voters who are registering by email for the first time within a jurisdiction must meet the individual state's requirements for postal mail registration as compliance with HAVA in the state's processes.

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Discussion:

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Clarifications Sought:

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conforming state legislation, a "two-tiered" registration system would result: one for federal elections and one for all other types of elections.

Other Bills to be Considered and Likely Passed by the House Administration Committee:

H.R.1729 the Student Voter Act introduced by Rep. Schakowsky(D-IL) would require colleges and universities that receive federal funds to serve as NVRA agencies. Sen. Durbin (D-IL) has also introduced a Senate companion bill S.1125 to this.

H.R.3489 introduced by Rep. Jesse Jackson Jr (D-IL). Beginning November 2010 (as proposed in the bill), state and local election officials cannot accept challenges to an individuals eligibility to register to vote or to vote based on foreclosure proceedings or residing in a jurisdiction that was hit by a major disaster declared by the President.

Should you have comments or recommendations of your own for HR1719 or the other bills, please respond to George Gilbert at GGILBER@co.guilford.nc.us and Christopher Thomas at ChristopherT@michigan.gov and me at dlewis@electioncenter.org .


If you want to become a participant of the Legislative Committee of the National Association of Election Officials (The Election Center), send your email to GGILBER@co.guilford.nc.us and put Join Legislative Committee in the subject line.

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Schalestock, Peter

From: Paul Lux [plux@co.okaloosa.fl.us]
Sent: Wednesday, October 21, 2009 9:52 AM
To: Hicks, Thomas; Schalestock, Peter
Cc: jeff.miller@mail.house.gov
Subject: HR1719

Honorable Representatives,

As an 11-year veteran of the elections community I am writing to you today to voice my concerns over HR1719.

While we (the elections community) as a group always support making things easier and more accessible for voters, some of the provisions of this piece of proposed legislation bears closer scrutiny to how it would likely impact the elections community on a nationwide level.

NVRA and HAVA: Both NVRA and HAVA were bipartisan Acts. The provisions of these two important pieces of legislation should not in any way be watered down by subsequent legislation. Specifically, list maintenance activities are both important and necessary to maintain accurate voter rolls and driver's license/SSN verification is needed to help in the verification process of voter registrants.

Online registration: Use of the internet to facilitate voter registration could be a positive step, but only if it is used as an additional option, not a mandatory one. There are still too many citizens who do not have computers. Also, no one is issuing driver's licenses to people who don't come to a DMV office. Once one has a license, one can easily update information or renew online, something most jurisdictions already offer voters who are already registered.

The biggest problem with online registration for new voters is the lack of a "wet-ink" signature, or even a digitized signature. Without this important piece of registration information, what will election offices use if these registrants need to vote absentee to compare their signatures against to prevent voter fraud? Or will such registrants be required to vote in person?

Registration Dates: Mandating a 15-day book closing period seriously hinders our ability to effectively administer the election. Voters should have some measure of personal accountability for their actions. Measures to protect servicemen and their families who return from overseas after book closing deadlines are already in place. Voters who reside in their jurisdiction have no excuse—NVRA made access to registration forms cross almost every aspect of our day-to-day lives and with the advent of downloadable forms from the web, no one really has an excuse for not being registered if they choose to do so.

Confirmation Notices: Without mailing confirmation notices to a physical address, how can addresses be verified? What preserves the ideal of "one man-one vote" is that each voter is connected to a physical address in his or her jurisdiction such that only one vote is permitted. Remove this requirement and the potential for election fraud—fraud that would be virtually untraceable—would increase exponentially.

Online Access Barriers: I've already mentioned lack of access to a computer as one barrier to online access. Stop and think about how many important e-mails that you receive each day that get caught by your own spam filters. Also, in the past the US military e-mail servers have routinely blocked e-mail from elections offices—even official notices required by law—as "partisan electioneering."

In closing, please remember that those powers not specifically enumerated in the Constitution to Congress or to the Executive branch are granted to States. Where a serious problem exists, it is within the rights of the US government to step in to be sure Federal elections are protected—but change for change's sake should be avoided.

Thank you for your time, and please be sure keep these important factors in mind when you consider your position on this issue.

Sincerely,

Paul Lux, CERA
Supervisor of Elections



Okaloosa County Supervisor of Elections

Election Headquarters (Crestview): 850.689.5600

Branch Office (Fort Walton Beach): 850.651.7272

Email: plux@co.okaloosa.fl.us

Visit us online at www.GoVote-Okaloosa.com

Schalestock, Peter

From: Wright, Don [don.wright@ncsbe.gov]
Sent: Wednesday, October 21, 2009 11:12 AM
To: Hicks, Thomas; Schalestock, Peter
Subject: HR 1719

Dear Mr. Hicks and Mr. Schalestock,

Section 4(3) of the proposed HR 1719 reads as follows below. Section 9 of the NVRA is 42 USC 1973gg-7. I see no (b)(5) in that statute. Am I missing something, or is the draft bill off? I have doubled checked and cannot seem to find (9)(b)(5).

Regardless, I read this as imposing on the states that they must produce an "electronic voting notice" to the voters. Some states now send out such data prior to elections. MOST do not. If this is required, would not this mean that the voters w/o e-mail will have to be contacted with this information as well in order to ensure equal treatment of all voters? And the reality is in my state, North Carolina, in federal elections most voters vote prior to election day. Such required mailings would not be effective in those states where voters have options as to when to vote. HR 1719 touts itself as "modernizing" the voting process yet continues to hold onto the concept of "election day only voting".

This provision needs to be reviewed for most of the states whose state law does not require such notice. Because a few states do this now, is not reason to mandate it to all states. The voter turnout numbers in the states that currently give advance voting information (such as voter guides) does not show this information is helpful. It is very costly for the states and local jurisdictions to produce and mail, and often is lost among the massive political mail sent out by candidates in the same time frame.

Also the issue of voters w/o e-mail as to being provided this information needs to be addressed more clearly in the bill. Provisions in a federal bill that provide benefits to one set of voters (those with e-mail) and none to another set of voters (w/o e-mail) are very unusual.

"(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL.

—If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voter registration and voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official shall provide the individual with the following information through electronic mail not later than 7 days before the date of the election involved:

"(A) The name and address of the polling place at which the individual is assigned to vote in the election.

"(B) The hours of operation for the polling place.

"(C) A description of any identification or other information the individual may be required to bring to the polling place."

Don Wright
 General Counsel
 NC State Board of Elections

Mr. HARPER. And, finally, Mr. Chairman, I would like to also submit for the record a USA Today article in which the Macomb Republican County chairman named in the Michigan Messenger blog post denies he ever intended to use foreclosure lists and demands a retraction.

[The information follows:]



Mich. Dems file suit against GOP in Ohio

LANSING, Mich. (AP) — A lawsuit has been filed to challenge what Democratic presidential candidate Barack Obama's campaign says is an attempt to keep people facing foreclosure from voting.

The lawsuit was filed Tuesday in federal district court in Detroit by Obama for America, the Democratic National Committee and several Macomb County voters.

It asks for an injunction prohibiting the Macomb County GOP, the Michigan Republican Party and the Republican National Committee or anyone contacted with them from challenging Michigan voters whose homes are on foreclosure lists.

Macomb County Republican Party Chairman James Carabelli denied last week that he had told a writer for liberal website MichiganVoicesenger.com that he planned to make sure no one on a list of foreclosed homes voted in his county.

"The story is not true, and I never said those things," he said. He demanded a retraction, but the writer stuck by her story.

Michigan Democratic Party Chairman Mark Brewer said past experience with other Republican efforts to challenge Democratic voters at the polls makes him skeptical Carabelli is telling the truth.

"I simply do not believe his denial. This fits the pattern we've seen here in Michigan," Brewer said Tuesday during a conference call with reporters.

State GOP Chairman Saul Anuzis planned to hold a 2:15 p.m. conference call with reporters to respond to the lawsuit.

Obama campaign general counsel Bob Bauer said during the Democratic call that the "lose your home, lose your vote" strategy, even if the challenges are unsuccessful, "creates an atmosphere of intimidation that could drive voters from the polls."

He said even people who aren't challenged may leave without voting because the challenges slow everything down.

State Republican officials deny there's any plan to challenge voters on those grounds and say the tactic doesn't make sense because the lists don't give them information on where a voter lives.

Despite the denials, Democratic organizations and liberal groups have created a chorus of criticism over Carabelli's comments. Brewer noted that more than 11,000 homes in Michigan received a foreclosure notice in July. The state has one of the nation's highest foreclosure rates, and figures show more than half of the foreclosed homes are owned by blacks, a group that could favor Obama.

"Instead of offering solutions to this terrible crisis in Michigan ... they want to disenfranchise" voters facing foreclosure, Brewer said of the Republicans.

Macomb County has attracted a lot of attention from the campaigns and the media because the heavily populated area north of Detroit has long been a swing area in presidential elections. Both Obama and GOP rival John McCain have campaigned in the county, which could decide if the key battleground state of Michigan goes Republican or Democratic.

State officials say homeowners with a foreclosed home can still live there unless they are evicted or the home is sold by the lender, giving them to right to vote where they always do.

Voters who move within 60 days of an election also can vote at their old polling place, according to the secretary of state's office.

If voters move and change their address 30 or more days before an election, they must vote in their new precinct. If they change their address within 30 days of an election, they must vote in the old precinct.

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Find this article at:
http://www.usatoday.com/news/politics/election/2008-09-16-obama-foreclosure_N.htm



Mr. HARPER. I thank you.
[The statement of Mr. Harper follows:]



COMMITTEE ON
HOUSE ADMINISTRATION
REPUBLICAN OFFICE

Harper

Subcommittee on Elections Hearing
H.R. 1719 Voter Registration Modernization Act
Wednesday, October 21, 2009

Opening Statement [After Chairwoman Lofgren's Remarks]

Thank you. Our committee was fortunate enough to receive the input of a number of state election officials for today's hearing. The resounding sentiment from these officials was great concern about the provisions of H.R. 1719.

The administration of elections is not a "one size fits all" proposition. States need flexibility in order to best serve the citizens of their states while still maintaining the highest level of integrity for our elections. Moreover, our election system is better served if Secretaries of State and local elections officials are actively engaged as participants in the drafting of legislation.

Unfortunately, state and local administrators apparently were not consulted when this bill was being drafted. It seems that this committee, and this Congress, are creeping ever closer to the complete federalization of elections, a trend that I find highly disturbing.



As I've consulted with State Election Administrators on the pending legislation, there has been a nearly unanimous outcry concerning some key portions of the H.R. 1719. Central among these concerns has been that the legislation not only doesn't require new online registration systems to include a tie to a current state motor vehicle database, but also requires states currently utilizing motor vehicle databases to stop using this important tool for voter identification. As one election official stated in a letter to the committee, the absence of a validating database renders online voter registration "a method to flood the system with registrations for non-existent people" and such a structure would "embolden those who would perpetuate voter registration fraud on a new level".

Officials have also expressed grave concerns over H.R. 1719's prohibition against cancelling outdated registrations. The bill would prohibit States from deleting certain individuals from the registration rolls, regardless of the length of time since they last voted or had contact with an elections office. Even in the face of overwhelming evidence that the voter should no longer be registered, H.R. 1719 requires election officials to keep



voters on the rolls in perpetuity. This will undoubtedly lead to inaccurate voter rolls and overinflated numbers of registered voters, requiring election officials to purchase additional supplies and equipment for ineligible voters and increasing the risk of fraud.

Another common concern expressed by states is the unworkability of shortening of the registration timeline to 15 days. The deadline for registration varies from state to state, but the overwhelming majority of states share a timeline longer than 15 days. After registration ends, election officials are tasked with accurately reviewing applications, entering new voters, verifying registrants' eligibility to vote, reviewing the voter list for accuracy, and preparing for the upcoming election. Limiting the voter registration deadline to fifteen days before an election does not allow election officials the time they need to accomplish these much needed tasks.

As I've talked with election officials, I've been continually impressed by their professionalism and their commitment to providing a fair and accurate administration of elections. I hope



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that this committee takes their criticisms to heart when examining this bill.

Thank you, and I reserve the balance of my time.

Mr. GONZALEZ. Without objection, those letters and statements will be made part of the record.

The Chair will recognize Mrs. Davis for an opening statement.

You waive opening?

I would like to introduce the witnesses, and we may have time to start getting into the testimony.

We will make your full written statements part of the record. We will also limit your testimony to 5 minutes. The machine on the table in front of you will turn green when you begin. When it turns yellow, you have 1 minute left; and when it turns red, and people are always surprised how quickly that time comes, you will have spoken for 5 minutes. I may give you a couple of seconds, but I will then cut you off in order to get to questions, given today's schedule. Because, as I've said, most of us have already read your statements; but we would like for you to elaborate and respond to some of our questions.

This is not in the particular order in which the witnesses will be testifying. However, Elaine Manlove has been Commissioner of Elections for the State of Delaware since 2007, having served previously as Administrative Director of the Department of Elections for New Castle County, Delaware. As Commissioner, Ms. Manlove has overseen the implementation of Delaware's electronic signature project which allows voters to transmit the registration information in real time from the Division of Motor Vehicles to each county's Department of Election.

We will have Todd Rokita, who was elected Secretary of State of Indiana in 2002, in which position he has also served as President of the National Association of Secretaries of State, as well as a member of the executive board of the Election Assistance Commission Standards Board. As Indiana's chief election official over the past 7 years, Mr. Rokita has modernized Indiana's election system with the adoption of vote centers and Internet voter registration.

Katie Blinn has served as the Assistant Director of Elections for the Washington State Secretary of State's office since January, 2005, in which position she is responsible for election policy for the State of Washington. Prior to joining the Secretary of State's office, Ms. Blinn was a nonpartisan counsel in the State legislature, staffing the house committee in charge of elections, campaign finance, public records, and many other issues.

Since January, Doug Chapin has served as Director of Election Initiatives for the Pew Charitable Trust Center on the States, which has been a nationally recognized voice in election administration policy since 2001. Prior to his work with the Pew Center for the States, Mr. Chapin was a lawyer in private practice in Washington, D.C., as well as elections counsel to the United States Senate Committee on Rules and Administration.

I welcome you one and all.

STATEMENTS OF THE HONORABLE TODD ROKITA, INDIANA SECRETARY OF STATE; THE HONORABLE ELAINE MANLOVE, COMMISSIONER OF ELECTIONS FOR THE STATE OF DELAWARE; KATIE BLINN, ASSISTANT DIRECTOR OF ELECTIONS FOR THE STATE OF WASHINGTON; AND DOUG CHAPIN, DIRECTOR OF ELECTION INITIATIVES, PEW CENTER ON THE STATES

Mr. GONZALEZ. We will proceed with Mr. Rokita.

STATEMENT OF THE HONORABLE TODD ROKITA

Mr. ROKITA. Thank you, Mr. Chairman and members of the committee. Thank you for your time and interest today.

Today, I come as Indiana's Secretary of State and in that capacity only. But as past President of the national association, let me first say I don't know of a Secretary of State who is not interested in leveraging technology to the most responsible way possible so that we can have the most accessibility we can in the election process in the 21st century world.

In that sentence, I said two words that are important to me. I said "accessibility" and "responsibility."

If you are going to have a process that people believe in, you have to have both in proper balance. Because if you don't, if it is all about accessibility with no requisite security, i.e., responsibility, or if it is the other way, so hard that people can't access the polls, then you don't have a process that people believe in. When that happens, turnout goes down and people don't invest in the process. And when that happens, we lose the Republic, ultimately.

And so my comments, and every day when I get up as Secretary of State, as Indiana's chief election officer, I focus on that proper balance.

Having said that, we have been able to leverage technology in very smart ways so that we can have that accessibility at a polling place, or not, like a vote center, but also keep that all-important security so that people still come and invest in the process.

For example, I said vote centers is one way to do that. We have photo ID in Indiana. We also have in place now a law that was passed unanimously by two divided chambers in our State legislature.

It seems like he is okay. That knocked out the 5-minute clock, so I will be going on for awhile. Thank you, sir.

Mr. GONZALEZ. Now does that young man work for you?

Mr. ROKITA. He does now. Oh, the clock is back.

Online registration, the plan in Indiana passed unanimously. In Indiana, we have divided houses, but the reason it passed unanimously I would say is because we have the security measures in place. We are going to tie it to the Bureau of Motor Vehicles, which has all of the requisite information and is the only database in the State that has the information so we can conduct online voter registration and online voter registration updating in a responsible manner. Of course, we also have photo ID. I don't think we would have gotten that bipartisan vote without those two measures.

Again, I applaud your interest in this. I think technology does have a very real place but not in the form that the bill takes on.

Another issue, in addition to online voter registration, would be voter list maintenance. It is not clear in the bill; and if it wasn't the intent of the bill, I would respectfully ask that it be made clear that we are still at least allowed in the State of Indiana and everywhere else to remove voters or at least mail voters who haven't voted in the last two Federal elections so that if they in fact passed away, if they in fact left the jurisdiction, they can be removed. By a reasonable reading of the legislation as written, it is not clear that we can do that any more.

Of course, the two-cycle voting rule I just talked about is a product of the NVRA which put enormous restrictions on the ability to clean our rolls to begin with. At least let us operate under the standards of the NVRA.

Requirements to allow applicants to register, it is not clear from the bill if the language allows us to verify the information that a voter registration applicant would put forward. That would be a huge problem in Indiana and, I would suggest, anywhere else. We have to have the ability to verify using technology the data put forth by an applicant. If we can't do that, we get more Mickey Mouses registering to vote. We get more overzealous and downright criminal third-party organizations going through the phone book and registering names to vote who may not be real persons at all.

Also, the idea that anyone who submits data use what seems to be any form, or no form, for that matter, a cocktail napkin, that has to be curtailed as well. I don't propose the use of forms to be bureaucratic, but when you are talking about processing thousands and thousands and thousands of forms, it is imperative that when we train people, they look in certain spots for certain information. Turning that information in on any piece of paper whatsoever, or on any Web site whatsoever, in whatever form will greatly hinder the ability to get the registrations processed and create fraud.

Thank you very much.

[The statement of Mr. Rokita follows:]

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Todd Rokita
Secretary of State

I strongly support leveraging existing and newer technologies to improve services offered by government to its citizens. In my seven years as Indiana Secretary of State, my office has implemented several processes that incorporate technology with traditional duties. These changes have helped save Hoosier taxpayers, businesses, and voters their time, effort, and money.

As Indiana's Chief Election Official, I also have supported innovations in technology to improve the election process for the purpose of achieving greater accessibility, accuracy, and security. For example, my office has also developed, implemented, and manages the state's Statewide Voter Registration System. In spite of tight deadlines and scarce resources, Indiana implemented its system on time and on budget with overwhelming support and satisfaction by the user community. There are several states still attempting to achieve the level of success we have had in Indiana on their second or third endeavor. Indiana has also successfully experimented with the Vote Centers model, leveraging technology to introduce electronic poll books into the Vote Centers pilot counties which helped protect against efforts at voter fraud. Indiana counties also used technology and our relationship with the Federal Voting Assistance Program to provide UOCAVA voters with the ability to receive and return election materials electronically. Finally, during the last session of the Indiana General Assembly, Indiana lawmakers passed an initiative I sought to permit Hoosiers to register to vote or change their voter registration information on-line. The bi-partisan legislation had overwhelming support and will be available to Indiana citizens beginning July 1, 2010.

I write all of them to make the point that we have embraced technology as a way for government to serve people in a 21st century manner, but that such success is wholly dependent on detailed planning before implementation and then using the technology wisely and responsibly. More importantly, these experiences show that I have the knowledge and background to address concerns that I and many of my colleagues have with the current version of H.R. 1719.

Successful advancement in election processes is absolutely dependent on a balance between accessibility and responsibility (security). If both are not in correct balance, then there won't exist a process in which people will feel confident. And, once confidence is broken and citizens no longer believe in the process, the validity of this free Republic is that much more degraded.

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Todd Rokita
Secretary of State

Online Voter Registration

As mentioned above, Indiana is in the process of developing an online voter registration application. This tool is expected to improve the efficiency of the voter registration process for Indiana's local election officials, and increase access to the registration process for voters. While offering this innovative solution, Indiana's lawmakers of both parties (the Republican-controlled Senate passed the bill 48 to 0, and the Democratic-controlled House passed the bill 97 to 0) also realized the need to be vigilant in protecting the franchise of Hoosier voters. It is extremely important that as we move forward with technological advances in election administration, we also must build in safeguards against those who would attempt to take advantage of these systems by violating election laws.

Indiana has done so by requiring photo ID for those voting in person to prove their identity. To confirm an applicant's identity, Indiana has also required those who will use the new online voter registration application to have an Indiana-issued driver's license or photo identification card. Immediate confirmation of a voter registration applicant's status will be established by an interface with the records of the state's Bureau of Motor Vehicles, which includes an electronic signature from the holder of the driver's license or identification card. This step is essential to protect the integrity of the election process. H.R. 1719 does not currently include this requirement.

It is imperative that states use a Bureau of Motor Vehicle's type of database to verify registration information as another safeguard. Not all government agency databases collect all of the information necessary for a voter registration application to be complete. In fact, a recent study by Demos, self described as "a non-partisan public policy research and advocacy organization", concluded that many social service agencies unfortunately lack this information.

Voter List Maintenance

Indiana also protects the integrity of the election process through various voter list maintenance activities. Since the National Voter Registration Act of 1993 (NVRA), Indiana's population has increased by roughly 830,000 people. During that same period, the number of names on our voter rolls has increased by 1,540,000 records.

NVRA imposes severe restrictions on keeping voter lists accurate. Indiana's increase in the number of voter registration *records* (which does not necessarily translate as "new voters"),

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in conjunction with the limits under NVRA in maintaining accurate voter lists, has significantly increased the cost of conducting elections and the opportunity for individuals to commit voter fraud.

In 2006, Indiana conducted a uniform, non-discriminatory statewide NVRA mailing to all 4.2 million registered voters. Over **one million** of these cards (which represented more than 20% of the entire state's registration records) were returned as "undeliverable." After completing the follow-up mailing, over 500,000 existing registration records were canceled or designated "inactive." Under NVRA, these "inactive" records were eligible for cancellation following the 2008 General Election, assuming that the voter did not vote or appear to vote *from that registration address*.

This voter list clean-up effort cost the state over one million dollars to conduct, and took more than two years to result in more accurate voter registration rolls. However, this voter list maintenance will likely save counties thousands of dollars **each** election by eliminating the need to prepare election materials to serve voters who are no longer there. H.R. 1719 as written does not clearly permit this voter list cleanup activity to continue.

Requirements to Allow Applicants to Register

During the 2008 Primary Election, several employees of the group Association of Community Organizations for Reform Now, also known as ACORN, submitted several hundred fraudulent voter registration applications in Indiana counties. This resulted in county election administrators and several of my staff taking time away from election preparation in order to identify and remove these bogus registrations. Local and federal prosecutors have been provided with evidence of this fraud on Hoosier voters and we are currently awaiting their action. Indiana law requires citizens who apply to register to vote to provide certain information and for that information to be verified before the applicant can be registered.

Section 5 of H.R. 1719 eliminates the state's ability to verify an applicant is qualified to register to vote. The bill states that if an applicant registers before the deadline and "provides all the information necessary to demonstrate that the applicant is eligible to vote in the election", then the applicant shall be eligible to vote. If this provision is not eliminated, fraudulent applications such as those submitted in the spring of 2008, would be added to the voter rolls - permitting a fictitious "Jimmy John" or "Mickey Mouse" to vote.

Collecting E-mail Addresses

The Statehouse, Indianapolis, Indiana 46204, (317) 232-6531, Fax (317) 233-3283

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Indiana's current voter registration application permits voters who wish to provide an e-mail address to do so. This can be helpful for county election administrators if the applicant submits an incomplete registration application. Indiana does not currently use the e-mail addresses for any other purpose. After a voter registration application is processed, a notification card is sent to the applicant. This begins a seven day pending period where if the notification is not returned as "undeliverable" or "no such number", etc. by the United States Post Office – the application is valid and the voter is registered.

Section 4 of H.R. 1719 requires election officials to send voting information to applicants who provide their e-mail address, by e-mail only. This will prevent election officials from adhering to Indiana's Constitution by ensuring voters are accurately registered by "living in their precinct 30 days prior to the election". This section also requires election officials to send out notices to voters before each election. This provision does not treat every voter equally and most states already have laws requiring the announcement of elections by local election administrators. Of course, an email address does not prove residency and neither does the change of an email address – an actuality that happens much more frequently than residence address change. Any communication from election administrators to voters by email should be *voluntary* on the part of the voter as well as election administrator.

Registration Timeline

Indiana law requires that residents must live in their precinct for 30 days prior to any election. Therefore, the ability to register to vote is cut off 29 days prior to any given election. However, voters who are already registered and move within that 30 day window may qualify for Indiana's safeguard provision permitting them to vote at their old precinct one final time. Again, applicants in Indiana are not immediately registered to vote when the application is processed. There is a seven day pending period to confirm the registration address is valid before the registration is considered "active". Here, a waiting period is necessary to ensure that the acknowledgment card (receipt) does not get returned to the election office as "undeliverable" to the registrant, meaning there is a real possibility that the address is not real. Finally, several of the larger counties must have poll books ready to print two to three weeks in advance of Election Day. Of course, a prerequisite to an accurate and complete poll book is to have the registration process complete.

Section 2 of H.R. 1719 mandates a voter registration deadline of no later than 15 days prior to the election. This does not provide enough time for many of Indiana's current processes

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Todd Rokita
Secretary of State
to take place.

Recommendations:

It is important to implement election reforms to improve voter rights; however, it is equally important for local and state election administrators to have the tools to ensure elections are conducted in a fair and accurate manner. I strongly urge you to improve H.R. 1719 by:

- Requiring signatures from existing databases, such as Indiana's BMV database, for on-line voter registration;
- Continuing to permit state and local government election officials to conduct voter list maintenance activities;
- Removing the mandate that eliminates the state's ability to verify an applicant is qualified to register to vote;
- Removing the mandate to use e-mail as the means to contact voters and to inform voters of election dates; and
- Remove the 15 day registration mandate.

While I applaud Congress' efforts to improve the election process for voters, there needs to be a balance between increased access and responsibility (again, here focusing on security). H.R. 1719 certainly increases access to the voter registration process, but the legislation falls short of providing the security necessary to ensure that voters' franchises are protected. Because of this H.R. 1719 as written, ultimately will do nothing more than decrease participation because not everyone will have confidence in or trust the process that now would threaten to disenfranchise them by letting their votes be diluted by those who will try to cheat through the use of this easily cheatable reform.



Indiana Secretary of State Todd Rokita

Having received the highest number of votes among statewide office holders in his most recent election, Munster native Todd Rokita is now serving his second term as Indiana's secretary of state.

As chief elections officer, Secretary Rokita has overseen Indiana elections with a commitment to innovation and technological advancements – especially those designed to help servicemen and women participate from overseas. He is a primary advocate for the state's photo ID law, as well as other progressive voting law reforms. And in September of 2009, he launched "Rethinking Redistricting," a campaign to bring change to the redistricting process so it puts people before politics.

He has also been so effective in using technology and efficiency to streamline the services of his office, that his current operating budget is less than that of the secretary of state in 1987.

His efforts to combat investment and mortgage fraud have led to the convictions of dozens of white collar criminals, over 300 years of jail time, and millions of dollars returned to victims.

Secretary Rokita has served as president of the National Association of Secretaries of State (NASS), in 2006 was one of 23 top young elected officials chosen for the Aspen-Rodel Fellowship in Public Leadership, and has been invited to testify before Congress and the legislative bodies of other states many times.

Among numerous professional awards and honors, Secretary Rokita has been named Small Business Statesman of the Year by The National Federation of Independent Business (NFIB) and the National Association of Woman Business Owners (NAWBO)-Indianapolis honored him with the 2008 Choice Award.

Secretary Rokita is a member of the boards of directors for Saint Joseph's College in Rensselaer and the Saint Vincent Foundation in Indianapolis. He and his wife Kathy welcomed their first child, Teddy, in February of 2008.

Mr. GONZALEZ. Thank you very much.
At this time, Elaine Manlove.

STATEMENT OF THE HONORABLE ELAINE MANLOVE

Ms. MANLOVE. Good afternoon. Thank you for the opportunity to offer some comments on H.R. 1719.

As you stated, I am Elaine Manlove. As Commissioner of the State of Delaware, I am a State employee, as well as all of the elections officials in Delaware. But because I have been in the county office as well as in the State, I believe I have a unique insight to both sides.

Every State faces different challenges regarding the implementation of any State and Federal laws regarding voter registration. Delaware offers its citizens numerous ways to become registered voters: calling the office, visiting the office, registering through DMV, online voter registration that we have in Delaware, and third party.

What led Delaware to pursue an electronic signature option began in 2000. If the Departments of Elections in our counties have voters who they can determine have been to DMV but do not appear on voter registration rolls, the Department will inform the court of that situation; and, generally, a court order is issued. The fact that we have had anyone, much less an undetermined number, fall between the cracks of the voter registration process, concerned all of us. As we sought solutions, having all information electronically moved from DMV to elections in real time headed what became the "Elections Wish List."

As we began to look at innovative ways to use technology to improve the way we work, we realized that while the long-term result was certainly worthwhile, getting there seemed impossible. The resources dedicated to technology in elections were consumed with normal operations of elections.

Help America Vote Act funds allowed the Delaware elections team to move forward to implement some of the technology improvements that we would have never been able to do otherwise. Even with this funding, there were times when we had to focus on the election at hand and improvements had to wait.

I read this bill with interest, since Delaware has had Internet registration for several years. Our system captures the information. However, we require that the voter print, sign, and mail in the application. We are working toward a system that would capture the voter's signature from their driver's license or State identification card. While that project is in the future, it would be a by-product of our electronic signature program.

As I am sure you are aware, all States as well as their county offices are in different places regarding voter registration. With that in mind, I would urge you to remember the following:

First is to provide reasonable time for implementation. This was my reason for letting you know how long e-signature took in Delaware. State and local governments vary widely on their election cycles. Allowing ample time for any new process is key to making it successful. H.R. 1719 does include an implementation deadline more reasonable than those offered in other bills I have seen. But, again, the security features that most election officials would like

to have as part of this mandate may not be available at this point in time.

Guarantee full funding for mandates. Many States no longer have HAVA funding, and most States do not have the resources at this time to fund any new initiatives.

Third, to continue to gather information from State and local election officials, as I know you are doing. You are to be commended for reaching out to those officials, and we encourage you to continue this practice.

Last, to allow flexibility for States to implement. One size does not fit all. States generally can meet the goal of the mandate without having the identical process of another State.

I share the committee's goal of ensuring that everyone who wants to vote is registered and that voter registration is an easy process. With that in mind, I have reviewed H.R. 1719 and offer the following comments:

As I read this bill, the online voter registration process mirrors what we do in Delaware. The main difference is you have to sign and mail it in. As I said, we are trying to tie that to our e-signature so you wouldn't.

If we don't receive that information, new registrants are required to show identification at the polling place. Delaware voters receive a polling place card when they register, when they change their address, and when their polling place changes. Those notifications allow us to clean our rolls. Then we know that they don't live where they say they live. Otherwise, we end up deploying more poll workers, hiring more polling places, and buying more voting machines. So we do need to do the list maintenance on our lists.

I am concerned about e-mail notification because of spam blockers. People's e-mails are often tied to their employment; and if they change jobs, the e-mail would often change.

I think what we do in Delaware is accessible for voters, but yet we have security measures in place.

I would like to thank you for the time you have allowed me to speak before the committee.

[The statement of Ms. Manlove follows:]

**United States House of Representatives
Subcommittee on Elections Hearing on
“Modernizing the Election Registration Process”**

Wednesday, October 21, 2009
1:00 p.m.
1310 Longworth House Office Building

Testimony of Elaine Manlove, State Election Commissioner, Delaware

Good Afternoon. Thank you for the opportunity to offer some comments on HR 1719, the Voter Registration Modernization Act of 2009 introduced by Rep. Zoe Lofgren.

I am Elaine Manlove, State Election Commissioner of Delaware, and the Chief Election Official for our state. While the Secretary of State is the Chief Election Official in many States, it is not so in Delaware. Prior to becoming Commissioner over two years ago, I spent eight years as Election Director in New Castle County, our largest county. In Delaware, all of the Elections employees are state employees, but my time on both sides has given me a unique insight.

Every state faces different challenges regarding the implementation of state and federal laws regarding voter registration. Delaware offers its citizens numerous ways to become registered voters:

- Calling any election office and beginning the process over the phone
- Visiting any election office to register in person
- Registering to vote when receiving drivers' license services at DMV
- Online voter registration
- Third party registration

What led Delaware to pursue an electronic signature option began in 2000. If the Depts. of Election in our counties have voters who they can determine have been to DMV, but do not appear on the voter registration rolls, the Dept. will inform the court of that situation and generally a court order is issued. The fact that we had anyone, much less an undetermined number, fall between the cracks of the voter registration process concerned all of us. As we sought solutions, having all information electronically moved from DMV to Elections in real time headed what became the “Elections Wish List”.

As we began to look at innovative ways to use technology to improve the way we work, we realized that while the long term result was certainly worthwhile, getting there seemed impossible. The resources dedicated to technology in Elections were consumed with normal operations of Elections. Help America Vote Act funds allowed the Delaware Elections team move forward to implement some of the technology improvements that we would have never have been able to do otherwise. Even with this funding, there were times when we had to focus on the election at hand and improvements had to wait.

When HAVA became effective, Delaware was ahead of the curve in most areas. Our voting machines were electronic and easily retrofitted with a headset to allow visually impaired voters to hear the ballot. After using the funding to meet all of the requirements of HAVA, we moved into technology improvements to add efficiency and accuracy to all of our processes.

I read this bill with interest since Delaware has had internet registrations for several years. Our system captures the information, however, we require that the voter print, sign and mail in the application. We are working toward a system that would capture the voter's signature from their driver's license or state identification card. While that project is in the future, it would be a by-product of our electronic signature program.

Our electronic signature process has dramatically changed the way we do Elections business in Delaware. Voters affirm their citizenship, choose their political party and sign on an electronic pad that transfers that information along with the data collected by the DMV clerk to Elections in real time. It is paperless, efficient, accurate and fast.

Delaware, along with most other states, is facing economic hardship. While the state will not be able to balance the budget on the back of Elections, we have been able to eliminate five vacant positions due to e-signature. We are working now to take this technology to Depts. of Labor and Health and Human Services. In addition, we are in the process of scanning in any paper applications that come to our offices, electronically linking the scanned copy of the paper with the electronic record entered by our clerks.

The electronic signature project began to insure that we received every application from DMV. The unintended consequences are that it saves money, saves time, and saves a lot of paper.

As I am sure you are aware, all states, as well as their county offices, are in different places regarding voter registration. With that in mind, I would urge you to remember the following:

1. **Provide reasonable time for implementation.** This was my reason for letting you know how long e-signature took in Delaware. State and local governments vary widely on their election cycles. Allowing ample time for any new process is key to making it successful. H.R. 1719 does include an implementation deadline more reasonable than those offered in other bills, but again, the security features that most election officials would like to have as part of this mandate may not be available as yet.
2. **Guarantee full funding for mandates.** Many states no longer have HAVA funding and most states do not have the resources at this time to fund any new initiatives.
3. **Continue to gather information from state and local officials.** You and your staff are to be commended for reaching out to state and local election officials. We encourage you to continue this practice.
4. **Allow flexibility for states to implement.** One size does not always fit all. States generally can meet the goal of the mandate without having the identical process of another state.

I share the committee's goal of insuring that everyone who wants to vote is registered and that voter registration is an easy process. With this in mind, I have reviewed H.R. 1719 and offer the following comments:

- As I read this bill, the online voter registration process mirrors what we do in Delaware. The main difference is that we collect a signature by having the voter print, sign and mail in the application. With the application, they also send in some form of identification, usually a copy of their drivers' license or their state identification card. If we don't receive that information, new registrants are required to show identification at the polling place. We do not require identification be provided on address changes.
- Delaware voters receive a new polling place card when they register to vote, when they change their address and when their polling place changes. These mail contacts provide us information as to the accuracy of their physical address to insure that they are properly districted.
- The polling place cards also assist us in list maintenance. The number of voters on our rolls dictates everything we do on Election Day from the number of polling places, poll works and voting machines that are deployed.
- If we do not maintain our voter registration lists, the percentages of those who vote on elections day are inaccurate.
- While we work to collect e-mail addresses, especially from our military and overseas citizens, I have concerns about information sent by e-mail. Often we cannot read the e-mail address. If an email address is incorrect, we would be forced to devote staff time to correct the error.
- Voters often use an e-mail address associated with their employment. If that changes, so does the e-mail address.
- There is the potential for spam filters to block e-mails sent by election offices.
- Registered voters can update their registration and vote at their new polling place. In Delaware, we have legislation pending that would allow voters to update their address information and vote at either the new or old polling place.

While we are aware that we have voters on our rolls that should have been removed, we work hard to insure that everyone who wants to be registered does appear on those rolls. There is no perfect solution to improving voter registration; however, I know that all of us are committed to that goal through the ever increasing use of technology.

I would like to thank Rep. Lofgren and the Committee for allowing me to testify before you today. I appreciate your eagerness to hear testimony from a State Election Commissioner and I know that my colleagues across the country would thank you as well.

**Elaine Manlove
State Election Commissioner
111 S. West Street
Dover, Delaware 19904
302.739.4277**

Elaine Manlove has been Delaware's Election Commissioner since 2007. For eight years before that, she was Administrative Director of the Department of Elections for New Castle County. Mrs. Manlove was also employed by New Castle County Government for a number of years.

In both Elections positions, Elaine has seen many changes from both sides of the election process. She has overseen Delaware's electronic signature project to allow voters to have their registration information transmitted in real-time from the Division of Motor Vehicles to the Departments of Election in each county. As Commissioner, she is responsible for the Help America Vote Act funds.

Elaine is a graduate of The Election Center's Certified Election Registration Administrator (CERA) program and is member of national election organizations.

She is a native Delawarean, born and raised in the City of Wilmington in New Castle County and currently residing at the Delaware shore in Sussex County.

Mr. GONZALEZ. Thank you very much Ms. Manlove.
I think we still have 10 minutes, so we're going to get the testimony in of Ms. Blinn.

STATEMENT OF KATIE BLINN

Ms. BLINN. Good afternoon, chairman and members of the committee. My name is Katie Blinn, and I am the Assistant Director of Elections for the Secretary of State's office in Washington State, and I am here on behalf of Secretary of State Sam Reed. Thank you for the opportunity to share Washington's very positive experience with online registration.

We implemented online registration in January 2008, in the midst of the Presidential primary season. In a nutshell, this program allows someone with a Washington State driver's license or State ID card to come on our Web site, enter their information, including their driver's license number, and while they are in the process of the application, our database links up with our licensing database to make sure that information is correct.

If it is correct, then that applicant is allowed to proceed; and we grab the digital signature from the Department of Licensing to be used for voter registration purposes. The voter never has to print anything out or actually mail anything in. It is completely online.

I don't need to tell you that the public is already conducting a fair amount of personal and professional business online, whether banking, taxes, keeping up to date with friends and family, the news, politics. Even filing briefs in court is now online. The public expects these services, and that expectation is only going to increase over the next 10 to 20 years. This was illustrated to us the day that we launched this program.

One day in January of 2008, after obtaining authority from our legislature and months of development, we quietly turned on the program and put a link on our Web site with no press releases, no promotional materials at all. Within minutes, the registrations started to file in at 500 a day. After a couple of days making sure that it all was working smoothly, we then promoted it, issued press releases, and promoted it in the press. The rate tripled to 1,500 a day in the next few days.

So the point is—and, like I said, this was in the midst of the Presidential primaries, the same week that New Hampshire was conducting its Presidential primary. So the topic on the news every hour, every day was elections and voting.

But the point is that the public was coming to our Web site already expecting to be able to do this, and we were finally able to provide that service. By the end of 2008, 158,000 people had registered to vote on our online program.

This program has also been very popular with election administrators because it reduces their workload. The information is coming in electronically, so they don't have to hire temporary workers, especially in a big Presidential year, to enter that information from a piece of paper onto a screen for a database.

It is also more accurate because eliminating that data entry means that there is less chance of mistyping a person's name, address, date of birth, driver's license information, or whatnot.

I have provided to the committee a handout that we provided to many States because we started to get inquiries from many States. So I provided that to the committee as well. That has additional information.

There are a few key elements that made our process a success. One of them was that our authorizing legislation was free of detailed requirements. That allowed us the flexibility when we developed the program and into the future to develop it with the technology that we had and in the future to be able to adapt to better technology that will be available. And also to make the program user friendly. Even after only a year and a half, we are going to be implementing major revisions in the next few months to make this program more user friendly and more accessible.

The system is only available on the Secretary of State's Web site. We certainly welcome voter registration drives from campaigns, political parties, advocacy groups, but we cannot rely on them to maintain their Web sites once the big elections are over, and we cannot grant them access to the Department of Licensing database that we link up during this program.

And, finally, and this has been touched on before, we obtain the voters' signature from our Department of Licensing; and that is critical to making sure that the information is accurate. And, actually, as Secretary of State Rokita mentioned, this is actually what made it pass in our legislature, because it is a very controlled program. The user cannot advance through the application if the information that was provided is incorrect.

Speaking to the legislation, many of the issues that we have already been mentioned. We have provided a letter that Secretary Reed provided to the committee about a month ago, and we have also provided some screen shots just to give you an illustration of what it is like, although we are going to be improving that program. So we are happy to help the committee in any manner.

Thank you.

[The statement of Ms. Blinn follows:]



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**Subcommittee on Elections
Committee on House Administration
Modernizing the Election Registration Process
October 21, 2009**

Katie Blinn
Assistant Director of Elections
Washington State Secretary of State
(360) 902-4168
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Introduction

Good afternoon Chair and members of the Committee. My name is Katie Blinn and I am the Assistant Director of Elections for the State of Washington. I am here on behalf of Washington Secretary of State Sam Reed. Thank you for the opportunity to discuss Washington's *positive* experience with online voter registration.

Background of Online Voter Registration

As directed by the federal Help America Vote Act, Washington deployed its statewide voter registration database in January 2006, on time and on budget. After obtaining approval from our Legislature, we deployed an online version of voter registration in January 2008 that has become very popular with both voters *and* election administrators.

The applicants are providing the same information that has historically been provided on a piece of paper, only they are instead providing it on a screen. Washington's online program allows a person with a Washington driver's license or state ID card to register without having to print out or mail in a form. It is entirely online. As part of the program, we confirm with our state driver's licensing agency (in most states called the DMV or the DOL) that that the name, date of birth, and driver's license number provided by the applicant are accurate. We then obtain a digital image of the applicant's signature from the licensing agency.

Popular with Voters

The public already conducts a significant amount of personal and professional business online.

For example:

- Banking
- Taxes
- Communicating with friends, family and colleagues

- News, politics and sports
- Purchases
- Renewing a driver's license or car tabs
- Filing legal briefs in court

The public *expects* to be able to take care of their business online and that expectation is only going to increase over the next 10-20 years.

How much the public already expects this service was illustrated the day we launched this program. After months of development, one Monday morning in January 2008, we quietly turned the online system on and added the icon to our website. Out of caution, we had not issued any press releases or promotional material. But within minutes, the registrations filed in at a pace of 500 a day. Later in the week, we moved forward with a public affairs program and promoted it, and the rate of online registrations *tripled*. Now keep in mind that this was right in the middle of the media-heavy Presidential Primaries, the same week as the New Hampshire Primary, but the point is that the public was already going to our website specifically looking for this service. The public was ready to use it.

By the end of 2008, over 158,000 people had registered online.

Popular with Election Administrators

The online voter registration system has also been very popular with election administrators. It has reduced their workload because the information comes in electronically. They don't have to spend so much time manually entering the information from paper forms. This also reduces the risk of mistyping a voter's name, address, date of birth, etc.

Once we began to receive inquiries from other states, we put together a handout that includes additional information. I have provided this handout as part of your materials.

Key Elements of our Development

There are a few key elements that made our legislation and development a success.

1. Keeping the legislation free of detailed requirements allowed us needed flexibility in development. This flexibility will allow us to continue to innovate and improve the program, both to take advantage of improved technology and to make the program more user-friendly. We are already implementing major revisions to make the program more user-friendly and accessible after only a year and a half.
2. The online system is only available on the Secretary of State's website. Voter registration drives by political parties and advocacy groups are a wonderful way to get voters engaged, but those campaigns often fail to maintain their websites once a big election is over. We also cannot grant campaigns and interest groups access to the state driver's licensing database, which is critical function of this system.
3. We obtain the voter's signature from our state licensing agency. Therefore, *online* registration is only available to those who *have* a Washington State driver's license or

state ID card. These applicants have come into a state licensing office in person to prove their identity, provide a signature, and have their picture taken. If the applicant provides an incorrect or nonexistent driver's license, the program will not allow the applicant to advance to the next screen and finish the application. While it might initially seem that this form of registration is *more* subject to fraud, it is actually *less* because *it* controls whether the user can advance through the application. Applicants who do not have a Washington driver's license or ID card can continue to register using a paper form.

Proposed Legislation

We strongly urge the Committee to include explicit language in the legislation that *the States* have final authority over voter registration eligibility, and implementation requirements. This is critical since there is such a spectrum of both technology and voter registration laws. Online voter registration can be achieved without requiring States to change their overall voter registration laws. For example, States must have authority to obtain a signature. A *paper* application would certainly not be accepted without a signature.

The 15 day deadline is especially concerning for states that have broad scale absentee voting. A 15 day deadline falls *after* ballots are prepared and mailed. Online registrations must stop before the absentee ballots are mailed because many people who are already registered and simply need to *update* an address end up submitting an application online. Ballots can end up going to the wrong address, or people end up being double registered, which can lead to double voting. This *impairs* the accuracy of the voter registration rolls. We feel confident that an online system can be implemented without mandating a particular voter registration *deadline*.

Finally, the legislation appears to eliminate a policy established by Congress 15 years ago that has been very successful. Election-related mail is returned to the elections office because a voter moved or even died. Once it is returned, the voter goes on "inactive" status. The voter remains on inactive status through two federal general elections, so *at a minimum* through a Presidential election cycle. After this period, which is 2-4 years, the elections office is authorized to cancel what is now a clearly *invalid* registration. The proposed legislation repeals that authority to cancel old registrations. This change would make it extremely difficult to have accurate voter registration rolls because election officials would be forced to maintain registrations for people who moved or died years and years ago. This is another provision that can simply be removed from the bill without diminishing the legislation's overall purpose.

I have provided you a copy of the letter that Secretary Reed sent the Committee last month explaining some of these concerns with the proposed legislation.

Closing

Secretary Reed and I thank you for the opportunity to share our experience and we are happy to assist the Committee as much as we can. Thank you.



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Katie Blinn is the Assistant Director of Elections for the Washington State Secretary of State's Office and has served in this position since January 2005. Ms. Blinn is responsible for Elections Policy for the State of Washington, including legislation and regulations, working with the Attorney General's Office on litigation, and providing assistance to county elections offices, reporters, advocacy groups, campaigns, and other government agencies. Ms. Blinn also supervises distribution of over \$65 million in federal Help America Vote Act funds, a program that trains state and county election administrators in election law and procedures and conducts regular reviews of county election procedures, and a program that is preparing for the 2012 congressional and legislative redistricting.

Prior to coming to the Secretary of State's Office, Ms. Blinn was nonpartisan counsel in the State Legislature, staffing the House committee that handles elections, campaign finance, public records, and many other issues. Ms. Blinn previously served as a Law Clerk for the Washington State Court of Appeals and a Deputy Prosecutor for the Pierce County Prosecutor's Office (Tacoma).

Ms. Blinn received her J. D. in 1997 from Seattle University, and her B.A. in 1993 from Santa Clara University. Katie and her husband, Grant Blinn, also a Deputy Prosecutor, live in the Tacoma area with their three young children.

Mr. GONZALEZ. Ms. Blinn, real quick, we're going to be standing in recess in a couple of minutes, but the letter from Secretary of State Sam Reed you wanted to be included as part of the record. Without objection, it will be part of the record.

[The information follows:]

Mr. GONZALEZ. We have 5 minutes, which is really longer than that, but as soon as we say that, it will be 5 minutes. So, my apologies to our last witness, but we will start up 10 minutes after the last vote and we will stand in recess until then, thank you.

[Recess.]

Mr. GONZALEZ. The hearing will reconvene.

Ms. Blinn, by unanimous consent, we only had the letter of the Secretary of State, but I believe you have other documents you wanted to be made part of the record.

Ms. BLINN. Thank you, Mr. Chair. If I could enter into the record both the handout that we have provided to other States and then the screen shots just for illustrative purposes, I would appreciate it.

Mr. GONZALEZ. Without objection, so ordered; and they will be made part of the record.

[The information follows:]

Washington State Online Voter Registration

Secretary of State Sam Reed



People already enjoy conducting most of their personal business online. For example, banking, filing taxes, renewing car tabs and driver's licenses, making travel arrangements, and handling stock transactions.

The public expects these services to be online.

Giving citizens the option to register electronically brings voter registration into the digital age.

- Sam Reed
Secretary of State



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Frequently Asked Questions: Registering Online

What is online voter registration?

Online voter registration allows Washington citizens to register to vote or transfer a registration to a new address through a secure internet site—just as that person would pay a bill online or renew car tabs. All that is needed is a Washington State driver's license or Washington State ID card number.

How does online voter registration work?

An applicant enters his or her driver's license or state ID card number, date of birth and name exactly as it appears on that license or ID card to gain access to the online voter registration system. The applicant then provides the same information as if filling out a paper voter registration form. The applicant must agree to the use of the license or state ID card signature as the voter registration signature. And, just as with the paper voter registration form, the applicant must affirm via oath that the information provided is true and accurate.

How did online registration come about?

In 2006, Secretary of State Sam Reed formally requested that the Washington State Legislature pass a law authorizing online voter registration to both increase and simplify voter registrations. The Legislature passed the law in 2007 and it took effect January 1, 2008.

THE PURPOSE

Our goal is to make the process user-friendly while protecting the integrity of the voter registration list.

Is online voter registration secure?

Yes. The online voter registration system uses the same technology that banks and retailers use to encrypt and protect a customer's personal information. In addition, a randomly generated security number is

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P. 1

**MyVote:
Personalized Voter
Information**

In 2008, Washington state jumped to the next level of voter education by promoting an online one-stop, customized voter information feature called MyVote.

The free service is available 24/7 at the Secretary of State's website at www.vote.wa.gov.

MyVote gives personalized, specific information to each voter who logs on by name and birthday. This information includes voter registration status, a personalized voters pamphlet, ballot dropbox sites, voting history and contact information for that voter's federal, state, local and judicial elected officials.

Citizens can also use MyVote to update a mailing address.

"MyVote is a very exciting advance for us in Washington, and something that is already drawing national attention," said Secretary of State Sam Reed.



Washington State Legislation

HOUSE BILL 1528, now codified as Revised Code of Washington 29A.08.123

Passed Legislature - 2007 Regular Session

AN ACT Relating to electronic voter registration; adding a new section to chapter 29A.08 RCW; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

- (1) A person who has a valid Washington state driver's license or state identification card may submit a voter registration application electronically on the secretary of state's web site.
- (2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.
- (3) The applicant must affirmatively assent to use of his or her driver's license or state identification card signature for voter registration purposes.
- (4) A voter registration application submitted electronically is otherwise considered a registration by mail.
- (5) For each electronic application, the secretary of state must obtain a digital copy of the applicant's driver's license or state identification card signature from the department of licensing.
- (6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration application submitted electronically.

NEW SECTION. Sec. 2. This act takes effect January 1, 2008.

—END—



Agency Regulations

Washington Administrative Code 434-324-031

Electronic voter registration.

- (1) The secretary of state's electronic voter registration web page must have the capability to:
- (a) Reject applicants without a Washington state driver's license or state identification card;
 - (b) Require the applicant to affirmatively assent to the use of his or her driver's license or state identification card signature for voter registration purposes;
 - (c) Require the applicant to attest to the truth of the information provided on the application;
 - (d) Retrieve a digital copy of each applicant's driver's license or state identification card signature from the department of licensing and include it with the other information required for each applicant's voter registration; and
 - (e) Electronically transfer all information required for each applicant's voter registration to his or her county auditor for entry into the statewide voter registration data base through the county election management system.
- (2) Once election registration information is entered into county election management systems, the same timelines and processes used for registration by mail apply to electronic registration.

—END—

P. 3

IMPLEMENTATION LESSONS LEARNED

1. Keep the user experience front and center when developing the interface, and balance safeguards and security measures to protect the integrity of the voter registration system.
2. Negotiate contracts early with voter registration system vendors.
3. Draw on existing relationships with the state licensing agency.
4. Involve county partners early.
5. Develop a thorough testing plan and leave sufficient time to follow that plan.





Online Registration & MyVote by the numbers

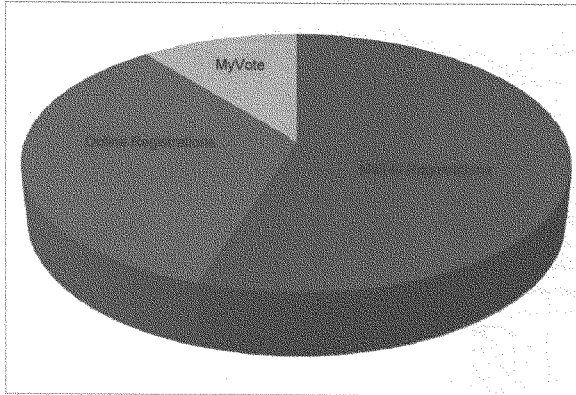
2008	Mail-In Forms	Online	MyVote Address Changes
January	21,339	17,999	5,933
February	28,123	20,261	3,338
March	14,269	3,566	397
April	11,880	4,066	405
May	16,742	3,268	178
June	15,606	3,657	0*
July	17,729	6,515	1,459
August	18,281	12,459	5,238
September	49,304	22,125	6,344
October	54,314	62,909	19,999
November	3,742	802	5,837
December	2,235	659	220
TOTALS	253,564	158,286	49,348

Above are the number of voter registration transactions, separated by type, for the 2008 election year. Washington State held a Presidential Primary in February, a State Primary in August, and the General Election in November.

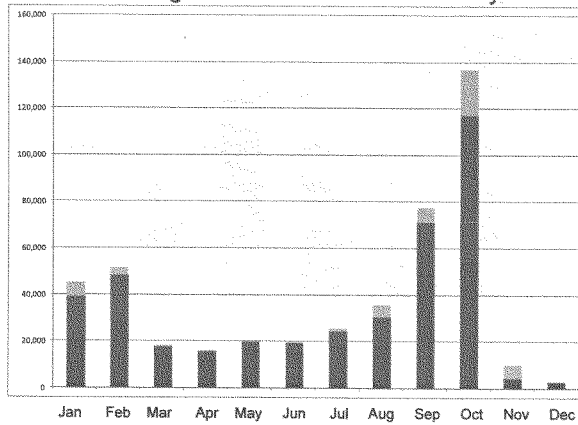
Online Voter Registration and MyVote allow voters the convenience of interacting with government on their time from the comfort of their own homes. Registering to vote and updating registration information becomes something that can be done in a matter of minutes.

*The online address change via MyVote was offline for the last week of May, all of June, and the first three weeks of July.

Voter Registration 2008

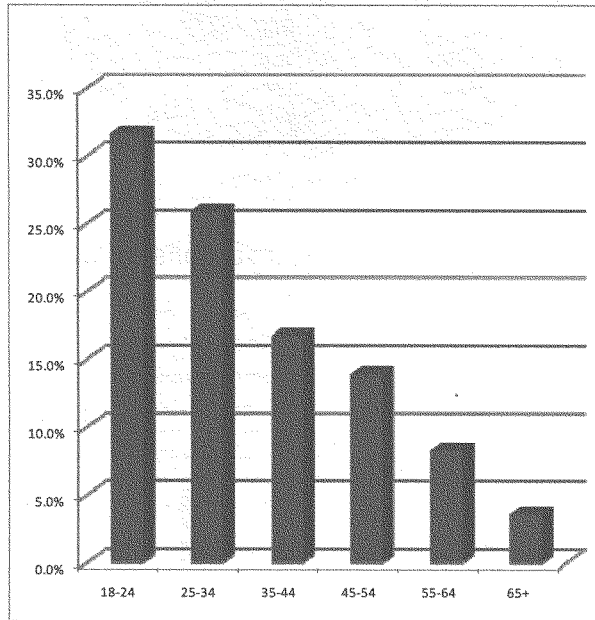


Voter Registration Transactions by Month



Who uses Online Registration & MyVote?

Transactions by Age



	July 5-19	Sept 27-Oct 4
18-24	32.6%	30.7%
25-34	23.0%	28.8%
35-44	14.8%	18.5%
45-54	14.7%	13.1%
55-64	9.9%	6.6%
65+	5.0%	2.1%

Frequently Asked Questions - Continued

Presented to each user to prevent an automated hacking program from fraudulently fill out voter registration applications via the website.

Since only people who have a driver's license or state ID card can register online, the applicant has already proven his or her identity in-person in a state office.

The Secretary of State's Office receives the applicant's signature from the driver's license or ID card for the voter registration record.

May a voter make an address change online too?
Yes, registered voters moving to a new address in the same county may submit address changes through "MyVote," a personalized voter information system.

Voters moving to a new county must use the online voter

Registration system and submit a new voter registration application.

May someone register another person to vote or change another voter's address by using online voter registration?

No, only a new applicant or an existing voter may agree to the use of that voter's signature on file with the Department of Licensing for voter registration purposes.

Submitting a fraudulent voter registration application is a felony in Washington State.

If a voter changes address or other information using online voter registration, is that voter's state driver's license or ID card record also updated?

No. Information is not transferred from the online voter registration system back to the Department of

Licensing. The voter will need to independently contact the Department of Licensing to make any changes to his or her driver's license or state ID records.

How does online registration address citizenship, age, and residency?

The first step in registering online requires applicants to indicate their eligibility to vote separately in each area of citizenship, age, residency, and felony convictions. Later in the process, applicants must accept the oath that reaffirms their eligibility.

This process fulfills all the requirements for registering to vote spelled out in state law, and reflects the same process applicants use when registering to vote with a paper voter registration form.

Nick Handy,
Director of
Elections



Allowing citizens to register online and update voter information is convenient for both the voter and election administrators.

Election administrators no longer worry about transcription errors when transferring information from a paper form to the voter registration rolls.

The system also gives voters ownership of their own voter registration record.

- Nick Handy
Director of Elections

Online Voter Registration: Fiscal Impact

The fiscal impact for the 2007 legislation to authorize online voter registration was originally projected at approximately \$86,000. Once the project was fully scoped, including a thorough review of Arizona's online voter registration system, and all the system requirements and features were fleshed out, the actual cost came to approximately \$279,000.

Microsoft was paid \$170,000 to develop the statewide voter registration database (VRDB) to accept and process online voter registrations and to create the user interface found on www.vote.wa.gov. Microsoft modified the statewide voter registration database to accept electronic applications from the four different types of voter registration systems operating in Washington.

The four voter registration system vendors were paid an additional \$109,000 to develop the software that would allow for the electronic transfer of voter registration information from each of Washington's 39 county voter registration systems to the statewide voter registration database. These vendors and the development cost are:

- DFM—\$12,000
- DIMS—\$59,000
- VOTEC—\$17,000
- ES&S—\$22,000

Cost Savings

From the date of implementation of online voter registration, to the October 4 voter registration cut-off for the 2008 General Election, the office had about 130,000 online voter registration transactions.

It costs approximately 25 cents to process and forward each paper voter registration form. Each applicant using a paper voter registration record must spend 42 cents for the stamp to mail it in. This means that online voter registration saved the state of Washington about \$32,500 before the November 2008 General Election. The postage savings to the electorate is calculated at \$54,600. The total combined savings equals \$87,100.

Previously it would cost 43 cents to process each motor voter transaction from the Department of Licensing. Moving to an electronic system will save the state \$45,000 in the next fiscal year.

Taking the savings into consideration, online voter registration paid for about 30 percent of the original cost to implement the program by October 2008.

Projected out further, the savings created by online voter registration will eventually pay for all implementation costs.

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Online Voter Registration

To register to vote using this online program, you must have either a valid Washington State:

- driver's license; or
- state identification (ID) card.

Select a language:

- English
- Español
- 中文

If you do not have either of these documents, you may still register to vote by using the paper voter registration form. [Click here for a paper voter registration form.](#)

If you are already a registered voter in Washington State and you want to change your name on your voter registration record, you must use the paper voter registration form. [Click here for a paper voter registration form.](#)

To vote in the next election, you must register at least 29 days before Election Day.

Below are the steps you must take to complete the Online Voter Registration process.

- Verify your voting eligibility.
- Enter your identification information.
- Enter your personal information.
- Print your voter registration acknowledgment.

Continue



Online Voter Registration

Step 1 of 4 - Verify Voting Eligibility

WARNING: If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration, you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine. (RCW 29A.08.210)

Please verify that you are eligible to vote in Washington State by answering the following questions.

Are you a citizen of the United States?

- Yes
 No

Will you be at least 18 years old on or before the next election?

- Yes
 No

Are you a resident of Washington State?

- Yes
 No

Have you been convicted of a felony and not had your right to vote restored?

- Yes
 No

Washington
Secretary of State
SAVY REED

Online Voter Registration

Step 2 of 4 - Enter Identification Information

To register online, you must have a Washington State driver's license or ID card. If you do not have one of these documents, you must fill out a paper voter registration form. [Click here for a paper voter registration form.](#)


The information you enter in the fields below must match exactly the information printed on your Washington driver's license or ID card.

First name:
 Middle name:
 Last name:
 Suffix: Example: Jr., Sr., III, etc.

Driver's license number or ID card number:

Date of birth: (MM/DD/YYYY)
 Current residential ZIP code:

Type the characters you see in the picture below. This ensures that a person, not an automated program, is registering to vote.



Washington
Secretary of State
SAM BELL

Online Voter Registration

Step 2 of 4 - Enter Identification Information

To register online, you must have a Washington State driver's license or ID card. If you do not have one of these documents, you must fill out a paper voter registration form. [Click here for a paper voter registration form.](#)

The information you enter in the fields below must match exactly the information printed on your Washington driver's license or ID card.

Warning

- You may already be registered to vote in Washington State. If you want to check your current registration status, please visit our MyVote page by clicking the Check MyVote button below. If you are moving from one county to another county within Washington State, please click on the Ignore Warning button below and proceed with this Online Voter Registration process. If you do not want to continue with this process, please click on the Close Window button.

First name:

Middle name:

Last name:

Suffix:


Driver's license number or ID card number:


Date of birth: (MM/DD/YYYY)

Current residential ZIP code:

Type the characters you see in the picture below. This ensures that a person, not an automated program, is registering to vote.

Please refresh your screen if you can't read this image.





Online Voter Registration

Step 4 of 4 - Confirm Personal Information
YOUR REGISTRATION FORM IS NEARLY COMPLETE. PLEASE READ CAREFULLY!

DO NOT USE YOUR BROWSER NAVIGATION BUTTONS OR REFRESH THIS PAGE

Please review all of the information on this page for accuracy. If corrections are needed, click the Edit button at the bottom of the page to go back to the previous page. If everything is correct, click the Register button at the bottom of the page to continue.

- I am a citizen of the United States.
- I am not presently denied my civil right to vote as a result of being convicted of a felony.
- I will have lived in Washington state at this address for 30 days immediately before the next election at which I will vote.
- I will be at least 18 years old on or before Election Day.

Driver's license ID card: guschtz78qa

First names: Don
Middle names:
Last names: Ouch

SSN:
Date of birth: 10/01/1973
Gender: Male
Phone:
Email:

Residential/physical address: 6130 Sunnyside DR SE
City: Olympia
ZIP: 98513
County: Thurston

Mailing address line 1:
Mailing address line 2:
Mailing address line 3:
Mailing address line 4:
Mailing city:
Mailing state:
Mailing ZIP:
Military status: Not Military

Would you like to receive absentee ballots for None entered
all future elections?

Mr. GONZALEZ. At this point, we will proceed with the testimony of Mr. Chapin.

STATEMENT OF DOUG CHAPIN

Mr. CHAPIN. Thank you, Mr. Chairman.

They say that brevity is the very soul of wit, and in that spirit I will try to be very witty today.

Americans' exploding demand for fast and convenient access to information means that the public sector can no longer ignore opportunities to use the latest proven technology to reach out to customers, citizens, and clients online.

At the Pew Center on the States, we are committed not just to helping State and local election officials but actually working with State and local election officials, including all three States represented on the panel with me today, to find ways to make better use of the latest proven technology, including the Internet and new mobile broadband devices to serve the needs of registered voters and eligible citizens alike.

Consider this: When the National Voter Registration Act was passed, it was 1993, 16 years ago. The Help America Vote Act was passed 7 years ago almost to the day. Think how much the world has changed since then. Since then, new technological developments like text messaging, social networking, and cloud computing have remade and reshaped the world we live in. At Pew, we believe it is not only desirable but necessary for State and local election offices to make use of the latest proven technology in order to keep pace.

In the area of voter registration, we are actively engaged in the effort to explore potential solutions. Pew is convening a working group of election officials and technology experts. We are looking closely at systems across the Nation to examine what works and what doesn't. Our goal is a system that works not just for voters and election officials but is also accurate, cost effective, and efficient for voters as citizens and as taxpayers alike.

I am also pleased to represent Pew as a member of the committee to modernize voter registration, a bipartisan effort to draw attention to the inefficiencies of our current system and stimulate a dialogue about using technology to make the process more integrated and efficient.

I ask permission to enter into the record an issue brief from Pew about voter registration modernization.

Mr. GONZALEZ. Without objection it will be made part of the record.

[The information follows:]

Bringing Elections into the 21st Century: Voter Registration Modernization

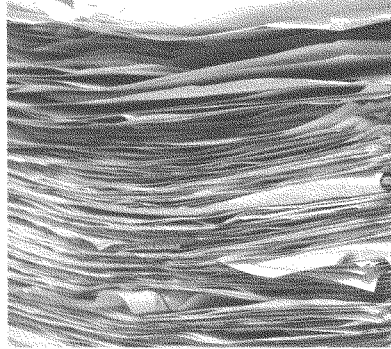
America's current voter registration system is outdated, costly and inaccurate. Citizens and election officials alike experience the burdens of a paper-based, voter-initiated process that fails to leverage new technology that could result in more legitimate votes being counted and ensure the integrity of our elections.¹

The impact on our democracy is significant. A recent study estimates that more than two million voters were unable to cast a ballot in the 2008 general election due to registration problems.

In December 2008, the Pew Center on the States hosted "Voting in America," a Washington, DC summit that initiated a discussion among state and local election officials, policy makers, technology experts and election scholars about the critical need for voter registration modernization. As public dialogue on the issue increases in the media and in Congress, Pew continues to gather data, analyze research and work with election officials to expose the underperformance of the current system and propose fact-based, practical solutions to guide the modernization process.

Today's System: Inaccurate, Costly and Inefficient

A 21st century election system should not rely upon 19th century methods such as collecting voter information on paper forms; entering handwritten data manually onto



The Pew Center on the States supports policies, practices and technologies to improve the accuracy, cost, efficiency and security of U.S. elections. Pew's Voter Registration Modernization Initiative aims to improve the nation's outdated voter registration system by examining options for building a system that is more efficient and accurate, while reducing costs and administrative burdens.

In this Brief:

1. Today's System: Inaccurate, Costly and Inefficient
2. Toward A Modern System of Voter Registration
3. Recommendations for Voter Registration Modernization

voter lists; requiring today's mobile population to update addresses and information with every relocation; and relying on unregulated, third party groups to distribute, collect and submit handwritten registration cards. These outmoded practices and procedures create a system that is susceptible to human error from start to finish, and results in massive piles of registration cards inundating election offices immediately before Election Day.¹

The system's inefficiencies render millions of eligible citizens—even those who have tried to register—unable to vote and create bottlenecks at the polls on Election Day. One partial solution to these registration challenges is the use of provisional ballots, issued when individuals assert they are registered, but their eligibility cannot be confirmed. Yet this is imperfect at best: Pew's recent study of 2008 provisional balloting confirms that nearly half of all provisional ballots for which data was available were rejected and thus uncounted due to voters not appearing on the rolls.²

Records are frequently inaccurate, often with incorrect address or name information. According to the 2008 Cooperative Congressional Election Survey (CCES) in which Pew and numerous academic institutions participated, recent relocation is one of the most

Almost half of all voters are unaware that they can register or update their registration at motor vehicles offices.

relevant factors in predicting whether voters will have a registration problem. Individuals who have moved within the two years preceding an election are much more likely to encounter registration difficulties at the polls.⁴ This particularly applies to students and young voters who are new to the process and are most likely to move compared to other age groups.³

To complicate matters, many voters do not understand how the registration process works. The CCES report

indicates that more than one in four respondents either do not know how to change their registration information or think that the postal service or election office automatically updates it for them when they move. Furthermore, almost half of all voters are unaware that they can register or update their registration at motor vehicles offices.⁵

The difficulties experienced by the average voter are even worse for men and women serving in the military. Members of our armed forces were almost twice as likely to experience registration problems as the general public.⁶

Maintaining the current voter registration system is costly. A forthcoming Pew study on the costs of voter registration in Oregon finds that in 2008, voter registration alone cost Oregon taxpayers more than four dollars per voter, for a total of nearly \$9 million.⁷ Additionally, political campaigns and organizations spend millions of dollars on registration activities that could be shifted to educate and engage voters.

Toward A Modern System of Voter Registration

A 21st century, data-driven registration system would build upon the innovations already in use in several states⁸, allowing election authorities to retain control over their lists, while adopting common standards to allow for data exchanges across state lines. Ideally, the system would provide each eligible voter with only one *voter record* for a lifetime, which would update whenever they change names, party affiliation or marital status, and follow them wherever they move, including state to state.

Voters deserve a contemporary registration system that is compatible with the way they live, and meets the highest standards of accuracy, cost-effectiveness and efficiency.

Improved Accuracy

Both federal and state governments currently have the

capacity to acquire data from several official sources to ensure they have accurate voter records. States that extract information from other databases—such as motor vehicles records—are able to eliminate duplicate, ineligible and invalid registrations, providing greater accuracy and fewer opportunities for fraud.¹⁰

In Delaware, a new E-Signature system automatically requires every visitor to the Division of Motor Vehicles (DMV) to register to vote, update their registration or decline to do so. Updated data is immediately downloaded directly into the voters' files, eliminating the need for data entry and reducing the possibility for human error.¹¹

More Cost-Effective

In evaluating solutions, we must consider how the system serves Americans not only as voters, but also as taxpayers. Although some startup costs may be associated with implementing a modernized system, cost savings would be realized in a short time, as experienced in Canada, Arizona and Delaware. Canada's system cost \$13.3 million (CAD) to implement in 1996, but is estimated to have saved Canadian taxpayers approximately \$150 million since its introduction.¹² In Maricopa County, Arizona, a paper registration form costs at least 83 cents to process, versus an average of 3 cents for a registration completed online and data-matched against their DMV database.¹³ Delaware reduced labor costs alone by \$200,000 annually due to the enhanced efficiency created by E-Signature.¹⁴

Enhanced Efficiency

Eliminating handwritten paper forms and using technology in conjunction with existing government databases to regularly populate and update voter rolls would significantly reduce the burdens on election officials. Additionally, gains in efficiency and accuracy in the process would lessen the number of provisional ballots, reduce polling place problems and delays, decrease the number of lost votes and eliminate

controversial third party groups from voter registration tasks. Also, election administrators would spend less time on National Voter Registration Act (NVRA) lawsuits because almost *all* eligible voters would be included on the rolls or able to correct their registration and cast a ballot via a failsafe mechanism.¹⁵

Recommendations for Voter Registration Modernization

The complex problems with the current voter registration process point to the critical need for comprehensive, fact-based solutions that position both voters and administrators for success. A modernized system that uses existing data sources to populate the state voter rolls and updates registration files would not only result in more accurate data, but would potentially save millions of dollars for local and state election officials.

In Maricopa County, Arizona, a paper registration form costs at least 83 cents to process, versus an average of 3 cents for a registration completed online.

Based on our research and work with election officials thus far, Pew recommends that a modernized voter registration system should:

- Utilize multiple official data sources to put eligible voters on the rolls and ensure the accuracy of lists;
- Make voter registration more portable for voters who move or change status;
- Establish a failsafe method for eligible voters who are omitted from the rolls or whose records contain an error to cast a ballot; and
- Ensure states maintain control of their voter rolls, while allowing for common standards and data exchanges across state lines.

We recognize that any effort to modernize our nation's voter registration system must take into account the experience of those who administer our elections and consider how the new system will work when it is implemented. Pew will continue to work with state and local election officials, technology experts and election scholars to rigorously assess innovative programs, design comprehensive plans to modernize voter registration and pilot new systems to determine the best solution for each state.

Contact Us

We welcome your advice and participation. For more information on Pew's Election Initiatives, please visit our Web site at www.pewcenteronthestates.org or contact:

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1 Ansolabehere, Stephen, R. Michael Alvarez, Adam Berinsky, Gabriel Lenz, Charles Stewart III and Thad Hall. "2008 Survey of the Performance of American Elections," p. 39, March 2009.

2 Johnson, Rob and Michael Sluss. "11th-hour applications flood registrars' offices," *The Roanoke Times*, Oct. 22, 2008.

3 Pew Center on the States. "Provisional Ballots: An Imperfect Solution," July 2009.

4 Ansolabehere, Stephen. *Cooperative Congressional Election Study, 2008*. Common Content. Release 1. February 2, 2009. Cambridge, MA: MIT, Washington, DC.

5 United States Department of Commerce, Bureau of the Census. "Current Population Survey, 'Geographical Mobility: 2007 to 2008' Detailed Tables, Table 1, March 2008. www.census.gov/population/www/socdemo/migrate/cps2008.html.

6 *Cooperative Congressional Election Study, 2008: Pew Charitable Trusts Content*. Washington, DC.

7 *Ibid*

8 Lindback, John. "Oregon case study: The costs of voter registration," Pew Center on the States. Forthcoming. Oregon, which relies entirely on mail for voting, tends to have a much higher level of accuracy in its addresses, due to multiple mail contacts annually and voters incentive to make sure election officials have their address correct, without which they won't receive a ballot. Depending on the election and county, Oregon counties tend to have between 3 and 7 percent undeliverable rates.

9 Arizona, Kansas and Washington have implemented registration that can be completed entirely online, and a cadre of other states are in the process of implementing online registration systems in the coming years. Minnesota uses the National Change of Address database to automatically update registrations when voters move; Michigan and Delaware link their registration lists to a voter's motor vehicle file, and Canada utilizes existing government databases to populate and regularly update the rolls with eligible voter information.

10 Barreto, Matt A, Loren Collingwood, Francisco Pedraza and Barry Pump. "Online Voter Registration (OLVR) Systems in Arizona and Washington: Evaluating Usage, Public Confidence and Implementation Processes," p. 66. Forthcoming.

11 Elaine Manlove, state election commissioner, Delaware (e-mail correspondence, July 28, 2009).

12 Molnar, Renise. "Operational Aspects of Canada's National Register of Electors." *Voter Registration Modernization: A Case Study of the Canadian System of Voter Registration*. Hosted by the Pew Center on the States in cooperation with the International Foundation for Electoral Systems, Toronto, Canada. PowerPoint, Slide 8, June 4-5, 2009.

13 Op. Cit. Matt Barreto, supplemental appendices. Each online registration costs \$0.33 cents to review. Only 5 to 10% are reviewed, thus costing \$0.03 on average.

14 Op. Cit. Elaine Manlove.

15 The NVRA, among other requirements, mandates states provide individuals the opportunity to register to vote at the same time that they apply for a driver's license and offer registration opportunities at public assistance and disability agencies. Recently, several states have been sued for lack of compliance with the requirement to create voter registration programs at public assistance and disability agencies.



The Pew Center on the States (PCS) is a division of The Pew Charitable Trusts that identifies and advances effective policy approaches to critical issues facing states. By researching emerging topics, PCS highlights innovative policy approaches to complex problems for states. When the facts are clear, PCS advocates for nonpartisan, pragmatic solutions.

Election Initiatives seeks to foster an election system that achieves the highest standards of accuracy, convenience, efficiency and security.

www.pewcenteronthestates.org

Mr. CHAPIN. The Committee on Modernizing Voter Registration shares Pew's commitment to harnessing proven technology and to improving how we run elections, which we believe is a critical goal.

That goal is not limited to modernizing voter registration, however. I know that Members and staff on both sides of the aisle have worked very hard to identify ways to assist military and overseas voters around the world, and we are pleased to see that much of this work is included in what we hope is the soon to be enacted National Defense Authorization Act.

The military and overseas voting provisions in the NDAA harness technological advancement to expedite delivery of ballots to voters around the world, including e-mail in order to get blank ballots into their hands. We want to find ways to go further, to use current information in Federal and State databases to make sure that military and overseas voters can get their ballots at the correct address on the first try.

The ability to keep up with these mobile voters is crucial. In fact, military and overseas voters are almost twice as likely as domestic voters to encounter registration problems. Anything we can do to help military and overseas voters is not only important for those voters but for what it can teach us about how we can help voters here at home.

We are also pleased to have partnered with State and local election officials and Google on a project called the Voting Information Project, which uses official election information to answer voters' questions online about where to vote and what is on the ballot. Ten States in Los Angeles county joined us in 2008, and we are pleased to note that the Commonwealth of Virginia will be using VIP to assist their voters with the November general election.

VIP will enable election offices to unleash the creativity of programmers to create voter tools, including e-mail and text updates, which is something that is being piloted in North Carolina; APS for mobile phones, which are increasing popular; tools to assist voters with specific questions, disabled voters needing accessibility information, voters needing public transportation information; and technology to generate customized ballot listings for military and overseas voters across the world so they can know what is on their ballot in time to return them.

Exciting advances in technology mean that reforming our Nation's elections is limited almost completely by our own imaginations, and we at Pew are committed to removing even those imaginary limits for the betterment of both election officials and voters alike.

Thank you for the opportunity to appear today. On behalf of all of my colleagues at the Pew Center on the States, I applaud you for considering and stand ready to assist you in accomplishing the goal of harnessing the latest technology to bring our election system into the 21st century.

Thank you.

[The statement of Mr. Chapin follows:]



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TESTIMONY
Doug Chapin- Director, Election Initiatives
The Pew Center on the States
Committee on House Administration | Subcommittee on Elections
October 21, 2009

Chairwoman Lofgren and members of the subcommittee:

Thank you for the opportunity to testify today.

My name is Doug Chapin, and I am the Director of Election Initiatives at the Pew Center on the States, a division of the Pew Charitable Trusts that conducts research, brings together a wide variety of partners, and analyzes states' experiences to identify what works and what does not to advance nonpartisan, pragmatic state policy solutions to the most pressing problems affecting Americans.

All of us at Pew applaud you for your leadership in calling this hearing and drawing attention to the emerging use and promise of technology to improve the accuracy, cost-effectiveness and efficiency of our election system.

Americans increasingly rely upon the Internet for many different kinds of information. They are going online to pay taxes and parking tickets, to update their personal information with public as well as private agencies, and to request services or otherwise interact with all levels of government. Indeed, according to our colleagues at the Pew Internet and American Life Project, four in five Americans have visited government Web sites to seek information or assistance.

This exploding demand for fast and convenient access to information means that public -sector information sources cannot ignore opportunities to reach out to their customers, clients and citizens online.

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Pew is committed to helping state and local election officials find ways to make better use of the Internet – and new mobile broadband devices – to serve the needs of registered voters and eligible citizens alike.

Consider this: when the National Voter Registration Act (“motor voter”) was adopted in 1993 – more than sixteen years ago – hardly anyone had an e-mail address. When the Help America Vote Act was enacted in 2002 – almost seven years ago to the day -- the concept of statewide voter registration databases was thought to be a cutting-edge idea. Since then, new technological developments like text messaging, social networking and cloud computing have remade and reshaped the world we live in. At Pew, we believe it is not only desirable but necessary for state and local election offices to make use of the latest proven technology in order to keep pace.

It simply makes no sense that for the vast majority of Americans, registering to vote relies on a system dependent on filling out and submitting a paper application. Nor does it make sense to ask the women and men who administer our elections to spend so much time and money managing a paper-based system that invites error and does not efficiently serve the needs of any of the participants in the process – not the election officials, and certainly not the voters.

But the field is catching up, and the election officials on this panel today deserve all the credit for adapting and applying proven practices in public technology to elections.

At Pew, we study the experience of trailblazers like those on the panel today and use their experience and insight to commission research, pilot projects and propose solutions to assist other states in following their example. Our goal is nothing short of a modernized voter registration system that not only maximizes accuracy, cost-effectiveness and efficiency but works for voters and election officials alike.

To that end, we are supporting a study of online voter registration in Washington State and Arizona that will allow election officials in other states to gain insight from their experiences and adapt lessons learned to the needs of their own state. We have also funded studies of preregistration of young voters, of the effectiveness of different ways of reaching voters, and of the quality of voter registration databases.

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Pew is also actively engaged in the effort to explore potential solutions. Under the experienced guidance of my newest colleague, former Oregon State Election Director John Lindback, Pew is convening a working group of election officials and technology experts who are looking closely at systems across the nation to examine what works and what doesn't, and what components would best be included in a well-designed and modernized voter registration system. We expect to begin releasing the end product of all of this work in the next few months.

In addition, I am pleased to represent Pew as a member of the Committee to Modernize Voter Registration, a bipartisan effort to draw attention to the inefficiencies of our current system and stimulate a dialogue about using technology to make the process more integrated and efficient. The Committee shares Pew's view that harnessing technology to improve how we run elections is a critical goal – and modernizing the nation's voter registration system is central to that vision.

Of course, Pew's commitment to using technology to improve elections is not limited to the area of voter registration modernization.

I have testified before this subcommittee previously about the difficulties facing military and overseas voters. I know that members and staff on both sides of the aisle have worked hard to identify ways that we can remove barriers for military and overseas voters, and much of your work is embodied in the pending National Defense Authorization Act (NDAA).

For military and overseas voters, absentee voting can seem like an insurmountable barrier. Pew's January 2009 report *No Time to Vote* found that fully half the states do not allow overseas military voters enough time to receive and return a ballot. The military and overseas voting provisions in the NDAA seek to harness technological advancements to expedite delivery of ballots to these voters, including using email to get a blank ballot into voters' hands. But improvements in ballot processing are of no help if the voter is unable to register to vote in the first place or if outdated records direct their ballot or other materials to the wrong address. The Department of Defense has the technology to locate a servicemember at any given time, and we should find ways to utilize this information to ensure that election officials have the correct and up-to-date mailing addresses for military voters. This ability to

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keep up with highly mobile voters is vital; military and overseas voters are almost twice as likely as domestic voters to experience registration problems. Almost as important, the lessons we learn can help us confront and overcome the challenges facing all voters. If we can utilize technology to solve some of the major problems military and overseas voters encounter, we will be well-positioned to solve many of the same problems all voters face.

Another key aspect of the voting process is answering voters' questions about whether they are registered, where they vote and what's on the ballot. This is no small matter; in 2008, approximately 120 million people went online to answer their questions about the general election. Too often, however, that information is either outdated, hard to find or provided by a third party. That's why Pew and Google – in cooperation with state and local election officials – launched the Voting Information Project (VIP), a partnership to use official voting information to answer voters' questions. VIP enables election offices to produce a public feed of data on polling places, voting requirements and ballot content that can then be harnessed by election officials, campaigns, the media – or anyone else who wishes to help voters navigate the voting process on Election Day.

In the 2008 election cycle, ten states and Los Angeles County -- the nation's largest -- provided VIP feeds that were integrated with Google Maps and a number of other applications to help voters find their polling places. Approximately 10 percent of people who voted on Election Day in 2008 used Google's VIP-powered tool to find their polling place. In November 2009, thanks to the efforts of the Virginia State Board of Elections, Old Dominion voters will not only be able to find their polling place online but will also instantly have access to a full list of candidates on their ballot in the 2009 statewide general election.

Creating the standard feed is only the first step. Harnessing the creativity we've seen exhibited in the private sector will lead to innovations that provide voters a level and quality of service that seems out of reach today.

Because VIP follows an open format, it can harness the programming talents of today's cutting-edge technologists to meet the needs of voters everywhere. For example:

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- North Carolina's State Board of Elections is currently testing a system that will allow voters to use the email and text capabilities of their mobile phones to get information about their voter registration, to track the status of their absentee ballot or to verify whether or not their provisional ballot was counted;
- In 2008, Google and CREDO, a mobile technology company, each made a version of the VIP poll locator available for mobile phones, with other developers planning to expand those offerings to include candidate information in 2009 and beyond;
- Using VIP to link election information to more familiar online tools can also open up a host of creative solutions for a wide variety of voters. For example, voters could identify public transportation options near polling places, disabled voters could get complete information on accessibility options at their precinct and voters could access sites that give them an idea of how long they can expect to wait to vote on Election Day; and
- Other developers are also finding new ways to put election information at voters' fingertips – or, using mobile technology, literally in voters' hands.

At Pew, we are planning to use VIP as a backbone for a better voting process for military and overseas voters. Specifically, we are working to develop technology to generate customized ballot listings for voters abroad that they can use to help them complete their absentee ballots – or to generate a replacement Federal Write-In Absentee Ballot should their official ballot not arrive.

These exciting advances in technology mean that improvements to our nation's elections are limited only by our imaginations – and Pew is committed to providing the tools and know-how to make those limits disappear.

In conclusion, I thank you once again for the opportunity to appear. On behalf of all of us at Pew, I applaud you for considering – and stand ready to assist you in accomplishing – the goal of harnessing the latest technology to bring our nation's election system into the 21st Century.


Issue Brief

JULY 2009

THE PEW CENTER ON THE STATES

Making the Election System Work for Military and Overseas Voters

The Pew Center on the States supports policies, practices and technology to improve the accuracy, convenience, efficiency and security of U.S. elections. Pew's Military and Overseas Citizen Voting Initiative aims to remove the obstacles facing military and overseas citizens to ensure they can exercise their right to vote—no matter where they may be around the world.



Millions of Americans—uniformed service members, their spouses and dependents and overseas civilians—are ensured the right to vote in federal elections under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Americans overwhelmingly want the system to work well for military and overseas voters. A bipartisan Tarrance Group/Lake Research Partners poll found 96 percent of Americans believe it is important that these voters have an opportunity to vote in U.S. elections. The poll also shows that 81 percent of Americans favor creating a uniform national set of rules for military and overseas voters. However, UOCAVA relies on states for implementation, resulting in a patchwork of state absentee ballot laws and procedures that present impediments to overseas voters.

Obstacles to Overseas Voting

Problems arise for military and civilian overseas voting at every step of the process, from maintaining accurate registration rolls for a highly mobile population, to casting ballots and ensuring the votes are counted to providing information to navigate the complex process of requirements and deadlines.

Earlier this year, Pew issued "No Time to Vote: Challenges Facing America's Overseas Military Voters." The report found that 25 states and the District of Columbia provide

In this Brief:

1. Obstacles to Overseas Voting
2. A Complex System to Navigate
2. The Result of a Broken System
3. Common Sense Reforms

insufficient time for overseas military voters to vote and have their votes count. Pew identified three major factors in various state absentee voting laws and procedures that impede military and overseas voters from voting: relying partially or entirely on mail delivery for the voting process; mailing absentee ballots later in the election calendar and closer to Election Day; and imposing earlier deadlines for returning completed ballots.

The current election system relies on antiquated methods and fails to leverage new technology that has significantly enhanced other aspects of our lives. When combined with inconsistent state laws and absentee ballot procedures, states too often fail to allow overseas voters sufficient time to vote, provide the voting information they need or locate them accurately. As a result, too many do not get a say in our democracy.

A Complex System to Navigate

Military and overseas voters find it difficult to access information needed to properly register and request ballots. The U.S. Department of Defense's Federal Voting Assistance Program (FVAP) produces the annual Voting Assistance Guide, a 460-page instruction manual that details the state-by-state procedures governing all these steps. Although Voting Assistance Officers are assigned to assist military personnel with the process, their assistance is limited by regulations and time constraints, leaving these voters to navigate obstacles with little guidance.

Moreover, military voters face a variety of state laws regulating how to request, complete and submit

an absentee ballot. A unit of 50 overseas soldiers and contractors could theoretically all have different registration deadlines, balloting options, voting eligibility rules, mailing timeframes, and/or submission deadlines based on their state of residency and when they last voted.

Most overseas voters are also unaware of the Federal Write-in Absentee Ballot (FWAB), a readily available alternative ballot that serves as a backup measure for voters who do not receive their local absentee ballot in time. Although it is universally accepted by states and available for download online, it is seldom used or promoted by states. In addition, states are required to accept the FWAB for federal races, but approximately half accept it for all state and local races as well.¹

The Result of a Broken System

Based on a survey of seven states by the Congressional Research Service, an average of 27.95 percent of military and overseas ballots in the 2008 election were returned as undeliverable, lost, or rejected.² One state in the survey, West Virginia, counted less than 40 percent of UOCAVA ballots.³ Many voters also give up on the process because they do not receive their information or ballot in time and are unaware of alternatives such as the FWAB.

Even those voters from states with enough time to vote are often only able to do so by faxing or e-mailing their completed ballots, raising concerns about privacy. As a result, many voters must compromise the secrecy of their vote or risk identity theft in order to return their ballot on time. Additionally, e-mail ballots could

¹ In a survey of state election officials, Pew found that 28 states accept the FWAB for all state and local elections, including those not occurring during a federal election. Additionally, 33 states accept the FWAB for all state and local elections occurring during a federal election. These numbers are not complete because two states did not respond to the survey.

² "Lost" ballots, as defined by the Congressional Research Service, are ballots mailed out but never returned.

³ Information for the Upcoming Senate Rules and Administration Committee Hearing on the Uninformed and Overseas Absentee Voting Act, Congressional Research Service, May 11, 2009.

increase the risks to the integrity of the election system by allowing insecure, unverifiable means of submitting completed ballots.

Commonsense Reforms

Although Pew's "No Time to Vote" reported that 25 states and the District of Columbia should improve their absentee ballot procedures to give UOCAVA voters enough time to vote, *all* states could significantly improve their voting process for military and overseas voters. The Pew Center on the States is engaged in a multi-year initiative to advance short and long-term solutions. We are working with the states and a wide array of partners to advance commonsense reforms to make the election system work better for Americans around the world who defend our country and represent its ideals. Those key reforms include the following:

Send Ballots Earlier and Faster

States should print and mail ballots earlier in the election cycle to allow enough time to compensate for any potential delays later in the process. Furthermore, if states would expedite the mailing of ballots through existing mail methods (military mail and postal service), many states would provide voters with sufficient time to vote. Additionally, transmitting blank ballots electronically does not risk voters' privacy while improving the process in all states, especially the 16 states and the District of Columbia that do not currently provide enough time to vote.⁴

Build More Time into the Voting Process

States should allow a minimum of 45 days for ballot transit time (from the date of sending the ballots out to

the deadline for receiving them back) and eliminate the notary requirement. Twenty-two states do not follow FVAP's guideline to allow a minimum period of 45 days for ballot transit time. Furthermore, locating acceptable overseas notaries (required by eight states for UOCAVA ballots) costs valuable time in remote locations and could easily be replaced with a self-administered oath, as per FVAP recommendations.⁵

Increase Awareness and Expand the Use of the FWAB

The FWAB currently serves as a safety net for UOCAVA voters who request an official absentee ballot, but either do not receive it or lack the time to return it. Voters can download the FWAB online but many are unaware of its availability. Although the FWAB is accepted by all states, some states elect to accept it only for federal offices or only from uniformed military service members. The states would better serve voters by increasing awareness of the FWAB, making it available to all UOCAVA voters and accepting it for federal, state and local offices.

Develop a Model Law for States

With Pew's support, the Uniform Law Commission (ULC) is drafting a model law for states to eliminate unnecessary procedural requirements and build in at least 45 days for delivery and return of overseas ballots. The goal is to produce a Uniform Military and Overseas Voter Act with consistent timelines, requirements and standards for UOCAVA registration, absentee ballot distribution and ballot voting—not to mention improved technology for ballot transmission.

4 A December 2008 report, released by the National Institute of Standards and Technology, examined threats to UOCAVA voting systems and found transmitting blank ballots via fax and electronic mail reliable. See Andrew Regenscheid and Nelson Hastings, *A Threat Analysis on UOCAVA Voting Systems*, National Institute of Standards and Technology, December 2008.

5 *Ibid*.

6 "Overseas Vote Foundation Predicts Unprecedented Overseas and Military Voter Participation," Overseas Vote Foundation, Oct. 27, 2008 (Munich). Available at: www.overseasvotefoundation.org/files/3/inprecedented_turnout_prediction%20v%202007%20Oct%202008.pdf

Harness Technology to Streamline the Process

In 2008, Pew joined with the Overseas Vote Foundation (OVF) to provide convenient, online tools, including the Federal Post Card Application (FPCA) and FWAB for military and overseas voters, and also to expand the use of FWAB as a back-up measure. In 2008, 4.75 million visitors (1.25 million in October alone) used the online services, available at www.overseasvotefoundation.org as well as the Web sites of both presidential campaigns, state election officials, corporations and civic groups.⁶ With a model law and added technical capacity, a version of FWAB could be expanded for use in state and local elections, as well.

Develop 21st Century Technology to Inform Voters

Pew's Voting Information Project (VIP), developed in partnership with state and local election officials and Google, Inc., creates standardized feeds of crucial voting data that include polling locations, registration status, and candidate and issue information on the ballot. These freely available sources of official information make the data available to citizens, civic groups, search engines and other organizations that voters use as resources. Such feeds can and should become a foundation for FWAB/State Write-in Absentee Ballot (SWAB) ballot creation tools and other applications to assist military and overseas voters.

Modernize the Voter Registration System

Pew is leading research and design efforts to modernize the voter registration system to allow for automatic updates of voter files with the most current address information. These efforts would simplify the registration and voting process for highly mobile military and overseas voters and require that government maintain complete and accurate voter registration lists so that all eligible voters—and only eligible voters—can exercise the right to vote.

Contact Us

We welcome your advice and participation. For more information on Pew's Election Initiatives, please visit our Web site at www.pewcenteronthestates.org or contact:

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The Pew Center on the States (PCS) is a division of The Pew Charitable Trusts that identifies and advances effective policy approaches to critical issues facing states. By researching emerging topics, PCS highlights innovative policy approaches to complex problems for states. When the facts are clear, PCS advocates for nonpartisan, pragmatic solutions.

Election Initiatives seeks to foster an election system that achieves the highest standards of accuracy, convenience, efficiency and security.

www.pewcenteronthestates.org

Mr. GONZALEZ. Thank you very much.

At this time, we're going to proceed with questions of the witnesses, and the Chair will recognize Mr. Davis.

Mr. DAVIS of Alabama. Mr. Chairman, thank you.

I am glad to see my old trial advocacy partner is a high-ranking DOJ guy; and he is here, Spencer Overton. I am glad to see you here today.

I have a bill I have introduced and I want to talk about for one second with the panel. It is H.R. 3473, the Military Internet Voting Pilot Bill. It just focuses, as the title implies, on service men and women, but I think that is an important part of this debate, Mr. Chapin, as you just pointed out; and I will give you a specific example of how this plays out in my State of Alabama.

We still have runoffs. Most States don't, but we still have party runoffs. That means if no one get 50, the top two go into a runoff.

It used to be that the runoff time period was 3 weeks in the State of Alabama. That was thought to be a reasonable period. It is not so far after the first primary, but it is far enough away to allow campaigns to recalibrate. Because of our difficulty in complying with current Federal mandates regarding getting ballots to soldiers, we have had to accommodate by now having a 6-week runoff period.

Let me tell you empirically what has happened in the last three election cycles, State and municipal, in Alabama. The turnout drops substantially.

We just had runoffs in city council races in Birmingham. Six weeks after the primary, the turnout was approximately 9 to 10 and a half percent.

We had legislative runoffs in 2006. The turnout was so low that in legislative districts of 30,000-some people, the winner was getting 860, 870 votes.

We have runoffs next year in the State-wide races. Mind you, most voters are still not aware of the 6 week runoff timetable. They are still thinking it is 3 weeks. We are anticipating there could be a drop-off of as much as 50 or 60 percent.

Now those of us who believe we do better as a democracy when more people vote are concerned about those patterns. And, candidly, the only way that Alabama and States like us that have runoffs could meet Federal standards regarding service men and women, without having an interminable runoff campaign that was a lot later and ran the risk in a drop-off in turnout, would be if we had Internet voting.

I hear the concern raised from some quarters, well, there could be a breach of the system, or there could be some manipulation of the ballot through a computer hacker. I am tempted to say, when it comes to the military, if someone figures out how to hack a military computer or if someone figures out how to invade the computer integrity of the military, we probably have a bigger problem than someone voting, frankly. So that doesn't strike me as—it is not a trivial concern, nor does it strike me as a dispositive concern.

I do have some reservations about moving full scale to online registration. I do think there are more possibilities of fraud there, for all kinds of obvious reasons, but I don't see an argument against

moving toward allowing our service men and women a full-fledged opportunity to vote by computer.

And one other aspect here, even now with the way that the system works at the Presidential level, as a practical matter, service men and women have to get their votes in a long time before the election, sometimes 3 or 4 or 5 weeks, as I understand it. That amounts to mandatory early voting. It is one thing if a voter chooses to vote early in States that allow it. It is another thing if a voter is almost forced into it.

Why is that a problem? Every now and then, things happen in the final weeks of an election that are actually meaningful and relevant. I think our service men and women ought to have the opportunity to see the election in its totality if they choose, to see the play run to its conclusion, see the credits rolling across the screen; and Internet voting gives them a chance to do that.

So, as we politicians do, that is a long-winded statement and not a question, but I guess the question that we always end with is: Don't you agree?

Would anyone like to react to anything that I have said?

Mr. ROKITA. I will quickly say that the Indiana General Assembly and the Indiana Secretary of State—that being me—feels like you do when it comes to our service men and women.

We have implemented a program where, through a Department of Defense server, we do offer Internet voting to those voters. We do have confidence that the DOD servers are a good way to do this; and that was the only way we were able to get the legislation passed, actually. It would be a program, a joint venture with the DOD.

Ms. BLINN. Washington State strongly advocates Internet voting for the military and overseas voters. We brought a bill before our legislature this past year. It did not pass, but we are going to continue to advocate for this.

Washington State has six military bases and also a very large overseas community, either because of dependents or because of people working or going to school overseas. Remember that there are lots of people in areas of the world where there is no postal system at all, or it is so unreliable, it is so difficult that it doesn't matter whether you put the ballots in the mail 4 weeks before Election Day, 6 weeks before Election Day, or 8 weeks before Election Day. The ballots are still never going to get to that voter where that person is located.

We already implement e-mail ballots, and we want to strongly advocate the electronic return in some fashion of ballots. Because these people frequently have laptops and can access the Internet. We hear from our military over and over again: I can e-mail. I have access to Internet. I don't have a printer, I don't have a scanner, and I don't have a postal system.

Thank you.

Mr. CHAPIN. Just very quickly, the question of whether or not electronic return of ballots is appropriate is very much an open question. I think that one thing that many people have settled on is we need to find a way to get ballots to men and women overseas faster. I think we are on the verge of that with the National De-

fense Authorization Act and some of the ballot transmission things that are in there.

We would also like to find ways to use tools like the Voting Information Project to allow Alabamians or anyone else around the world to see what is on their ballot so they have as much time as they need to fill out a ballot and still return it in time to have it be valid and have it be counted.

Mr. DAVIS of Alabama. Thank you, Mr. Chairman.

Ms. MANLOVE. In Delaware, we did change State law to allow us to accept ballots that come back electronically. We were receiving ballots back, and we were not allowed to accept them by State law. But we did change the law that if overseas or military—military and overseas citizens, if they sent their ballots back by fax or e-mail, we were allowed to accept them. And we have been e-mailing ballots to the military for quite a while.

Mr. GONZALEZ. Thank you very much.

The Chair will recognize Mr. Harper.

Mr. HARPER. Thank you, Mr. Chairman.

I would also like to submit for the record a Demos study on the shortcomings of using public assistance databases for voter registration verification. This was mentioned in Mr. Rokita's written testimony. We would like to add that to the record.

Mr. GONZALEZ. Without objection.

[The information follows:]

Demos

THE USE OF PUBLIC ASSISTANCE DATABASES IN AUTOMATIC VOTER REGISTRATION:

Preliminary Findings

In response to calls for voter registration modernization, proposals have been advanced to use government lists to automatically register eligible citizens to vote.¹ A central goal of any automatic voter registration proposal should be a representative electorate in which all eligible citizens, including those from historically underrepresented communities, are effectively registered and able to cast a ballot on Election Day. State databases of individuals receiving public assistance benefits – including Food Stamps (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid – can be an important source for registering some of the most underrepresented populations.

To better understand the nature of public assistance agencies' computerized eligibility databases and how they can be used to facilitate automatic voter registration, Demos conducted telephone surveys with public assistance agencies in 41 out of 51 states (including the District of Columbia).² The respondents were primarily state-level program and policy directors who were both familiar with the benefits application process and the use of eligibility databases.

Key Findings

- » The majority of the information required to register to vote, including full name, date of birth, Social Security number, and citizenship status, are collected and stored in virtually all public assistance databases. Digitized signatures, to the extent they are required, may not be as readily available.
- » All public assistance records require entry of first and last name for every client in the database. However, names are frequently not entered in a standardized way. For example, some states will require a "formal legal name" while others will allow the use of nick names or alias (e.g. Bob rather than Robert). Special attention will need to be paid in attempting to identify duplicates and ensuring that registration records are consistent with the ID documents voters may be required to show at the polls.
- » Well over a third of states reported that they do not require all clients to provide a residential address, allowing a mailing address to be used instead. This is a potential problem as all states require a residential address for voter registration. All states with the exception of one, however, have a field for residential addresses in their database, even if not required.
- » While some states use drop down boxes or USPS software to standardize addresses in their databases, others do not, creating potential problems in entering apartment numbers and non-traditional addresses as well as concerns with database matching and ID documents at the polls.
- » Virtually all of the states surveyed collect information necessary for voter registration from every member receiving benefits in a household or family. However, there is a gray area when it comes to the address information for these non-heads of household as their address is "linked" to that of the head of the household. Care will need to be taken to ensure address information for non-heads of household will be transmitted to election officials.
- » In upgrading their databases, many states are moving away from mainframe databases and toward web-based systems, facilitating data sharing as well as increasing the ease with which changes can be made to the database to accommodate the needs of an automatic voter registration system.

David Myers, Youjin B. Kim and Scott Novakowski

Voter Registration Requirements and Database Elements

Information required for voter registration in all states include: full name, residential address, date of birth, ID number (drivers license or social security number), and signature. Among these, full name, date of birth, and ID number (usually Social Security number) are collected and entered in all public assistance databases.

Name

All public assistance records require entry of first and last name for every client in the database. However, standardization of these names is far from universal. Few state public assistance agencies have implemented policies that standardize the way in which names are collected and input into the database. For example, while some states try to ask the client for a "formal legal name," others will allow the client to provide a nickname or alias (e.g. "Bob" rather than "Robert," a middle named used as a first name). This practice could create problems when attempting to identify duplicates by matching names in these databases with those already on the voter registration rolls or with other state databases used to populate the voter rolls. Problems could also be created if the name added to the voter registration rolls is not consistent with the identifying documents voters may be required to present at the polls under their respective state law. Special attention will need to be paid in attempting to identify duplicates and to ensure registration records are consistent with the ID voters may be required to show at the polls.

Address

The accuracy of the addresses stored in public assistance databases is vital to ensuring accurate, up-to-date voter registration records. It is assumed that the addresses in these databases are current and fairly accurate so that the client properly receives benefits. However, seventeen states reported they do not always require clients to provide a residential address and thus there is not necessarily a residential address entered into the existing field.³ Instead they will require a mailing address. This potentially poses a problem as all states require a residential address for voter registration. All states surveyed, with the exception of one, however, at least have a field for residential addresses in their databases, even if it is not required.

Additionally, there is significant variation among the states in terms of address standardization policies and practices. Thirteen states reported having no statewide policies for how to standardize addresses in their databases (e.g. the use of abbreviations and how to enter apartment numbers).⁴ The lack of standard procedures and formats for entering addresses, particularly non-traditional addresses such as those often found in urban and rural areas, can create potential problems in ensuring accuracy as well as in the matching procedures and polling place ID requirements discussed above.

Those that do have policies or procedures for address standardization use a host of methods from abbreviations, to drop-down boxes, to USPS software which formats the addresses and cities according to what is used by the USPS. Even when policies or guidelines are in place for address standardization, a few states admitted that the policies are not consistently followed. Because an accurate address is essential to voter registration and because low-income Americans move frequently and may have non-traditional addresses, special attention should be paid to ensure address data is complete, accurate, and up-to-date.

Identification Number, Citizenship, Date of Birth and Signature

The other elements necessary for a complete voter registration record – date of birth, ID number and citizenship – are also collected and entered into the public assistance databases. In all states but one, the date of birth and social security number are collected and entered for each individual receiving benefits. Since driver's license numbers are almost never required and are rarely entered into the public assistance databases, the social security numbers would act as the primary identification number necessary for voter registration. By federal law all agencies are required to collect citizenship information and virtually all states have a required field in the database for citizenship or legal status.

The one necessary registration component that is not as readily available is the signature. Due to antiquated technology and deficient resources at many public assistance agencies, capturing the client's signature electronically is not always an option. Even most of the states with newer technology do not have the means to digitally capture the client's actual signature. Eleven states reported currently having the capability to scan or upload an image of the signature to be stored in the database, although this often is not a statewide capability.⁵

Households and Individuals

Virtually all of the states surveyed collect information necessary for voter registration from every member receiving benefits in a household or family. Thus when a household applies for assistance the full name, date of birth and social security number of each recipient in that household is captured and entered into the database. This allows for the potential registration of many additional voters. However, there is a gray area when it comes to the address information for non-heads of household as their address is "linked" to that of the head of the household. Care will need to be taken to ensure address information for non-heads of household will be transmitted to election officials.

Conclusion and Next Steps

Much of the information necessary for a voter to become registered is contained within public assistance databases. Provided that solutions can be found to some of the shortcomings discussed above, including non-standardized names and addresses, missing residential address fields, and lack of digitized signatures, the data maintained by public assistance agencies provide a solid foundation for implementing an automatic voter registration system.

Those agencies that have recently upgraded their database, or are in the process of updating their database, are moving in a direction that could facilitate a workable interface between their system and a voter registration database. Database upgrades are trending toward online eligibility applications and web-based systems. A little less than half of the states currently allow for the use of an online application and several are headed in this direction. As agencies move away from outdated mainframe systems, it will be much easier to add and modify fields, thus ensuring that all data necessary for voter registration is captured.

Endnotes

1. See, for example, FairVote, "Seven Ways to Create 100% Voter Registration," available at <http://www.fairvote.org/?page=857>; New America Foundation, Automatic Voter Registration: Using Driver's Licenses and Tax Databases for Automatic Registration, (November 2006), available at <http://www.newamerica.net/files/Automatic%20Voter%620Registration.pdf>; Laura Seago, Government Lists: How Ready Are They for Automatic Voter Registration? (Brennan Center for Justice, 2009), available at http://brennan.3cdn.net/59612edd22285449ff_Gum6b9r5k.pdf; and Wendy Weiser, Michael Waldman, and Renee Paradis, Voter Registration Modernization Policy Summary, (Brennan Center for Justice, June 2009), available at http://www.brennancenter.org/content/resource/voter_registration_modernization/.
2. AL, AK, AR, CT, DE, DC, FL, GA, HI, ID, IL, IA, KS, KY, LA, MD, MA, MN, MT, NE, NV, NH, NJ, NM, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
3. AL, DE, GA, ID, IL, IA, MD, NE, NV, NC, OR, PA, SC, TN, VT, VA, and WA reported that they may not always require clients to provide a residential address.
4. AL, AR, FL, IL, IA, LA, MT, NJ, NC, OK, PA, TN, and WY reported not having statewide policies for standardizing addresses.
5. FL, ID, IL, MN, NH, NC, OK, OR, SC, SD, and WI reported that at least some counties have the capability to scan or upload an image of a signature.

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Mr. HARPER. The first question I have is for Mr. Rokita. Are you aware of any other databases other than the driver's license database that would have all of the information you need to verify and complete a voter registration that could be initiated online?

Mr. ROKITA. No, not in Indiana or really anywhere else. The Demos report speaks to that point.

Mr. HARPER. I would ask the same question of each of you, if there is anything else that you rely on in your States or in your studies that would indicate that.

Ms. MANLOVE. No. In Delaware, we connect with the DMV database.

Ms. BLINN. That is the same in Washington.

Mr. CHAPIN. In our consultations with State and local election officials, we are trying to determine if there are any other State databases that they would feel comfortable using that would give them the same level of assurance that Secretary Rokita feels with motor vehicle files.

Mr. HARPER. Have you found anything yet that you think might be there?

Mr. CHAPIN. We have not yet.

Mr. HARPER. Thank you very much.

The question I have for each of you, if a voter registration did not include a signature, is there any way you could have a confidence in verifying that it indeed was the correct person?

Mr. ROKITA. I would say no. A signature is at least what we need.

Ms. MANLOVE. If we were able to obtain the signature by connecting to the DMV database, that would be significant for us.

Ms. BLINN. Washington votes primarily by mail; and the way we authenticate the ballot, that the person who voted the ballot is the registered voter, is through confirming that the signature on the envelope is the signature on the voter registration file. So we definitely need a signature.

Mr. HARPER. So you have to have that, and the way is through your license?

Ms. BLINN. Correct.

Mr. CHAPIN. We will follow the lead of State and local election officials as to what they think is best in designing what they think is a more modernized system.

Mr. HARPER. Ms. Blinn, one question I would have, and I am aware of, of course, going back to 2007, obviously, some of the issues with fraudulent voter registrations that involved ACORN and led to an agreement in lieu of prosecuting that organization in 2007, what is your State's relationship as we continue into this year, with ACORN?

Ms. BLINN. There were fraudulent registration forms submitted in Washington State by ACORN in two counties, the counties that Seattle and Tacoma are located in, King and Pierce counties, respectively. They were identified by the county elections offices because they were filled out and signed in the same handwriting. So these were paper forms. The forms were referred over to their prosecutors' offices, and there was an investigation. There were prosecutions, and I believe there were four or five felony convictions out of this investigation.

We did enter into a settlement agreement. There were guilty pleas, and as part of the guilty pleas there was the settlement agreement with ACORN. Secretary Reed signed off on that so it would have State-wide enforcement. This required ACORN to go through significant training and show the counties what kind of quality control measures they were going to put in place.

The prosecutions were primarily in 2007, and they did come back in 2008 and conduct voter registration in those same two counties in 2008, and we did not have subsequent issues with them in 2008.

I don't know if they plan to come back in future Federal election years.

Mr. HARPER. In light of the more recent news involving ACORN, is this agreement subject to review or anticipated review to see if there is any continued relationship with ACORN?

Ms. BLINN. We don't have a specific relationship with ACORN. I think if additional issues start to arise, we will certainly bring it to their attention.

Mr. HARPER. Thank you, Mr. Chairman.

Mr. GONZALEZ. Thank you, Mr. Harper.

The Chair will recognize himself for some questioning.

It seems that everybody's testimony when it comes to the use of the Internet is predicated, obviously, on having some method of verification. That's obvious to all of us. The problem that we run into, or one of the concerns we may have, and I don't know how we get around this, and that's what my question goes to, is that you do rely for verification that that person who registers through the Internet have a valid driver's license or identification card issued by the Department of Motor Vehicles. In Texas, we refer to it by a different name. Does that pose a disadvantage to a significant number of people in every election since we don't know the number of voters separating the winner from the loser?

I mean, it could be less than 500 votes in Florida or, though we're talking about President as far as carrying Florida, it could be less than 250 votes in Minnesota for a Senator. These things really do happen.

Let me just point out, according to a University of Washington study, 13 percent of all registered voters, 18 percent of African Americans, and 20 percent of young adults in Indiana do not have an Indiana driver's license or State-issued ID card. What problems does that create? How do you address that? Are you making modern technology not available to many that wouldn't be able to take advantage of it for the reason that they don't have the verification necessary?

And who wants to go first?

Mr. Rokita.

Mr. ROKITA. Thank you, Mr. Chairman.

First of all, with regard to the election data that you point out, I would respectfully say that registering to vote is not the same as voting.

Secondly, I would say we shouldn't not try to use the best technology that we can for all of our voters or a significant number of voters simply because not every voter might take advantage of that. The fact of the matter is, in Indiana, we have 5,500 polling

places. You can almost fall out of bed into a polling place to vote on Election Day.

We now vote early. It is voting absentee in person, but it is effectively voting early, 30 days before an election.

We are doing more and more things throughout this country's history and our State's history to make the polling place accessible. All of those things are still there, with or without online voter registration.

Ms. MANLOVE. In the Delaware system currently, you would have to print out your form, sign it, and mail it in and provide identification. If you don't have a driver's license or a State ID, you would have to have some other form of identification and mail it in. Outside of that, I wouldn't have a better way of handling that.

Ms. BLINN. In Washington State, our online system is simply another method for providing registration. We haven't taken away any other methods for registration, and we try to make the program as user friendly as possible to explain that, if you happen to not have a Washington driver's license or State ID card, it takes the user directly to the paper form. They can print that out and send that in, just as they always have, and provide other forms of ID.

Mr. GONZALEZ. Anybody else? Any ideas?

And you're right, Mr. Rokita. It's one thing to be registered. It is a different issue when it comes to voting.

And when it comes to having some sort of State-issued identification, photo ID, and the problems that it presents, and especially Indiana and the issues that have arisen, even in your Supreme Court, which recognize that you have thousands that would be disenfranchised by that condition and such. I'm just saying that we try to make everything that is available to individuals so we register as many people as possible and hopefully they'll go to the polls.

That leads me to the next question. Since we know this probably will impact a certain segment of a community that is identified on the losing side of the digital divide, does it become more important to have third-party organizations—that are subject, of course, to scrutiny and vigilance and everything else—to go out in the communities and to assist and to promote the registering of voters?

Ms. BLINN. I am happy to speak on that.

We are encouraging the advocacy groups who want to do voter registration drives to simply do it on a laptop. Because they can use any kind of plug-in that connects to the Internet through cell towers or however and conduct the same voter registration drives on the Internet.

Actually, it is our understanding that the people there registering feel more comfortable because then they are not handing a piece of paper with their signature on it to a stranger. Instead, it is going into the State database. So we are encouraging the advocacy groups to use the online system and just do it on laptops.

Mr. GONZALEZ. Anyone else?

Mr. CHAPIN. Mr. Chairman, I think a point that bears noting is that, through advances in voter registration, we can actually realize some cost efficiencies for election offices which they can then use to assist in outreach to voters.

The brief I entered earlier suggests that, at least in one county in Arizona, online registrations cost something along the lines of 3 cents per voter, as opposed to 83 cents per voter for a paper copy. Those savings that an election office can realize could be used to reach out to new voters. But it would leave it to them to figure out how best to allocate the resources, but at least it would remove the inefficiency of the current paper-based system.

Ms. MANLOVE. I agree with both of them. We are just offering another option by using Internet. It doesn't take away anything that we did before that.

Mr. ROKITA. I would simply say that, conceptually, I think it is a good thing that third parties help out with voter registration. I don't think it should be just a government exercise. Elections are for and by the people, and that is the way it should remain.

Mr. GONZALEZ. All right, well, that's all I have.

Mr. Harper, do you have any follow-up?

Mr. HARPER. No.

Mr. GONZALEZ. I did neglect to ask unanimous consent for the Common Cause letter on the testimony of Bob Edgar, that it be admitted and be made part of the record.

And, without objection, it is going to be admitted.

[The information follows:]



Testimony of Bob Edgar
President and CEO, Common Cause

Presented to Subcommittee on Elections of the Committee on House Administration on
 Modernizing the Election Registration Process
 October 21, 2009

Common Cause strongly supports the Voter Registration Modernization Act of 2009 (H.R. 1719), a bill which will help encourage voter participation and provide a more streamlined, accurate and cost-efficient voter registration process by utilizing existing technologies to register voters online.

Currently, the voter registration process in most states involves the voter filling out a hard paper copy of the voter registration form. While most states provide downloadable paper forms that a voter can fill out and return, a hard copy must still be printed out so that it can be signed and mailed. This then requires a data entry process on the part of the state or county, which creates opportunities for manual error and adds unnecessary costs, delay and uncertainty.

H.R. 1719 will allow eligible citizens to register to vote in federal elections entirely online as well as to update or correct their existing registrations online. More people of all ages are using the Internet to carry out daily transactions ranging from online banking to making airplane reservations to filing taxes. The ease of this type of transaction should expand to voter registration over the Internet. Several states have already begun this process, with encouraging results.

State Programs

After passing its program in 2002, Arizona has seen a dramatic increase in the number of people registering to vote, as well as significant cost savings. Arizona saw a 9.5% increase in registrations from 2002 to 2004 after implementing online voter registration.¹ In 2007, 72% of people registering to vote in Arizona used the online voter registration process.² Additionally, Arizona saw major cost savings with the online voter registration program. In 2006, cost savings from online registration in Maricopa County (Arizona's most populous county) were equivalent to the salaries of eight full time employees because online registration reduced data entry needs.³

¹ Office of the Washington State Secretary of State Sam Reed, *Online Voter Registration – Frequently Asked Questions*, http://www.secstate.wa.gov/elections/online_reg_faq.aspx.

² Joseph Rendeiro, *Arizona and Washington Leave Other States in Dust on Online Voter Registration*, *OHMYGOV!*, July 22, 2008, http://ohmygov.com/blogs/general_news/archive/2008/07/22/arizona-and-washington-leave-other-states-in-dust-on-online-voter-registration.aspx.

³ California Senate Bill Analysis, SB 381, *available at* http://info.sen.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_381_cfa_20080823_110553_sen_floor.html

A paper registration in Maricopa County costs a minimum of 83 cents to process, compared to only 3 cents for online registration.⁴

Washington state has also already seen a large number of potential voters registering online, with 1,634 doing so in just the first three days of the program in 2008.⁵ In the first six months of the program, Washington state found between thirty to forty percent of all registrations were processed via the Internet.⁶ Online voter registration led to a new record of registered voters in that state.⁷

Other states are quickly following suit to supplement traditional voter registration methods with online registration. California enacted an online registration bill in 2008 and Colorado, Indiana, Oregon and Utah have done so in 2009. Kansas Secretary of State Ron Thornburgh announced this summer that his office would begin implementing an online registration program as well.⁸

Congress Should Act

Congress should act to provide a national process so that voters can easily register online regardless of their state of residence. H.R. 1719 will improve the voter registration process for both voters and election officials. It will also allow for easier matching of duplicate records and other issues that arise when a voter moves from one county to another, and will remove the need for large amounts of manual data entry.

When Common Cause has worked at the state level to advance this reform, we have found it widely embraced by both Democrats and Republicans. Wide majorities of state legislatures are voting to streamline and modernize this basic expression of democratic participation.

⁴ PEW CENTER ON THE STATES, Issue Brief, BRINGING ELECTIONS INTO THE 21ST CENTURY: VOTER REGISTRATION MODERNIZATION, August 2009, at 3, available at http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Election_reform/Voter_Registration_Modernization_Brief_web.pdf?n=5270.

⁵ Gregory Roberts, *Washington Starts Up Online Voter Registration*, SEATTLE POST-INTELLIGENCER, Jan. 14, 2008, available at http://www.seattlepi.com/local/347217_voterregistration14.html.

⁶ California Senate Bill Analysis, *supra* footnote 3.

⁷ Noelene Clark, *Statewide, New-Voter Registration Hits Record*, SEATTLE TIMES, Oct. 8, 2008, available at http://seattletimes.nwsource.com/html/localnews/2008238624_voterreg08m.html.

⁸ Scott Rothschild, *Kansas' Online Voter Registration Application Unveiled*, LAWRENCE JOURNAL-WORLD, July 28, 2009, available at <http://www2.ljworld.com/news/2009/jul/28/kansas-prepares-announce-online-voter-registration>.

Mr. GONZALEZ. First of all, I want to express our thanks to the witnesses. It's so important to hear from you. Obviously, we're up here and we are attempting to do the best we can, and then you have to deal with the consequences of those decisions. So it's really important that you acquaint us with what it's like on the ground. I would like to thank my colleagues who participated today.

The hearing record will remain open for 5 legislative days to allow for the submission of any additional materials or questions that Members may have. If you receive any further questions, we ask that you respond in writing as promptly as possible. Notice I said "in writing." I am not sure we're going to accept that through the Internet. The questions and answers will all be made part of the record.

Thank you again.

And we stand adjourned.

[Whereupon, at 2:50 p.m., the subcommittee was adjourned.]

