



## Presidential Commission on Election Administration

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### Public Meeting

The Bank United Center  
1245 Dauer Dr.  
Coral Gables, FL 33146

Friday, June 28, 2013

[ Silence ]

>> Chairman Robert Bauer: We want to thank all of you for coming here to this first public hearing of the Presidential Commission on Electoral Administration. I am Bob Bauer, co-chair of the commission. You will obviously, over the course of the day, have an opportunity to meet and hear from all of our Commissioners and my Co-chair Ben Ginsberg and the other members of the Commission. We'll, in short order, hear from a very important set of panels and witnesses. Then on to the afternoon where we'll hear from other organizations and members of the public on the issues that were outlined in the President's Executive Order that it is our charge to look into. So once again we thank you very much for coming. This is an important topic and the full participation of the public, experts and vitally those who administer our elections are critically important to the success of what we're trying to accomplish. Ben did you want to talk further also about the process?

>> Chairman Benjamin Ginsberg: Yes, thanks Bob. You will be kicking off the first of our four public hearings around the country in which we will hear from election officials, members of the public and academicians. We have the charge from the President, in terms of topics, from his Executive Order. We very much appreciate your expertise, the comments of the public later and help from the academicians in reaching some best practices that can help improve American elections, and the experience of voting. Before we begin we'd also like to thank the University of Miami for making this facility available to us, and for all their logistical help with this. So with that we'd like to kick things off. Mr. Secretary.

>> Secretary of State Ken Detzner: Can you hear me all right now? Thank you. Let me start over. Thank you, Mr. Chairman and members of the Presidential Commission on Elections Administration for inviting me here today. And on behalf of the Florida government and citizens of Florida, a very warm and sunny welcome to Miami-Dade County. Continuing to improve our election system is a critical task for our nation's democracy, and it's a task we embrace year round here in Florida. I would like to spend my allotted time talking about the 2012 general election and how we continually work to make voting experiences in Florida here better year-round. From a statewide perspective I believe Floridians had a positive election experience in 2012. More than 8.5 million Floridians cast ballot in our general election, which was a Florida record. Of these voters, more than 2.4 million voters cast their ballot at an early voting site, and nearly 2.4 million voters cast their ballot by mail. This turnout is a clear demonstration that Florida is doing the right thing by being 1 of only 26 states in the country that offer both early voting and no excuse absentee voting. But as always, after an election we found that there are areas that need to be improved upon. So last December I traveled across the state at the direction of Governor Scott and met with election experts to learn how we can do a better job and make sure that voters know that improving the election system is an ongoing effort that takes continual innovation. My conversations were candid, direct, and focused. And they were held with people from varying political parties, interests, backgrounds, and from different parts of the state. I asked the tough questions about why some voters' needs weren't met to the fullest extent possible. And in some cases I found that the most fundamental functions of elections administration failed. The most prominent areas I heard needing improvement involved taking further steps to increase the accessibility of our elections. Even if it's only a few precincts, there's no reason why Floridians should have to wait in line for hours to vote. Several factors appeared to have contributed to Florida's long lines at the polling places. These factors included a very long ballot, fewer polling locations, a record number of voters, and in some cases poor planning by supervisors of elections. Knowing this, our department presented Governor Scott and the Florida Legislature with a set of recommendations to resolve these issues. After a collective effort that continued through the recent legislative session, Governor Scott signed bipartisan legislation that allows more Floridians to vote and to do so in a timelier manner. For example, this legislation increased early voting days from 8 days up to 14 days, and from a maximum of 96 hours to a maximum of 168 hours, a record number of early voting hours for Florida, that includes Sunday voting before the election. This legislation also expanded the allowable number of early voting sites. Among many other improvements, the legislation also addressed the issue of the long ballot. By limiting the number of the words the Legislature can use to the proposed constitutional amendments, to

the same as citizens' petitions. And these are just a few examples of improvements that we've made. In addition to these steps at the statewide level, I intend to hold local public officials accountable to do what they need to do for their constituents. The local administration of an election is a key component to the success of any election. All Florida supervisors have a responsibility to ensure fair elections. One county that doesn't properly serve its voters does a disservice for the entire state, and has the potential to cloud the positive steps taken by the rest of the state to conduct fair and accessible elections. The bottom line is voter confidence needs to be restored and maintained. Voters are relying on us to ensure their elections are accessible, efficient, and fair. In a decentralized election system, like we have here in Florida, supervisors of elections and county commissioners must take it upon themselves to oversee elections through responsible leadership and efficient administration. Similarly, the Florida Legislature must ensure that Florida has the best election laws possible in which supervisors of elections may operate. And of course the Department of State Division of Elections has a responsibility to the voters as well. Technology changes, needs change, voter behavior changes, and experience always demands more innovation. But I am confident that we can do a better job for our citizens, because every election can be improved upon. Florida is soon to be the third largest state in our nation. We do not intend to settle for good elections. We have a responsibility to conduct great elections here in Florida. Elections are a symbol of our nation's freedom. And we need to show the world how great it is to live in our country with a government of the people, by the people, and for the people. Thank you for your time and your commitment to improving our nation's election system. And I'm pleased to take questions at whatever the appropriate time, Mr. Chairman.

>> Did you have some questions?

>> Chairman Benjamin Ginsberg: We do have questions, and Commissioner Britton, please.

>> [Inaudible].

>> Commissioner Britton: Oh, thank you, Mr. Secretary, very good to hear from you this morning. Of course actually [phonetic] being a citizen of Florida I was excited about today. You had mentioned a few specific things that you've done here in Florida. Are there things outside of those that you would say are most important that still yet need to be done? Could you be specific maybe about what some of those things are?

>> Secretary of State Ken Detzner: Well, I would say that one thing that this commission might focus some attention on is, you know, technology is almost outstripping our capacity to bring the technology to the voting public. And I would suggest that the commission take a serious look, maybe a small committee, at the certification process of voting equipment. We here in Florida have very high standards. We think that it's important to hold vendors to the very high standard. And when vendors are not performing to that standard the Legislature this year gave the Secretary of State additional enforcement authority over vendors that are not providing the utmost updated equipment. But I think this commission could do well to provide additional timely certification of technology going forward.

>> Commissioner Britton: All right, thank you.

>> Secretary of State Ken Detzner: Yes, sir.

>> Chairman Benjamin Ginsberg: Commissioner Grayson.

>> Commissioner Grayson: I was -- good evening -- or good morning. It was good to hear you say that the reform package was passed in a bipartisan way. I'm just curious during the legislative process were there recommendations that dropped out through the process, and if there were, you know, was it political reasons, were they being more substantive, or there was just a genuine disagreement on what worked? I'm just curious how that process worked.

>> Secretary of State Ken Detzner: Well, there were -- first of all it was a bipartisan effort. There were some minority opinions that we should mandate certain things to supervisors. And one of the things I learned by meeting with the supervisors in December and their valuable input because they are the front lines in election, was that they needed flexibility. So there was a great debate with regards to should the legislature and state government mandate certain requirements and rules and regulations to supervisors, or should we give them the tools to have flexibility? Florida is a very large state with multiple different micro-elections, populations and cultures, and we think that supervisors are best equipped to make judgments about how people need to be served, both with locations, time of service. So the debate between mandating and flexibility was the majority of the debate during the legislature this year.

>> Chairman Benjamin Ginsberg: Commissioner Patrick.

>> Commissioner Tammy Patrick: Good morning. Good morning; there we go. I guess I had a question. In the testimony there is a lot of discussion about the rules and responsibilities of the local administrators. And we've talked to other secretaries of state and state election directors, and as we know every state's a little bit different in how decentralized or centralized they are. But in a decentralized construct like you have here in Florida, what role do you see as a secretary of state that you have in ensuring that all of these things do get done, or that the overall environment is improved? What supporting role do you play to the local supervisors?

>> Secretary of State Ken Detzner: Yes, ma'am. That's a great question. The primary role of the secretary of state is to provide uniformity in interpretation of the statutes of Florida. We had a very active and lively debate this year as to whether or not as the chief elections officer, the chief election officer should require a little more accountability of the independently elected supervisors. That was a very healthy debate. I think it was good. In the end the legislature determined that the supervisors are the lead for conducting elections. But uniformity of enforcement of our election code and understanding of our election code is the primary function that I have. But as I said in my statement, I intend to use my position to hold public officials accountable for their service. And shortly after the election I wrote every county commissioner in the state of Florida to address the issue of failure to fund supervisors of elections offices adequately. In some counties because of budget cutbacks, because of the downturn in the economy, we had one county in Florida that I called an underperforming county that went from 170 precincts because of budget cutbacks had to cutback to 120 precincts. So when you look at the fundamental part of turnout and long lines, the administration of an election goes back to the very fundamental things of how many precincts do you have, and do you have enough voting equipment?

>> Commissioner Tammy Patrick: So you see it more as kind of an enforcement role then.

>> Secretary of State Ken Detzner: Well, actually no in oversight and uniformity, but the secretary does not have real enforcement authority over the supervisors. It's the voting public that provides the accountability, each independently elected constitutional supervisor.

>> Commissioner Tammy Patrick: Thank you.

>> Chairman Benjamin Ginsberg: Commissioner McGeehan.

>> Commissioner McGeehan: Good morning.

>> Secretary of State Ken Detzner: Good morning.

>> Commissioner McGeehan: I was interested about the reform legislation that passed and the balance obviously between local control and state oversight. Did the reform legislation set up any minimum requirements concerning a minimum number of early

voting locations that were required maybe based on county population? Did it get that specific?

>> Secretary of State Ken Detzner: No; there was a debate, and there were proposals, conceptual proposals about tying sites to population bases, but in the end it was the argument that supervisors know best as to what the demands are. And I think what you'll see is in solving this problem that the number of locations that were increased dramatically will offer supervisors additional options to provide more access to voters. And ultimately I think we will solve that problem, and I think we're well on the way.

>> Commissioner McGeehan: Thank you.

>> Secretary of State Ken Detzner: Yes, ma'am.

>> Chairman Benjamin Ginsberg: Commissioner Thomas.

>> Commissioner Christopher Thomas: Morning, Secretary.

>> Secretary of State Ken Detzner: Good morning, sir.

>> Commissioner Christopher Thomas: I was on a conference call with you this past week with the National Association of Secretaries of State on emergency preparedness. And you had a number of officials from the state that deal with emergency preparedness. I wonder if you could tell us a little bit about how you're set up, what your experiences have been. Obviously, Florida's been through a number of natural disasters, and has recovered quite well.

>> Secretary of State Ken Detzner: Well, thank you. You know, Florida is very proud of its emergency response program, whether it's during an election period or not. Governor Bush and Governor Scott should deserve a lot of credit for what they have built as an emergency recovery institution here in Florida. We get visitors from all over the world all the time. But one of the things I stressed in our conference call this week was that a commitment to emergency response during an election period is not a single agency response. It's not just the Department of State, or supervisors of elections. It requires the coordination of the entire state, whether it's Florida or any other state, and local governments, that the capacity to bring resources to bear. If it's in a small geographic area, or a large geographic area require commitment of all levels of government. And in planning I suggest that all supervisors and all state departments meet with their emergency management programmers at the state level and local level and begin to develop, if they have not, a plan of action so that they know where resources are. Here in Florida the Department of State really acts as a bridge between the local supervisors and state emergency management and the local emergency management programs to bring assets where supervisors think they need assets in a time of an emergency. But I might stress one thing, it is not a single agency or single entity in government. It is an experience that ranges across state government lines from local to state, including volunteer organizations, religious groups, and also the National Guard.

>> Chairman Benjamin Ginsberg: Commissioner Lomax [assumed spelling].

>> Commissioner Larry Lomax: Larry Lomax; I'm from Las Vegas, and responsible for putting on the elections here. I just have a question on your early voting, going back to that, why the legislators felt it necessary to lay out maximums as far as providing voters an opportunity to vote.

>> Secretary of State Ken Detzner: You know, that's a good question, and that was debated, that should we have minimums and maximums. And, you know, at some point in time -- I like to parallel voting and the service of voting to our electorate, as being in the retail business. And, you know, you've got to decide how many hours you're going to be open and what you can afford to do. And the reality is that we need to meet the demand of the voting public. And so as part of our input in looking at the numbers of how many people demand it, it used to be when we had a minimum

number of days that oftentimes in the early voting of an early voting cycle that people wouldn't show up. They would wait until the very end of the cycle. So we tried with input from the supervisors and voters and constituency groups to come up with the best formula that we could that met the demand yet still allowing for flexibility for the supervisors to organize by locations and have set periods of time. But the time gives some flexibility. There's not a minimum, there's not a maximum, give some flexibility.

>> Commissioner Larry Lomax: Can you give me an idea of what the limit is, because there's a -- it says you expanded the allowable locations.

>> Secretary of State Ken Detzner: Right; used to be the locations were limited to supervisors offices, libraries, and now we expanded it to include civic centers, sports stadiums, government facilities. I mean, it quadrupled the number of potential sites that are available, including --

>> Commissioner Larry Lomax: It's usually [phonetic] the number or the type?

>> Secretary of State Ken Detzner: The type.

>> Commissioner Larry Lomax: Okay.

>> Secretary of State Ken Detzner: Yes, sir.

>> Commissioner Larry Lomax: All right, thank you.

>> Chairman Benjamin Ginsberg: Commissioner Echevarria.

>> Commissioner Joe Echevarria: Thank you, Mr. Chairman. Secretary, thank you for being here. And as one of the 8-1/2 million people who voted in the state of Florida I'm particularly interested in your observations. So two parts to my question; first you mentioned that it was a record turnout, and that there was in general a good experience for most of the voting public. So if you had to do directional math, the first part of my question is how many of those 8-1/2 million do you believe, the state believes it was a good positive experience; that's number one. And two, what would be the one thing in the chair you sit that you would put at the very top of your list to enhance that experience for those that it wasn't; the one thing? I realize there's lots of things. Would it be macro planning, would it be making choices against a budget issue? Would it just merely be the accountability? So I appreciate your observations.

>> Secretary of State Ken Detzner: Well, I'd like to say that because the fact we had a record turnout I think that's evidence that people had a good turnout. People were excited about this election, and I think that their enthusiasm turnout in vote was representative of a record amount of votes. You know, on the second point, I just think that what's really important to understand is that in administering these elections you need to have -- you need to be able to forecast changing attitudes, changing behaviors, and while a presidential election is very different than a statewide election which we'll have here in 2014, the fundamentals of planning are still the same. You cannot assume if you've been in office or you're a county commissioner and you're having a downturn in the economy, that you can cut back on the services relating to voter turnout and the needs that supervisors have. And so when you have a cutback in the budget of a supervisor, they have to make decisions. And they have to make decisions about voting locations. And I think it's important to keep the public attention and my attention on local public officials, make sure that as they plan and they go forward that they're planning with the right formulas. We have great models here in Florida of successful election programs. And you have representatives here of some fantastic supervising efforts. I think some sharing of information between supervisors on best practices would be very important. But I think resources from county commissioners to support these supervisors is very important. I think we've done the job at the state level to give the tools and the flexibility to the supervisors going forward in preparation for next year's election, and the next presidential election. But even at that, the next presidential election

is 4 years from now. We need to be innovative and attentive to the changes that will occur in technology and voting behavior. If we do that, we will be a very, very good example to the entire country and to the world about how to conduct elections.

>> Chairman Benjamin Ginsberg: Thank you. Commissioner Mayes.

>> Commissioner Michele Coleman Mayes: Thank you, Mr. Secretary. I know that most of us are acutely aware that the population is aging rapidly, and that kids born today may live to 100. So if you were to think about the unique issues that the aging population raises, as well as those with disabilities, have you spent time thinking about how to address that, and do you have ideas about the best way to do that?

>> Secretary of State Ken Detzner: I'm wondering if at my age, you know, that might have been a directed question, but -- [laughs]

>> Commissioner Michele Coleman Mayes: [Inaudible].

>> Secretary of State Ken Detzner: -- no, thank you for that. I do appreciate that question. My mother, who passed away last fall was 96 years old. And she herself wanted to talk about elections last year and how important that was throughout her life. You know, I think one of the things we can do better, both here in Florida and around the country is manage outreach programs to seniors, whether they're in institutions or not. And I think we can use our faith-based community to do that. I think we can use organizations within the communities. I think it just takes some resources on how the money can be used to do that. But I think we could probably go back to looking at who does the best at outreach programs and implement some of those programs at the local level. But I think it's something that often is forgotten as we get excited about the process and we look at turnout, and we're excited about the, you know, electronic media campaigns. I think some of those fundamentals to bring the voting opportunity to people that may not have the access, whether it's elderly or handicapped, is important to continue and to look at best practices and see if we can do a better job.

[ Silence ]

>> Chairman Benjamin Ginsberg: Nate Persily, our senior research director.

>> Nathaniel Persily: Thank you. One of the difficulties in studying the problem of long lines is we actually don't know where in the state people were waiting for a long time, unless the media reports it or if someone complains. I was wondering if there's any effort on the part of the state to actually measure in a systematic way where there were long lines or where there will be long lines in the future, how long voters in different parts of the state are waiting so then we could actually -- or then the state could actually address whether it's a localized problem or whether it's sort of more statewide.

>> Secretary of State Ken Detzner: [Inaudible]. Well, I think it's fair to say that the greatest problem was in urban areas. And I think if you go to each area as I did in December and have conversation with supervisors, I think they were very candid. I think they knew what their problems were. I was here shortly after the election in Dade County. I met with Penny, the supervisor who was very candid about -- and the mayor, who was very candid about what they thought one of the problems were that contributed to that was not re-precincting, which was needed to be done prior to the election, meaning as populations change and move you need to redraw and have your precincts drawn to meet the population growth. The second thing was electronic poll books. They're still using the old paper poll books here, and the mayor said to me candidly, he said, "That was a mistake that we made. We need to appropriate money for electronic poll books here in Dade County so people don't have to wait in line while the volunteers are flipping through the paper books; that they can use electronic means to identify that they're a voter, and they can move through the line more quickly. So it's some real basic fundamental things of projecting and planning as to where your populations are, where they're going to turn out, and adjusting the model appropriately. So it was very basic and fundamental, and I was very pleased that Dade

and many of the other counties stepped up and said, "Hey, we recognize what our problem was, but you need to help us at the state level with increasing the number of locations and increasing the number of hours for voting, and giving us the flexibility." So as partners with the supervisors, I think we have come a long way, and I want to compliment them for being candid and forthcoming about problem solving. And that's the way we get it done here in Florida.

>> Nathaniel Persily: I guess my question is really looking forward what -- how will we know where -- how will the state know where the long lines are occurring, except from the supervisors, as opposed -- when the cameras are not on Northern or Central Florida, and they're often down here, how we know whether there were long lines there, or is it really just from the feedback that you're getting from the -- I mean, would you be doing say surveys to figure out whether voters in other parts of the state are waiting in long lines, things like that.

>> Secretary of State Ken Detzner: Well, we have an ongoing conversation. In fact, we just had the Association of Supervisors meeting recently here in Florida. And supervisors know very well where their long lines were. And I anticipate they'll be making adjustments in the future elections, whether it's a local election, statewide election, or national election. So, again, they are the front lines in the administration of an election, and it's their responsibility to know how to meet the demand for that voting public's not to wait in line. And anything we can do at the state level to support that we will do. But it is their responsibility.

>> Chairman Benjamin Ginsberg: If I might, Mr. Secretary, thanks again for joining us.

>> Secretary of State Ken Detzner: Yes, sir, Mr. Chairman.

>> Chairman Benjamin Ginsberg: You mentioned in your testimony that Florida has a decentralized system, and there's some historical evidence to suggest that's the case. And you're surrounded by supervisors. In Florida your supervisors have a great deal of autonomy and authority, as you said, and that one of the challenges for your office is uniformity. Not looking at Florida, but looking beyond the country, the country as a whole, do you believe that a system with a lot of control in the counties, as opposed to a state centralized system is a model that improves election efficiency, or runs into more challenges?

>> Secretary of State Ken Detzner: No. I believe that the best model is a local-based model with checks and balances in it. And in our case here in Florida, I think that the Secretary of State could have some additional authorities to hold supervisors accountable. We'll address that in the future. But the fact is that the supervisors need to be held accountable by the elected public. They are elected constitutional officers. Should they not do a good job, they can be voted out of office. That's the most accountability that you can have in an election system. I think the further that you get away from the elected public, the electorate, the less accountability you have. So it's a balance between the services the federal government can help us with, what I can do as a state elected official. But the rubber meets the road between the supervisor of elections in Florida and the electorate. And I think that's a good system.

>> Chairman Robert Bauer: Thank you for your testimony, Mr. Secretary, very helpful.

>> Secretary of State Ken Detzner: Yes, sir.

>> Chairman Robert Bauer: One point that you emphasized repeatedly was innovation, developing I guess within the election the administrations here as much as possible sort of a systematic attention to innovative practice. And you also talked about the importance of best practices sharing among the supervisors of elections, county officials who are responsible for the conduct of elections. In your experience, how is that working? In other words, as particular planning techniques are developed, as problems are solved, as practices have evolved, what is the current state as you see it of communication between and among those who are engaged in practicing elections

that permits the transmission, effective transmission of innovative practices and best practices? How do you see that challenge, and how well do you think it's being tackled?

>> Secretary of State Ken Detzner: Well, I have to say that, you know, in a state as large as Florida is, with the 67 counties, and 19.3 million people, communications is always a challenge when it comes to planning. And because of the diverse population, the geography of Florida, you know, when you look at some urban areas they can have 6 or 7 hundred precincts. And when you look at the issue regarding planning and the number of machines it takes, and just the basic administration of getting all of that in place on one single day for an election, it is a mammoth job. And so what happens in Dade County, or Hillsborough County, or in Mr. Call's [phonetic] county in Orange County, there are very different kinds of challenges because of geography, culture, language. But we can share practices, and these association meetings that we have are very important. You know, one of the things I learned during election as part of this fact-finding trip was that in some counties, in particular in Broward and Dade County, we also had a problem with the US Postal Service. And I would encourage you all to put this on your agenda as well -- and we are having a meeting in the very near future with representatives of the US Postal Service, because one of our problems, one of our great problems was people were not getting absentee ballots on time. And because there was a consolidation of US Postal Service offices, particularly here in Broward County, and I think Miss Snipes might address that issue, we had a real problem of absentee ballots sitting on the floor of some US postal offices. So I would encourage you all to look at that and ask the postal service to work with states, particularly Florida, to address planning going forward. There's no excuse why people are not getting their ballots in time. The other thing is a phenomena occurred this year that was one that we had not seen in Florida for quite a while, or at least the first time to this magnitude, was people using early voting rather than going to their voting sites. They were voting early, but they were also going to the supervisors' office on election day to vote absentee in the supervisors' office. And I think Penny from Dade County can address that a little bit more specifically later. But that created a real problem in terms of counting votes following the election. I will say this, there's a very big misconception about Florida's ability to count votes on a timely basis. Every vote that was cast before the election, either early or absentee, or on election day, was counted on election night. But when you take Dade County -- and Penny, you can help me later on, if you would please, they had 54,000 absentee ballots placed at their doorstep on election day. And that is something that does not get counted overnight. An absentee ballot requires a manual process, a review, a comparison of the signatures, and I called Penny shortly after the election and gave her great commendation for ability to put a team together to count votes, those absentee votes 24 hours a day for 4 days to meet the unofficial reporting deadline that she met. So that phenomenon has been fixed I think this legislative session, because if you want to vote on election day absentee, you'd better have a note from your doctor, your psychiatrist, or someone to say that you actually have a need to be able to vote absentee. And I think that goes a long way to solving the problem.

>> Chairman Robert Bauer: Yes; thank you very much.

>> Secretary of State Ken Detzner: Yes, sir.

>> Chairman Robert Bauer: And if I could just follow up, so you mentioned that the supervisors face different challenges, and surely that's true. And they communicate, for example, through you say the annual association meeting. But are there suggestions that you could make or do you think that actually that addresses the need for systematic -- and I'll obviously ask the same question of the supervisors, some systematic resource for sharing information so that the best practices that are developed or the particular challenges that are identified that might be common to the different counties circulate among them in a way that enables each to take advantage of the experience of the other?

>> Secretary of State Ken Detzner: Well, I think the combination of the association and my office, my division of elections is the best funnel of avenue for

communicating that. And if anyone has additional suggestions, we'd be happy to implement them, but it's that constant line of communication for best practices that's very important. And I think we're going to continue to work at it. It's always a challenge.

>> Chairman Robert Bauer: And so that's my last question, and so your office actually does play some role in circulating among the counties information both about challenges and effective ways that have been devised to address them.

>> Secretary of State Ken Detzner: Absolutely. We have memorandums of law. I can give directives to supervisors on best practices. It's not used very often. But anytime I see a practice that can be useful and helpful throughout the state of Florida, that is one of my challenges. And it's important to hear from supervisors if they recommend the best practice that should be shared we're more than happy to provide that as continuity. We're the bridge between supervisors in a lot of ways, and that's my job.

>> Chairman Robert Bauer: Thank you very much.

>> Secretary of State Ken Detzner: Yes, sir.

>> Chairman Benjamin Ginsberg: Commissioner Thomas.

>> Commissioner Christopher Thomas: Just a real quick question. What's your definition of a long line?

>> Secretary of State Ken Detzner: You know what -- and I get asked that question a lot. What's important to emphasize is not the length of the line, but the fact that the line is moving. We had lines that people were standing in line and the lines were not moving. So the definition of a long line is anything that's inconvenient for the voters in waiting longer than what's appropriate. [Laughs]

>> Chairman Benjamin Ginsberg: Thank you very much, Mr. Secretary, extremely good of you to come here today, and very helpful testimony and very clear and illuminating answers.

>> Secretary of State Ken Detzner: Thank you, sir.

>> Chairman Benjamin Ginsberg: Thank you very much.

>> Secretary of State Ken Detzner: Thank you.

>> Co-chair Bauer: We'll proceed to the balance of the panel here. I think we'll go by alphabetic order as [inaudible] lined up along the table, if that's possible. And so we'll begin with Mark Anderson, supervisor of elections at Bay County. Thank you, sir, for being here today.

>> Mark. Good morning. My name is Mark Anderson. I'm the Bay County Supervisor of Elections, serving an elective position. I would like to first say that I consider it an honor to be chosen to state my thoughts on ways to continually improve our nation's decision-making process voting. I will briefly discuss three areas: election quality management, security and the public perception. Under election quality management: For three and a half years my office has been certified under the International Organization of Standards ISO 9001-2008 quality management system. My office is the only election office in the country with this certification. I've also been trained as an ISO 9001-2008 lead auditor. This certification quality management system is not a well-known or used program in the election profession. However it is widely used by contractors providing vital equipment to our military and civilian bases. I don't contend that it is the only quality management system available, but it does provide an annual third party audit and minimum standards that must exist in some format for election offices, and for vendors providing services to the office. This system has provided a very useful path for my office, as well as vendor performance to measure and improve performance and uniformity. My opinion is that if

the approach to the elections is addressed as a not--for--profit business quality accountability program, some type of quality management system with minimum and maximum controls must exist. Improvements can only be a pain on the measurement of function, prevention, and worst case failure or perceived failure of the right to vote and to have that vote properly counted or not counted. Without a beginning plan process, an election cannot occur, nor will it end without a planned expected performance. Public voter registration, process of voter registrations, continued update of registrations, election timelines and preparations, public testing, absentee voting, early voting, Election Day voting, 10 day overseas receiving, recounts, final certification, post-election audits and finally, records retention. These are just a few of the processes that must have process uniformity. Without uniform process, measurement becomes difficult, if not impossible. Perfection is the overall goal and can never be obtained without uniformity of process. A baseline of minimum standards is better than no standards at all, even if the minimum is broad in scope. Individual uniformity within any office is critical to success, and without it, it's just a matter of time before error becomes unmanageable. Baseline uniformity between counties or states will always have a more measureable outcome. We are different in many ways, but very much alike when it comes to election equipment from our like vendors. Quality factors and requirements should include at a minimum standard, quality measurement for all vendors. In my office, total office buy-in and support of uniform office procedures is mandatory. This ensures that inputs regarding non-conformance, a meeting discussion for findings and a determined corrective action allows all to be part of the solution. Written procedures detailed in all areas that can be used to train new personnel versus any individual resource or lack of resource if that individual is not available. Regular training in office communication must be in place at all times. No individual should ever be in place without a backup. A sole sourced individual is one family emergency away from failure to provide quality service to the public. Logistics, configuration management, quality control, quality assurance, and cost-effectiveness should be a standard in the elections vendor industry. Spending more does not mean better efficiency. Compare cost to access. Caution should always exist with technology. When it is running without issue, you gain right results. However, failure of that high volume system can and will result in catastrophic failure. I believe that any and all election officers and equipment vendors must have some type of quality management system in place. At a minimum, an elections office must have uniformity, quality control, and quality assurance from data to physical election systems. All vendors and contract support members used by any vendor should have some type of proven quality management system in place and be evaluated prior to performance of any task. This would provide a further level of protection for election officials who purchase certified systems. Under election security: Security is never easy or convenient. A review of any completed project, election should never be reviewed by the project manager in charge. A separate quality control and quality assurance checks must be performed each and every step of the way. For example, staff responsible for coding or creating the ballot should never be involved in the final testing for the quality assurance verification. It is mandatory in my office that a two person process quality assurance is performed using established standards. There is area security risk assessment of the process mandatory well in advance, never afterwards. If you have not addressed all possible scenarios you are not prepared. For example, during a recount, an election using a paper ballot; any pen or pencil not under direct control and separate from the process puts the paper ballot at high risk. Remove all pens and pencils from the area prior to beginning, and establish security quality assurance. This is a very simple risk adjustment. Removes the possibility and also the perception of any possible tampering of the paper ballot. As we move on to public perception. Under public perception, if what you are doing and how you are doing it is not documented, the general public has zero trust and you have no proof. Contrary to the desires of all, lines are lines, and will always exist to some extent. The level of tolerance and existence is directly affected by the number of ballot sheets and-or pages, length of ballot language, time of voter arrival, and proper planning. If a 150 voters are in line at 7:00 a.m., it will take some time to process and catch up. Also, if 50 voters arrive at 6:50 p.m., followed by a bus of voters arriving to vote, you will have a line. It is vital that effective legislation and an efficient budget are considered. Advance expected performance and budget planning to include effective voter understanding will prevent extremely long lines. Media fuels the public perception

that an election is over on election night, if there is no close race. However, in Florida it is never over an election night. Results in many Florida races continue to have very small margins for victory or defeat. No matter what election night results reveal, the election is not over. Results are unofficial, unofficial, unofficial. Unaudited and all election offices still have possibly thousands of provisional ballots to process. Election officials and staff, election equipment vendors and printing vendors all have a few things in common; elections must have organization, accuracy, security, and most of all the confidence of voters. Accuracy is always more important than speed. Election planning does not begin on Election Day. Election planning involves the public as well as the election office demanding effective communication. It is constant and ever changing due to revised legislation, ballot length, media focus and in some cases weather. A quality management system enables the public to review and understand normal processes. It also provides planned options for the not-so-normal conditions. In closing, I always ask keeping emotions and politics off the platform, and let facts and performance based procedures with verification serve the public. And, again I sincerely thank you for this opportunity.

>>Co-chair Bauer: Thank you, [inaudible]. Commissioner Britton.

>> Britton: [Laughing]. A little button challenge down here. Thanks to the supervisor. Boy, I've got several questions for you but I'll try to be brief. I'm struck by the dialogue that we had earlier with you, Mr. Secretary, around really this localization slash customization discussion versus the efficiency that you maybe could gain theoretically from a set of standards. Maybe statewide, federal-wide. These are things that I know we'll want to discuss over the oncoming months. So here we have a supervisor that has taken upon himself to establish this system of standards; the ISO. Me personally, I'm passionate about standards, but yet this doesn't feel like a standard if we only have one particular supervisor an area doing this. So I'm wondering-and maybe it's not a question specifically for you, supervisor; maybe it's for the panel in general - that how do we think about this? One, how do we know if it's working, this particular process. And two, if it is working, why would we not want all of our states to be doing something similar? I'm not saying that this is the way we should go but I really would like to have a more theoretical discussion around this localization discussion we've been having.

>> Mark: Well first of all, I have a great deal of respect for all of my colleagues in the elections positions that they currently hold in the state of Florida. And one size does not always fit all, but there may exist minimum and maximum standards. And the only reason that I discuss or bring up, or went into this path; I don't come from a political background. I come from a military background. I come from a technician background. I've spent 10 years in the Navy Seal teams and I'm not good at being shy. So this world that I'm currently in is very, very comfortable for me because I know what a non-conformance is. My office knows what a non-conformance is. Any one at any level in my office can start a non-conformance process. It's just a format or a process, and what it has given me is the ability to remove politics. Because the thing that I would not like is to have politics involved under review of my office because when you start putting politics in the procedures, I think you have a greater difficulty trying to figure out who's right, who's wrong, and how do we get out of this or accomplish something, and come away a good answer. And I started this non-conformance process through the ISO 9000. It has a third party auditor that has minimum standards. I can tell you that anyone should be able to meet the minimum standards, and I'd be willing to bet that most of the counties, if not all in Florida could meet those standards. They're not detailed standards but they're a process of how to evaluate your own office. And I tie it back to that individual constitutionality. I'm all for that, but I also want us to be successful together. And if we are not alone as election supervisors, when you involve vendors. And I think that when you talk to vendors, I'm sure I'll hear it after today, that implementing this program in my office, I went from 11 pieces of equipment failure after maintenance, to one in three years. It applied pressure on the vendor to show me what your maintenance procedures were, how you were doing it, what you were changing, how often it was occurring And we follow up because our procedure says that we do we call in an EFT, Election Function Test, immediately following their maintenance or ever touching that equipment. That alone enabled us to ensure that

equipment was better prepared for our next election. So we learned that through the process and this process helped my staff be part of the process. And I can tell you I have sent non-conformances to the division of elections. I have sent non-conformances to the postal service. I have no power in my direction to make them do what they need to do, but I can tell you that the responses have been very, very good. They have responded back saying, well I didn't know that our equipment was messing up things to where the point where you could not read them. So they go and look and they do a maintenance or some check, some quality review of some level. So this is very easy for me because of my background. But there are many other quality management systems out there that would be very comfortable for others. And I think that if the language gets brought into the process, because me as an individual; logistics, configuration management, quality, quality assurance, all those terms are much better than glitches, problems, trouble; all the buzz words that immediately get voters very deeply concerned. And they may or may not have a need. But when you say problem, what is the problem? How long has the problem been there? What are you doing to solve the problem? We don't have problems in Bay County. I would stick with our precinct election officials that we have nuances. So when we have a nuance, that means everybody needs to get busy.

>> Britton: So if I may follow on to that question, it sounds like you have metrics and you're using metrics. Can you explain to me what some of the key metrics are?

>> Mark: Some of the metrics - I'll just go down through, let's say, the election equipment itself. You have an audit log that prints out at the end of every election that you can do. You can gain a great deal of information from that audit log. We went through a two-sheet, four-page ballot for the first time in this last election, and survived, I might add. But I can tell you there were some challenges. And we also have learned by going back and looking at those tapes, how often different actions were taken place on a two sheet ballot versus a single sheet ballot. So we're now taking that and comparing it to some of our other elections so that we can take numbers, and in a simplistic way without getting too complicated, make some common sense decisions.

>> Britton: Is it safe to say that there are a group of standards or metrics that everybody is following? Or is that a supposition that's not accurate?

>> Mark: I think that you would call that legislation to some extent. We are held forward or back, whichever way you would like to go given the position or condition that you've been put in, with what minimum and maximum laws allow us to do. The early voting sites. If we had more early voting sites available, there may not have been longer lines. Because supervisors do look at that and they may address those and I don't want to get too deep into it because you got many other supervisors that are very wise and very knowledgeable of what they do. But I can tell you this: Florida, logistically, is a very, very challenging process. We have early voting, absentee voting, and Election Day voting. And when you tie those three together, and no one is required to report or show up at a certain time, how do you manage those three different directions? So it becomes a very - it becomes a challenge, somewhat. And you go on four-year prior records. You might have to analyze it, go out in the public, do more surveys, and then I'll bring in the media. Media can increase or decrease energy. And energy is high volume voting or low volume voting. So that has always got to be consideration and how do you measure and how do you adjust with that overnight; that can be a challenge.

>> Co-chair Bauer: Thank you very much for your testimony.

>> Mark: Thank you for your time.

>> Good morning; my name is Susan Bucher. I want to thank the Presidential Commission on election administration for coming to the State of Florida and for allowing some of the election officials to speak with you. It's an honor to participate today. I'm fairly new; I -- having been elected in 2008 as a supervisor of Palm Beach County, our office is probably one of the most scrutinized in the country when it comes to elections. We have 842 precincts, 448 voting locations and 87,182 eligible voters for

the 2012 general election; 605,268 total votes were counted or 69.56% of all of our voters. During the 2012 general election, we did not experience lines at polling locations on Election Day; in fact, the majority of our polling locations were closed prior to by about 8:30 p.m. on November 6, 2012 and we reported our precinct results before midnight. However, because the legislature decreased early voting days to almost half, early voting was a tremendous challenge. From the time early voting began in the State of Florida, Palm Beach County has always experienced long lines during general elections in presidential election years. Because of the law only allowing constrained facilities, public libraries, city halls, the supervisor's offices, there was never enough space or electrical power to have early voting locations with more than two printers without blowing breakers. Our longest lines were on the final Saturday of early voting with the legislature having eliminated the final Sunday that has always been popular for a program called Souls to the Polls on first Sunday of many black churches. The last person who got in line at our Lantana site at 7 p.m. voted at 2 a.m. in the morning. The line was that long and the voters were determined to stay in line, having been told by both political parties that their votes would be challenged at the polls on Election Day; that did not happen. Another delay was the long six page ballot with 11 Constitutional Amendments, one of which was 664 words long. We were also -- we are also required by federal law to provide Spanish on the same ballot. The voters who brought their sample ballots with them voted faster than those who did not because they could just transfer their votes from their sample ballot; however, it took longer than usual to vote with all of the ballot questions. As you know, the legislature amended some of the laws this year that will bring back a maximum of 14 early voting days, including the final Sunday with allowance to move early voting locations to larger locations and for a maximum of 12 hours a day at the discretion of a supervisor. It may be wise in the future to provide for uniform laws within the state so that there's equity in the hours and days for early voting in every county. Palm Beach County is also working on creating electronic poll books using off the shelf technology. Many iPads that can take a picture of the QR code on the back of your driver's license and populate your voter registration information. We know that this will go a long way in moving our voters more quickly. We have not had electronic poll books in the past, mostly because of the large expense and the difficulty of large components that have been available. This is a great example of moving election equipment forward using current technology. Absentee or vote by mail ballots are also very popular in our state. We mailed over 157,000 ballots, 170 military overseas and almost 2600 to civilian overseas; 131,124 ballots were returned and processed and 128,256 were accepted. Over 44,700 absentee ballots were received in the last three days of the general election. The manual process to verify signatures, physically open the envelopes and sort into precincts and count the ballots goes beyond the close of Election Day. We also had a larger than usual number of provisional ballots due to a change in law that required voters who had not changed their address from another county to ours prior to Election Day to vote by provisional ballot. The manual process for provisional ballots is more detailed than time consuming than absentee ballots. We worked almost around the clock and we reported our unofficial election results before noon Saturday, November 10, 2012; well within the timeframe allowed by law. Our official results also met the legal timeframe of noon on the 12th day, following the general election, as did all of the supervisors in the State of Florida. We also experienced a printing error that required us to duplicate 25,000 absentee ballots that would not read in our tabulators. This was the third printer that we've used in four years with little success for total accuracy. We need to work on quality controls and the vendors who print ballots. The laws in Florida allow us to send ballots to military and overseas by email; however, because of the size of the ballot, if the voter didn't have an email that would accept the large ballot, many of the emails were returned to us or sent to the voter's junk mail. We had a team of people working to contact those voters so we could get them their ballots. I believe we need to work with the military to provide additional voter education about email addresses and we need to have shorter ballots. We also experienced many difficulties with the United States Post Office; our voters experienced long delays and in some cases, never received their ballot or even a duplicate ballot that was mailed to them. We're upgrading to the IMB barcode on the ballot envelope, which will allow us to track the mail ballots in the future. We need additional cooperation and coordination with the Post Office. In reference to voting equipment, Palm Beach County experienced a

substantial software failure last year during a municipal election that caused us to call the wrong winners until we discovered the error during our post-election audit. Apparently our vendor was always aware of the potential failure, however, it was not caught during the state's testing and certification, nor did the vendor reveal the information until after our failure. The legislature passed a requirement this year that will require voting system vendors to disclose deficiencies known to them within 30 days or face a potential fine. This is language similar to the State of California. I believe it would be beneficial to implement this type of requirement nationally and perhaps review and update the voting system standards to require more stringent testing review and disclosure. We are all watching Los Angeles County who has proposed to create their own voting system; I believe it is time and I'm hopeful that future voting systems will use more current technology that contains off the shelf items at decreased cost that allows for improved administration of elections. Our state only has two vendors and the equipment offered, in my opinion, uses antiquated technology. I know our secretary and his team will work hard to bring additional options to Florida, before we are required to replace our equipment. Finally, to quote a recently departed senior senator from Massachusetts, the work goes on, the cause endures, the hope still lives and a dream shall never die. We are hardworking supervisors from the great State of Florida and we will always work together to bring ease and access to all of our voters during elections. Thank you very much for the opportunity today. I would be happy to answer any questions.

>> Thank you very much. We have a huge number of questions, up and down the table here, among the commissioners and so we thought we'd make a slight adjustment to the procedure here so that we get all the testimony in and then we're going to double back. I think that might be fairest also, so that we make sure that some of the commissioners don't have to -- some of the supervisors don't have to wait overly long to give their testimony. So with that, why don't we turn to Supervisor [inaudible] from Orange and we'll take it from there. Thank you.

>> Bill Cowles: Thank you, Mr. Chairman. Good morning and welcome to the State of Florida. I'm Bill Cowles, the Orange County supervisor election. Orlando is home to the number one tourist destination in the world, Walt Disney World, and I appreciate this opportunity to speak with you all. As you've heard, the State of Florida, we have 67 counties. All but one county has an elected supervisor of elections, and you'll be hearing from Miami-Dade County, which is an appointed position. We are elected at the same time as the president. So we're on the ballot as well as conducting the largest election in the year. We are the administrators of election law. We are not policy makers, and our funding does come from our board of county commissioners along with grants that are made available by the state and by the federal government. I worked in the Orange County elections office for the past 24 years. Following the 2000 election, I believe that the election reforms recommended by Governor Jeb Bush's task force and the changes enacted by the Florida legislature in 2001 were positive steps for both the state and the nation. These reforms were held up as models for other states and was probably included in the creation of the Help America Vote Act. Some of the things that we gained from it, obviously, was the elimination of lever machines and punch cards. We got standards for ballot layout, uniform roles for determining voter intent, procedures for our counting recount, the introduction of provisional ballots, and we formalized early voting as a way to reduce the pressure on polling places on election day. And, of course, the Help America Vote Act added to that with the creation of statewide databases, voting systems standards and testing, which you've heard Florida does its own testing, funding for voter equipment upgrades and systems for persons with a disability, and grants that help us with poll worker recruitment, voter education, and making polling places ADA compliant, and of course, the creation of the elections assistance commission. In 2000, the majority of all votes cast were voters at their assigned polling places. Absentees required excuses to be checked off, and was the only alternative to voting on election day. Since then, the election process has changed to where we conduct three unique elections for each election. Early voting has become very popular with the voters. We are a service industry community due to our tourism, and most of the voters do not work a traditional forty-hour week. A voter can go to any early voting site in the county to vote, and state law places various limitations on supervisors with respect to conducting early voting. We have limitations on the

number of days, but we also have limitations on hours as well as the locations we can use, and prior to the legislation passed just this year, we were limited to election offices, libraries, and city halls. But to be successful, we need large space to put in a large amount of equipment and move people and have adequate parking. Absentee voting continues to expand. Florida is no a no-excuse state. We dropped our second primary in order to be able to mail absentee ballots earlier to our military voters prior, even this prior to the Move Act being passed. All absentee ballots must be in the elections office by 7:00 p.m. on election night, and a post mark does not count. Our military voters, under a federal consent decree, have ten additional days after the elections to have their ballots counted. The absentee ballot totals are expected to be in our election night report. The polling place voting is still the traditional method of voting with the polls open from 7:00 a.m. to 7:00 p.m., and the voter must go to their assigned polling places. We do not have restrictions on the number of voters assigned per precinct. This voting method is the one that is declining since 2000. The election reforms following the 2000 along with the expansion of early voting and absentee served the State of Florida well in the 2004 and 2008 presidential elections. However, the results of the 2010 re-precincting and the 2011 changes to the election law provides insight into the challenges we faced with the 2012 presidential election. Statewide, we were seeing an increase use of early voting and absentee with fewer voters actually going to their assigned polling place. In Orange County, before we even opened the doors on election day, forty percent of the votes had already been cast either at early or absentee. Many of my colleagues experienced over fifty percent in prior elections. Based on these trends, supervisors decided to reduce the number of polling places as part of our re-precincting to reflect the trend, but the allocation then of our money, our equipment, and all put towards early voting and absentees. In 2011, a sweeping election bill was passed that altered some of the factors that contributed to our prior success. The key changes that affected Orange County and contributed to us having long lines at early voting and at the polling place on election night, first the reduction of the number of days of early voting from 14 to 8, and at the first day was on a Saturday, which, of course, we immediately had lines. Previously, we could start on a Monday and build towards the weekends. We were not allowed to do early voting on Sunday, and in Orange County, we actually opened our office on a Sunday for in-office absentee voting. Without larger facilities, it's impossible to put more equipment in to serve more people waiting to vote, and when you think about libraries and city halls, the community rooms are extremely, extremely small. Because of the fewer days of early voting and the long lines, voters opted to go back to their polling place on election day, a reverse in the trend we had been experiencing, and this contributed to lines on election day. During the 2011 and 2012 legislative session, 11 Constitutional amendments were placed on the ballot. Legislators can exceed the 75-word limit at that time. Most of these amendments exceeded the limit, and with one being over 600 words long. Orange County had five charter questions, and under federal law, we are required to print ballots in English and Spanish. Each voter received three 17-inch bilingual paper ballots printed on both sides. With three ballots per voter, it meant more time spent in the booth marking their ballot and three times longer to feed the ballots into a tabulator with each tabulator checking for unders and over votes. This was also true for us when processing absentee ballots. Some days, we were running multiple shifts in order to ensure that we finished by election night. The voters complained about the number of amendments as well as the difficulty of understanding the legal terms being used. Poll workers heard this most from our Hispanic voters who wanted poll workers to stop and help them understand what was being asked of them. The statewide voter database records indicate who's early voted and who has already absentee voted. The new law requires that any voter who moves between counties and hasn't changed their address by the time they arrive at their polling place, they must do a move-in provisional ballot. The number of provisional ballots doubled in 2012. We have the second largest university in the nation, the University of Central Florida, and are part of a tri-county area that is highly mobile. The increased work on poll workers, the post-election verification process, and on our tabulation time. We were the first county in the State of Florida to have laptop computers in each polling place, and we could have verified the voter's previous address and voting status in the poll if the law had allowed. I'm grateful that the Florida legislature in 2013 has reversed many of these changes made in 2011. To me, the biggest change was in philosophy, one size does not fit all counties, and provided us with

flexibility. I was asked to comment on preparations for natural disasters. Let me just share a few observations. On August 24, 1992, Hurricane Andrew hit South Florida and affected the Florida primary election on Tuesday September the 1st. The state had to go to court to get relief. That following general election, we did change our state Constitution to allow the governor the power to suspend elections if necessary. I believe the state, every state needs to look at their laws to review for flexibility, particularly in these periods of natural disasters. Advancements in technology can help in these situations. Valid on-demand is now a quick way to produce replacement ballots. Vendors are now assisting counties with electronic transmission of ballots to voters. I'm the consortium leader of one of two of the federal voting assistance program ease grants in Florida, and we use a vendor to help send the ballots not only to our overseas voters but to our disabled voters. In Florida, we need to change our law to allow for the electronic return of these ballots, and new technology is out there that even take the electronic and turn them into paper ballots. Local jurisdictions need to establish close working relationships with their county emergency management groups. In Florida, we are asked to submit on contingency of operation plan, known as the COOP, plan to the state, which details all of our contacts and arrangements. We have an agreement with the company that delivers our voting equipment and with our Orange County Convention Center that whenever a hurricane is approaching, we can load the 18 wheelers, and with our voting equipment and drive them right into the building for protection during a storm. I would hope that moving forward, the federal government will focus on the following issues: maintaining the elections assistance commission with an emphasis in gathering and sharing best practices in election administration, encouraging innovations in voting technology, and I'm not referring just to voting tabulation systems, and be a source of funding to states and local jurisdictions. Limit the need for legislation to issues of national importance. Remember, one size does not fit all states. Perceive problems or issues should be fully vented prior to acting on legislation, and, finally, the local election administrators know their jurisdictions the best, and should have the flexibility, fiscal resources, and the best technology to perform their duties. Thank you.

>> Thank you very much, Mr. Lux from Okaloosa.

>> Paul Lux: Thank you, Mr. Chairman, commissioners. My name is Paul Lux and it is my privilege to serve the voters of Okaloosa County as their Supervisor of Elections. I am not only an Army veteran myself but I was also a reservist as well as a military family member. I'm honored by your invitation to share my thoughts regarding issues for our voting military members. Issues surrounding voters covered under the Uniformed and Overseas Citizen Absentee Voting Act, more commonly known to election officials as UOCAVA voters, are important to me and my staff because we live in a unique area. Okaloosa County is a rectangle that has Alabama as its northern border, the Gulf of Mexico has its southern border, and is divided by a 20 mile wide swath of federal property. In addition to Eglin Air Force Base and Hurlburt and Duke Fields, together comprising the largest Air Force base in the world, we also share our community with the U.S. Army 7th Special Forces group, the 6th Army Ranger Training Battalion, the U.S. Navy Explosive Ordinance Disposal School, and Coast Guard station Destin. Of our 124,000 registered voters, nearly 20 percent are UOCAVA voters representing all 5 service branches. On a national level, we largely conduct absentee balloting for our military today just as we did during the Civil War. A voter mails me a request for an absentee ballot and hopes I get it. I mail that voter a ballot and hope he gets it. And he puts that ballot back in the mail and hopes I get it in time for it to be counted. In his remarks last week, Dr. Percely [phonetic] distilled the problems encountered by UOCAVA voters down to 3 points, ballots that are never received, ballots that are not correctly or timely cast, and ballots that are not counted. A lot of effort has been expended over the years to fix the first of these problems. The Move Act not least among them and ease grants being the most recent. I leave the other consortium. Bill said there were 2 in Florida. Ours is bigger. [Laughter] I have been directed -- I've been directly involved in each one of these efforts. I've seen them at work. I have seen the direct results and I have also seen their shortcomings too. I would submit to you that with probably few exceptions, any UOCAVA voter who wanted a ballot, got a ballot in 2012. Now you can't legislate UOCAVA voters correctly casting their ballots. They either follow the instructions

provided or they don't. Many of the reasons for which ballots are not counted can be attributed directly to the voter. Ballots should be signed by the voter. Not a spouse. Not even a spouse with power of attorney. Ballots, at least in Florida cannot be returned by fax if the voter is not overseas. In order to ensure votes are counted as cast, ballots should be marked correctly. Fill in the oval. There's only one multisyllabic word there and that's oval. Ballots being timely cast usually have a direct correlation to requests being timely filed and ballots being delivered as soon as possible. Federal law requires all jurisdiction to mail or e-mail ballots to all UOCAVA voters with a request on file not later than 45 days before any federal election. My office routinely exceeds that deadline by 5 days or more. Mailing and e-mailing ballots out 50 or more days prior but if we don't have a request on file that gives us less time to get a ballot to that voter. That means that voter has less time to return the ballot back to their election officials. This is more problematic for those who are serving in harm's way. Voters in four deployed areas receive mail less frequently and have problems getting mail out when the decision is do we send casualties or supplies in the helicopter versus mail. Guess who wins? There are a myriad of problems that can cause a ballot not to be counted. I would like to highlight some of the most prevalent. Many voters send in federal right and absentee ballots or FRABs in our vernacular without first having a request on file. These ballots cannot be counted in many jurisdictions. Ballots received after Election Day for stateside voters and after the 10 day period for overseas voters cannot be counted in many jurisdictions. Yes, we really do verify signatures on absentee ballot certificates before those ballots are counted. Looking forward from here, I would offer the following advice. First, continue to expand opportunities to make ballots available electronically. It is really hard to beat how fast electronic delivery can put a ballot in a voter's hands. Eliminating the first half of the problem is winning half the battle. Second, expand efforts to educate UOCAVA voters on the state specific requirements and help them understand the most common reasons their ballots are rejected. The Federal Voting Assistance Program has been working hard toward this goal but laws can change annually as you've heard from some of the other panelists. What remains unchanged, is the fact that uniform service members cannot use the FVPCA to register in a state in which they reside. They have to use that individual state's form. Some states, Florida included, do not accept FRABs as a registration document. It is merely used as a ballot here. Voting assistance officers, the VAOs who serve at virtually every level of every military organization need to be able to impart these important differences to those seeking their assistance. Emphasize that absentee ballot requests should be submitted as early as possible. Ensure that any troops being deployed especially during Presidential election years are specifically afforded the opportunity to register and request an absentee ballot as part of their deployment processing. Third, encourage more states to adopt laws that are UOCAVA friendly. Florida in recent years has expanded the use of FRABs, extended late registration for those returning from combat, and allowed for the complete ballot not just federal races to be counted for the 10 day overseas absentee ballots. I commend my legislative delegation from Okaloosa County for spearheading efforts to make many of these changes. I would like to see all 50 states make similar considerations for UOCAVA voters. Finally and no surprise to those who know my passion for aiding our hardest to reach voters, encourage and conduct more projects that facilitate the electronic return of absentee ballots from UOCAVA voters. Florida law currently allows overseas voters to return voted ballots via fax. So we can e-mail those voters a ballot. They can be printed out. Voted and faxed back. However, one of the recurring problems we encounter especially in big elections is how few voters today have access to a fax machine. There is no FedEx in the green zone in Baghdad. The guy in the fox hole in Afghanistan does not have a printer or a fax machine. He does have internet access, however. I know this because I get e-mail from him. We have to find a way to leverage web based technologies to create a system that can help these voters. The service of those defending our freedoms should not be rewarded by being disenfranchised. Now I'm not necessarily advocating pure internet voting. And I'm certainly not advocating allowing electronic return without any form of security measure but opponents of electronic ballot return would prefer not to even have this conversation. The scope of the VOI project in 2000 was too limited to provide data worth studying. The Serve Project in 2004 was cancelled due to a lack of political will in Washington, D.C. Tired of waiting for a government solution, Okaloosa County created the Okaloosa County created the Okaloosa distance balloting pilot project, a

kiosk based system that was a good proof of concept. Ease grants, research grants from 2011, and also again ease to this year help further electronic ballot deliver but specifically prohibit using those funds to develop any system that would return a marked ballot electronically. When I recently spoke at a symposium hosted by NIST in the EAC back in February, I asked for help from the very people who opposed these ideas. UOCAVA voters need this. UOCAVA voters want this. We will get there with or without the help of our detractors but we would prefer to do this with their help and expertise. And I would like to thank you again for the opportunity to speak to you today and always I'll be happy to answer any questions. Thank you.

>> Dr. Brenda Snipes: From the panel of election's professionals in Florida. Broward County is the second largest county in the state of Florida. It's situated comfortably in South Florida between Miami-Dade and Palm Beach counties. Broward's demographics include more than 1.8 million residents who represent various and diverse designations; cultural, ethnic, racial and economic. Broward remains a tourist and seasoned destination for visitors from around the world. Broward has a second largest elector in Florida with more than one million voters. This also ranks Broward as one of the 15 largest voting jurisdictions in the country, according to data maintained by the Pew Foundation. Following the 2000 presidential election, Broward had its own history-making event with a removal of the supervisor of elections who had won her new seat during the 2000 general election. A supervisor was appointed by then Governor Jeb Bush. This supervisor will complete 10 years of service in 2013. The supervisor was selected from a field of nine candidates. Perhaps the quality that resulted in her appointment was her success for careers, a lifetime educator in the Broward County public schools. This supervisor relied heavily on communication as well as planning and organizational skills to establish systems and procedures that would form the framework for successful elections. It became evident very quickly that election preparation does not happen overnight nor does it happen in a vacuum. The creation of a mission statement helped to focus who we are, our product for whom the election is conducted and the quality of the expected outcomes. Election preparation begins no less than one year prior to a scheduled presidential election. The planning is accomplished through the coordinated efforts of a team of leaders who have distinct and unique responsibilities. All team leaders research and plan implementation strategies for their area of specialty. The planning is shared and coordinated with our team leaders and staff through retreats, strategic planning sessions, presentations and weekly planning meetings. The team leader structure is reflected below with a director who is responsible for each function. These functions include election coordination, finance and human resources, technology, voting equipments and coordination, election day operations, voter education and outreach, voter services, public services and election planning and development. During the 2012 presidential election the paid staff and volunteers of the Broward County Supervisor of Elections Office processed more than three-quarter of a million voters very successfully. There are states whose residence don't total this number. This was accomplished even though there were restrictions and limitations on resources. A summary of the work of this office in preparation and conduct of this successfully election is included in a bulleted format. And I'll read from the following pages. In reference to the number of polling places, locations, operation and design of polling places we conducted elections for voters in 739 precincts, housed in 452 polling locations. We surveyed every single polling location to assure that it met the requirements for conducting an election. We created detailed drawings that show the path of travel to entry, exit, emergency exits and disabled voter's path of travel. We illustrated the flow of voters through the facility each step in the election process. We illustrated the placement and setup of all equipment, power locations and station setups. We maintained updated contact information for the person in charge of the facility as it relates to trainer, recruitment and the number of workers. Recruitment is ongoing throughout the year by outreach events, high school voter registration drives and athletic events, well paid advertisements and notifications, advertisements [inaudible] and voters in each municipality as well as word-of-mouth from current workers. A database of 15,000 poll workers is maintained for recruitment purposes, 5 to 6000 workers trained and -- were trained and assigned and placed in polling places on election day. Training is 4 to 5 hours in length and consists of the following -- following learning concepts and strategies: adult learning, lectures, problem solving and comprehension of election law, procedures and

processes, hands-on activities through labs to reinforce skills and increase worker's level of competence, knowledge of equipment operation and troubleshooting procedures, assistant disabled voters, provide Spanish and Creole-speaking workers for language assistance. They are trained in provision of ballot processes and procedures. All assigned workers must demonstrate competency on an end of class event in order to be placed in a polling place on election day. In terms of accessibility for uniformed overseas voters, 90 days prior to the election the Supervisor of Elections Office reaches out to your [inaudible] of voters using their last known information. In the past election this was done through an absentee ballot request Mailer. Voters are notified of the upcoming election, and they're provided specific instructions on how to vote and return the ballot dedicated through using a dedicated fax line. And we've already heard of the benefits of the fax line. Management of voter roles and poll books is accomplished through the following: We use the electronic voter identification system, have used it for about three or four years in our early voting, and have expanded it to each and every polling place. We -- the workers access a live database that provides a better resource for ensuring the correct processing of a voter. We have multiple call centers that are established for troubleshooting, verifying voter eligibility, responding to procedural questions. And they are available to us as workers at their locations. We have technical assistance through -- in the field to monitor the function of our electronic poll books and provide onsite assistance for malfunctioning equipment. In terms of our voter machine capacity and technology the electronic voter identification system contains all voters' records through a live updated database. The DS200, which is an optical scanner, is in every precinct. We learned from the 2000 election that we must have a minimum of two in all locations. The voting system technician is a position that we have created. We have one in every location to make sure that the equipment functions properly. The VST is thoroughly trained in the operation of the equipment. We utilize the most up-to-date voting equipment, and it's maintained on a schedule recommended by the vendor. The equipment has been thoroughly tested and certified by the state of Florida, the Division of Elections. We continually analyze data from each election to guide decisions on the placement of voting equipment. We have -- we're going through a budgeting cycle now where we are requesting additional equipment, as I mentioned previously. The preventative maintenance is done annually to ensure proper functionality of the equipment. The voting machines are inspected thoroughly prior to distribution. Transport units are available, are provided to enhance the capacity. In terms of ballot simplicity and voter education, ballots are prepared according to the Uniform, Florida Uniform Ballot Code. We make the ballot as easy to read as we possibly can within the framework of the code. When you have a ballot where there are pieces that have 654 words, it's very extremely difficult for the voter. We have provided feedback regarding the impact of the long amendments, and the ballot preparation process as well as in the comfort level of the voter. In terms of voter education outreach for the previous election, we provide an extensive program of voter education and outreach that includes the media strategists, such as advertisement and movie theaters, videos focused on specific election information, strategic placement of billboards along Broward's interstate highway system, participation and community response events, speaking engagements, establishing and sustaining partnerships with community-based organizations, businesses and governmental entities including Homeland Security Immigration and Nationalization Services, where new citizens registered to vote immediately following swearing in ceremonies. We conduct biannual high school voter registration drives, result in more than 60,000 newly registered voters over the past 10 years. We have negotiated with the local school district to close schools to students on election day to allow them to actively participate in the election process on election day as workers. We collaborate with Broward's 31 municipalities to offer assistance and guidelines and their ability to educate voters. We have created a sample ballot, as an instruction of two, that is mailed to each voter's household. In terms of voter accessibility for the disabled, special needs and limited English voters. All polling places and early voting sites meet the requirements of ADA facilities. We have gone out, evaluated each one and made accommodations for those sites as is necessary. We design and set up all sites so the voters with disability can navigate the path of travel, the enter process and the exiting of the facilities, and have access to adequate parking. We prioritize the handling of individuals with disability and or special needs or language assistance within the Florida State guidelines. We recruit, train and place

bilingual workers who speak Spanish or Creole to provide language assistance inside the polling place and early voting locations. We set up special needs -- set up special stations for voters with disabilities to sit and complete a ballot rather than stand at a booth. We utilize the [inaudible] voting unit, which provides audio ballots for vision impaired voters, and we utilize bilingual staff to handle phone inquiries from voters requiring language assistance. Provision of ballot processes and procedures. Workers contact centers to verify that a provision of ballot is necessary. We train all poll workers in the process in a provision of ballots. We make contact with a polling place throughout the day to monitor the number of provision of ballots that have been issued. We collect all the information from voters, verify the voter's eligibility that the voter has not already voted, and we give the free access information. Voters place their ballots in the envelopes the clerk signs and prepares information. The provision ballot is placed in a secured sealed box and the voter signs the provision ballot. After the election the staff determines the voter eligibility within the two-day timeframe that is established by Florida's election laws. Issues presented by the Administration of Absentee and the Absentee Ballot Program. The volume of voters who responded to the widespread publicity regarding in office voting on election day was a major issue for Broward County. The new request for pickup of absentee ballots on election day was an issue. The receipt of 15,000 absentee ballots were the last run to the post office on election day. The AB's that were not delivered through the mail service. Ballots that were received by the voter on the Saturday before the election, although they were mailed one month prior to the elections. Ballots that were [inaudible] to the city of Opa-Locka, Florida to their post office due to the inability to process the ballots in the Fort Lauderdale branch as has always been the practice. The complaints from out-of-town voters who reported that their local post offices were closed. They can not receive the ballot. The deadline for voters to request absentee ballots to be mailed six days before does not allow adequate time to print, prepare the AB package for mailing and to have the voter receive it and mail it back to us in time. This deadline needs to be reviewed. In conclusion, I applaud the commission on your efforts to thoroughly review the elements of the past presidential election. I hope your work will lead you to conclusions that will benefit the overall election process in a fair and objective manner. As one of the Florida senators remarked at the opening of the Senate hearings on elections and ethics, there's certainly enough blame to go around. I hope you will balance your findings with a thorough evaluation of our elements that make for and support successful elections. Again, thank you for listening to this panel of the election professionals.

>> Thank you very much.

>> Supervisor Townsley.

[ Pause ]

>> Good morning, Co-Chairs Bauer, Ginsberg and to all members of the commission. Allow me to welcome you to Miami-Dade County. I would be less than hospitable to have you leave without providing you with a souvenir of our 2012 general election ballot.

[ Background Discussions ]

>> It is my pleasure to speak to you today about the 2012 General Election in Miami-Dade County, as I too share your goal of ensuring efficient administration of elections including conveyance and accessibility to all voters. For the record, my name is Penelope Townsley, Supervisor of Elections for Miami-Dade County. To summarize elections in Miami-Dade County, let me first say that unlike the other supervisors of elections in the state I am not an elected official. My position is appointed, and my authority is derived through the mayor of Miami-Dade County, and as such I don't set policy in the same way as my colleagues. Miami-Dade County has the largest and most complex elections operation in the state of Florida with over 1.3 million registered voters. We have 829 precincts located in 541 polling places throughout the county. Polling places are chosen, based primarily on geographic location, size and ADA compliance. We use up to 10,000 poll workers in major elections and over 100 administrative, technical and supply troubleshooters to

provide timely response to election day issues, and training for these individuals begin three months prior to an election. ADA accessible voting equipment is available at all polling sites, and poll workers are trained to assist our voters with disabilities. In the 2012 General Election over 888,000 Miami-Dade County voters cast ballots; the early voting, absentee voting and on election day, and this represents approximately 16,000 or 2 percent more votes cast in 2012 than in 2008. Fifty-two percent more optical scanners and 88 percent more privacy booths were utilized for early voting in the 2012 General Election than in 2008. And we serve 90,000 or 28 percent fewer early voters in 2012 than in 2008. Over 1700 election day optical scanners were deployed in the 2012 General Election in comparison to 1500 in 2008. More than 6000 election day privacy booths were deployed in the 2012 General Election in comparison to 5800 in 2008. We serve 40,000 or 11 percent more election day voters in 2012 than in 2008, and over 300,000 voters requested absentee ballots for the 2012 General Election, and approximately 244,000 absentee ballots were cast. This represents over 66,000 or 37 percent more absentee ballots cast in 2012 than in 2008. Many of the planning and operational activity surrounding the 2012 General Election were unprecedented. We faced many challenges, which included serving the largest number of voters in the county's history, coding a six-sheet, 12-page ballot, which you have, which exceeded the system capacity, and was the county's largest ballot ever produced. We upgraded our absentee ballot mailing system to accommodate the ballot size. We produced a record number of absentee ballots totaling over 1.2 million ballot pages; introduced pre-printed common ballot pages during early voting, which reduced the per voter printing time in half; and we implemented a supervised voting program to further protect the rights of our elderly male ballot voters. Now while these initiatives were necessary to even conduct this election they were largely behind the scenes. The challenges that were most apparent to our voters were the long lines and, in some instances, the rather long wait times. Despite the department's best efforts to educate voters about the importance of preparing in advance and being familiar with the ballot contents, there were still voters who sustained long lines. Voter education was conducted through the local news, radio, newspaper, sample ballots and numerous other outreach initiatives. As a result of these challenges, Miami-Dade County Mayor Carlos Gimenez established a 14-member elections advisory group to review the challenges encountered in the General Election, identify opportunities for improvement and make recommendations to the Board of County commissioners and the state legislator. During this period my department issued an after action report assessing the planning and operational aspects of conducting the General Election. We found in our analysis that there was no single factor leading to the challenges we experienced in this election. We identified six primary factors that contributed to the long lines and wait times during early voting and on election day, and we made administrative and legislative recommendations to address them in the future. The primary contributing factors that were identified included ballot length, a number of early voting sites, reduction of early voting days, absentee ballot processing, polling place and efficiencies, and not reprecincting. And I'll speak to each individually. Ballot length. This is perhaps the most significant factor that impacted all three methods of voting. Miami-Dade County's 2012 General Election ballot included 105 ballots styles that contained between 37 to 58 contest each. Not only did voters have 11 long and complex constitutional amendments, but also had 11 County questions, in addition to 17 municipalities who piggybacked with their own varieties of questions. Voters were clearly overwhelmed with this task. A number of early voting sites. Since 2004, Miami-Dade County has operated 20 early voting sites. Of the 74 statutorily authorized libraries and city halls in the county, our post-election survey identified an additional 28 facilities that are suitable for conducting early voting. Without a doubt, more early voting sites would have helped reduced wait times by better distributing voters, but at the point that we realized that this was necessary, it was too late to add additional sites and, even if we could, we simply did not have required equipment and staffing resources to do so. Reduction of early voting days. The fewer days than the last presidential election meant fewer options for our voters. Early voters couldn't spread their decision to vote early over 14 days, but rather had only eight days. We also believed that the discouraging effects of long lines during early voting pushed voters, who would have otherwise voted early to vote by mail and on election day, and this caused historically high numbers in those two voting methods. Absentee ballot processing. The greatest challenge we

encountered with absentee ballot processing was the record number of absentee ballots that were requested, mailed and returned. On the Monday prior and on election day we received approximately 56,000 absentee ballots totally over 300,000 ballot pages, which had to be processed, verified, canvassed, opened, scanned to be included in our election results. The sheer volume of paper requiring proper handling and signature verification contributed to the final election results not being completed as quickly as media outlets would have liked on election night. Our challenges were further exacerbated by a 12-hour mechanical breakdown of our inbound absentee ballot processing equipment. And on election day polling place and efficiencies have been largely attributed to our outdated voter check-in process. The paper-base process significantly impacted wait times at some precincts, as voters had to be manually located on hardcopy precinct registered pages and often waited in ordinary periods of time for poll workers to make phone calls to the department to determine voter eligibility. And lastly, not reprecincting. While the decision to not reprecinct after legislative re-districting was made in the best interest of the voters and actually served them well in the primary election when compounded with other factors, it had the opposite effect in the General Election. In some cases it resulted in an uneven distribution of voters, which proved problematic in a high turnout election, coupled with a long ballot. But even with these challenges and a 12-hour mechanical breakdown in our absentee ballot processing equipment, it should be noted that by 10 PM on election night 91 percent of our precincts had their last voter vote, and we met and exceeded the state's reporting deadline for both unofficial and official results. Now in having identified these primary contributing factors, the obvious question is what can and will we do to ensure that we don't experience these challenges in future elections? And the answer is twofold. At the state level, among the most impacted remedies are the legislative changes that were recently approved. The County made five state legislative requests that specifically related to the challenges we faced. They were flexibility and the -- allow the sites used during early voting; extending the number of early voting days, which included the Sunday prior to election day; limiting the state constitutional amendments, the same 75 word restriction of other ballot language; and extended a number of days that supervisors are permitted to canvass absentee ballots before the election, from 15 to 20 days. And since the time of these recommendations to say this passed a comprehensive bill known as HB-7013, which addresses many of our concerns. And I feel that they will have a positive impact on elections moving forward. I'm very encouraged by the passage of this bill, which will expand the currently authorized early voting sites and allow up to 14 days of early voting, including the Sunday before election, and it also applies the 75 word limit to uncontested constitutional amendments. Miami-Dade County and the Elections Advisory Group are committed to taking advantage of the opportunities and flexibilities these new laws provide for major countywide elections. We believe these changes alone will help to significantly reduce lines in future elections. At the county level the department is currently working on a comprehensive countywide reprecincting plan to eliminate split precincts and provide a more uniform distribution of voters. Miami-Dade County is committed to implementing technology enhancements that will significantly speed up processing times in all methods of voting. For election day, we will purchase electronic poll books that will be used countywide in all precincts to provide faster, more efficient voter processing, instantly update voter history and eliminate the need for phone calls to determine voter eligibility. For absentee voting, we will replace and purchase advanced absentee ballot processing equipment that will exponentially enhance inbound processing productivity and eliminate delays and inbound processing -- I'm sorry -- outbound processing due to resource dependence. And finally, in early voting. As I mentioned earlier, the most impactful change for early voting is opening additional early voting sites, and based on the type of election. Not only does the one-size-fits-all concept not work from county to county but from election to election. And we have broken through the one-size-fits-all mentality. We realize that in Miami-Dade County presidential elections weren't more than standard, 20 early voting sites. Additional early voting sites will reduce wait times, allow a better dispersion of voters and enhance voter convenience. Because after all, at the end of the day, it's all about the voters. So in closing, it is, again, a pleasure to be here today. And I thank you for the opportunity to speak before the Commission. I am hopeful that the legislative changes that were recently enacted will improve the voting experience here in Florida. And I'm personally committed to instituting those changes under my

discretion to ensure that future elections in Miami-Dade County can be seen as a model nationwide. And with that, I'm happy to answer any questions you may have. Thank you.

>> Thank you very much. We'll resume now our hearing here of the commission on election administration. And in the -- we are very, very pleased to have a panel here of very distinguished experts who have closely studied, collected data, and provided very sophisticated analysis of a number of the issues that the commission has been charged by the president with looking into. And we'll begin with Stephen Ansolabehere, professor at Harvard University, and appreciate, Stephen, your being with us. Thank you, and proceed.

>> Stephen Ansolabehere: [Inaudible] between us and lunch, so me and my colleagues will go quickly through our presentations. I'm here to speak on registration systems, and I've submitted a whitepaper that goes along with this presentation. I'm not going to follow the whitepaper as closely as possible.

>> That's fine, and I do want to repeat for the public and also for those following us on the webcast that all of the documents that are going to be submitted here, that is going to be the base of the testimony today, will be posted to the website at [ww.supportthevoter.gov](http://ww.supportthevoter.gov). So all of that will be available in short order. Thank you. Go ahead, Steve.

>> Stephen Ansolabehere: The registration system is really the backbone of the election administration system. It is used in all aspects of the operations of the election office, from setting up precincts, determining how many precincts to have, where people vote, what kind of ballots are to be assigned to which voter, and so forth, how -- where ballots are to be sent when there is an absentee request, where information is to be sent to voters about where to vote, when to vote, and how. Registration is also vitally important to political campaigns. So anything that is done in the registration system has big ripple effects outside of the election administration domain. The people who engage and get out the vote activities by political parties, candidates, and other groups rely very heavily on the lists to manage their communications activities. So it's very important not only to the election administration but to the entire conduct of elections and the operations of elections. I would like to highlight four aspects of registration in the United States to get our conversation started. First, from my perspective, there's been considerable improvement in the registration system since 2000. I became deeply involved in this area of research after the 2000 election, and so it's been interesting to follow what has happened. And consider one indicator that the Census Bureau uses to measure registration rates and reasons for non-registration and non-voting. This is from the Current Population Survey, and the Current Population Survey asks of all reported non-voters in the CPS why they did not vote and give various categories. And one of the categories is, "I encountered a registration problem." In 2000, 6.9% of non-voters reported that the reason they didn't vote was a registration problem. By 2012, that had fallen to 5.5%. That's a significant drop in statistical terms. The difference between 6.9% and 5.5% corresponds to roughly 1.2 million votes. So that's a big improvement in terms of number of votes affected. That said, 5.5% of non-voters still represents 4.8 million people. So if we're thinking about standards, quantitative things to focus on, if we can get that 5.5% figured down further, every couple percent we shave off there, couple million voters. It's an important metric to follow at a national level. Second, there have been four significant innovations in the registration world since 2000. First was the introduction of statewide voter registrations lists, which was required to... Help America Vote Act. Thank you, Charles. Here, I'll give you that. In 2000, there was one state, Michigan, that had fully implemented such a system. It was a model for the other states. By 2 -- oh, and you guys, Kentucky. Sorry. I didn't realize you guys were all the way up and running, at that point. By 2006, however, every state was required under HAVA -- and I think there were only a couple states that had not successfully implemented this system, and now every state has a statewide voter registration system. This has helped enormously in managing systems, facilitating... communication among the counties, between the counties. Second big improvement, which is not a governmental improvement, is the development of national voter registration lists of the United

States. These are maintained by private firms such as the firm Catalyst. They take all of the voter registration lists from the counties in the states, they merge them together, they manage them as if they were official lists, and they're used for communications purposes by campaigns and groups. I think there are enormous lessons to be learned in studying these lists for developing best practices, finding indicators for how to improve, finding specific problems, finding areas within the country where there are specific problems in lists, and targeting those lists. Third, there have been tremendous advances in technology outside of the election domain, specifically in managing extremely large databases, and how to merge those databases together with other databases to come up with improvements. Some of these technologies verge on problems and breaches of privacy, but many of them -- most of them, I think -- have been, on the whole, positive changes. For example, 10 years ago the thought of managing one terabyte of data was impossible. Fourth is, state laws have changed, opening up the lists. Today, 17 states offer online registration. In 2002, the first state to adopt that was Arizona. Since 2009, the other 16 states have come on board. This is a very rapidly-changing area, and I expect this is only going to continue to grow. The other area in which this is evident is same-day registration. Back in 2000, there were only, I think, five or six states that had same-day registration; we're up to 11. And three states -- North Carolina, Ohio, and Maryland -- allow same-day registration when you vote early. So it's really 14 states now that are offering some sort of same-day registration, some way for voters to self-manage their registration lists. Third major point to take away is that the registration system, although we talk about it as many different systems, is actually one enormous system that happens to be managed in a highly decentralized way. It's a 20-million-record system. That corresponds to one terabyte of data. And there are various aspects of that system. Nearly everybody who's eligible to register is registered. 88% of the eligible citizen of voting-age population in the United States is registered. So we're doing a good job getting people in. There's probably some further improvement to be made in that. It's then what happens to those registration records once they're done -- used. It's a very decentralized system. There are 8,000 election offices in the United States that deal with this system that have to work with it. Most of them are county offices, but there are also some states like New England, Michigan, and Wisconsin that have town-level registrations, so you have many small jurisdictions dealing with this. The election office is the point of contact for registration... in most of the systems that we use, though they're also -- voter registration offices are facilities tied to DMVs and so forth. And the use of these lists is highly decentralized. There are 186,000 precincts in the United States, so once the state has developed a statewide registration list, the data is then redistributed to those 186,000 districts -- precincts. And finally, it's highly varied. The 160 most populous counties in the United States handle half of all registrations. The remaining 2,900 counties have the other 95 million records. It's a very different world between the very big population counties and the small population counties and even small towns. The least -- the smallest list is 115 people. You don't need a massive technology to deal with that county's registration list. LA County has 4.6 million records. You have to have considerable computing power, staff, and sophistication to deal with LA County's registration records. Fourth point, and this really goes to the reason that the lists are difficult to manage, is that people move. That is the main cause of registration problems or registration complexity. The lists are static. We think of all registered voters on a given day or all registered voters in a given election. But in fact, people move continually. And we heard some of the problems with that. I think the military is an excellent example -- extreme end of the severity of people moving around, even day-to-day. Twelve percent of Americans change residences every year. So, in about a four-year period, half of all Americans move. Right, so, between presidential elections, half of the people have churned over in terms of their residences and, therefore, where they are supposed to vote. The population mobility creates two kinds of errors, and these are another criteria you might think about focusing on. Those are areas that are false positives and areas that are false negatives. False positives are people who are left on the lists but shouldn't have been, say because they moved, or died; and the false negatives are records that were dropped from the list but shouldn't have been... dropped, or were not correctly recorded when they should have been recorded differently. There are -- and the whitepaper goes into this. There are different ways in which we might think about how to manage false

positives and false negatives, using various indicators that are now becoming available from statistical analyses of these lists. And I think this is an important area to think about making improvements. When we think about duplicate records on the lists now, for example, we have measures from Catalyst and other firms of how frequent such duplicates are. I think the election administrators are doing a fairly good job nationwide, it's not uniformly true, but fairly good job in managing the lists from this perspective. The number of duplicates is only about eight to nine percent on the lists now. In other words, the election officials manage somehow to keep ahead of the annual rate of change in the population. But how can you improve further on that target? Can we somehow minimize those errors? And that's, I think, the big challenge, which is, how do we make the next steps in minimizing and identifying those errors? And the three big points to take away I think are, first, technology can be very helpful, especially in the big list areas; second, self-management is an emerging trend that is going to really continue to change the list over the next decade or two; and finally, as with all aspects of the system is adaptation. That is, the system learns, people learn from other people what to do, what works; they apply it; it works, or it doesn't; and they keep the technology, innovation, or they don't. And those are the three things that I think we should focus on and talk further about. But I will pass the gavel now to Charles.

>> Welcome. Let's see -- oh. I'm on, so I now need my slides. And while we're waiting for my slides to pop up...

>> Again I want to thank the commission for inviting me and to share some thoughts about lines today and also to the commissioners who are spending a lot of time and effort in a really important problem and really important set of issues and I appreciate you all doing that. I'm Charles Stewart, professor of political science at MIT and one of the co-directors of the Caltech MIT Voting Technology project and as part of that what I have been trying to do over the last several years is try to move, help move the election administration in an area that pays more attention to matrix and measurables and trying to manage by the same sorts of management techniques and measurables that we find other areas of public administration like education and corrections and traffic and all the rest. And one example of that is working with the [inaudible] charitable trust and their elections performance index which I've actually worked with some of the commissioners as well on that, that project. But today, we're talking about lines as with Steve, I have a white paper as well that will be on the website and shared with the commission. I wanted to I guess make four points in talking about lines, lines waiting to vote and say a few words about the costs of lines, of long lines, make the point that lines are not universal that they vary geographically and demographically. Also make an observation that there're a lot of proposals out there to reform the problem of lines make them shorter or more manageable and there's a way of kind of organizing them within the theory of queuing and then along the way keep noting that not only our matrix often times not brought into the, this discussion but even research on best practices and what's effective is, is missing and that would be an important thing moving ahead to try to get ahead to get goose to long. So just in terms of what are some of the cause of lines, how we think about them and I propose in the white paper three ways of thinking about the cause of lines and one is by trying to estimate the number of people who turn away and don't vote in an election because of long lines. And here we can also introduce three major public opinion surveys. One as Steve has already mentioned the voting of registration supplement done by the census bureau. There's two others, there's cooperative congressional elections study of the CCES which Steve is the principal investigator on and the survey The Performance of American Elections which I'm the principal investigator on. These are two very large national surveys and that covered election administration issues. All of these surveys together come up with the same kind of order of magnitude estimate from 2012 about how many people didn't vote in this last election because of long lines and order magnitude is roughly 500,000-700,000 people which again to put things in the context you heard earlier that this is smaller than the problem with voter registration, it's roughly as same size though little smaller than the problem we experienced decade ago with the antiquated voting machines, hanging chat and all that, so it's a little smaller than some of the other pick, high profile issues, but I still would argue it's in the same ballpark. So we lose votes because of long lines. We also lose confidence

because of long lines and it provide evidence about, about how to see that. We can ask people how confident they were, they were that their vote was counted as, as intended and we, and we see for instance that people who wait more than an hour to vote are significantly less likely to say that they were confident their vote was counted as cast than those who wait less than 10 minutes to vote. This is from the SPAE, but it's not only that they lose confidence their own vote, but we also see that when you ask them about the confidence that vote in the county were counted as cast, they wait a long time that's lower, if they ask on how confident they are that the votes were counted in their state level, at the national level it goes down. It's not only based on personal experience, but if you live in a state where lines are long, but you yourself waited in the short line, this is the last, this is the last table, you're also going to be less confident that votes were counted as cast. So there are knock on effects too with long lines that undermine the confidence that people have in elections. And then finally there's, there's the monitoring matter. I, I won't emphasize this too much but given that you know the election administration is public administration, we do want to put at least cost and some sort of perspective, I try to do a quick calculation about how much time to spend waiting to vote and here's my calculation, that's supposed to be a multiplication sign there. But if we take 13.1 minutes which is the average to vote in 2012 times the number of people who voted in person this last election, we have 23 million hours waiting to vote in the last election and at 23.67 the average hourly wage that's about half a billion dollars of, of economic time waiting to vote. Now I wouldn't risk my tenure on this estimate, but I would point out that for instance in 2000, the voting technology project was able to estimate that in an election year, local election officials spend roughly a billion dollars running elections. So again the amount of time that voter spend waiting is within the ballpark about what, what we observe local government spending running elections, it's just that we, the local, the voters are spending at one voter at a time distributed across 130 million people and budgets are of course much more aggregated. And we can also talk, so those are some thoughts about, about the cost of, of long lines. There is some kind of basic facts demographic and geographic that I think need to be thrown out there, they personally threw those out last at, at your organizing meeting and I don't want to delve too much on them, just again to, to repeat that in 2012 as in 2008, actually waiting in line a long time was unusual. Most people more or less walked right in to vote and walked right out, but there is between you know say in 2012, 4% of voters who waited more than an hour and we can see the average wait times here on the tables. But if you wait more than an hour, you wait a really long time and so we follow up with people who say they wait more than an hour. Exactly how long did you wait? And they're waiting on average two hours. Okay, so if you get caught in that long line that's an hour long, is going to be a long line and that tells us probably something about what's happening in those precincts. As also aware of third of all the total wait times happening, there's a small group that's waiting more than an hour. We can talk about the geography of waiting, again you all know this. Vermont is the champion in terms of short wait times, Florida is at the other end. Largely there are small states that have short times than you know bigger, more urbanized states have longer times that are also pointed out for instance the California is one of the short states, short waiting time states and California has historically long ballots and you know lots of diverse populations and many of the same problems that happen in the larger states and so I think you know we might learn something from California may be. Another way of looking at the geography is through a map and I apologize to Commissioner Thomas for making Michigan look ugly up there, this sort of looks like a blob, but basically you know there are patterns as well where the kind of the southeast of the United States, the seaboard is where the longest lines are and the west is where the shortest lines are. This tells me from what we know about policy diffusion that there may be commonalities reaching in the United States in terms of policies and laws that, that lead to variations in lines. There's also variations in within states of course. I shared this map with the Florida supervisors a couple of weeks ago. Here's the map that shows the variation even within the state of Florida, the counties that aren't colored by the way have too few respondents to get averages, but you'll notice that there's a fair amount of, of, of, of diversity within the State of Florida. Many of the urbanized states, the darker states are urbanized counties are half the longest lines, that's not a surprise, but I'll point out by the way Pinellas County which has St. Petersburg has among the shortest lines among the

larger counties and so again you know if you're a large urbanized county with a big city, you aren't, you aren't preordain to have long lines, even in the state of Florida. Finally, there is variation within counties and I have this map and I, I have a longer analysis in the paper and part to do it a shout out to supervisor Stypes who was here earlier who actually publishes anticipated wait times on her website. Here are where her 17 early voting centers were. We had one on that had an average of 14 minutes anticipated wait for their early voted period that was supervisor of elections office. We had another library, the Tamarac Library, 157 minutes on average and then we had all the other local early voting centers, so there's a lot of variation even within counties, even within precincts, which has been noted. Finally, the, the Iowa end on geography by just noting that there's a lot of persistence in the lines. This plot shows the average wait time in 2012 with the state level against the average wait time in 2008 and you'll notice with the diagonal showing, showing us states where it was longer or shorter in 2012 and you'll notice that there are some states where it was longer, somewhere it was shorter in 2012, but the overall pattern is, there's some states that just seem to be persistently long, some states are persistently short. May be there are short, short term marginal one off things that affect how long things will be, the lines will be, but there are some persistent practices in the states as well that that suggests we need to understand. There's a matter of demography, again the average period of voting 18 minutes in early voting, 12 minutes in election day voting, the ratio differences have been mentioned before, African Americans are waiting roughly twice as long as whites are, are waiting, it's clear from the, from the survey evidence that this isn't, and the statistical analysis on it, that this is a discrimination gets individual voters if we do statistical analysis where are we begin to take into account the demographics, where people live and I'll just put this graphic up and I'll, I'll just talk about what it means is that was we basically as we drill down into where people live and this will be consistent with some of the testimony here this afternoon. It's not so much that individual minority voters are being discriminated against is that places that the, the places where minority voters tend to vote have long lines, so in those areas even white voters wait a long time. So the issue really is why is it that the precincts where African American and Hispanic voters vote, what are the difficulties that attend those precincts and I'm, I'm sure we can talk about some hypotheses there. Finally, I'm going to just say a few words about proposal, about what to do about long lines. I don't have strong recommendations to be had, I do want to suggest to the commission their ways of thinking about and organizing these proposals within on the theory of queuing which some of you encountered before, some of you more often than others where we have, it's a science of understanding customers arriving, waiting in line, taking a service and leaving. Of course running a polling place involves three queues or one feeds the others so it's actually quite a complex situation. It could because we have to check in, we have to mark ballots and we have to submit ballots and each of those can be not only places where lines conform but you can also have downstream affects of all these queuing. So that you know if you have a line to scan the ballots, it can actually propagate back into people checking in. So queuing theory gives us three types of prescriptions, we can reduce number of voters coming to a polling place, we can increase the number of service contacts or we can reduce the average transaction times and so these various proposals which I put up here can become lumped into all of these larger categories and we can make you know some comments about you know these proposals and whether empirically that is from what we observe right now from the data that we have whether these you know whether the kind of hypothesis is confirmed that these things will make lines shorter and here're just a few things to kind of throw out there. So for instance we can increase both by mail, we can increase early in person voting. Well it actually turns out empirically if we look at the data from 2008 and 2012, the places that did more vote by mail in 2012 actually ended up having longer lines in 2012, so there's something happening in those states. My guess is that also resources are being redistributed as well, so that the remaining in person voters aren't relying on a greater density of resources, they're probably getting by with fewer resources. Making election day a holiday is a popular one for lot of reasons and one perhaps for giving people the day off so it may be they would, may be they would smooth out their arrival time so there's mixed evidence about that. In terms of increasing the number of service points, we've talked about this earlier today, we can increase all sorts of resources. Empirical trend has been the opposite, as the states have consolidated

precincts, reduce the number of poll workers, etc., over the last several years largely in response to budgetary cuts. DREs electronic machines seem to take longer to vote on. There's a tendency to abandon DREs for other reasons, so that might be something that [inaudible] the favor of, of, of voting times. And then finally we can reduce average transaction times and I will note that there are some recent research that suggests a kind of robust relationship between ballot lengths and a, a waiting time so the point that each item in this research, each time on the ballots so this will be like one more office, etc., as between 8 and 12 seconds of, of time waiting to vote, so, and so when you see that there's variation between 30 and 50 items on a ballot in a county, you can just do the math really quickly and figure out what that does to wait times. So I'll just conclude with a couple of things and I guess in the interest of time I'll just, just say one thing in conclusion. Ten years ago when Steve and I got involved in doing a lot of these research, the, the hot topic was a voting machines and when we hopped into the voting machine controversy and problem, there ended up being a magic bullet which was retiring antiquated machines and we could demonstrate that straight out with the data. That bullet does not exist for long lines. We cannot go and say based on the evidence we have if you were to double the number of poll workers or give everybody electronic poll books, it would cut lines by 10 minutes. We don't have the evidence for that. And so I guess one of the things that the commission I hope will be we can talk about is how it is that we foster a you know foster a system in which not only is there you know continuous improvement but also the generation and the type of data and type of information necessary to allow policy makers at all levels of government, from the federal all the way down to the, to the, to the local governments to, to understand what some of those magic bullets might be. So I'll stop there and thank you for your time.

>> Thank you very much and as the baton got picked passed very quickly from Professor Ansolabehere over here to Professor Stewart who introduced himself fundamentally, I didn't want to emphasize he is really a, a cutting edge scholar in this whole area of applying hard data analysis and metrics to the question of how we're performing on elections, I understand there'll be a book in the not too distant future of yours coming out, but I think will be path breaking in that respect.

>> ...now introduce Donald Inbody, Professor at Texas State, who is a nationally recognized expert on military voting, and we welcome you, Professor Inbody.

>> Donald Inbody: Well, thank you. I teach at Texas State University, which was actually a second career after 28 years in the Navy. So, when I started getting into my academic research, understanding the military voter just was kind of a natural area. And I appreciate the opportunity to talk about the UOCAVA voter, what we know about it so far statistically, and then based on my conversations with a lot of local election administrators around the country, what appears to work and put those out as some good ideas to think about. The main problem, the principle problem faced by overseas and military voters is how to get a marked ballot back to the appropriate local election jurisdiction in time to be counted. There's a lot of related problems to that, but if you want to cut to the core, that's the simple nature of the problem. There's also a serious problem with turnout rate. There's some 4-1/2 to 5 million overseas citizens based on varying estimates. The turnout from them appears to be around 12%. Of military, overseas, it's about 19%. That's a rough estimate. And you heard previous testimony -- how many of our military voters are returning their ballots from overseas? We don't really know, but when I talk to local election administrators, I get a uniform answer of about one-third of the UOCAVA ballots are coming back from overseas. That is at best a rough count. I have some recommendations on that later that we can discuss if you're interested in that. But of the two problems between getting the ballot back and the turnout, I think the one that we can actually deal with statutorily and administratively is probably just getting the process sorted out. We can't fix the turnout rate, at least not easily, but we can minimize some hurdles and barriers. There's been some questions here, earlier, about metrics. What is an appropriate metric for this particular issue? The real test of success with overseas voters or even the broader group of UOCAVA voters, including even domestic military, is probably not how many of the potential voters are contacted or convinced to actually cast a ballot, but probably should be how many of those who choose to cast a ballot have it successfully counted. And I think that's a

part of the main problem that we're finding, is that too many of the ballots that are submitted for a number of reasons don't get counted. Here's the ballot return rate that we've noted between 2008 and 2012. The 2012 numbers are estimates based on some of what we've been able to get back from various states. The Election Assistance Commission hasn't put out the report yet. It probably won't come out until the fall, but we've been able to piece together information directly from states between myself and the Overseas Vote Foundation. And it appears that the basic here is that the rate at which requested ballots were actually returned for counting has gone up over the past four years. That's -- of course -- good, and we think the increase is probably due to experience with the system now, growing experience by the voters themselves, along with several years of publicity and combined education. The work that the Federal Voting Assistance program is doing is good. We think there's probably some improvements can be made. The Overseas Vote Foundation, who you've already heard from, has some very laudable efforts. And many of the states have taken some very specific steps to make their websites easier and to get their information out. I think that needs to be more uniform and needs to be redoubled. Still, a third of all mailed UOCAVA ballots are returned undeliverable. As you know, the UOCAVA voter submits a federal postcard application. Forty-five days prior to the election, they mail out the ballots as those may be requested. The consistent response across the board is about a third of them get returned undeliverable. That is, of course, somewhat understandable since the crowd that they're sending it to, the population they're sending it to are a mobile crowd, and the address could very well have changed and often has from the time between they submit the FPCA to the time it is mailed out. Local election officials are uniformly frustrated by that. They feel kind of hamstrung. They, in many cases, know through other sources that the ballot they're about to mail is going to be returned, but they have to do it because of local laws. That's sort of an issue. Another one that raises issues of, they mail the ballot out and then later on get an electronic request. How do you deal with that? Some local election administrators have state laws that permit them to deal with that. Others bend the law to make those things happen. And then there's, of course, the issue of, we mailed out a UOCAVA ballot, and they show up in person on election day or early election, how to deal with those things. So there's still some blanks in the laws that need to give the local election officials some flexibility in the ability to deal with those sort of things. According to the Overseas Vote Foundation, which is the only really good survey right now, 22% of overseas voters reported that their ballot that they requested was either missing or late. Late includes late like after the election or too late to respond. Now the actual number is open to some question because of the nature of the survey, and the Overseas Vote Foundation admits that. But clearly there is some sizable group of people who, for whatever reason, don't get the ballot. Now, we do have -- there's been a lot of talk about the postal systems here. There's really good evidence that the postal system can deliver mail overseas in less than a week. There was some discussion I had with an election administrator and the secretary of state in Minnesota. They did some looks that they could get a ballot from Minnesota to Bagram Air Force Base routinely in four days. The problem is downstream from there: getting it out into the field, out to the soldier, the marine, in the field, and then getting it back. And then of course, that starts the process; the return route is invariably longer than getting it out there. Of the ballots that came back, one third were rejected or not counted because they were late. The ballot missed whatever the state deadline is. There's a problem there that is confusing to a lot of overseas voters. These laws vary state by state. Some states require the ballot be back by Election Day. I know Texas allows five days. Florida allows 10 ten days. Yes, I know, they're citizens of a state and they ought to know their state's rules, but they get a lot of advice from other people, and then local, the military election or voting assistance officers often just don't have the training or to know what these variations are. We wonder if some kind of standardization as close as we can get among states to allow these overseas ballots, at least, to come in late might not be helpful. There's been some other talking, too, about permitting the use of tracking data on ballots that if there is reasonable evidence that the ballot was actually marked before whatever the deadline is that it be counted regardless of when it actually arrives. That may be worth exploring. And then the other problem is the confusion over the federal write-in absentee ballot and what you can do with it and wide variation between states. Some states use it as a single-source document, both registration and casting a ballot. Others, it is only casting a ballot. About a third

of FWABs are rejected. A lot of reasons for that. The number one reason: there was no federal postcard application on file. So the ballot arrived and, in effect, they weren't registered to vote. So that's the number one reason that we're seeing on that. And so perhaps some sort of legislation by states that allows FWABs to be used as a single source of registration and a voting document simultaneously. And then, of course, now you have to get into variations in states on registration limitation. Is it 30 days? Is it 15 days? Is it Election Day? That sort of issues. And again, this just adds to the confusion of the overseas voter that the statewide variation in state laws just add to the confusion. You've seen this slide before. The Overseas Vote Foundation produced it, but it kind of shows where I think the future is going. Most people got their FPCAs electronically; however, most people submitted their FPCA by mail, even though it would be perfectly legal in many cases to send them electronically. Most of this -- 2012 marked kind of the tipping point -- most of the returned or the transmitted ballots for UOCAVA were transmitted electronically. We think just over half were transmitted electronically. That's a good trend; we hope that increases, because that will reduce at least the outbound time. It will also reduce the mail returned undeliverable level. So we think that that's a good thing and ought to be encouraged. However, notice the last box, "Ballot being returned largely due to state laws"; nearly all of those ballots were returned by post and not electronically. Some states permit electronic return of overseas ballots; some limit it to personnel in combat zones. I know Texas just passed a law to permit one county, due to a pilot program, for any voter who is drawing hostile fire pay to be able to return their ballot electronically. Read that to be they get the ballot, fill it out, scan it into some form like a .pdf, and then email it or fax it back to the state. They're going to do a one-county test. Other states are already doing that. Now, there's a lot of course resistance to electronic casting ballot due to security reasons, but I echo the previous panel's, was it Mr. Lux? Who is absolutely encouraging that we need to, for at least the overseas voter, and if not for all overseas voters, at least for the military overseas voters, that permits some method of electronic return of the ballot to, again, cut down on some of the problems in getting ballots back. So, what do we know? We know that UOCAVA ballots are up. The return is up, again, likely to experience and education. We also know that the electronic blank ballot instructions are confusing. My favorite election administrator in Texas, Jackie Callahan -- Jackie Callanan down in Barrett County, loves to bring out her box of returned ballots from overseas. And it is this amazing conglomeration of people and how they interpreted how to return this electronic ballot. And the common thing is that you have to have a PhD in origami to be able to get all of these things all put together again. Now, to the local election administrator's credit, as long as there's reasonable evidence that the ballot actually came from a registered voter, they're going to do whatever they can to count it, including those ballots that don't come in a security envelope. They'll do what they can. The local election administrators are bending over backwards to do that, but it's clear that the instructions don't pass muster, because the confusion is obvious. And so -- and I've already mentioned the issues about FWAB acceptance and the deadline of received ballots. So, what works? I've got eight best practices that seem to be working, is, encourage the increased use of electronic ballot delivery. Add to that the mail tracking that has been discussed here before, so that those that are actually sent by mail, they know where the ballot is, where they go astray, and in real time or near real time know if a ballot has taken too long to get somewhere and some kind of step can be taken to track it down. We think that there ought to be extended ballot receipt time, at least for the people for the people who live overseas, something beyond Election Day. In most cases where there was that extended time, the rejection for late was reduced. We think that at least for overseas people and at a minimum for military assigned overseas that there ought to be some form of electronic ballot return. Increasing the use of the FWAB as a dual-purpose document. Again, there's just a ton of confusion over how to do that. A lot of states are already doing this, and they seem to be having good success with it. One issue that I didn't mention earlier was that when a lot of these overseas ballots come in, they have to be manually transferred to the form that can be scanned in, which involves a human -- usually two people with observers -- manually transcribing it onto another form. That of course increases the likelihood of human error involved. If that gets combined in the electronic return, we've noticed that some -- there's technologies that are out there -- have reduced a marked ballot to a barcode, which is a good

process, except when combined with overseas printers that use different size paper; sometimes that barcode gets cut off. And this is part of the problem that has been going on there, so there's clearly some technological issues that are involved. The problem with the barcode scanning thing right now is those are nearly all proprietary softwares. There's no common standard on that. We think giving local election officials a little more flexibility -- I've talked about some of that: the ability to make some decisions, a little more flexibility in how to decide which ballots ought to be counted and which ones can't. The law basically allowing certain things, especially for overseas voters, seems to be helping out. In limited cases, and I've had more than one local election administrator mention this, and I wouldn't have thought of it except they bent my ear with it, is they have seen certain cases where the law allowing the designation of an administrative proxy, a person, to help in the preparation of the completed ballot. The specific cases they were talking about were soldiers overseas in arduous areas, very difficult to do it to where they could establish some sort of a secure means of communication with him, and he says, "What I want to do," and somebody prepares the ballot for him, at least administratively, and then something along these lines. No state is doing that now, but several administrators were suggesting that in limited cases; that may be a valuable possibility. And then eighth, I think that's been a common theme here, is that the education of the UOCAVA voter has to be redoubled. And that's a multi-factor issue. DoD, particularly FVAP needs to do better in what they're doing. Not that what they're doing is bad, but I think there needs to be more. The Overseas Vote Foundation is doing a pretty good job, but they're a small nonprofit. And some states do a much better job than other states in terms of single points to go to get information and feedback. And then finally, data collection -- I think it was mentioned before, the way the laws are written right now, you have overseas citizens, and you have military voters. And in most of the data that's collected, particularly by the EAC, it lumps all military voters as the same, and it's hard to pick out which are overseas, and which are domestic in terms of just being able to figure out what the difference is in those populations. While the overall military population tends to vote at about the same rate as the general population, it's clear -- to me, anyway, based on what limited data I have -- that the overseas military population is voting at a much less rate than the general population is. And then the last thing is, a question that is continually asked is, what is the military turnout rate? How are military people turning out to vote? The only data that is presented right now is by the FVAP with their post-election survey. All of that is based on self-reported data: "Yes, I voted"; "No, I didn't vote." We know from the national election study, in the past, when we were allowing it to be validated, is that number tends to be inflated by anywhere from 10 to 15%. And so if you look at that, the FVAP rates, if you subtracted 10 to 15% from the FVAP reported rates, it looks kind of like the general population, which actually doesn't surprise me a bit based on my other research about political behavior of military people. It tends to match the general population in general. So, I've got more of these details in the short paper that I submitted. I thank you for the opportunity to talk about these. And, of course, I'm ready answer any questions that you may have.

>> Thank you very much and let me see what we have...Commissioner Lomax.

>> Larry Lomax, as far as military turn out I just have a question is that...when you give that turnout rate based on Presidential elections known or is that all elections?

>> That was what I was able to glean from 2008 data which is the closest I've had to any kind of complete data, yeah that would be presidential, I would guess in the mid term so that number is probably lower.

>> Yeah, I'm a 30 year military guy and the only reason I brought it up is my experience the only thing we knew about is kind of congressional level and above.

>> That's right.

>> And was very little interest in any local elections.

>> Well, that's right and that was my experience in being overseas a lot, a lot of the local furor about elections is completely lost on them so presidential and maybe congress and senate but when you're talking about sheriff and dog catcher you know that gets lost in the...they don't pay any attention to that stuff so.

>> Commissioner Patrick.

>> Well, I had just a couple of questions regarding UOCAVA voters so throughout the presentation there were a couple of mentions about the success rate being attributed to voter education, did you in any way think there might be an impact from the Move Act so that the voters have gotten their ballot now at an early point in time, what we've experienced in our jurisdiction is that the voters now have it long enough that they believe that they will be able to get it back to us in time to be counted and that has been impactful of the return rate as well.

>> The Move Act was clearly successful, two things, one the 45 days, giving more time for the turn around process, the second one was the changing of how you treat the FPCA. Instead of two election cycles to back to just one election cycle because if it was two election cycles you just increased the likelihood that the address is bad by a lot, more than double. So that helps, all the election administrators that I talked to were happy about that. That made their life a little easier. The one thing related to this though is they...the local election administrators that I talked to for the most part would prefer to be able to treat military UOCAVA voters that are overseas, differently than military voters that are domestic and this has to do with the time management problem because by all estimates two-thirds of the UOCAVA ballots that they get are from domestic military and yeah they've got a specific issue and I get that but the overseas military voters are in an entirely different category. When they get down to this crunch they would prefer to expend their effort on getting those ballots overseas as opposed to the domestic. They think that in many cases while they are not willing to recommend that we treat military voter domestically just like any other absentee the absentee voting problem for domestically stationed military is closer to they typical absentee problem than the overseas one.

>> One complication that I would see with doing that would be that many times we'll have them from what they checked off in FPCA as a domestic military voter but by the time the next elections come around they in fact have been deployed or they're somewhere else so there can be some real distinctions and some issues I think.

>> Well, that's true and it was already mentioned in one and I get this constantly from the election administrators they mail the ballot to a domestic address, somebody else forwarded it to them overseas and in many case, this isn't the case that they got re-stationed this was a case that was just their plan from the beginning but they were going to mail it to their home record, somebody there was going to do it for them to make sure that it got to the right military address.

>> And then one research question that I had is if anyone knows the number of states that do not allow the federal write in absentee ballot, the FWAB, as a registration application as well or how many do...or how many don't.

>> I can get you that number; I don't know it off the top of my head, it's available.

>> Thank you.

>> Just one little point on that, on the FWAB part of that is a creature of the federal law because FWAB was created by the feds so it would be nice but we're not recommending legislation but that's kind of...you see the deviation because FWAB wasn't originally intended that way.

>> I can tell part of the confusion on the FWAB and the local election administrators talk about this all the time too many of the particularly young military voters see it as the last minute emergency ballot...oops I messed up I didn't get to do it so I'm going to get and FWAB, I'm going to fill it out, I'm going to send it in. I'm not advocating that we count all of those but to the extent that we can get those somehow

in trying to get some kind of process it might be better. A number of those late ballots coming in late are clearly and this again from talking to local election administrators, people who ask for their ballot too late as well. So there's a certain amount of voter malfeasance if you will involved in the process of their own but I don't think that's a major systemic part of the problem.

>> Charles and Steve let me ask you a question about a slide in Charles' presentation on page 11 which is the Broward County slide made available by the supervisor on varying wait times within Broward. Same administrators doing the planning, same ballot, why such a huge discrepancy among similar sites so close together, any theories on that?

>> Well, the first thing I'd say is that too bad she's gone off to lunch I'd like to actually talk with her about it, I mean actually the first thing I'll say is that Dr. Snipes actually mentioned one thing which is often times under appreciated and that has to do when you talk about [inaudible] of people living in different areas, demography and all that sort of thing but that little circle at 128 I think that's her Miramar Library that she talked about, the one with the little room. Where as the one by far the smallest wait times are as I recall our supervisor of election facility, so they own these facilities, they can arrange them how they wish and so part of it is the just the logistics of setting up the vote in a good place. I was playing around myself with this in particular and it looks to me when I eyeballed it and I want to get my GIS people on this that there's a function of where people live and that many of the short waits are in places that have relatively low population densities and the longer waits are where kind of the closest place there's a lot of people there and you'll recall that Florida constrained where they can do early voting, the libraries and to the supervisor of elections places. So basically you know the longest wait times are places where that's just the closest library, there's not a lot of libraries around there but for whatever reason there's a lot of people living there, so that would be my main hypothesis looking at this particular data about that variation.

>> Steve.

>> More data.

>> Standard answer.

>> That is my standard answer isn't it.

>> You're not by any chance a political scientist are you?

>> So a couple things I think we've observed over the years about wait times and lines in specific places. One is if you go back to the other slide on persistence there's some states that are persistent and these are places where there are a lot of people, very mobile and so forth, there are also states like Florida where you've got a lot of re-precincting going on and re-precincting juggles the lists, creates confusion about where you are supposed to vote and so forth. So one of the cautions here is also where you see a lot of re-precincting, where you see a lot of people getting knocked out of their boundaries for management reasons, for one management reason is creating another management problem. I think one of the things to think about is how you look across all the management decisions and try to make the management decisions all at once rather than make this management decision to solve that problem ignoring the possible other problem that's going to emerge.

>> Any other questions from commissioners?

>> Sorry I have just a couple more questions real quickly and this is for you Charles, for the early voting period has your research demonstrated is there any consistency over the varying times of early voting which of course some are 30 days, 40 days, 5 days, 8 days. Are there any trends that most jurisdictions see in that the voters all wait until the very end. I've talked to some administrators and they say no ours are front loaded and have you found any that have figured out how to evenly

distribute or at least as evenly distribute them as they can. And also since we're going to that sweet spot of balancing our resources and to the services to the voters what is or what has appeared to be nationally kind of the best early voting period to have where you are servicing the population but you're not sitting there with all of these expensive sites being open for weeks at a time and the voters aren't coming in and then there's the crush at the end where you could put some of those resources into the busier time period. Have you noticed anything there that you could recommend?

>> At the moment I haven't, I don't want to say things off the top of my head I would note...and the best data we have by the way about arrival times or time of day with election day voting so that's to say that early voting is still a bit of a mystery and it's even more of an administrative challenge because as you know you can't control the day in which people are going to show up. I will make the quip that I sometimes say that in political science what's bad for the country is good for business. The fact that Florida has actually shortened the time...lengthened the time, shortened the time, lengthened the time is an opportunity for us actually to test now about how people distribute themselves given different opportunities in the state. The final thing I'll say is that unless you're Ohio which has enormously long time my guess is going to be that what political science will tell us assuming that something like a week, two weeks you're not going to be able to avoid a rush of people who have already made up their minds and are eager to vote so you're always going to have a big plug on the first couple of days and then you're always going to have a plug at the end. Then there's the question that's an empirical question about modeling those two within the middle. Luckily it looks like the number of people who want to vote early is relatively stable from time to time, I mean this is a minimal study but we just don't know the answer to that yet.

>> Thank you.

>> Actually that has been studied I'm trying to remember who did it and it was exploiting the variation in times, it turns out 14 days versus 7 days, same number of people voted, bump at the beginning, bump at the middle and nothing...very little in between so you do get the early, late so that seems to be a behavioral phenomenon. Part of it goes back to the campaigns so if you have really active GOTV and a targeting early voters they push those guys to vote early to get them off the list so they don't have to keep going back and calling them and they save money so it's also a function of political organizations.

>> And that would make sense, we have some experiences where we have a challenge with our media where they don't want to talk about the election until a couple of days before the election and that's the first that unfortunately many voters are hearing about early voting and that sort of thing so I think voter education is critical, thank you.

>> Commissioner Echevarria [phonetic].

>> Charles excellent work so thank you for that, just a quick question I was struck by your observations and your persistency data that you did the comparison, your conclusions California versus Florida similar demographics etcetera but yet they have dramatically different wait times. Part of our task is definitely undo delay. So is it possible for you to take metrics or the prescriptions data for California versus Florida, is that a simple undertaking, a complex undertaking and then just looking at the two draw any conclusions in terms of undo delay.

>> I've not done that and so I can't give you the answer to that, when I talk to my colleagues who are operations researchers and who made a living answering questions like this they tell me that's a trivial question that it's not a hard question, I mean it might require resources and persistence and doing it right but it's a known art and it could be done.

>> It could be done.

>> It could be done.

>> Gentlemen I think the interesting study to do here is to take LA County and Miami Dade, both which are large enough that we actually have some survey data penetration, there's enough data in each and to get the data from those two commissioners, from [inaudible] out in LA and from the Miami Dade commission and get everything we can get about their length of lines, list quality and so forth down to the precinct level and try to develop a good picture. It's interesting that under the previous commissioner in LA they abandoned early voting because nobody was using it, so they used an extensive amount of absentee balloting so It's going to be a different story regarding Charles' absentee ballot story, in fact the create permanent absentee precincts to kind of manage some of these things so they're actually pushing people into the mail ballot system. So there might be some completely different ways of dealing with these problems, we do know also that something else that Charles pointed out which is the lines are longer in early voting than they are in the precincts on average around the country. So the spread of early voting which was quite rare around 2000 and ballooned over the last decade is feeding into lines because people vote early and they get stuck in line.

>> So LA County is on average is closer to 7 minutes, would that be fair?

>> Actually LA County might even be a little bit below California so it's around...

>> So it's got the short [inaudible].

>> It's the short county yeah.

>> Thank you.

>> Well, thank you very much, outstanding panel, we much appreciate it obviously we hope you'll be available to provide further information to the commission as we continue in our discussions.

>> Absolutely.

>> Thank you very much.

>> Welcome you back to the continuation of our session here in Miami. This is the public testimony section and we'd like to welcome all of you who will be sharing your thoughts and views with us to this. We have a list of those of you who have signed up. If there are -- is anyone who would like to speak who has not signed up, please let us know in the back and we'll add you to the list. If we could ask you to form two lines basically of folks to talk so we can move through expeditiously, we would appreciate it. And as well we will ask you to hold your remarks to five minutes. We'll have a little timing light structure. It goes yellow with a minute to go, just so you know. And with that we welcome you and forgive me if I mispronounce something because I'm reading handwritten notes. Kathy Culliton-Gonzalez. Thank you. Welcome.

>> Thank you so much. It's an honor to be here before this commission. My name is Kathy Culliton-Gonzales. I'm the director of Voter Protection for Advancement Project. And I'm presenting the testimony that you see before you and the study that you have before you on behalf of the people of Florida and voters of color of Florida. It's an honor to be here with all of your community partners. Advancement Project is a national civil rights organization and we've been working on voter rights in Florida since 2000. So we actually work to try to remove structural and legal barriers to voters of color and we work across the country but we've always had a strong presence here in Florida. And we've been pretty busy. Our submission talks about all kinds of different barriers for voters of color that we found in Florida in the 2012 elections but I just want to concentrate on one which is called the time tax. The time tax was first coined by Chris Adley [assumed spelling] when he looked -- took a look at polling place resources for us and the time tax is defined as the government policy or practice that forces one citizen to pay more in time to vote compared to his or her fellow citizens. So we actually have taken a look at this

issue here in Florida and conducted a study based on data of waiting times here in Florida and it's the only known study that we know of that's actually -- that's not based on polling but it's based on election administration data entirely. We've submitted it. It's a groundbreaking study by Professors Dan Smith and Michael Herron, and what they did was they studied the closing times of precincts across the State of Florida. They studied the closing times of 5,196 of the 6100 precincts on election day here in Florida. Their study also includes in-depth research on early voting wait times in Miami-Dade which kept very good data on early voting waiting times. And the precinct level study covers more than 90 percent of Florida's 12.6 million registered voters. And what they found is that after the cut in early voting from 14 days down to 8 days last year, there indeed was a time tax. And voters of color paid that time tax more than white voters did. Taking a good look at the precinct level closing times, you know, we know some precincts closed at 2:00 a.m. and others closed at 7:00 p.m. And we know the racial composition of the voters in each of those precincts across the State of Florida because Florida voter registration forms ask people to identify their race, black or Hispanic or white. So on election day across the State our experts found that the greater time tax was actually paid by Latino voters. But generally speaking, black voters also waited longer than white voters did on election day in these 5,196 precincts. In early voting in Miami-Dade-Dade the greatest time tax, the greatest disparity in wait times was paid by African American voters, but Latino voters were also affected and waited longer times than white voters did. They also found that young voters under 30 were found to have waited longer than older voters including those over 65 which is surprising but the data is the data and we have to take a look at the data. So what we find is actually really quite disturbing, and as civil rights lawyers, we've been trying to figure out what it is that has caused this problem. We have very specific recommendations of kinds of election administration measures that can help reduce this time tax and close these disparities. They include full restoration of early voting, not making it discretionary; a polling place resource formula; language access measures; electronic poll books; and all kinds of things that the real experts who are the people on the ground here in Florida can tell you about and we hope that you take them into consideration. And I guess I just want to end with a story. So Desiline Victor couldn't be here today but she's -- her story is definitely going to be told by the folks who met her during early voting. I also wanted to say that, you know, speaking of Latinos and the time tax paid by Latinos, I was here during early voting and I was here on election day too. And I met a Cuban American family; they had to come three times to vote, three separate days to vote. They waited over three hours every single time. It was their first time voting in our country. They have a three-year-old and a baby and they had to work on Tuesday, election day because they work in the service industry. They had to come and vote three times and they almost couldn't vote if it weren't for the efforts of advocates on the ground to try to push a little more hours of early voting. So I don't think that's what democracy is supposed to be in the United States and we're here to help solve this and we're available for more input and our experts are also available for more input and we do want to recommend very specific measures that can help stop this burden. Thank you very much for your time.

>> And I do want -- I do want to definitely emphasize to you and to others who have come here that we -- that this is an ongoing process. If there's additional information you want to submit absolutely at any time, we are -- welcome it.

>> Great.

>> Thank you.

>> Thank you very much. I'm not going to take too much more time because I know you want to hear from members of the community and from voters but we do have very specific data and very specific recommendations that we know can help close this gap in the time tax. Thank you.

[ Pause ]

>> Carolyn -- sorry. This is --

>> A lot of people have problems with my last name. It's Gele, G-e-l-e.

>> You've got to read this scroll too.

>> Good afternoon, ladies and gentlemen. I thank you for the opportunity to come before you today. My name is Carolyn Gele. I am -- I work with SCIU. I will focus today on Point 2 and 7 of the executive topics regarding training; number of poll workers; voting accessibility for individual with disabilities; limited English proficiency and other special needs. During the early voting period, I provided language assistance to members of my community at the polls at Miami-Dade County. I acted as a nonpartisan community activist, not affiliated with any campaign, candidate, or organizations. A few years back we realized that Creole assistance was highly needed thus we created a volunteer language assistance program. Despite being a large community of voters with limited English proficiency, we lacked enough bilingual poll workers to provide adequate assistance to those voters. The problem is large enough so that the Miami-Dade supervisor of elections office eagerly welcomes community activists who provide this service during the elections. In my case, I would speak to an average of 60, 70 and sometimes 80 voters each day that needed basic assistance in questions answered in their native language of Haitian Creole. And still we did not -- we did not help enough people. We were not able to help everyone who requested the help. At locations with limited or no assistance, these voters became easily discouraged and many left without ever voting. It is necessary for me to tell you that Haitian Creole, while a spoken language for generations, has only been a standardized written language since 1979. The lack of adequate staffing and training for poll workers especially with the ability to speak the language of voters led to very, very long lines and very discouraged voters who sometimes gave up and did not come back. We need to have sufficient assistance at the polls. Particularly in counties with high populations of Creole speakers, these need to be trained election staff members who are sensitive to the community or sensitive to members and create a welcoming atmosphere to our democratic process. We also need to prevent limitations to assistance so long as it remains a need in our community. That will lead me to actually piggyback on what Kathy Gonzalez said. I would like to tell you the story of Ms. Desiline Victor, 102 years old U.S. citizen. Ms. Desiline Victor came to the United States from Haiti at 79 years old. Her first job in the United States was to pick beans at a south Florida farm. And Ms. Victor's first voting experience was at the 2008 elections. She voted in the 2012 elections. She stood in line three hours, was turned away for the lack of assistance. She came back; she was turned away again. That's when one of our volunteers tried to help Ms. Desiline and that's how she voted. So thank you for listening to me and I urge you to have a fair number -- a fair percentage of Creole assistance at the next elections. Thank you.

[ Pause ]

>> Good afternoon, Commission. My name is Carolyn Thompson. I work for Advancement Project, a civil rights, nonprofit, nonpartisan organization working in the state of Florida since the 2000 election. Advancement Project works with election officials, community partners, and voters to protect the fundamental right to vote. During the 2008 and 2012 elections, we established a poll monitoring program, a poll monitoring voter protection program across the 15 largest counties in our state. We did this because we were determined that every voter who stood in line would cast a ballot and that ballot would be counted and we knew we had to be there to protect their right to vote and to assist them. We assisted language minority voters and encountered Ms. Desiline Victor in north Miami. We identified elderly voters who stood in line for long hours; we called election officials and reported this; we got no action. We took it on ourselves to move those voters to the front of the line. We assisted voters who were turned away through no fault of their own; poll workers could not find them in the database. But luckily we were staffed with laptops that allowed us to find these voters and advocate for them. Based on this experience, today I'm providing recommendations that relate to Topics 1, 4, and 8 of Executive Order 1369. These includes recommendations for early voting, polling place resources, and electronic poll books. These are our recommendations. Allow supervisors of elections to have discretion to accept -- expand sites for early voting based upon local needs not the State's recommendations only. Require small counties to offer the same number of

early voting hours as large counties. Voters from every region of Florida should have the same opportunity to vote. During early voting the duration of early voting should not be left to the discretion of six to seven individual supervisors of elections. Increase the mandatory number of early voting hours to 168, requiring early voting for 14 days with 12 hours per day including two full weekends. During the 2012 election Florida had 96 hours of mandatory early voting. We know what those lines looked like. 96 hours did not work. Under House Bill 7013, mandatory early voting hours are reduced to only 64 over a period of eight days. The Commission should be making every effort to increase opportunities to the ballot box. Require all counties to use an electronic poll book for early voting and election day. This will allow voters who move from one county to another to update their address at the polling location and vote a regular ballot. Specifically, disabled voters who are moved through no fault of their own. Those that live in skilled nursing facilities have no control over what county they may end up in. Many of the voters who voted in the 2012 elections and who had moved from one county to the other ended up voting provisional ballots. The majority of provisional ballots in our state are discarded due to poll worker error and sometimes to voting error. So even though that voter may be perfectly well registered in the State, their only crime was to have moved from Broward County to Miami-Dade County. And they would have lost the right to vote if they do not have the electronic poll book which allows supervisors to do that automatic update for them. So I want to thank the Commission for hearing us today. And please take our recommendations seriously so that 2016, we'll have a free, fair, and accessible elections.

>> Thank you very much. Leigh Chapman.

>> Hello. Thank you for the opportunity to speak before this commission. My name is Leigh Chapman and I'm the voter protection attorney for Florida at Advancement Project. I frequently visit the State and I've met many people affected by the election problems during the 2012 election. Today I'm providing recommendations that relate to Topics 2, 4, 7, 8, 9, and 11 of the Executive Order 13639. These includes recommendations for voter registration modernization, poll worker training and recruitment, and other issues related to election administration. In order to make elections free, fair, and accessible and to close the racial disparity, Advancement Project recommends the following reforms. Number one, require all state and local election officials to measure and report the waiting times for voters in every precinct during both early voting and on election day. These waiting times should be public record. The maximum wait time should be no greater than 20 minutes. Florida's average wait time on election day in November 2012 was between 50 and 90 minutes, the longest in the country and it was reported that many voters stood in line up to nine hours. Number two, provide secure online voter registration that does not exclude any eligible voter from participating. Number three, allow for same day voter registration for all voters during both early voting and on election day. Number four, designate and train county election officials to conduct strategic outreach and engagement activities with voters of color, including through community advisory boards, voter registration and participation events and poll worker recruitment. Number five, refrain from inaccurate or inappropriate purges of voter registration rules especially outside the 90-day window required by the National Voter Registration Act. Number six, amend the Florida constitution to provide automatic restoration of civil rights for all people with felony convictions. In Florida as of 2010 an estimated 1.5 million people could not cast a ballot due to previous felony convictions. Number seven, amend the Florida constitution to enshrine an explicit fundamental right to vote. All United States citizens over 18 years of age who are residents of the State of Florida shall have a fundamental right to vote in any public election held in the jurisdiction in which the citizen resides. Number eight, provide sufficient bilingual election materials as required by law or as needed by limited English proficient voters and provide year round bilingual voter education and outreach efforts. Number nine, train poll workers on the protections of the Voting Rights Act and Florida's Voter Bill Of Rights and Responsibilities. Both of which provide for voters to receive assistance. Poll workers should readily provide any assistance needed for voters to understand the ballot and they must permit voters to receive assistance from their own assisters of choice. And number ten, Advancement Project recommends a polling place resource formula so there needs to be a

standardized statutory formula that the State of Florida adopts for a minimum number of people per precinct as well as number of voting machines per precinct. Thank you for the opportunity to submit Advancement Projects recommendations to you today. I encourage you all to review our extensive list of recommendations and reforms that are described in our public comments. We also invite you to visit our website at [www.advancementproject.org](http://www.advancementproject.org) for more information.

>> Thank you. Maribel Balbin.

[ Pause ]

>> Good afternoon. My name is Maribel Balbin. I am the president of the League of Women Voters of Miami-Dade County. And I'm here this afternoon representing the League of Women Voters of Florida, the thousands of members and volunteers throughout the state and the millions of Florida voters who overcame incredible obstacles in order to participate in the most recent general election. Our remarks I want to address the six of the nine topics included in the Presidential Executive Order, 1, 3, 4, 6, 7, and 8. Although not dissentingly they're general comments that are addressed as issues. We thank you for coming to Florida. The State has repeatedly demonstrated how essential federal oversight is in insuring the citizens voting rights are not undermined. Today we're here to speak to the issue of partisan manipulation of election laws and the corrosive impact that such tactics have on our democratic process. In 2012 the State of Florida passed a sweeping elections bill that among other things shortened the early voting period time and we saw what happened with that experiment. It forced more voters to rely on provisional ballots which I'm really happy to hear this morning that we're moving to the poll books and that may solve that issue and we're very pleased to hear that. And from the supervisor of elections saying how there might be funding available to do such a thing so we're very pleased with that this morning. And it made it nearly impossible for groups like the League of Women Voters to register voters, eligible voters. We were given a 48 hour period to register voter and turn in that application. Something that was deemed impossible. We actually suspended and we didn't register voters for almost a year until the Court sided with the League and they gave us at least ten days from the time we registered a voter to the time we actually have to turn in the registration form. In addition to that, they put a certain -- we cannot just have volunteers register voters with us now. Everybody has to be registered; we have a number. I think it's a process that is still very cumbersome but at least we do have more time and we have continued now registering voters in this state after that ruling. Florida was not alone in this endeavor according to the Brennan Center for Justice. At least 25 laws and two executive actions designed to make voting harder were passed in 19 states between 2011 and 2012. Such activities in the states -- on the part of state lawmakers regardless of which party is in power at the time undermines American's confidence in our electoral process and by extension the faith in government. During this period of deep cynicism and polarization, it is essential that the very foundation of our democratic society, the ability to freely express your opinion via your ballot, is protected and reinforced such that no individual or group of individuals can manipulate the rules to benefit themselves and/or harm others. In Florida we witnessed extremely long lines throughout the state including lines as long as eight hours here in Miami-Dade County. I have pictures to show that and I'll be sending it to be posted on the website. And also saw 3 percent reduction in voters -- in voter turnout statewide. Voters in some Florida precincts were still standing in line to vote after midnight on election day. Hours after the election had been already -- already been called by the national news media. It was good that Florida was not the state that decided that election or we may still be waiting. An analysis done by Ohio State University Professor Theodore Allen estimated that at least 200,000 eligible Florida voters did not participate in the 2012 election simply because of lines at the polls. Additionally, at the League we received a large number of calls and e-mails from disabled and elderly voters who were physically unable to endure the long waits. Appallingly the State of Florida has no requirements that such voters be guaranteed an expedited process, and citizens like we have heard today so many times the name of Desiline Victor, were forced to wait in hours long lines to vote. She is only like the poster child of what so many elderly endured during that election and I myself witnessed a lot of that too. At this time it has become obvious

that federal action is needed to prevent individual states from unfairly tinkering the election laws for partisan political gain. In the same way that the Voting Rights Act of 1965 was essential to insuring that all Americans regardless of race and national origin could exercise their right to vote, the recent wave of voter suppression laws suggest that strong federal standards must be established to protect citizens democratic rights and restore confidence in our national's electoral system. This week Supreme Court's decision in Shelby County versus Holder renders your task even more urgent and we salute you for your work and for your commitment to democracy. Thank you.

>> Thank you. Jonathan Brill.

>> Jonathan Brill: Good afternoon. My name is Jonathan Brill with SOE Software. And I thank you for the opportunity to present testimony here today. This is a special day - not only that I have an opportunity to share with you some of my experiences and things that I've witnessed in my 15 years of professional politics - but also that you've chosen to be here at the University of Miami. As a proud alum of the U, I thank you for being here. I just wanted to reiterate some of the things that have been said earlier today about technology. And there are many pieces of technology to address the charges given to you in the presidential order. The training and management of poll workers needs to reflect the complex environment in which our elections must operate. Dwindling government resources means that - excuse me - means that it becomes even more difficult to gather poll workers together, print and distribute training material, maintain the same quality of training throughout multiple lessons. Again, the application of technology through the use of online training to augment the Legacy Training Programs and Management Tools to track and provide poll workers over multiple election cycles can reduce the human errors that plague our current process. Clearly there is a better way. In Don Draper's [phonetic] office, there were typewriters and mimeographs. In our homes, we used to have record players or VHS machines. What do all of these things have in common? They're single use machines. There are few other places today where single use machines are in place except for polling places. The technology of voting is grounded in good, solid, 1980s technology. The security provided by today's virus protection, secure socket layer, military grade encryption, and digital signatures, provide security well beyond that of the U.S. Postal Service, a corner mailbox, visual signature verification for the processing of absentee ballots. If we take the not very bold step of emulating countries like Norway or Estonia, we could fill our polling places with commercial off the shelf computers and vote online. And if you're deployed, away from home, can't take time off work, or do not want to stand in line in the Miami heat for many hours, your polling place is as far away as the nearest internet connection which could even be your smartphone. I'm not saying that Mrs. Victor would have voted online, but maybe many of the people in front of her would have done so. And to Supervisor Lux's [phonetic] comment earlier today, online voting, his pilot program that we participated in was a good, proven concept that clearly there is a better way. The statistics that Professor Pursely [phonetic] shared in Washington D.C. last week were stunning. Seventeen percent of active duty military absentee voters never received their requested ballots. That's shameful to disenfranchise such a large percent - excuse me - a large percent of Americans who are fighting to protect our freedoms and the right to vote. Additionally his slide depicting the pitfalls of voting by mail was shocking but all too true. Technology today can avoid many of those pitfalls. Solutions like secure online voting which is currently used regularly in 16 countries around the world, can avoid many of these pitfalls. And electronic balloting, delivery, and return as we've talked about earlier like the system used in Alaska mitigates nearly half of the reasons from Professor Pursely's slide. The bottom line is the system is fraught with potential disenfranchisement and there are technological tools to ensure that voters' votes are received and counted as intended. So clearly there is a better way. Thank you.

>> Thank you. John Camp.

>> John Camp: Good afternoon. My name's John Camp. I'm a shareholder with the law firm of Carlton Fields here in Miami and a member of the Board of Trustees of the Lawyers Committee for Civil Rights. I want to thank you for the opportunity to appear

before you and give this testimony. Since 2004, I've helped coordinate the Lawyers Committees Election Protection Program in Florida generally, and in Miami-Dade County specifically. The mission of the nonpartisan Election Protection Coalition is to ensure that all qualified voters have an equal opportunity to participate in the local process. My comments today are going to be limited to our experience in Miami-Dade County which is the one that I specifically worked in on Election Day. In addition, two of Lawyers Committees national hotline leading up to and on the day of the election, we had volunteer lawyers throughout Miami-Dade County assisting voters, addressing problems, systemic and individual, documenting problems to be addressed post-election and during early voting. Our volunteer lawyers spent time at more than 80 precincts totally more than 180 thousand registered voters on Election Day and we had volunteers working at early voting sites throughout Miami-Dade County during early voting. Most of the population served by the precincts we covered are minority populations, Miami-Dade County, Hispanic, Haitian-American, and African-American. In addition to those volunteers, we had specifically assigned to polling places throughout the county, we had for one of a better term, a flying column of volunteer lawyers who responded to calls to the hotline at various polling places throughout the county. And so we had pretty broad coverage albeit with limited resources on the day of the election. In the run up to the election, we worked closely with the Miami-Dade County Supervisor Elections Office to address concerns that they had to help them monitor their poll worker training and get feedback on that. And I will say that we enjoyed a great relationship with them and for the record, I will say the Supervisors Office did yeomen's work both leading up to the election and on the day of the election. And they were overwhelmed by circumstances in some ways within their control and other ways beyond their control due to a lack of resources. And again, I would also comment because there has been a lot said about poll workers and poll worker training, and I will say that while most of that is accurate, these poll workers, from our observations worked really long days, and long hours, and did the best they could with limited training to assist voters in voting. And they weren't always successful but it wasn't for lack of trying from our observations. I was prepared to address certain points that are in the Lawyers Committees Recommendations and Case Studies which have already been submitted to the Commission and are part of the record. And if you haven't read it, I have a copy here for anyone who wants to read it on the way home. But it is available online as well on the Commission's website. But instead of tracking those which are as I said part of the record, I would like to instead address four points that were made earlier in the proceedings today with which I take issue and which I'd like to clear the record up on. First, a comment was made comparing people's willingness to wait several hours for a ride at Disney World to their unwillingness to wait 45 minutes to vote. I would posit that that's not an apt comparison when you have a family on vacation whose sole function is to wait in line to go on rides at Disney World compared to people who are taking time away from their families and work in order to cast a ballot. And I would also take exception to the notion that the wait was 45 minutes. As you've heard countless times, in Miami-Dade County, that was certainly not the case and I think most voters would have been overjoyed only to have had to wait 45 minutes. On the last Saturday of early voting, I spent several hours at the North Miami Library, one of the early voting sites about which you've heard plenty. I interviewed voters as they were coming out. One couple that came out after casting their ballot, told me that they started timing the wait when they got in line and from the time they got in line to the time they cast their ballots was 8 hours and 15 minutes. And that was typical of voters at that polling place. While I was there, I commented that I'm not sure I would have waited 3, 4, 5, 6 hours and a Haitian-American gentleman who was in line said you know, "I left my family and everything I had." Excuse me. "And risked everything I have to come to the United States. So waiting in line to vote is nothing." That's a noble sentiment but I don't think it's something that we should have to endure. To wait 8 hours to vote is ridiculous. The second comment was made about people's willingness to wait -- I'm sorry, about waiting till the last minute to vote. And it's clear that in Miami-Dade County in any event, it wasn't because people waited till the last minute to vote that they had to wait long hours. In fact, throughout early voting, the waits were 2, 3, 4, 5, 6 hours or more, and on Election Day, those long lines began at 7 a.m. and persisted long into the night. And as was previously mentioned by one of the people making comments, many of those people were still in line waiting to cast their ballots long after the election was called. I

would also say that I agree with remarks that were made about various other factors contributing to the long wait lines, and the log jams that were created in the polling places once voters got in. And those have been documented and they're also in the materials submitted by the Lawyers Committee. And I would commend those to you. Finally, there was a suggestion that the length and complexity of the ballots was a problem for the voters because they didn't do their homework ahead of time. And I would suggest that -- I consider myself a fairly educated voter and I did do my homework ahead of time. I read the ballot, I knew what I was going to vote on, on all of those, and it nevertheless took me quite a bit of time just to get through it to make sure I was reading the right ballot provisions, dealing with the right constitutional amendments, etcetera, and then scanning my multi page ballot into the scanning machine, of which there were very limited at the particular polling place I was in. So I would suggest that while yes I agree that voters should take personal responsibility to prepare themselves to vote on Election Day, that the length and complexity of the ballot is not simply something that you can place at the feet of the voters. Thank you.

>> Thank you. Alma Gonzalez.

>> Alma Gonzalez: Thank you, Mr. Chair. For the record, my name is Alma Gonzalez. I serve as Special Counsel to the President of the American Federation of State, County and Municipal Employees in Florida. In 2012, I also had the privilege and responsibility of serving as a Director of Voter Protection for the AFLCIO in Florida. We represent hundreds of thousands of employees all over the state of Florida and their families as well. I would suggest to you that nobody had a bigger job than you do. And I appreciate the amount of time and effort and dedication that you're showing us today, in particularly in Florida and given our long legacy of difficulties. I started by advocacy on behalf of voters back when I was not even in grade school because many, many individuals in my community were dying in Vietnam and didn't have the right to vote. And so I canvassed neighborhoods with others in high school to make sure that 18 years olds had the right to vote. Throughout my career, I have worked in Wisconsin, doing voter registration, doing campaigns as political campaigns, doing election administration, and now doing voter protection. So I understand what it takes for you to sit where you are today and I think you so much for it. I want to start by addressing a question that was asked by the Commission earlier today, and that is, "How do you define success in elections, particularly in Florida?" And I would say to you that much as we are expected in union elections to show that we have a majority of voters indicating their desire that we be the representative, the exclusive representative, we ought to start with a metric that says at least a majority of eligible voters in a particular state ought to have the right to vote. That they ought to be registered to vote and that they ought to have the opportunity to vote. In the election administration area where I have worked, we set the following standard for ourselves to define success. We say that in every election that we conduct, that there must be accuracy in the vote, that there must be integrity in the vote, that there must be transparency in the vote. And I would suggest to you that those are three metrics that you ought to utilize in terms of a macro set of how do you define success? Are majority of people being able to vote? Do they have a confidence in that the fact that their vote is going to be counted so that they can have a voice in their government and a voice in the future? And are the elections being conducted in a way that are accurate, where we have integrity and that we have transparency? I would also suggest that from what we've done, we've worked very closely with our partners at the Lawyers Committee, at the Advancement Project at the Brennan Center [phonetic], at the ACLU at the League of Women Voters, here's one of the things that we have to do in Florida. We all have to come together to make sure that those metrics, accuracy, integrity, transparency and the opportunity to have a voice in your government and in your future, is met. We all have to come together to make it happen because in the analysis that we do, the following things have to be looked at. We have to look at the law. We have to look at leadership. We have to look at legacy. And we have to look at logistics. And we're able to do that. I sat here today listening to some people who I really love and some people who I have less confidence in, when I listen to your panel of supervisors of election. One of the wonderful opportunities that I've had in my career was to serve as a lobbyist for the Florida Association of Counties. So I know very well the

relationship between boards of county commissioners and constitutionally elected officers like supervisors of election. And I know what it takes to be able to be in that situation where you have to liaise between people who have the money and between the people who make the law that tell you what it is to do your job. So let me start with the law. I want to reiterate the comments of the legal women voters today with regard to how difficult your task is as a result of the terrible, grievous decision that the Supreme Court has rendered in Shelby. Without that tool, we are unable to cover the people we need to cover. The Mexican-American Legal Defense and Education fund has stated that 15 million Latino-Hispanic voters will be affected by that decision. Thirty-two percent of Latino-Hispanic voters live in Section 5 counties jurisdictions. That's a problem for us. It's a big problem for us in Florida. There are 5 preclearance counties in Florida and now it just doesn't matter what they do. And when you look at counties like the Supervisor of Elections in Collier County, who purged voters despite the fact that even the governor had backed away from the purged list, you know why. That particular section of the Department of The National Voter Rights Act is critical to us in Florida. When you look at situations like the fact that the election's Administration Commission, the Federal Government, has not been active at all. It complicates your job. And we need to make sure that those kinds of things are addressed. But I want to also talk about terrible laws like House Bill 1355 which we tried to get repealed and had to fight. The new law, House Bill 7013, that pretended to fix some of the problems and only exacerbated some of them. I want to tell you, that unless we deal with constitutional matters that have already been addressed to you today, we're going to continue to have a problem because when you start with a law that doesn't work, that allows voter suppression, there's nowhere for those supervisors of elections to go. But even those supervisors of election have the responsibility to show leadership. And there are supervisors that do that. Dr. Snipes [phonetic], my good friend Ion Sancho [phonetic] in Leon County, they know how to building coalition. They know how to come to the community. But then there are others who think that voting is a privilege and we have faced those people time and time again. There is a metric that we will be providing to you that we've developed as a coalition long ago that gives us a scorecard in terms of how those supervisors of elections can perform. How many pollsters have they -- how many polling monitors do they have? How many folks -- how many precincts do they have? Have they switched things around? How much money are they putting into it? And I don't disagree that more resource helps, but I tell you what? When I go and talk to a supervisor of elections who's putting out fans with her face on it, with their money in terms of the just scarce resource that we have in terms of voter education, I don't have confidence in that supervisor of elections, and nobody should. Nobody should because it politicizes elections to the extent that we're not able to make sure that there's the confidence of the voters. I've said to you that the logistics, you know, are things that we have to look at. And we'll talk all day long about you know fix this and you know open more queuing and [inaudible]. And that's all logistics. Logistics are the easy part. The legacy though is what is we need to worry about. And the legacy depends upon our ability to collect data, so that we can have metrics that are objective. And there is nothing in the law right now that requires us to have that kind of legacy. But I also want to leave you with the thought about the legacy that matters the most. You know I join my colleague from Carlton Fields who was offended by a supervisor of elections' statement that people waited until the last minute as if they were like, you know, "Oh we just want to see if we can wait until the last minute." The fact of the matter is that some of those people have a legacy of voting that their parents died for. And voting on Election Day itself is a legacy to them. It means something. It is iconic. It's an important moment for them. And let's not belittle that because it makes no sense for us to do that. It makes no sense for us to belittle that. We are I think able to address the issues that are before you. We do not want to continue to be some joke - the butt of a joke - on the Jay Leno monologue. We want to get this right. And the people in Florida showed and demonstrated in 2012 by their willingness to stand hour after hour after hour in a line to be able to cast their vote that they care about this. I want to also suggest to you, because someone asked, "How long is too long to wait?" I negotiate contracts for people every day. Employers say to me, "You know what? I'm going to give your people--" when I have a good employer. Okay? Sometimes I don't have a good employer. When I have a good, wonderful employer they say to me, "Irma, I'll give your folks an hour to vote." So I'm going to suggest that one objective measure that you want to

utilize is the amount of time that an employer is willing to give my people to vote is the amount of time that supervisors of elections ought to be able to clear a line. Thank you very much, Mr. Chairman.

>> Thank you. Lori Edwards.

>> Lori Edwards: Thank you, Mr. Chair. Mr. Chair. I'm encouraged that you're taking the time to hear from the public here today. And you know what I'm excited about? I'm delighted about the composition of this commission. The diverse expertise that you are bringing is sure to result in synapses and cross-pollination that's rarely available to election administrators. I'm Lori Edwards. I'm the Supervisor of Elections from Polk County, Florida. And I'm the President of the Florida State Association of Supervisors of Elections. I've been in election administration for 12 years and before that, I was in the Florida legislature. I hold state and national certification in election administration and I love my job. I'm happy today though to bring your attention to what is my biggest concern, and that's voting equipment. While I feel strongly that election administrators should not be early adapters, we really need tried and true technology. If anybody needs tried and true technology, it's us. Innovation in this field is definitely being stifled. You're probably aware that the United States Election Assistance Commission, develops voluntary voting system guidelines for manufacturers and prudent election officials are rightly hesitant to spend millions of dollars as well as the public's trust on equipment that doesn't comply with those voluntary standards. But once again, and the most important point that I would like to bring today is a reminder that the standards that are currently in effect are the 2006 standards: 2006, 7 years ago. Seven years ago, there were no iPhones. Seven years ago, there were no iPads. Seven years ago, our computers were running Windows XP. The worst part, I don't see any progress. I see no progress at all. This bureaucracy is stifling innovation and it's killing competition. And the voters are going to pay. You probably know the rule of thumb for election equipment: the lifespan, 10 to 12 years. Usually about 10 years. That means all of the jurisdictions across the nation who bought new equipment following their very controversial - I hate to bring it up - the very -- in Florida especially, the very controversial 2000 presidential election. They're not overdue for equipment. And the equipment they'll be choosing, it's going to be antiquated by technology standards. As you develop your recommendation on this topic as well as others, I'd like to offer a suggestion and that is, resist please, resist the temptation of centralization and uniformity. Uniformity is by nature slow to progress. And I believe decentralization of our elections is the single biggest factor that keeps us safe from fraud. We haven't heard about fraud much today but heaven knows, a year or two ago, we heard a lot about potential fraud. It would take cooperation to taint an election. We have 800 thousand poll workers across the nation on Election Day at 200 thousand precincts. Think about it. Now, have you ever been to Disney World with maybe 5 or 6 people? Can you get them to even agree that it's time to eat lunch? It's just about impossible, right? That same dynamic is what keeps us from an organized effort to tamper with elections. There's just no way you're going to get enough people to agree and get into cahoots to tamper with an election. And I really believe that decentralization is underappreciated as a source of fighting fraud in elections. And finally, I wanted to tell you that I draw encouragement as I sat here today of this table of resources that we have assembled to improve our elections following the concern after the 2012 election. And you know what? We're not here because people were denied the right to vote. And we're not here because of widespread fraud. And we're not here because the technology failed. And we're not here because we lost a bunch of votes. We are here because people have to stand in some long lines: some people had to stand in long lines. Definitely an inconvenience, but what a country. Thank you.

>> Thank you. Dana Farmer.

>> Dana Farmer: Hi, I'm Dana Farmer from Disability Rights Florida and I wanted to thank you for letting me talk to you today. Our agency is a designated protection advocacy agency for people with disabilities in Florida. And there's an agency like ours in every state and every possession. And we're largely federally funded. We have a grant through HAVA which is Protection and Advocacy for Voting Access. I want to be

talking to you today about accessibility for persons with disabilities. The first thing I wanted to talk to you about is the voter registration of people with disabilities. Section 7 of the National Voter Registration Act was created to enhance voting opportunities and to increase historically lower voter registration rates including those of persons with disabilities. And this a section that specifies voter registration opportunities must be offered through all offices that provide state funded programs engaged and providing services to people with disabilities. So if you go to an agency that provides these state funded services, at the time that you enroll, and the time that you're recertified, at the time you change your address, you're always supposed to be offered the opportunity to vote. Not only are you supposed to be offered it while you're in the office, but if you receive your services at home, you're supposed to be offered that opportunity at home as well. The act also requires that you receive the same degree of assistance in filling out those forms that you would get in filling out the agency forms. So that's kind of the story there. And the agencies that fail to comply with this, face possible federal audits, withholding of federal funds and fined by the Federal Election Commission. So why am I talking about this today? And the problem is the enrollment is just really abysmal. In figures that came out this week from the Elections Assistance Commission, through this process in Florida in 2011-2012, 763 people were enrolled. When you think about the number of people with disabilities who receive services that were state funded in Florida, it's just kind of mind boggling to me. So what this says to me is that there's something going on here that's wrong. Now what's going on? One thing, is that in many states in the past, services to people with disabilities were provided by state agencies themselves. What's going on now in many states - and Florida is a big example of this - is lots of those services are now contracted out to managing entities, to all types of providers. And in talking with the providers about this, how come they're not registering their people? What I learned just across the board was that the providers of these contracted services had no idea that they had this obligation to enroll their folks. I've talked to provider groups. They're extremely interested in doing this voter registration. We're working now with Secretary Dibster [phonetic] and his folks to enhance through education and outreach that can be used with these provider associations. It's the easiest way to get at groups of providers is through an association. And what we're also ourselves going out and doing education to providers about how to do the enrollment, making them aware of the obligation. The supervisors in all the counties could be doing this outreach to their local entities as well. And that's a recommendation that we have. Another recommendation is that the state - when they contract out these services - they really need to put that in the contracts that go to these providers and they need to have performance measurements for that as well. So I just -- I really think that it's kind of just a real travesty that these numbers are so low. And with not a whole lot of work, we could get them up. The other thing I wanted to talk to you today, the accommodations for people with disabilities and elders in the lines. Everybody's talked about the lines today. We were part of a group doing national voter protection hotline and calls -- some of the calls were people with disabilities were forwarded to our office. And kind of what we were getting was for both early voting and Election Day. People were not aware of what the policies at any particular county or precinct might be about accommodations. What we found out - kind of just because people told us afterwards - but if you were a person with a visible disability, meaning a wheelchair, oxygen tank, you know any of those kinds of things, poll workers that were outside were more likely to tell you, "Hey you can get a number" or "You've got chairs up front" or something like that. So you'd know what you would do about the lines. If you're -- were people who did not have visible disabilities, it was just really hit and miss if you fund this out at all. So another problem that was going on was that you know, if you're a person with a disability who uses handicapped parking and you're stuck in line for a long time, the handicap parking never turns over. So people who drive up, the parking full, and they just go on. Maybe they'll come back later. Several people tried multiple times. Some states have actually developed state wide options for people with disabilities who need accommodations at the polls. And those are in the written comments that are provided to you. So here is our recommendations about that that the supervisors develop policies specific to voters with disabilities, elders who are unable to stand in line to cast a ballot. That you publicize these policies in advance at the time that absence -- and plenty of time so that -- so absentee ballots can be requested. One of the things, if voters

knew in advance what accommodations would be available for voting in person, they can make a more informed decision about if they wanted to vote by mail or vote in person. And then the other thing was people need to know what to do when they get there if they do need an accommodation, particularly if they don't have a visible disability. There should be signage telling them what to do and who to ask for assistance. Thank you very much.

>> Thank you. Nicholas Martinez.

>> Nicholas Martinez: Good afternoon. Thank you to the commission for allowing me the opportunity to speak today. My name's Nicholas Martinez. I kind of represent myself in a couple different ways here. I am a staff member of the Miami Downtown Development Authority which is an independent agency of the City of Miami here in downtown. I'm also a former election administrator having worked for 6 years at the Leon County Supervisor of Elections here in Florida. And I'm also a PC student at FIU where my research is all in election administration. So I look at election administration from a number of different perspectives. Specifically I wanted to comment about the number and location of management and polling locations. Prior to the 2012 elections, our organization over time has traditionally been a commercial district. And within the last 10 to 15 years, we've had a number of condos built and all of a sudden, our population boomed in downtown Miami. I came to the organization and did some analytics on the changing demographics and tried to work with the election department and we worked very closely together to identify new polling locations that could meet the needs of the voters who were in downtown Miami. And we were unable to find new locations and one of the polling locations that kind of still being - you know - filmed on election night was in downtown Miami on Brickell [phonetic] Avenue. So it was part of the residence in our district. I just wanted to tell that story to underscore the need of election administrators to continue to monitor their communities at the micro-geography level to see how swings in population can really dramatically affect their ability to manage a precinct. Additionally, we heard a lot of conversation about data today and having been an election administrator and behind the firewall essentially, they actually capture a lot of data right now. There's a lot of data in there. And a lot of the technology we talk about today, poll books and you know continue to add technology to the system is going to provide more data, and that's good for my friends in academia, but there needs to be staff who are in place to leverage big data, right? It's a management term and data scientists who can provide real time analytics to try and influence change in practice as it's happening. So it's too late if we look at an election, post-election to see what happened. We need to try and as administrators take the data we're getting and change our practice during the election to try and mitigate any negative effects going forward. On the comment -- I'd like to make a comment as well on the efficient management [inaudible] poll books. As I said, I was an election administrator for 6 years and one of the things we tried to do in Leon County was to bring in poll books. And some of the supervisors mentioned it earlier today. There's -- some of the vendors have too much control over the systems. So we weren't able to go and bring in other vendors - the competing vendors - to try and utilize different technology because our particular vendor had a lock on our ability to transmit the voter activity directly to the system. So we would have had to have come after the fact, many hours after the fact of the closing of an election early voting day, and then update the records which was not real time and would have been completely kind of antithetical to the idea of trying to add the technology. So the more we talk about this, you know the more technology, the more vendors may get involved, but the more the vendors get involved, there has to be an eye toward the needs of the election administrators and their ability to be flexible in bringing different vendors together. And as we talk about more technology, we also talk about more technical staff. And it's not only technical staff in terms of your full time professional staff but your poll workers. We have -- we know we have an aging poll worker population and we want to add new technology. This is not exactly something that works well together. So there's -- poll worker training's going to become even more complicated. I did want to make a couple last comments on absentee ballot programs. I know the post office took some shots today. I worked very hard with the post office in 2007 to bring the intelligent mail barcode, to implement it for election mail. And we implemented it at Leon County for the 2008 general election

cycle and it was very successful. And the post office has a number of resources available. Mail pieces [inaudible] analyst. They have regular calls of election administrators. They're very much willing to help. When I think it's -- I would recommend to the commissions who have a conversation with the postal service to say, "What are you doing to assist the elections offices?" and look at what the -- the resources they provided because they're very much willing to help. They understand this is a growth [inaudible] for them. And you know more specifically on intelligent mail, intelligent mail is capturing scans of the mail and it gives election administrators the ability to see and be proactive in terms of responding to voter complaints and also gives you another data source to do these analytics. So there's a lot of technology out there. A lot of ability to do analytics. But there's still this question on professional ability within the election staffs to be able to accomplish these things. So I appreciate your time. Thank you.

>> Thank you. Dan Nolan.

>> Dan Nolan: Mr. Bauer, Mr. Ginsberg, Commissioners, I thank you very much for this opportunity to address you today. My name's Dan Nolan, also from SOE Software. We do elections modernization tools for election officials around the world. And I just want to take a moment to join Supervisor Lori Edwards in saying how impressed I am with the diversity and the depth of skills and knowledge that come with this commission. We have folks from the business world, where I come from, folks from the military world, where I come from, and also folks who have worked in the election world, where I came here. I'm a recent transplant to Florida. Arrived here in 2001 from my former job as the Deputy Commander of U.S. Forces in Kosovo. Spent a couple years here and my wife looked around and said, "Well, I don't know what your next assignment is, but this is mine." So we decided to retire there in Tampa because it's a beautiful place. And then somebody said, "Would you like to come work in the elections business?" And I said, "Well, can you describe it to me?" He said, "Well sure. On a certain day, at a certain time, you need to open up 340 storefronts in dilapidated locations, staffed by minimally trained often elderly people, to entice a reluctant customer to participate in a process that they don't really understand." I said, "Oh, sounds like combat. I'll do it." And I'd just come from places like The Fusion Center at Central Command where you had all the tools necessary to execute complex operations. And I found that election officials really didn't have those tools because they are slow to adopt because they need to be. But the technology today supports another way to look at this. But I'm not going to talk to you about that today. I'm going to presume to offer you some advice. The International Foundation for Election Systems has - in a recent study - talked about three fundamental challenges to electoral systems. The first is systemic manipulation, the second is electoral malpractice, and the final is fraud. Now systemic manipulation is the intentional, legal effort to influence the outcome of elections. And over long ballots, the 2011 law that we had that limited early voting, voter ID laws that are ostensibly meant to prevent fraud but are really intended for intimidation. Those are examples of systemic manipulation. But that requires a legal process. That requires legislation and may not necessarily be in your charter. Now the electoral malpractice, while it sounds bad, it's really about doing bad things but not intentionally. It's about human error. And it's about those unintentional acts that happen when a voter mismarks a ballot, when that stray pencil mark goes across the bubble that you didn't mean to and the machine can't read it so we have a marred ballot and now three people have to decide, "What did you really intend to do?" Or it's a bad signature by a voter. You know when I registered to vote in Huntington Beach, California in 19 [inaudible], my signature is very different today than that. So there's a challenge that the election officials have in doing that sort of eyeball determination. "Is this person eligible? Is this person capable of voting?" A third of undeliverable ballots for you [inaudible] voters. I mean that hit home with me. I've had ballots chase me across continents, but when I got to the Fort Operating Base in Kosovo, I had an internet connection. And when you hear that one of the challenges that the supervisor from Bay County has in his security procedures is to make sure he has tight control of pens and pencils around ballots, that tells you a little bit about the security of that system. Is there better things that we could be doing? And finally, we haven't heard an awful lot about fraud today, but we have heard an awful lot in sort of previous discussions. Of those three buckets of

systemic manipulation, electoral malpractice, human error, I would recommend to you that you focus on these processes. Look at ISO 9000. Look at Six Sigma. And look at the processes in where human error, when that ballot is handled by multiple people, where that is induced in the system, and see if there isn't a way that we can bring technology to bear to eliminate much of that. There is a better way. Thank you for what you're doing.

>> Thank you. Rosy Pastrana [phonetic]. Not present? John Quinn.

>> John Quinn: Good afternoon. Thanks for letting me speak today. My name is John Quinn. I am the Broward County spokesman for [www.Floridaindependent.org](http://www.Floridaindependent.org). I represent 2 point 5 million registered voters here in Florida that are not Democrats and not Republicans. We don't have a vote in the primaries here, even though we are 22 percent of the electorate. There are 18 other states in this country that don't allow independents to vote in the first round of voting, and there are several other states that require an independent voter to sign up with their party in order to vote in the primaries. We are independent for a reason. We don't like the gridlock caused by Democratic or Republican's inability to work together. We may have similar views to both parties, but we don't want to be controlled by a party. And we are not loyal to a party but rather to America. The President, in establishing this Commission has mandated you to operate in a non-partisan manner. In order to do that, I urge you to take a look at how 40 percent of electorate nationwide are limited to the election process. We represent every race and are growing in number. Perhaps you chose Florida because of what happened in the state's voting process in 2012. I would like to know from where I stand, what the commission is going to do about the inadequacies of the voting process as it applies to the 2 point 6 million registered voters who don't affiliate with a party. I'm sure that independents in 18 other states would like to know as well. Thank you for your time.

>> Thank you very much. Howard Simon.

>> Howard Simon: Good afternoon. I have a statement that I really would rather not read and would it be okay if I try to summarize it but come and give you copies?

>> Please. Thank you.

[ Inaudible background conversations ]

>> Howard Simon: Thank you. My lawyer friends and colleagues here say that I'm asking for permission to approach the bench your honor. So -- I'm the Executive Director of the American Civil Liberties Union for the State of Florida. I've been and Executive Director of State ACLUs now for 39 years. I'm the longest serving ACLU Director in the country. I've been Director here in Florida for 16 years, was the Director in the State of Michigan for 23 years. Here in Florida we have worked extensively. You would not be surprised to find out on voting issues, all the way from dealing with Florida's I think horrendous lifetime system of -- system of lifetime disenfranchisement to the end of the paperless voting technology that we played a crucial role in ending in Florida several years ago. My personal involvement in voting occurred when I and two of my friends represented our college student government and civil rights work in the south, including the five day, 54 miles march from Selma to Montgomery, Alabama crusading for the Voting Rights Act which makes this week's events even a larger, bitter pill to swallow. The establishment of this Presidential Commission, your appearance here, your existence, your appearance here in Florida I think is a wonderful, important opportunity for a nonpartisan conversation about voting rights. I think we need to be frank about this and frankness I think dictates the fact that I think as my colleague said earlier from the League of Women Voters, too much of the battles that we have had have involved two parties and not three parties. The rights of voters have gotten lost in what has been a partisan battle between the political parties for the manipulation of electoral process for some perceived partisan advantage. And it's the rights of voters I think that have gotten lost in all of that. So in the shadow of this week's -- the Supreme Court decision in Shelby County versus Holder, I think we have to redouble our efforts to find front and election administration changes in order to

avoid post-election lawsuits. And bear in mind that even in his majority opinion, the Chief Justice said that voting discrimination still exists. No one can doubt that. I want to say just before, I'm only going to -- there is so much that one can say about voting administration in Florida, but I do have two recommendations I want to focus on, in your - what I presume will be the - development of best practices that you will provide to lawmakers, state supervisors of elections, and local election administrators. So this following forth two second may not be on the point but I don't think it's right to have this discussion with a set of blinders on. Florida voters -- it was moving here in Florida if you were here to see the absolute determination of people to be able to exercise their Constitutional right to vote, were not going to have that taken away from them and stood in line for 6, 8 hours, hours after the election was over, hours after they knew that the election was over, but determined to cast their ballot. What I want to say is that this did not happen by accident. It did not happen because of a large turnout. It did not happen spontaneously. I think that it has to be acknowledged that what happened in Florida was the direct and politic and predictable result of policy decisions that were made by our legislature and our governor. And that's the last somewhat partisan remark that I will make. But policy decisions that resulted in shortening of the number of days for early voting, ending the long-standing practice in Florida of same day address change for people who move from one county to another, loading up the ballot with 11 different constitutional amendments, one of which had as the ballot summary of almost 600 words. These placed extra burden on all voters and I think overwhelmed election administrators. So this -- what we're dealing about -- dealing with here I think were policy decisions, not anything that happened spontaneously or by just a large turnout. I just want to focus on two of the points, Points I think it's 8 and 9 on your agenda. Yes, 8 and 9. I want to focus on provisional ballots and early voting. I want to direct your attention to the study done by two of our excellent colleagues here in Florida: political scientists at the University of Florida that documented many of -- much of what happened in the 2012 election in Florida. Thirty-thousand people submitted provisional ballots: were required to vote by provisional ballots in the State of Florida. That's troubling for quite a number of reasons, one of which is that we have a law in Florida that if a provisional ballot is cast while you're standing in the wrong precinct, though you may be an eligible, registered voter, your entire vote is discarded. Must be as required to be discarded. Including your vote for statewide or national offices. So then that is a very troubling part of the problem. We were part of those that staffed election protection telephones and what we had heard were -- and the most common complaint that we heard were people who had to do battle with election officials in having to be forced to vote by provisional ballot. People had moved. They may have gone to their new address and they were directed back to their old address in which case they were forced to vote by a provisional ballot, in which case their vote did not count. Or they were allowed to vote at their new address but they had not yet changed their address to their -- their registration to their new address, and they were required to vote a provisional ballot in which case their vote was not counted. I think one of the things that has to be discussed here also is I think a horrible charade imposed upon voters who may have gone through that experience - 30 thousand of them - and left the polling place believing that they participated in American democracy, only perhaps to find out later that their vote did not count. I want to say a little bit about absentee ballots. The study done by the two political scientists I mentioned - Herron and Smith - indicated that in the 2012 election, 28 percent of all votes cast were done by, well, what used to be called absentee balloting. Now it's "Vote by Mail." You don't have to be absent. You can exercise a preference to vote by mail. That was a 6 percent increase from the previous presidential election. The trend is going in that direction. Some people may applaud that trend. I worry about that trend. And one of the reasons I worry about that trend is because there is a different standard for review - a heightened standard review - for the review of signatures. And -- which means that more people are going to have their absentee ballots discarded and not counted and will be disfranchised. We're all about -- our job is to protect the right to vote and prevent as much disfranchisement as possible. There was a large number of absentee ballots that were not permitted and there was a disparity. I won't go through the study. I commend that to your reading. But there was a trouble racial disparity in terms of I think it was 1 point 5 percent of African American votes, point 8 percent of Hispanic votes -- excuse me, 1 point 3 percent of Hispanic votes

and point 8 percent of white votes that were discounted in absentee balloting. Solutions to that and let me talk about that. Solutions to that I think fall within early voting. And that's one of the two main recommendations in my statement that I want to commend to your attention. Early voting is a cure for lots of the problems that I mentioned and lots of the problems that Florida voters endured. Early voting allows voters to vote anywhere in the county, thereby avoiding the problem of casting a provisional ballot standing in the wrong precinct. Early vote--

>> Simon, could I ask you just to summarize your [inaudible]?

>> Howard Simon: I'm sorry. I didn't realize I was going on -- I'm just about finished. And early voting creates a cushion of time within which to resolve a problem. And if one needs to vote by provisional ballot, early voting also provides that cushion of time. So we went backwards on early voting. In 2008, there were 15 days of early voting and 96 hours in Florida. The legislature partially gave back some of that. There are now 8 days of early voting and 6 days required with a number of additional days or hours discretionary. Your convenience of voting in the State of Florida should not depend on where you live. There does need to be some uniformity with regard to the number of early voting days and early voting hours. Thank you for the opportunity to address the commission.

>> Thank you. Seth Sklarey [phonetic].

>> Good afternoon. My name is Seth Sklarey. I've been involved in elections since 1952 presidential election and was involved with Mr. Ginsberg's [phonetic] partner in 1964 presidential election. There are a number of things that have been gone over by some of the people so I won't repeat them but one of the things that hasn't been talked about is how do you find out what the intent of the voter is in a disputed ballot? When you have an absentee ballot or a mail in ballot, and there is a dispute as to whether the signature is valid, in Florida we have a [inaudible] comprised of a judge and a couple of politicians. And they make the decision. The signature looks good. The signature doesn't look good. And they don't have an expert and they don't have any way to really come to a just conclusion. And I was thinking that there might be a provision in federal law that under those circumstance, that there should be an effort to contact the voter to ask them, "Did you vote? Is this your signature?" And so at least that there is some kind of logical, realistic justification that that person was the voter who cast the vote. Otherwise, it's just up to whim. You know [inaudible] board and you look at the name of the voter and you look at the precinct. Is that one of ours' or one of theirs'? I dispute it. It looks good. You know, it just -- it's a bad way to do it. So that's one thing that I'd ask you to consider. The other thing is restoration of rights of convicted felons. There was just an article in the Tampa Bay online which is a part of the Tampa Bay newspaper where a woman who was a convicted felon had gone through law school and she was given the right by the governor and the attorney general on the Florida [inaudible]. It's just the board that can overturn these things, to give her the opportunity to become an attorney. And the -- there is differences in each state. For example, in New York I believe it's automatic. You automatically if you're a -- once you've served your time, you get your right to vote back. You will not get the right to carry a gun but you'll have the right to vote. Yet in Florida, there was a process that you had to go through and it was an involved process and Governor Charlie Crist reduced the time period that was necessary for people to get their rights restored -- the time period that they would have to wait before they could make the application. The current governor extended the period and made it a lot longer that makes it more difficult. And this becomes another form of voter suppression. So I would ask for you to consider the possibility of having a uniform national restoration of rights so that everybody, after they served their sentence, gets the right to vote back after a - you know - a reasonable time. Six months or a year or whatever. And I think that's only fair. The other thing is Susan Bookard [phonetic], had mentioned it, is that there might be some kind of biometric signature right -- some kind of biometric way for people who don't have ID -- because this is another form of voter suppression. They require people to have IDs. And it's extremely difficult now. If you lose your ID, you can't walk into a federal building, you can't drive, you can't do a lot of things. And it's a real hassle to get it especially if you have a problem with your

birth certificate, you were born out of the country or something of that nature. So maybe a fingerprint, maybe you know some other kind of biometric thing. Or even if you don't have ID, you know you put your fingerprint on the ballot. So just things to consider. Thank you very much.

>> Thank you, Cynthia Slater.

>> Good afternoon. I'd like to take this opportunity to thank you for holding this session and inviting or giving me the opportunity to speak to this commission. My name is Cynthia Slater and I serve as Second Vice-President of the Florida State Conference NAACP. I also serve as the NAACP Civic Engagement Coordinator for the state of Florida. And I reside in Daytona Beach, so I drove about four and a half hours to get here to speak to this commission. The NAACP is the oldest and largest civil rights organization in this country. And we have existed for 114 years. Civic engagement is one of the most important initiatives of the NAACP because we believe that every voting-age citizen in this country has a right to cast a ballot. That is why after Florida passed HB1355, the NAACP stood firm and continued to do voter registration. It was difficult for me to select a topic from the list that you provided because Florida was affected one way or another by each one of the issues that was presented. However, I would like to comment on the issue of the number and location management and operation of polling places. Let me just begin by quoting a statement from an article written in the Huffington Post dated January 24, 2013. And it states, and I quote, at least 201,000 Florida voters did not cast ballots on election day 2012 because they were discouraged by long lines at polling places according to a report released by the Orlando Sentinel. The article went on to say that those voters either waited for some time but left before voting or simply saw the long lines and was turned away. Those words rang true because the state, particularly in African-American communities, gave the state of Florida another black eye for suppressing voters in an election. During and after the 2012 presidential election, these words were many headlines -- were the headlines of many newspapers throughout the country and were fodder for late night TV comedy. Florida voters experienced many problems during the election, but one of the worst seen by millions related to long lines at polling sites. And because the state of Florida cut the number of days for early voting and did not consider even increasing the number of polling sites, it not only suppressed voters, but it also created an unsafe and dangerous environment, especially to those voters who had physical disabilities, health problems and age-related problems as many of the speakers noted earlier. These limitations caused chaos where voters had to wait hours, and in some cities, up to nine hours to cast ballots in the heat of the day. In addition to the complaints of long lines and limited polling sites, the complaints included equipment breakdowns or malfunctioning as well as limited staff in many of the voting sites. So much so that polling sites were temporarily closed in certain Florida counties. So it is without a doubt that these problems occurred because of HB1355, which passed early in 2011. And as a result, some of the worst forms of voter suppression occurred here in the state of Florida. Limiting the number of days of early voting as well as limiting polling sites, I believe the primary cause of the chaos that happened here in Florida. So the NAACP units throughout the state of Florida worked tirelessly to maintain the election process, making sure that voters were able to cast their ballots. We engaged in citizens with voter registration, voter education, voter participation and also voter protection. And we recommend that there is an increase in polling sites, increase in early voting days, an increase in hours of early voting and also an increase in poll workers. But I want to -- as I close, I want to share with you, with this commission, a tragic story that happened here in Florida in 1951. It may sound like many years ago, but it certainly rings true today. And this tragic story happened in Mims, Florida in Brevard County. And in 1951, Harry T. Moore was the Field Secretary for the NAACP. And he was also a teacher. And in 1951 on Christmas night, a bomb was placed under his home while he and his wife Harriet T. Moore slept. Harry T. Moore he registered voters, he fought for equal pay for African-Americans back in the days that it was unheard of. The bomb was placed under his home. And on Christmas night just before midnight, the bomb exploded killing Harry T. Moore instantly and his wife died on January 1 of the following year. So the NAACP used his -- because he was a martyr, he is a martyr of the Civil Rights Movement and was actually the first NAACPPer to die for -- particularly for the rights of voter --

registering people to vote. We stood firm on continuing to register people to vote. And we hope that this commission will consider all of the recommendations that these participants and these speakers have addressed to you this afternoon. So thank you.

>> Thank you. Brad Brown.

>> Thank you, Mr. Chair and commissioners. It's a pleasure to follow my state chair of political action for the NAACP in civic engagement. As I serve as the First Vice-President and Political Action Chair for the Miami-Dade branch of the NAACP. And I have my statement sent to your Website, but I will try to briefly summarize it here. I have personally been involved registering and getting out the votes since early 1960s, and the last time I worked registering to get people out to vote was less than two weeks ago here in Miami. Earlier in Miami when I first came here it was very difficult. I remember having to be sworn in as a deputy registrar, being required to name the place where we were going to do our registration. We couldn't move from that place. We couldn't do it on Sunday. But we did it. But so obviously motor voter was a real boon to us. But after the debacle of the 2000 election, we were involved with our national office and partners such as The Advancement Fund in addressing obstacles in voting and registration as we often found that offices such as Motor Vehicles were certainly less than enthusiastic in carrying out their new responsibilities. But this past year, as several people have mentioned, the state of Florida placed a number of obstacles in the way of those of us doing third party voter registration. And as Miss Slater mentioned, we in the NAACP tried to conform. We registered as third parties. But the number we were registering was very, very small. Until the various court decisions and others loosened up the rules. At that point we finally managed to register several thousand people here in Miami, and actually added over 10,000 names of new registered voters we were responsible for in this county in the NAACP voter computer network program. However, even under those circumstances there were significant difficulties. If somebody came up to us and maybe they registered and they said, I need to take one for my daughter or my son. We couldn't give them a form because our numbered forms would cost us \$50 a form if for some reason they didn't get it back in. So even though we had a relief on the 48 hours, we still were faced with those kind of restrictions. The school system in Dade County ran from voter registration. They'd had a very successful effort they'd carried out every year in all of the civics classes. But the teachers were leery after the debacle of one civics teacher being threatened with a fine of a thousand dollars for registering the students in her classroom. Eventually we did get them onboard with extra effort from the administration, but it was still not as significant as it had been in the past. And certainly schools should not be hampered in registering students. Civics should be a reality in our school system, not something that the state stands in the way of. I fear very much that in Florida we may well see a return to efforts to restrict third party voting. And as you can see from the numbers I quoted, third party registration is extremely important to many in our communities who it is not necessarily as easy for them as people who have more access to opportunities to register. Now, and I say that because even though the legislature has removed some of the restrictions on early voting, they certainly haven't gone far enough as you have certainly heard from a number of the people here this afternoon. So I would urge you to definitely consider the area of third party voting is within that broad purview of your charge because, you know, if you're not registered, you don't even get to stand in those long lines no matter how dedicated you are. You might consider things like same day registration, which is something the national NAACP supports. But we certainly urge you to seek other solutions and make the forms less complicated and confusing, allow third parties to register voters, to help individuals fill out their forms any time or place and be able to return those applications to the registrar's office to ensure that the spirit of the motor voter law is kept in place. I thank you.

>> Thank you very much. Elbert Garcia.

>> Good afternoon. I'm here as part of a three-person group of Florida New Majority, which is a civic engagement and civil rights organization here in the state of Florida. I am the group's Communications Director, but I'm here today not for myself, but for about 92 other Floridians who left voice mail messages at our offices upon

the announcement that the president would form this commission. Some as long as a minute and some as long as 30 seconds, they each left messages of both hope but also of frustration of their voter experience here in the Sunshine State. People like Minnie Dorsett who her 80-year-old husband herself, 78 years old, waited three hours just to cast a vote here in Miami-Dade. And the repetition of hearing her voice saying: I would do it again. I would it again and I would do it again. But there must be another way. We've compiled these voicemails on several CDs to hand in and we'll email them to the commission so that they can hear these voices until they're transcribed as well. I want to leave you guys just with the thought of another one of our volunteers who could not vote, Joanne Joseph, from North Miami who is not yet a citizen, but is of Haitian descent and spent her time volunteering to translate, to translate the ballots, to translate and provide any kind of assistance during the early election period. And one of the things that she said was that when she thinks back to those days in the fall of 2012, she says there's no reason why we should have seen people as old as 90 years old wait five hours or more to vote. There's no reason why should have to spend hours explaining ballots that should be simple and clear to read. These long lines not only embarrass our state, but they also embarrass our country. They send a message internationally that we want to discourage turnout and it gives power to those who say that our votes don't count and that state policies as well as national policies have been designed to discourage voter participation. The truth is that voting is a fundamental right, Joanne Joseph says, and we at Florida New Majority agree with her. It's not just for every Floridian, but for every American and that to restore the faith in our electoral system, we should consider both national and local legislation that makes voting as easy as paying groceries in a supermarket. Thank you.

>> Thank you. Marlon Hill.

>> Good afternoon, Mr. Chairman, member of the commission. Thank you for joining us here in south Florida, and the University of Miami where we take democracy more than a spectator sport. I'm here before you, I'm a local attorney here in Miami. And I personally voted at precinct 814, but on the day of election November 6, I was a poll watch attorney, all this full disclosure on behalf of the Obama/Biden campaign. I was assigned the responsibility for overseeing over 50 precincts pretty much south up here of the University of Miami and south Miami-Dade County. I arrived at my first poll, precinct 812, which happens to be my former high school, Miami South Regina High School. Upon arrival at about 5:45 a.m. near 6:00 a.m., there were about 200 people waiting in line. At 7:00 a.m. the poll opened. I introduced myself to the precinct supervisor a peer colleague from the Romney/Ryan campaign arrived later that morning. There are a couple concerns that I witnessed and I will reserve my comments just for what I witnessed on that day at the poll and subsequently at other polls which I was called to throughout south Miami-Dade County, driving around. At this first poll, I witnessed that several persons, as stated by previous speakers, elderly and disabled persons not being proactively helped or not knowing how to be helped. Folks in walkers, elderly folks and irrespective of my affiliation, I was there to help every voter. We have to do more for elderly and disabled voters. We must. At my first poll here at the high school as well, the poll room was only the size of the parameters of this four corners right here, this room, to your -- the dais. And it happened to be my former typing class. That's just too small. This was a high school. My graduating class was well over 950 people in my graduating class alone. That's just too small for a polling area. And thank God for the great weather here in South Florida in November. Sunshine. God forbid with the long lines outside, we would definitely have a challenge with people standing outside, heat, the elements. It's just -- we have to do more to protect the voters. And there was a huge hallway inside the high school that could have been used to accommodate with more chairs for the elderly, the disabled, and even the voters that were waiting. On more than one occasion I witnessed and spoke to voters outside the permissible boundaries who may have been relocated. Let the record reflect, we did have a housing crisis in this country. Many people's homes were foreclosed and they had move. There was a lot of relocation. So they were being redirected at their inconvenience without being offered a provisional ballot, better yet, an actual ballot. In addition, though I recognize the financial constraints, we should also consider providing more on-site supervisory and operational support for the precinct supervisors. I drove to

Homestead to one poll to address an issue a voter was having. At St. Martin de Porres Catholic Church, the precinct supervisor appeared so tired, so worn out, so agitated, that he could not deliver the responsiveness and the customer service that was expected for special requests from the voters, including an elderly voter that was trying to make her way with her walker where there was not enough access for her to get inside to find a chair, if there was one. He definitely needed some help to recharge and get his customer service face back on. Another obstacle that I witnessed throughout the process is many folks that the constitutional amendments were just unbearable, unbearably too long, just too long. You could see the confusion and the fatigue on the voter's faces. I heard comments from the supervisors this morning on your very comfortably online stream and just we need to do more in shortening the ballot. Lastly, I need not implore you that you also need to provide some direction on the streamlining on the process of absentee ballot requests, who can request, how to make the request, when, and who can turn them in. FedEx and UPS can do it to track our mail. Why can't we? I left my last poll in Kendall, West Sunset Fire Station, I don't remember the number, on or about 1:30 a.m. Well beyond the closure of the polls. In fact, I think my last voter was a judge. This is a clear indication of our lack of capacity and hindrances in the processes of our election administration. Members of the commission, we must work together to provide greater equity, synchronicity and support for election administration across the state and across the country. Let us try to restore, continue to restore the 14 days or similar periods for early voting, allow residents who have relocated to in-state to cast an actual, not provisional ballots. Recommit to putting 75 ward summaries of constitutional amendments on the ballot here in the state of Florida. And please, provide more capacity and accommodations for elderly and disabled persons. This is America. The last time I checked, it was the United States of America, where all voices stand on the equal ground of this sacred space for the right to vote and to be heard. No person, absolutely no eligible and qualified person should be impeded or inconvenienced in any way to exercise this right. Let us use the breadth of our financial and legislative power to protect this sacred cornerstone of our democracy. The integrity of the voting process and experience is not a partisan issue, as explained by many of the speakers before me. We want a more consistent and voluminous turnout from all voters, not less. Our union is more stronger with greater civic engagement. I thank you for your leadership and your time. Please come back and see us again.

>> Thank you, Mr. Hill. You are our last person to give us information for today. We thank you all very much for your comments and for what you've provided to the commission. Yes?

>> There was one more.

>> I'm sorry?

>> [inaudible].

>> Great. Sorry, we're not done. I'll save the eloquent speech for later.

[ Laughter ]

[ Background Sounds ]

>> Good afternoon. I'd like to first thank the members of this commission for holding this --

>> Would you mind identifying yourself? Telling us your name?

>> I'm sorry. My name is Sonya Gibson.

>> Thank you.

>> And I'm a leader member of Florida New Majority and an educator for nine years from Palm Beach County. I'm here today to share my experience as a voter in Palm

Beach County. After two days of standing in lines in two different places, I eventually cast my vote at the Westgate location. It was there that I had the opportunity to witness voters waiting in lines to exercise their constitutional rights in some of the most incorrigible circumstances since I began voting. My personal accounts are of people, young and old, standing in long lines for as long as eight hours, only to be turned away and deprived of their voting rights. Things of Marcia L. Williams, maybe the lower case L looked like an upper case I. And they were being turned away. I was one of those people, along with my three daughters, which stood in line for a total of 19 hours between two days just for the opportunity to exercise what I believe to be a fundamental right. I shared the same frustrations with other voters about registration statuses. I shared the same frustrations with other voters concerning how to fill out ballots. I even shared the same frustrated reactions to overcrowded precincts and closed precincts. The only difference is I did not leave like so many other voters did all over the county. The sad thing is that as far as I can remember, voting has always been an issue here in Palm Beach County. But the reality is it shouldn't be. Democracy is like driving a car. You don't really know all the components or the key players that it takes to make the car start until the day that it doesn't start. Why? Because we expect that car to start. Well, voting is one of the key components to our democracy. In fact, it's like the engine. If we don't protect or secure that engine, how can we expect to run our democracy? That is why I joined so many in pushing for election reform here in Florida. Voting needs to be enshrined permanently into the law so that politicians can't change its dynamics whenever they wish. Voting should be accessible, meaning the operating hours should take into account the diverse schedules that orchestrate people's lives. We want to ensure that Floridians are no longer prevented from voting due to errors or ineffective policies so that Florida can serve as an example to the rest of the country and celebrate our constitution and our democracy. Thank you for your time.

>> Thank you.

>> Thank you. My name is Gihan Perera and I'm Executive Director of Florida New Majority and Florida New Majority Education Fund. I'm proud to be here with Miss Gibson as well as all the other community members who've turned out from throughout Florida to give you our testimonies. I would like to remind the commission -- first thank the commission for allowing us this opportunity to share our experiences and perspectives and to remind you that you're sitting today just north -- a mile south from here is the Church of the Good Samaritan where voters were still standing in line when President Obama accepted his victory for his second term. We are just about south -- just 10 miles from here north is the North Miami Public Library where Desiline Victor, the 102-year-old Haitian farm worker, who became a citizen, had to wait in hours in order to vote. I say that because I both want to recognize that you came to Miami and Florida for a reason. And we hope that you take away a very important lesson from what you learn here. I will echo what a number of other folks have said. But to say that our experience has been in reaching out to minority, low income, black, Latino, Haitian, young voters, those who don't usually participate. We talked to 250,000 voters, face-to-face last year to encourage them to vote. We and our partners registered over 20,000 voters in this state. And we worked with partners everywhere to try and educate voters, especially about the new rules here in Florida. We helped because we had to here in Florida. We helped train bilingual volunteers to help at the polls for Creole and Spanish assistance. And by many measures our efforts were successful. Nearly 76 percent of the people we talked to turned out to vote. And it was an amazing effort across the state by many, many people, many in this room, to really stand up and mobilize the voters in Florida. But that effort wasn't just about efforts of organizations. The effort, more than anything, was about the will and determination of voters in Florida to actually stand up and not only vote their choice, but voting last year was an act of protest against the rash and rush of voter suppression laws, particularly HB1355 that was unleashed here. As many will note, the institutional obstacles put place in Florida included severe restrictions on voter registration by community organizations, a reduction of early voting days, and new rules on voting across counties where many people had been displaced because of the foreclosure crisis, causing scores and scores of provisional ballots that ultimately did not and were not counted. Despite these obstacles, voters across the state came out in droves. I personally helped at many polling locations and witnessed people

standing in lines for six hours, eight hours, nine hours, from 6:00 in the morning until 1:00 a.m. at night when they got out. And despite what was said earlier by an expert that said that that may have been a question of urban density, what I saw, what our colleagues saw throughout the state, that in fact, there was a case of racial disparity in voting patterns. In Latino and black and Haitian communities across the state, in the same areas, voting times were much longer than more affluent and white areas. In the city here in Miami, in the core of where the African-American communities were at the North Dade Regional Library, lines were five to 10 times longer than in Miami Beach and other places. And that isn't a question of urban density. It's a question of racial disparity. And I say that both because of the problem it was, but also how proud we are here in Florida of how voters turned out. But despite their efforts to turn out and what they endured, there were many others who turned away. Cynthia Slater referenced a study that was done by Thomas Allen of Ohio State University for the Orlando Sentinel that showed that over 200,000 voters turned away because of those long lines and of those rules. And they should not have to. The ones that were willing to come out made a sacrifice. The ones who turned away should not have to turn away for that reason. We are in the most advanced technological country in the world, where voting should be simple and secure. The heat, the lines, the lack of facilities, lights, bathrooms, security, staffing, help forced us to go on provisional ballots, has made Florida continue to be the Hurricane Katrina of elections. And unfortunately, I must say, and there's evidence to prove, that the policies to restrict voter participation have been both partisan and racially targeted to impact electoral outcomes. It has been the case historically, and has continued even into the past election cycle and beyond. As recently as the end of the last legislative session two months ago, legislators in Florida were trying to restrict the volunteers who helped language assisted seniors and disabled. That was stymied here just two months ago because the Voting Rights Act and Section 4 would have made it an undoable burden to try and pursue. And what we see here in Florida is not unique, but it is the reality that the Voting Rights Act and Section 5 has been such a critical protection because so many states, year after year, push new laws making it harder to vote. As the advancement project points out, this continues to happen because we have 13,000 different voting jurisdictions in this country that runs elections 13,000 different ways. Under this confusing patchwork system, the freedom to vote is left at the mercy of state officials. In Florida, that power has made voting rights a political football. In order to guarantee these travesties do not happen again, we believe that the need to improve the early voting processes, modernize the voting registration system, and protect voters against discrimination based on gender, race, age, income level, sexual orientation, gender identity, expression or disability. But more than anything, if the right to vote is fundamental to this democracy, then voting must be taken out of the shifting intensions of political operatives. It must be enshrined in the Constitution of our state and in the Constitution of the United States as a fundamental right. Towards this vision, among our specific recommendations are: enshrine the fundamental right to vote into law. Let's signal to the rest of the country that voting is not just a privilege for the few, but a fundamental value of the American experiment in democracy. Congress should now act to immediately expand and strengthen Section 4 of the Voting Rights Act, and it's time to put the vote in the United States Constitution. We here in Florida know that we have to create a pathway to restore voting rights for persons convicted of a crime who've served their time. This is a reform that's supported by law enforcement, because restoring voting rights gives people a stake in their communities and reduces the chance of recidivism. This effort here in Florida is championed by the Florida Rights Restoration Coalition, which we are a proud member. And there are 1.5 million returning citizens, ex-felons who currently cannot vote. We must provide automatic voter registration for all individuals who are eligible to vote, provide a minimum set of early voting hours and days, provide supervisors of elections the flexibility to choose early voting locations consistent with the selection of sites on election day and give them the resources that they need to improve the voting experience at the polls. And finally, I heard a term today that I didn't know before. It was called systemic manipulation. And in Florida, we've had systemic systemic manipulation. We have to make state-based voter suppression a crime. Voter protection laws must be enhanced to include gender, income levels and age and improve to strictly criminalize deceptive practices in elections or by election administrators and the state legislature and ensure that any violation of

voting rights by the state or any institution is punishable under the full extent of the law. So thank you, especially after the events of this week in the Supreme Court and on the eve of immigration reform, that promises to bring millions of deserving Americans to the doorsteps of citizenship. There's no better time to take these kind of bold and decisive actions to secure democracy. Thank you for holding this hearing today and listening to our perspectives. The right to vote is a fundamental and human and democratic right. We owe it to the past and future generations that we get it right this time through integrity and protection once and for all. Thank you.

[ Applause ]

>> Thank you very much. Anyone else wish to address the commission? If not, we very much appreciate all your statements and input and the time you've taken to talk with us.

>> I just add my thanks to all.

[ Inaudible Background Conversations ]

[ Music ]