



## Presidential Commission on Election Administration

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### Public Meeting

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>> Mr. Bauer: This hearing of the Presidential Commission on Election Administration, all of you I'm sure are familiar with the work of the Commission. We are examining the issues that the President specified by Executive Order in March and we have here the third in our series of public hearings and an excellent panel of election officials to begin the morning. We have a full day, and so we necessarily are going to try to stick very closely to the time limits here, because we also want to leave time not only for the testimony, which in longer form version obviously we have in writing, but also for the Commissioners to have an opportunity to speak with the election officials and ask questions, so my colleague, Mr. Ginsberg this morning is going to be operating the time clock with his usual ruthless efficiency. Woe to all who cross him. In any event, with those opening words I'm going to turn it over to my co-Chair Mr. Ginsberg.

>> Mr. Ginsberg: Thank you, Mr. Bauer, welcome, everyone. We are pleased to have you here, and as Bob says, we do have a very full day. We want to begin by extending the regrets of Mayor Nutter, who was supposed to be our leadoff witness and had to attend a funeral today, so he will not be joining us, but we are happy to have with us four distinguished election officials from around the country to present their perspective. What we'll do is have an 8-minute pieces of testimony for all of you then the Commission will collectively ask you questions after that. So our panel is Elaine Manlove, the Delaware Commissioner of Elections, Don Palmer, the Virginia Board of Elections Secretary, Linda Lamone, the Maryland Administrator of Elections, Marci Andino, the South Carolina Election Commission Director. So thank you all and welcome. Ms. Manlove?

>> Ms. Manlove: Good morning. Thank you for inviting us. My presentation I guess is going to come up. It's on what we do in Delaware with electronic signature. And I have two topics, electronic signature for voter registration and actually we're expanding that and also, I have great concerns about election day and using schools as polling places, so I've added a couple slides onto the end. In Delaware, in 2009 we went live with this, where when people registered a vote at DMV we collect everything electronically, and that was a result of on election day finding out we didn't have people who had been to DMV and should have been asked to register to vote and for some reason we didn't get the application. So it's a voter registration method that involves capturing the citizen's signature and the application electronically. It transmits to our offices in real time. It has streamlined a method of how we did voter registration, it re-engineered the interface between elections and DMV, and it's eliminated the use of paper entirely. So it's a cost savings, time savings, and it saved immense office space. We have nothing to file. And there were a lot of unintended consequences. Our goal when we did e-signature was to make sure that on election day we had every application of every citizen who thought they were registered to vote, but it saved an inordinate amount of time and space that we didn't see. And it's accurate and it's secure. Go to the next one, okay. So in Delaware we use this at DMV but we're also working to take it to other aspects of what we do. We use it for scanning applications that come into the office, like the federal mail applications. They scan them in, they link that application with the signature to the electronic record, and then we don't need the application anymore. So we use it at DMV at the counter. They also have kiosks at DMV, self-serve kiosks. We have it there. At Division of Social Services we've also taken it live there, and we're still working to improve that. And on registration drives and public libraries and at the State Fair we also use e-signature. And this is the future of e-signature. We plan to take it to our web-based voter registration, and that should happen fairly soon. If we have a signature on file at DMV, we will be able to move that signature over and we'll apply that right to the application. Also, we're going to integrate it with Department of Labor, who was one of the agencies that does voter registration in Delaware and social services. Both provide a lot of online application from home, and this way we'll be able to tie this in. We're also using it with overseas voters. Schools. This has become my hot topic. Half of our schools are public polling places in Delaware, and I've asked -- we have a holiday for general election day, but our primary is not a holiday and I've asked the schools repeatedly for years if they would consider moving an in service day that they already have scheduled to primary election day. I've not been successful in that. Last year we had legislation to mandate that, and it never even came up for a vote, so essentially their lobby is

bigger than me. So I would love to see that become a federal mandate. I think in this time of security in schools, the last thing we need to have is voters wandering around the building looking for their polling place, which has moved to a far corner because school's in session and they're not giving us the gym or the lobby. So that is really the two things that are important to me. The in service days for school teachers would not take a day of study away from the kids; it would just translate to a different day and e-signature and the expansion of e-signature. So I'll be happy to take questions or wait until the end.

>> We will certainly have questions for you, and what we'll do is we'll just move through our panel and then come back and engage with questions. Thank you.

>> Ms. Manlove: Thank you.

>> Mr. Palmer: Thank you, Commission members, for the opportunity to testify and identify the major issues experienced in the 2012 election, those areas of improvement that should be made in the process and the long-term challenges and solutions to running accurate and clean elections in the United States that enhance voter confidence in the process. One of the major issues that the Commission and the Commonwealth of Virginia is reviewing is the genesis and the causes of long lines in the precincts in Virginia. Lines are often the result of any attraction that a lot of citizens want to participate in, often at the same time. Voting is one of them. Every four years in presidential elections there seem to be lines. In many ways the lines in 2012 were very similar to 2008, so while we expect lines to some extent, we need to focus on the voters, our clients with the laser beam, to make the experience a positive one in which voters emerge more confident in the process and will return to vote another day. While we found lines were not widespread, there were problems in some of our high population and growing urban areas that need to be addressed. The localities with lines normally have problems in one or two of their precincts. For the purpose of our analysis, we'll call them problem precincts. While a small problem relative to the over 2,200 precincts statewide, a line over an hour needs to be addressed aggressively by the election community. And we are taking notes of lessons learned for ways that we can plan for and break those lines in the future elections. The way forward is a commitment by state and local election officials to break the lines. With a survey of local election officials and analysis by the State Board of Elections of the problem precincts, the precincts seem to have a number of common characteristics. First was a registered voter size of that precinct. The problem precinct, had a much larger number registered voters than the average precinct. Six of the major problem precincts had over 5,000 registered voters on election day. Another common characteristic, the precinct had a larger number and higher percentage of inactive voters than on average, some more than two times the average number of inactive voters. Many of those inactive voters actually showed up. They may have had address issues but they actually showed up to vote. Urban areas, high growth areas, precincts near highly transient voters and university precincts, precincts that had a large number of provisional voters, and precincts with low absentee voting rate precincts. Our survey found that most of the lines in Virginia were actually in the morning, followed by the late a.m. to early p.m. time period and then 10% of the lines were near the closing of the polls. So where were the choke points? In Virginia the choke points were overwhelmingly waiting to use the voting equipment. A major contributor of our waits can be attributed to use the voting system. Less so but significant were lines attributed to the check-in table. A large percentage of elections officials said that voting equipment and the check-in process attributed to the lines. In Virginia we have a ban on the acquisition of additional electronic voting machines, so the ability to replace, supplement or plus up with additional equipment is limited or prohibited. What did our survey find to be a source of the problems? Overwhelmingly, local officials opine that the ballot length with constitutional amendments and local races increase the number of races on the ballot, thus increasing the amount of time each voter took in reviewing those choices. Second on the list were the registration problems, an inactive or outdated registrations that delayed the efficient processing of voters. Third, taking together voting equipment shortages and breakdowns were noted 57% of the time as contributing to the lines. So how do we break the lines with the evidence before us in an environment of fewer dollars but higher profile scrutiny? The answer is that we need to improve

those areas of the voting process where we directly interact and touch the voters with technology and innovation. In the registration process, we are moving towards electronic or online registration and address updates, reducing errors and costs, increasing the accuracy integrity of those voter registration rolls and providing online mechanisms for the prompt update of registration address for our highly mobile and online society. By sharing data with other states and compacts such as the Electronic Registration Information Center, ERIC, or the Kansas State Cross Check, we compare our voter registration data with other state's registration and motor vehicle information to identify registration errors or voters that may have moved to a different jurisdiction with a new residence and registration. Inaccurate or inactive registration often cause delays in a polling place, as pollers try to fix the problem for the voter. In a perfect world, that issue would have been resolved months ago so the poll worker can focus on the voting process. The registration rolls can be improved with an investment and focus on using the latest technology and upgrades to our statewide voter registration databases while interacting with other state and national databases. Another example of using new database technology is providing a statewide online sample ballot for all voters to review their ballot and constitutional amendment choices prior to entering the polling booth. The second point where election officials interact directly with voters is during the check-in process. The use of electronic poll books in Virginia has dramatically improve the accuracy and integrity of the voter check-in process, with fewer errors and more accurate voter history. New technology in this area provides an opportunity to make this process more efficient for voters and accurate for election officials. The third and last point of direct interaction with the voter is the voter using the voter equipment to cast the ballot. This process can be done efficiently and accurately. Virginia faces an issue that many states across the nation face. How do we transition and upgrade to the next generation of voting equipment as aging equipment, purchased after the enactment of HAVA, reaches the end of its lifespan. And in many cases are obsolete or breaking down. With the reduction of election budgets and resources across the country, the ability to purchase new voting systems has been very limited. For the most part, local election officials have not been able to take that prudent step in upgrading the most fundamental part of the voting process. Instead, election officials have been taking extreme measures to keep their voting equipment operating until the fiscal environment changes. In my estimation on a national level, this is the major area of concern for the 2016 general election: technology will help us mitigate some of the other issues, but planning and focusing on this fundamental structural issue will prevent major problems in 2016. Related to this issue, the voting system certification program at the EAC is not entirely broken, but it's highly problematic and the future is unclear. The need for new voting systems and new technology is critical and the current process is clearly not working to the extent state and local election officials need one. The current process is expensive and time-consuming. The states need a timely certification process that enhances competition and the development of new technologies. With little resources to purchase new equipment, some jursidictions are desperately seeking alternatives to the current relationship between the EAC and voting system manufacturers. The lack of innovation often results in states and localities paying for expensive but antiquated equipment. We need flexible equipment that creates efficiencies in the process. The future is very unclear and unsettling. If federal certification is dissolved at the EAC, the states will need to join together as we have done in the past with the National Association of Election Directors, NASED, to test and certify voting systems or dramatically increase the reciprocity of different states testing those voting systems. Many states, including Virginia are trying to improve the individual state testing and the certification of voting equipment and develop relationships with other states and the testing labs to prepare for a future without the EAC or federal certification. This decentralization has both positives and negatives. Will manufactureres be able to create hardware and software for various state testing programs? Will that end up increasing the cost of new systems and testing for everybody? One thing we do know is there will once again be a huge change to our process of testing and certifying voting equipment. Thank you.

>> Thank you, Mr. Palmer. we should note that the Commission's next hearing in Cincinnati on September 19 will focus on the issue of technology and aging equipment in the certification process. Ms. Lamone?

>> Ms. Lamone: Thank you very much for having me. Good morning, everyone. As you know, I'm from the state of Maryland, and in Maryland we have what we call a centralized election administration. The goal of the General Assembly was to have uniformity in the administration of elections in Maryland. So we have the State Board of Elections and then we have 24 local boards that implement the policy and procedures adopted by the State Board of Elections. As a result, we have a uniform statewide voting system and echoing what Don just said, we are having issue because we have to replace it, and the choices are diminishing virtually every day as to what we can buy. We have a statewide voter registration system, a sophisticated candidate and election management system, a web-based campaign finance and reporting system that all candidates at every level in Maryland have to use, and then we have various online voter services which I'd like to talk about today. We have found that our online voter services have greatly improved what we call our customers service to our clients, the voters. A lot of states have these now, and I think they're fabulous because they really are very useful to the voters. For example, the voter look-up website. A person can find out, Am I registered? If so, do they have the right address for me? Where's my polling place? Is my polling place accessible, and if not, why not, and of course, as others have mentioned, look at my sample ballot. For the online voter registration system, we find that our military and overseas voters especially like it. It allows them to request their absentee ballot without having to file a formal piece of paper. They just use that system. Our domestic voters, of course, love it because all they have to do is self authenticate themselves and they can go on there and register as long as they have a Maryland driver's license or keep their address as current. And that's really important for all of us, that people keep their addresses current so that we know how to reach them and they go to the right polling places. We have an online ballot delivery system that we initiated in 2010, whereby our then overseas voters could request their absentee ballots to be delivered to them online, and then in 2012, through a grant from the FVAP, we initiated a ballot marking tool that the voter can use to actually mark the ballot while it's up on their screen and then print it out. In order to use this system that voter has to of course authenticate themselves and then they must have a unique alpha-numeric password that we have provided to them in a separate e-mail in order to access the system. The voter can print the ballot out and mark it themselves, sample ballot here, or they can use the wizard to mark it on their screen, and when they do that and they print the ballot out, a barcode is generated that contains the ballot style and the voter's choices, so that when it comes back to us, under our current voting system we cannot print ballot marked on pieces of paper like this; we have to duplicate it. So we either duplicate it by hand, or if they've used the wizard, which you can see -- I will leave some of these copies with you -- this barcode at the top and it will then print on ballot card stock and that could be scanned and canvassed. We have, however, a step in between that, that we require the local boards to have a bipartisan team compare the ballot submitted by the voter to the ballot printed out from the barcode, just to make sure that there's no discrepancy or any hanky panky going on. We had none of that occur in the 2012 election. Of the military folks that used this in 2012, over 12,500 of them were delivered electronically, 73% of the voters wanted to get it that way and two-thirds of those voters used the ballot marking tool. As I said, we have two different ways of marking the ballot. We also had a survey conducted by the Overseas Vote Foundation and got very, very positive feedback from our voters. The interesting thing was they wanted to return the ballot online. That was one of the most favorite responses other than not worried about making mistakes using the wizard. For 2012, all of our voters in Maryland will be offered the opportunity to receive their ballots online and use the wizard to return them. We have a couple of improvements, one of which was interesting was overseas voters could not remember, when we asked them for their address, what their zip code is. So we're going to be linking our system, we hope, to the U.S. Postal Service so that they can more easily discover what their true post zip code is. We don't want them to use the one from the foreign countries. Our next project is to create a single point of contact for our military and overseas voters so that everything -- all their interaction concerning voting and voter registration will be with the State Board of Elections. They will not have to determine which county did I come from in Maryland, so they don't have to worry about where to request their absentee ballot or other materials, and we're waiting to see if we get a grant from the FVAC to create

that single point of contact. So everything will come from and to the State Board of Elections, including the voter ballots, which we will then distribute to the counties for canvassing. It's one of the things that the Department of Defense is very high on seeing implemented. I would like to quickly echo some of the things that Don said about the lack of the EAC. Something needs to get done. Our voting system standards are outdated. We can't have any new labs certified. NIS is not working on anything and the choices for our voting systems are diminishing. And lastly, I'd like to echo Don on the ERIC or Electronic Registration Information Center. It has two goals: get better registration records and register those who are eligible but are not. And we are one of the founding states along with Virginia and Delaware and have begun getting our reports and I can tell you it's going to be a very, very effective tool in not only reducing our costs of maintaining our voter registration records but also having much more accurate ones. And with that, I thank you very much for having me.

>> Thank you.

>> Ms. Andino: Thank you, I'm Marci Andino, and I want to thank you for the opportunity to be here today and to share my thoughts on how we can improve the voting process. My testimony is based on my experiences in South Carolina, but it also includes similar challenges faced by election experts in other states as well. Following the 2012 general election, Charles Stewart surveyed more than 10,000 registered voters across the country and asked about their experiences at polling place. Approximately 33% reported that they had no wait at their polling place. The average wait time was 13 minutes, the longest being 44 minutes and the shortest just under two minutes. In South Carolina, the average was 27 minutes. The broad perspective of the survey does not seem to indicate much of a problem but we know from our own experiences and from media reports that there were voters who waited much longer to cast ballots. In South Carolina, we know that some voters waited at least six hours to cast a ballot. Just as wait times vary from state to state, they are often dramatically different within a state or even within a county. Because of this, the first step in improving the system is to define acceptable wait time. The proposed Simple Voting Act says no voter should be forced to wait in line for more than an hour, and I'm sure voters who waited many hours to vote would be extremely pleased with a one-hour wait. After the election in South Carolina, we spent a considerable amount of time meeting with County election officials and analyzing audit data from the voting system and also from electronic poll books. Counties gather information from poll workers and also from voters. So what are the causes of long lines? In short, nearly everything causes delays.

[ Background noise ]

Lengthy ballots, voters not being familiar with ballot questions, a shortage of resources, both poll workers and voting machines, and address changes were all identified as factors that contributed to long lines. High turnout and numerous voters showing up at approximately the same time were also identified as factors. There are several factors that can slow down the voter check-in process, including voter registration database problems, polling places not being adequately staffed, first time voters showing the proper ID, voters without proper photo identification and same day registration. The voting process itself can be confusing or cumbersome. Long ballots, especially those with numerous long referenda, voters not familiar with the candidates or the questions, voters not familiar with the voting equipment, and voters waiting to use the curbside feature or the ADA machine, and then of course high turnout. Technology, if not properly deployed, can also cause delays. Not enough voting machines, voting machines not working properly, not enough poll books, poll books not working properly. Hundreds of thousands of poll workers are needed on election day to effectively run polling places across the country. Poll workers are valuable resources, but they are basically volunteers who receive limited training, they work a few days every other year, and in some cases they earn less than minimum wage. While this model for staffing polling places is necessary, it also creates issues, such as difficulty in finding poll workers, inadequate training of poll workers, poll workers who are uncomfortable with the technologies that have been deployed, and poll workers who either arrive late or don't show up at all. Finally, the physical location of polling places can present problems. Changing the location

of a polling place close to an election, fewer or consolidated polling places, polling places that are too small to accommodate the voters that are assigned to them, inadequate parking, accessibility for voters with disabilities, and poll workers not being able to have access to the polling place in order to set up. So what can we do to address these issues? There are practical steps that election officials can take to improve the voting process and reduce lines at polling places. Election officials should review precinct size and ratios of assigning poll workers and voting equipment. Simply dividing a precinct because there was a line is not the solution. I don't believe there is a magic number of voters per polling place. The polling place will dictate how many voters can be assigned to the precinct, because of geography and physical layout. While information received from poll workers and voters is beneficial, the best information may come from the technologies you use in polling places. Audit data from voting systems and electronic poll books is an important tool in reconstructing what happened and when it happened on election day. There are opportunities to conduct time and motion studies in polling places and introduce key management theories and poll manager training to improve the process of moving voters through the check-in and voting processes. Other steps for election officials include leveraging polling place technologies, utilizing a problem resolution table, employing effective ballot design techniques, and increasing voter education efforts. Some policy recommendations to consider: There was not a one size fits all solution to long lines. Guidelines must be established but jurisdiction must be allowed to determine which solution best meets their needs. Every solution introduces a new set of challenges. However, perhaps the most important step we can take is to provide more opportunities and alternatives for voting. In most locations while voting technologies may have changed, some procedures have been in place for 100 years or more and must be examined in light of today's realities. More opportunities for voting centers should be considered along with establishing vote centers. Early voting gives more opportunities to cast the ballot at a convenient location, and voters are not forced to go to one location on one day. Many of us don't work close to where we live. That's where vote centers can be beneficial by allowing voters to cast their ballots in convenient locations rather than requiring them to go to a particular precinct. While electronic voting systems are not without controversy, there's no doubt that such systems make it easier and faster for a voter to cast their ballot and prevents them from overvoting and warrants against undervoting. With constant improvements in technology there's no reason why these systems can't be more secure and protect the integrity of the process. Finally, though, addressing the problem of wait times comes down to a question of resources. The simple fact of the matter is it will take money to invest in more secure technology to recruit and adequately train poll managers and expand the opportunities for voters to participate in the election process. Again, thank you for allowing me to be here. I hope that my participation will be useful to you as you prepare your report for the President.

>> Thank you very much. I think now we'll -- we have excellent testimony and much appreciated. I think now what we'll do is offer the Commissioners an opportunity to ask questions and so if I could, Commissioner Thomas?

>> Commissioner Thomas: Elaine, first of all, welcome to my colleagues. Good to see you all here, and excellent testimony. Elaine, could you explain in more detail your process and how your electronic signature changed what was typically going on in your Department of Motor Vehicles and how it ultimately then increased the number of transactions and how that might be portable to other states as they look to actually implement the motor voter?

>> Ms. Manlove: The reason we started was the first election I was involved in was 2000, and we did court orders, a lot of court orders because a lot of times it was a husband and wife that came in to vote, one was registered, one wasn't, they both moved to Delaware together and registered together and we would be missing one. We could access DMV records and see that they had been at DMV but yet we did not have an application. So that's what started the discussion of there has to be a better way. So we worked with DMV to, when voters go in, they sign on a -- it's a credit card pad, and I often say, this isn't rocket science. Macy's did it long before us. They're signing a credit card pad, they're choosing their party, which is also a

benefit to both the DMV clerk and to the voter. For some reason the DMV clerks believe that the voters don't like saying out loud their party choice. They choose their party, they affirm their citizenship and they sign. All of that comes to elections in real time. So our goal was to get everything. What was happening before was when it was a paper process, the clerk would then have to go back to the printer, print out this triplicate form, bring it up for the voter to sign while the printer jam, they ran out of applications, a thousand reasons, or the voter left without signing. So then we would get those paper applications the next day, the ones that we got electronic transmissions of how many people registered to vote, so those numbers never matched. We would send out applications to the people whose application we did not receive. Maybe we got about 50% of those back, so that's what generated the e-signature. But now we get everything, but we also don't have to file anything. Everything is in the system, so on election day it's a lot faster because you're not rooting through a file drawer to find out that signed application. We have a closed primary in Delaware and a lot of times we get calls that I know, I registered in a different party, and that's our proof. And also now they've chosen their own party. It's not that the DMV clerk made a mistake. So it's just increased our productivity. In the offices we eliminated five positions statewide, which in Delaware is a lot. We're a small state. It was a cost savings to DMV as well as a cost savings to elections going forward. It's efficient. I can't tell you that there's a downside to it. It's been wonderful for us. And so we want to use that same technology, and all of us in elections -- I'm sure you're hearing this, copy from everybody else. So Washington State has a process and I'm sure other states have taken that, that when you register to vote online if you have a signature at DMV it captures that signature. That's our project right this minute. We should be going live with that shortly. We'll be able to take that signature through our online voter registration but also at Health and Social Services and Labor, the other agencies that do voter registration in Delaware, because they're offering so many of their services for people from home, doing it in an online version.

>> Commissioner Thomas: If I could just follow up. So is electronic signature a hard stop in that process as the voter comes -- the DMV? So that stops and they've got to go through that before...

>> Ms. Manlove: They have to go through it, yes. The DMV clerks have a script on their screen, and as they're inputting their information that's also populating our form electronically, and then when the voter makes their choices then everything transmits to us, but they have to go through a process and they can't go to the next page until part of that process is completed. So it eliminates a lot of the problems with DMV clerks not asking.

>> Commissioner Thomas: And it actually works out better for the DMV?

>> Ms. Manlove: It does. The biggest battle we had in implementing this was the DMV thought that we were going to slow up their lines, and they were willing to donate 90 seconds to the elections portion of the transaction. And I fought for the longest time to get them to understand that this would be better, and it's 30 seconds, about. We had people go and time them and it averages about 30 seconds per transaction. They don't have to go back to the printer. There's no paper, it just happens, and it makes it a lot faster for DMV. There's nothing bad. It's just efficient, it's accurate, it's secure, it's been a boon for us.

>> Commissioner Grayson?

>> Commissioner Grayson: So it sounds like the initial e-signature was sort of a bridge, I guess to what you're trying to build now. Is that kind of a -- I mean, given technology, that was the only option, I guess.

>> Ms. Manlove: Yes.

>> Commissioner Grayson: Did you ultimately have the vision of sort of this unified system or is...

>> Ms. Manlove: We did.

>> Commissioner Grayson: It was the solution to the problem you had?

>> Ms. Manlove: It was merely solving the problem of not getting everything, of having people on election day that -- and back then we had to do a court order. That was the only way we could let them vote on the machine. And in Delaware, we certify two days after the election, so we don't have a lot of time for provisionals. We didn't even have provisionals until after HAVA, so the only option then was a court order. And it became such a system, we would take the information from the polling place by phone, go into the DMV records, see that they had been at DMV we didn't have an application, faxed everything to a judge, and then they would give us a verbal court order, call back to the polling place, let them vote. But still, this ties up time on both ends. And then afterward it was getting that whole big stack of court orders officially to go in the record. So it was really solving the problem of us not getting everything from DMV, because most of our voter registrations come from DMV.

>> Commissioner Grayson: Then with the existing -- the registrations that worked, either through DMV previously or just through drives, whatever, did you then just go scan all those old forms and attach them to a record, or did you have sort of the online file and...

>> Ms. Manlove: We started just taking what we got directly from DMV but as time went on we started scanning in the old apps...

>> Commissioner Grayson: Fax scanning?

>> Ms. Manlove: ...and matching them, but after a 5-year cycle at DMV.

>> Commissioner Grayson: ...pretty much everybody...

>> Ms. Manlove: We'll have everybody.

>> Commissioner Grayson: But basically now everything's purely online, right? Like you're -- all the cards, no matter when?

>> Ms. Manlove: Yeah, everything is now electronic, yes.

>> Commissioner Grayson: Okay, good, thanks.

>> Commissioner Patrick?

>> Commissioner Patrick: I, too, have a question for Elaine. The question I had had to do with the integration of the other agencies, and I guess my question is kind of down in the weeds of the applications of it. So are you setting it up such that as either the individual applicant or the person who's assisting them at the agency enters that data and they say that they want to register, will it drive that voter or that applicant, to the online site for the state, or will the information all be captured at the agency and then just the data transferred over? Because there are kind of two ways that the states are going about it, and so I'm curious how you see this rolling out at the actual assistance agencies?

>> Ms. Manlove: We have it now live at Social Services, so it's essentially the same as what we do at DMV. The clerk is doing intake, and then it gets to the voter registration part and we have provided them with the Ingenico devices, they're called, which is the credit card pad, and they choose their party and sign, and then that comes to us electronically. However, a lot of what Social -- first of all, a lot of what happens at Social Services -- and I'm sure you've heard this before -- the baby's crying and the bus is going to leave and they don't have time and they didn't want to register to vote to start with. That's pretty much the story we get from social services. I don't think it's a perfect venue for voter registration. However, now they are offering a lot of their services to people can file from home, or from wherever they have a computer. So currently what they have in Delaware is a link to

our online voter registration, which is still print, sign and mail at this point, until we connect totally with DMV on that side. So we will then take our new e-signature that we'll then marry up the DMV signature, and that's how it will be done. They can do that from home without -- it'll just be seamless.

>> Commissioner Patrick: And you also, if I remember correctly, it captures the declination as well...

>> Ms. Manlove: Yes.

>> Commissioner Patrick: If the individual says that they don't want to register to vote...

>> Ms. Manlove. We get that as well.

>> Commissioner Patrick: ...it captures that information also, is that correct?

>> Ms. Manlove: Correct. Yes.

>> Commissioner Patrick: Great, thank you.

>> Commissioner Lomax?

>> Commissioner Lomax: Marci, I have a question for you. You listed a lot of reasons for long lines, lengthy ballots, voter familiarity, voters showing up at the same time, registration data, high turnout. In my opinion, all of these things are entirely predictable and afford you would have anticipated this and the other problems I think that you listed. So that leaves me to wonder, I'm not sure how elections are conducted in South Carolina in the sense of who's responsible at the county level, but have you looked at any correlation between the experience of the people in charge of the county or -- I'm not talking about election day workers but people like yourselves if you're down there at the county level or wherever it would be -- correlation between their experience and where these lines occurred? I don't know, is it training? In Nevada, for instance, we were on our own. You got the job, it was up to you to figure out how to do it.

>> Ms. Andino: In South Carolina, elections are run at the county level and there's a County Election Commission and Voter Registration Board in each county and the office is usually run by a director. And these are election professionals. They are not political appointees. And they do receive training. There is a training and certification program that the State Election Commission administers. And what we have seen is that it is not necessarily the long-term election professional that's doing the best job. Sometimes the new hires come in with the right combination of skills and experience, and they do just as good of a job after training and after some time.

>> Commissioner Lomax: Okay.

>> Commissioner McGeehan?

>> Commissioner McGeehan: This is a question for Linda Lamone. I thought I heard you say, Linda, that in 2014 you're going to offer up the online ballot to all registered voters in your state?

>> Ms. Lamone: That's correct.

>> Commissioner McGeehan: I guess I have two follow-ups. How does that fit in with your current framework; in other words, do you already offer no excuse, vote by mail, early voting, and how do you expect that may change, or how many voters do you expect may take advantage of marking the ballot online?

>> Ms. Lamone: We're anticipating a lot, which is a little bit of cause of concern for me, because on the back end with the canvassing procedures that we've had to

initiate with -- even if they've had wizard double-checking the ballot, making sure it's correct before it's actually canvassed. And we did that in response to the advocacy community, frankly, who said that they didn't believe that the wizard could be trusted, that it could be hacked. We're working on a solution to that, being when we buy a new voting system we hope the scanners can scan those paper ballots without having to print them on stock, and we're have a whole bunch of security reviews done on the wizard and the procedures and processes surrounding it. But if the percentage of people that vote absentee remains the same and the percentage of that percent use the online system, it's going to be a lot. But the General Assembly authorized this, they felt that it was, especially for the disabled community, domestic voters said it would be a very convenient way for them to vote their absentee.

>> Commissioner McGeehan: Thank you.

>> Commissioner Echevarria?

>> Commissioner Echevarria: Thank you, and first of all, thank all of you. It was terrific presentations. And you should be applauded for your public service. So that's where I want to start the question. Just quickly, and it's really directed more towards Director Andino and Mr. Palmer. Do you have, I'm curious, a common definition of success when you conduct an election, that's simple and understandable? If you have one, do you measure how your outcomes were against that, and then secondarily, do you have planning around a strategy to conduct an election versus the funding that's required to execute that and the choices that are being made as a consequence.

>> Mr. Palmer: Well, I would think there's a couple of different measures, but I think the primary measure at least from my perspective is that everyone who wants to participate is able to participate and that's a very broad statement but it's sort of like my major concern has always been, is the voting equipment been tested, is it going to accept the ballots, is there going to be some major snafu where we can't either tabulate a ballot or there's voting equipment in the polling place that's some sort of catastrophic breakdown in one polling place or a number of polling places. So we focus a lot of our efforts on that LNA testing, the early ballot preparation, make sure that the voting equipment is going to work on election day, that the ballots are properly tabulated, that the equipment's properly working -- that prevents sort of a major crisis in the county where the county and the state are scrambling. So that's primarily success for me is the fact that for the most part, voting equipment across the Commonwealth is working, is accepting ballots, ballots being tabulated, and so that's my primary focus going into an election.

>> Ms. Andino: In South Carlina, our motto is "Every vote matters, every vote counts," and that's certainly our goal on election day. We do not want any citizen who wants to cast a ballot to be turned away from a polling place because there's a line of some link that they cannot stand in because they have other responsibilities. Prior to a statewide election, we bring all counties in and we do a training kind of a refresher. We encourage them to make sure they test their voting machines early, make sure everything is working. We are constantly increasing the amount of technology that we deploy, and at the end of the day, we want to make sure that every ballot and reported in the certified results.

>> Commissioner Mayes [phonetic].

>> We've spoken a lot about technology and how it will solve many of the issues that we've been confronting through the years. But there are two issues that technology doesn't necessarily fix easily. One of them has to do with a digital divide and that they're large sectors of their population that just doesn't have access to it. And secondly you have voters with access issues, whether it's that they're blind or of their aging issues. And they want independence and privacy. And so, as technology is now going into the home, which is what I think some people see as the ultimate location, how will you deal with those two issues in your jurisdictions?

>> We use a statewide electronic voting system. And there are voting machines specifically for voters that are visually impaired or blind. And then the font size is also larger, so our older population has said that, you know, that the ballots are much easier to read. And when we implemented this system, we did a massive voter education and outreach project. And our goal was when a voter went to the polling place that they had already seen the voting machine. They would not be seeing it for the first time. And it was very successful, and when voters arrived on Election Day, and this was back in 2004, many of them bypassed the demonstration process and said, I've already seen the machine. I'm ready to vote. They're very easy to use, so there was not a digital divide issue. And the technologies that I was speaking about are used by poll managers. So it's in every precinct in the state, so there's not digital divide there. But I agree with you. Voters want to be able to vote using their personal electron device, whether it's a smartphone or an iPad or some other type of tablet. And I would like to see that incorporated into the next generation of voting systems.

>> I think that a lot of technology can help with the digital divide because one of the major issues that we look at is the usability of voting equipment, and the technology actually enhances. That's one of the things that [inaudible] manufacturers, election officials, focus on is trying to make that process of actually casting a ballot more useable to a voter. Make it simple. So that's always a focus that we are sort of struggling with. Regarding voters with disabilities, I think that a lot of the technology will help because, for example, ballot delivery that Linda was talking about, that process that was developed initially for overseas and remote voters, military voters, that actually can be used for voters with disabilities in their home using the technology that's in their home. So it sort of allows voters with disabilities another choice. They'll always have the choice inside the polling place with that accessible piece of equipment. In fact technology will, the manufacturers are coming up with more smaller and more, you know, easily usable voting equipment with the sensibility features. And so, hopefully technology will give more choices. That's what we're hoping.

>> And do any of you work with advisory groups and community groups when you're trying to figure out what certain populations would prefer to have or what it is that they need. So we've heard a lot that the election officials that work with those organizations are far more successful?

>> I'll just jump in. I think the answer is yes. The National Federation for the Blind, for example, is headquartered in Baltimore, Maryland. I know my people interact with them and other groups, similar groups all the time as to the voting system manufacturers. You have to deal with not only the various disabilities, including your aging population, but you have to deal with different languages. I mean, there's all sorts of, sort of, a zillion moving components involved in putting together an election for your constituents or your clients. I think most of us reach out to as many people as we can. And we all have advocacy groups that watch us like hawks. So.

>> When we went through the procurement process for the voting system, we included representatives from the disability communities, and we continue to work with them each year. Not just with the voting equipment but even in our messaging and materials that we provide for voter education.

>> And we do the same in Delaware. And actually as far as accessibility, there are teams that go to all the polling places in Delaware in every election and then report back to us where they see problems.

>> It's the same in Virginia. And I would say that we do the best we can to make our voting systems usable. When we work with the groups, advocacy groups and groups advocating for the voters with disabilities, they actually bring a lot to the table and improve the process. They've always been helpful.

>> Commissioner Patrick.

>> I have kind of a general question for everyone I guess. And that is, as we've had these conversations around the country, there seems to be a general notion that by expanding the opportunities for the voters to select when they can vote, that we can help alleviate some of the congestion on election day. Which definitely takes care of some of the issues of why there are lines in some places on Election Day but not in other areas. So, I'm just curious for those of you who are present here, one is, about how many people, what percentage of your voters are casting their ballots early prior to Election Day? And whether or not you have a no-excuse absentee, that sort of thing. And then the other question I had which is just a quick follow up on that is something that Linda had mentioned, and that has to do with the canvassing time period. Some of us have a ten day window, a fifteen day window, twenty-eight day window, forty-eight hour window to do the canvassing, so. So I think that that's something that's very important to take into consideration as we look to potentially discuss expansion of when voters can cast their ballots. We still need to count those ballots. Some have advocated that you shouldn't count any ballots until Election Day. Others who understand the process have seen that that's not so much of an issue. But I think the canvassing time period and how many of our ballots are actually being cast early would be very helpful.

>> Well in Delaware, 95 percent of our voters vote on Election Day. We don't have early voting. Five percent vote by absentee. We have absentee with a reason. And we certify in two days. We have very few provisional because we work really hard to make sure that they vote on the machine. Even if, we would do a court order before a provisional.

>> Virginia has a forty-five day in person absentee with a reason. Usually it's in offices. Some of the larger jurisdictions have satellites for their main office as well so they can vote in person absentee and absentee during that period. I would estimate 20 to 25 percent of the individuals vote during that in person absentee period, mostly in the last two weeks. Canvassing usually occurs in the twenty-four hours for most provisionals in absent, that's going to happen in the 24 to 48 hours. If there's provisionals that go on. There's a three and a half day period for ID purposes. But for the most part it's going to occur right after the election.

>> Well Maryland is a very liberal state, and we offer voters many choices. You've heard about some of them, but we also have no excuse absentee. We have early voting. We have online voter registration. We have all these things. And we still have lines in some jurisdictions. And the general assembly is layered on to the early voting, same day registration, which I anticipate will slow things down even more. But, and our canvassing period is extended. The voter ballots, as long as they're postmarked on Election Day, can be received in the general election up to the second Friday. So, which is when they start the final canvass.

>> In South Carolina we have absentee voting with excuse. It opens forty-five days prior by mail and approximately thirty days prior to the election for in person on voting machines. In a Presidential Election, almost 20 percent of our voters will cast an absentee ballot. We do not have early voting, so the remainder vote on Election Day.

>> Commissioner Ginsberg.

>> Thank you Mr. Power. I have a question for all four of you. I think at least South Carolina, Maryland, and Virginia fall into this, and I'm not sure about Virginia, Delaware. But it seems from your testimony that individual county officials have a fair degree of autonomy in putting on their elections in their individual places, and you all are state election officials. My question is how you train the people in different counties in a way that ultimately leads to consistency of results. So it's both trainings of personnel in each county have an equal degree of knowledge in applying the voting. And then secondly, when it comes to counting ballots, how you try to insure that the standards are universally applied across the board. Marcy, if you could start.

>> Thank you. In South Carolina we have both a statewide voter registration system and a statewide electronic voting system. So, those two items make it very easy for us to have consistency across all forty-six counties. Training prior to each statewide election we bring the directors and other people from the office in, and we do a one day training as a refresher and any new, we cover any new topic, any new legislation that may be implemented since the last election. And then also, in South Carolina, it's mandated that all county election commissioners complete a training a certification program that we administer. They have eighteen months from the time they're appointed to complete that training. So that's how we spread the word and have consistency among counties.

>> And how about individual poll workers? Who supplies that training?

>> The counties supply individual poll workers. We provide an online poll manager training program. And we also produce all of the training materials used for poll workers. The poll worker handbooks. And we also provide PowerPoint presentations. So we give the counties the tools that they can use to deliver those, the training.

>> Well Maryland's basically the same thing. We provide the curriculum for the election worker training. We provide the standards for the trainers. We require the local, all of the local office employees to attend a meeting every other year where we go through, and they also have, on the off years they have their own meeting where we go through any legislative changes and that kind of stuff from the previous session. We have a certification program. And, and probably very similar to Marcy is we have a very strenuous audit system of the local boards of elections whereby we go in and examine everything that they've done from soup to nuts, albeit this is after the election. But we do for both the primary and the general. And if we see any inconsistencies at all with the state standards and procedures, an audit finding is issued, and the local board is notified, as well as members of the state board. And that really insures that they try to adhere to the state procedures as closely as possible because they know we're going to find out.

>> In Virginia we have electoral board of three members, and we have a general registrar who is the day-to-day for the local office. The, we train the, both the general registrar and electoral board members at an annual training. We also do some training during regional meetings and annual meetings that the two organizations have, the two local election official organizations have. Frankly, I think it, we could do a lot more training. I wish there was a resource to do that. We have a lot of turnover. With those local electoral boards there's a lot of new folks that we have, you know, every couple of years. And I wish we could do more. The, we do have a certification program, and we do things like online training for our officers of election, which are our poll workers. We use that as a supplement for those training of those poll workers at the local level. We also do a train the trainer, which is like using webinars if there's specific policy issues be it voter ID or other issues in the polling place. We'll provide training to our general registrars, then provide that training to their poll workers. Make sure there's uniform practices. But I'm a big believer in training. I wish we could do a lot more.

>> In Delaware we're all employed by the state, even though we have three county offices that don't report to me. They report to their own individual boards of election. But all the election officials in Delaware are state employees. So we're all governed by the same law. We all have the same voting equipment statewide. But we've had statewide voter registration long before HAVA. So, that simplifies a lot of what we do. We do, we bring in outside trainers every several years to train everyone on different aspects. We'll pick a topic. But the county officials train all the poll workers at the county level. Also in my office I bring in what I call the affinity groups so everybody statewide who handles voter registration. We'll bring them in for a team meeting, and we'll have a trainer there. I believe a lot of times the best idea to solve a problem comes from the people that do it every day. So they will work together to come up with the best solution for any issue, and then implement that statewide. So we do the affinity groups, those that handle voter registration or felons or whatever the topic is, and we bring those groups together.

>> So my follow up question is, and this is sort of one of the mysteries that has come from this process. You all do a great job of training that you're satisfied with. You get poll workers and election officials of the highest quality. Yet there are problems. Yet there are lines in your states. So, somewhere, somehow, even the best of training can still lead to Election Day problems. You have thoughts on what you can do and why this nonetheless happens? Is this, is it a matter of individuals and individual places?

>> There are no lines in Delaware. The number of voting machines in Delaware is mandated in the state code. So it's consistent across the state. How, you know, per voter registration how many machines are deployed. The poll worker training varies from county to county. So I'm going to tell you that it's not consistent. I think recruiting poll workers is really a hard job. And it's hard to keep poll workers. I wish we had a better solution for that. Technology is a mixed bag, because sometimes you get poll workers that are afraid of technology. In Delaware and, I don't know but probably a lot, maybe all four of these states, we employ 16 and 17 year old poll workers. I think it's one of the best things we've ever done because they're not afraid of technology, and they can use what we have. And sometimes they're explaining it to the other poll workers.

>> Well I think, I think there's a couple of reasons why we have lines on presidential years in particular. A Presidential election is different than any other election. It is literally a hurricane when you have little minor storms the rest four years, at least that's from my perspective. And so I think believe it or not because of the turnover, even with professionals that are in the job, that sometimes you forget about the pain four years ago. You look, you don't really retain the data or the information on where the issues were four years ago. Some of that, some of that is lost. And so, I think it's important to keep that data. I also think it's important that the local electoral boards are really responsible for the planning with their registrar, which is the local election official. The planning for this, and you know, when you really audit what happens in some of the counties, and we've done [inaudible] County, is that some of these, you know, there may be demographic shifts within the county. There may be large registration drives. And if you're not on top of the data and where you may have a problem, you may miss it and then have a line in that precinct. Because some of it, you have a press report that makes it sound like a county has a huge number of issues. In reality, it was one or two precincts. But that's what get the headlines. And it's, you know, right now they're going through a process of trying to understand why it occurred, okay. And so now you have to have your problem precincts. Okay, why did this occur? We now have it. That's a process that can sneak up on you. So there, you know, even the local election officials with, they have the best information as sort of of their county. I think that sometimes it's not good enough. They don't have all the data that's necessary. And so, understanding what's available to you as a local election official, where your registration, parts of your county where the registration rates are increasing dramatically. Where the demographics, you know. What part of your county votes in the morning because they've got to get to D.C. and what part of your county is going to vote at night because they're working, you know, inside the county and then decide to vote right before the polls close? These are issues that sometimes it's, it's just anecdotal. But a local election official I know, I'm always going to have a heavy turnout in this area of my county. But, most of our election officials don't, they don't have all that data in front of them to make this decision. So the use of that is important. It's, it's just trying to get to a level where they feel comfortable using that data to make adjustments while they lead up to an election. So it's a, it's sort of a complicated answer. But, you know, when you look back over a four year period I think most of the time that memory is lost. And what may be a problem four years ago, it's a different part of the county four years from then. It's hard to know where that storm's going to come from, and what part of the county it's going to hit the most.

>> I don't have the answer to your question, but I hope to have it by December because the state of Maryland has commissioned a study which is going on right now as to why there were lines.

>> I mentioned that in South Carolina we know that some voters waited at least six hours. We, after each election, go back and kind of do a lessons learned. We review what went right, things that we need to repeat, and then what didn't go so well. What do we need to improve. And we try to incorporate that into the training. And one of the things that we've incorporated into poll manager training going forward is cue management theory. And just managing the lines. We have been so focused in poll manager training on giving them the basics they need to process voters, make sure that voters are given the right ballot, and how to use the voting machines, that we've really left it up to poll managers in the past to manage the flow throughout the polling place. So that's a change that we've made. And Don talked about the large numbers of voters showing up early in the morning, at lunch time, or late in the afternoon. And through the voting, the analysis of the audit data from the voting system, we find out that that's not the case in every precinct. In precincts that are closed to colleges that have a high population of students, or that have a high population of retired voters, the peak time is 10 a.m. in the morning, and that's when we're actually trying to drive the people to the polls so we can spread the distribution throughout the day. So there are a number of factors. Don't have, and it changes from election to election, and we're trying to give our counties multiple tools to analyze data and to be able to make smart decisions in deploying machines and running polling places more efficiently.

>> Commissioner Patrick and then Commissioner Mayes. And then Professor Persily [phonetic].

>> I have one rather quick question, and that has to do with, we've been talking a little bit about poll worker training. And some have advocated that the profession needs to be testing our poll workers to make sure that there is a certain level of efficiency proclivity with the alphabet, you know, a number of skill sets that we of course all want them to possess and exemplify. But I am not sure that there are that many jurisdictions that have an evaluation process in place because many of us have a difficult time finding poll workers. So I'm curious what your thought is on how do we insure that those individuals who have given us their day, sometimes a couple of days with training and what have you, are able to service the voters. But that we have enough of the test in there that we can insure that without tying ourselves and making it virtually impossible to find enough people to staff at the polling place. Because that is an issue that was raised is poll workers that don't show up, that don't tell you they're not planning on coming, you know, that sort of thing. So that, that is a struggle. And I'm wondering if you have any, any thoughts on that.

>> Well, I would be afraid if we did a test, a very formal test, we could possibly lose poll workers. I think they would be afraid they wouldn't be able to pass the test. And so that could be an issue. What we do in Delaware usually is when their paperwork comes back in at the end of the election, that's our own test. You can see who did the right thing or the wrong thing by how they handled the day. If we had any problems. And then, we will, that's our test. And then that's how we eliminate poll workers that are problems. Often we get a call from within the polling place from either a voter or if you get several calls from voters, you know that's a problem. Or another poll worker may call in. I think the mix in the polling place, and as I mentioned before, student poll workers, we also in Delaware use corporate poll workers. And I think that's been a benefit to us. Corporations share one of their employees with us for the day. They don't have to take a sick day or a vacation day. They're paid by their company. They're paid by us. And that's increased I guess the efficiency of the polling place. They're used to having a process, and they're used to the process. One thing that always concerns me is they work for two days every other year, but then laws change and we do the training. And it's a couple of hour training before an election. Probably two and a half hours. Some of it classroom, some of it hands-on with the voting machines. And, but you still have a lot of poll workers that know how they've always done it. And that's how they're always going to do it. And it's, they seem to get, I believe, they get a lot of information every election as things change. And I think that's difficult when it's not something you do all the time. When you're only doing it two days every other year.

>> Could jump in with another piece to this before it goes on is that retention of good poll workers. First of all identifying them through an audit or an auditing type process is important. And then how do you retain them? So for those of you who are using sponsored polling places, youth poll worker programs, that sort of thing, are you finding that that has an increased ability for you to retain good poll workers? Or is it a constant turnover of new poll workers every election?

>> We do seem to retain the bulk of our poll workers. But we always need to add new. And a lot of our poll workers are older, and they just age out of the process. So, I think that the ability to keep adding younger people to the process. And also when we started the sixteen and seventeen year old poll workers in Delaware, one of my goals was to get poll workers, but also I want them to be long-term poll workers. So if they get into the process early, they may stay. But I really wanted them to be voters. And I thought if they came in young, saw the process, they would be voters.

>> Well I agree a lot with what Elaine said. I think that hands-on training is obviously at the local level. That's important. I do believe that, particularly with the online supplemental training that some sort of test could be helpful. But Elaine is correct, some poll workers and local election officials are concerned about that process. But I would say that the experience has been that you really don't want to have a poll worker who's causing multiple errors in a polling place. That could have dramatic impact on election. It makes the headlines. And it really does sometimes disenfranchise voters because it's so, because if you have a poll worker that's consistently making errors or some steps have to be taken. And so, I think that local election officials are always sort of analyzing the proficiency of their, of their poll workers. And so, that's something that the state is just trying to help local election officials.

>> The poll manager training in South Carolina is a combination of classroom training and then some counties use our online poll manager training program. And then others supplement the classroom training with the online. If they're taking the online training, then they have to score an 80 percent on the assessment test in order to get a certificate. Some counties also test poll managers when they complete the classroom training. And we have found where it doesn't really scare them away, but poll managers are a liability to the process if they do not know the current election law. So, we've had to reassign polling, our poll managers to other positions. And then in some, in some instances we've just not been able to use some people that had been in the system for a long time. Through analysis of the audit data, we're able to help counties identify which precincts are following the procedures and running more effectively. And target poll manager training or certain aspects of it to those precincts.

>> Commissioner Mayes.

>> I want to just shift gears a minute, and since I have the benefit of having you here Elaine, Delaware was identified as one of the states that was impacted by Sandy. And I noticed you said that Delaware doesn't have lines, but one of the white papers that we're going to address later on at the hearing talks about how to deal with the disasters. And one of the suggestions include early voting, absentee ballots, vote centers, provisional, none of the stuff you do kind of.

>> Right.

>> So, did you have lines when you had Sandy impact you?

>> Now we were minimally impacted by Sandy. The biggest impact that we had from Sandy was that we had voters who were deployed somewhere else, like the National Guard or power company workers who went to New Jersey or New York.

>> Like first responders?

>> Yes. So we were able to vote them in whatever method we could. If we had, if it was electronic we could do. If it was paper we worked with the other states and the

governor's office from Delaware to make that happen. I think the reason we don't have lines is because of the way our voting machines are deployed. We have enough, we based on a formula in the Code. In fact, we've even tightened it up because we felt like it was too lenient, and we could get by with less voting machines. We did that maybe two years ago. I think the numbers were generated from when we first bought the voting machines. So it's, we vote 95 percent of our people at the polls. And I'm all in favor of no-excuse absentee. I haven't been able to get any of that through the general assembly. But, yes, I would like to see other aspects. But so far we've been pretty successful at what we do.

>> Commissioner Lomax [phonetic].

>> I got to go back to the, the issue of your equipment. Don, what hours are you open on Election Day? What's your [inaudible].

>> Six to Seven.

>> Six to Seven, so that's 780 minutes. And you, I know you can't buy anymore. You're prohibited against buying any more. But I know in one of your counties from a previous meeting we had, you had to process more than 800 voters per machines in one of your counties, at one of your polling places. One of the ones that had a long line. And that's more than one voter per minute during Election Day. And obviously that's not going to happen. And I'm just surprised not one of you has mentioned the lack of equipment as an issue. I mean you mentioned you can't buy anymore, but when you gave your problems you didn't list it. And you haven't listed it, so I guess you have plenty of stuff in South Carolina. But to me it seems that if you don't have enough equipment, you got a responsibility to go to your legislators and make damn clear that you don't have enough stuff. And there's going to be lines. And you can't allocate what you don't have. And you're all smart people. And I'm not faulting anybody. But none of you have mentioned that at all. And it's very surprising to me because I know a lot of you don't have enough stuff.

>> When we purchased our system in 2004, of course it was based on the number of voters at that time. And we also planned for growth, and we purchased an additional five percent. And counties have gone back and purchased additional voting machines over the years, including this past year. In the one county where we had major issues in 2012 with long lines, only two thirds of their voting machines were deployed through mistakes made at the local level. Had they deployed all of their voting machines, their lines would have been greatly shortened.

>> Do you go back and look at, and once again, are you going back and looking at the ratio of machines to voters in these precincts where you had these long lines?

>> Yes, there's a formula for how many voting machines can be, or should be deployed. And counties make adjustments based on historical voting patterns in some precincts. And, you know, you should always start with deploying all of your voting machines, holding back a few spares for in case there are any issues during the day. But, on a presidential election in particular, you don't want any extra machines sitting in the warehouse or anywhere else.

>> Okay.

>> [Inaudible].

>> So the Maryland equipment, there's no more equipment to buy.

>> I'm sorry, what?

>> In the, the voting system that Maryland has, there is no more equipment to buy. He can't buy it because it's not allowed. I can't buy it because there isn't anything there to buy.

>> And we couldn't buy it because we didn't have any money.

>> Well there's that too.

>> Yes Larry, I think that one of the things I mentioned in my testimony was where the bottlenecks were. And the bottleneck was primarily at the voting equipment. And essentially, you're right. We can't buy additional DREs because that was a policy, this was one of our general assembly. And sometimes they, I mean the localities are going to deploy all of the voting equipment they have. They've already sort of met the formula that's in the statute. But they deploy everything on a presidential year. And now you may be constrained by that, by the size of the building. I think that's another factor is the size of the facility. You know if you've got ten DREs, you would deploy them all. But if you could only fit seven, well you're stuck with seven.

>> Or find another facility.

>> Or find another facility. But I think that the localities are ultimately responsible for the procurement of additional equipment, at least in Virginia. And the resources of that, most localities simply don't have the resources, and have just not made that decision to purchase optical scan. Because the digital scan, the new equipment. Because that is what would be required for them is to make that transition. And they have not made that local policy decision. There is discussions about the state assisting with that. The state has an ultimate responsibility to assist the localities with this. And, of course, our future is sort of constrained. There is really not a feature with DREs per se. It would have to be a transition to another voting system altogether, and that's a big deal. The assembly would be looking at that.

>> And you did a good job presenting that problem. And I absolutely agree with you. And I think we've talked about it on this panel that one of the biggest problems you're all going to face is the fact that there's not stuff out there that you're going to want to buy right now that's going to solve your problems. And yet everybody's running short on old equipment. Thanks.

>> In Delaware we bought one additional machine per election district or precinct with HAVA money because we had to have the visually impaired headset. And so we bought headsets for every machine. One additional machine for polling place, so that gave us a big capacity. So, we have enough voting equipment. However, our voting equipment was not bought with HAVA money, it was bought in 95, so we are reaching the end of the lifecycle of that and the same situation is we don't know where we go from here.

>> Professor Persily.

>> Several of you mentioned post-election audits, and I wanted to see if A, they're publicly available, and secondly, whether there's information you wish you had from the 2012 election that you want to have going forward and whether you've instituted a process. For example, while many of you have the time of day when you're, well all of you have the closing times for your polling places, something like wait times. You don't really generally have. And is that something that you plan to collect say in the next election, sort of finding ways for the poll workers to measure how long lines in fact are so you don't have to worry about measuring by based on media reports or who the squeaky wheel is.

>> I guess that's me. Yes, the audit data that we retrieve is from all voting machines, and we have over 12,000 of them deployed in the state. So we get a, two logs and other reports. And all of that is available on our website, SCvotes.org, along with the report, the analysis. And we share the reports with the counties, and we also give them an opportunity to provide feedback. And it's a learning opportunity for them because they can identify which precincts were having problems. We also produce reports that will tell you how many people voted on each voting machine throughout the day. That is another tool that the counties can use. Yes, the one piece of data that I would like to have is the wait time. We know how long the intervals between one ballot and the next being cast, but we don't know how long a

person stood in line. So we would very much like to have that information going forward. And we're working toward that goal.

>> I just say ditto with Maryland.

>> In Virginia I think that, that's one of the reasons that I will push for new technology for our poll books. Some of the old laptops and poll books don't give you, it gives you some data but not the data that you get, for example, using tablets or some other device which would collect more of this data. Some of the new technology would allow a local election official to be able to see all of their precincts and to be able to identify where a line may occur before it ever occurs. They'll know before the poll worker even knows it. And so, the better technology having a polling place, the more data, not only the local election official, but the state would have. And in monitoring and using that data to prevent issues in the future. And it's really, I think a technology issue. Most of the data we get now is from the poll workers inside the polling place. It's just writing down information or from their poll books and providing it to the local election officials. We can do a lot much better extracting that data and using it on Election Day and afterwards.

>> We don't have a big issue with lines, so that's not, it's not been a big concern. However, we do have rovers on the road who check our polling places for any other issues. And then we do audits at the county level after it's over. But, one other thing, we don't have questions on the ballot, and I think that's a huge reason we don't have lines. It's a pretty quick ballot to vote.

>> We, I think, ought to be wrapping this up momentarily, but I did have a couple of quick questions. For Executive Director Andino and Secretary Palmer, I think both of you indicated that an hour was your benchmark essentially for determining what a long line would be in excess of an hour would be what you would try to avoid. How did you arrive at that number? What is your assessment here that an hour is, obviously if it could be less I know you would want it to be less, but why did you pick that number?

>> I picked an hour, you know, some of it's my own experience, but I think that if there is a line already and an individual comes in and there's a line, you know the whole process of coming in parking, getting in line, checking in and, I mean you can easily expect at least a half hour evolution. In my experience, it could be a little bit less depending on the day, Election Day. I think from my perspective, once you reach an hour and go past that, you got some issue. At least from an election administration point of view, from my perspective, and the voters start, from the start, this is going to start into a positive experience into a negative experience. I'm not sure I can add anything more to how I precisely came to that, but I think an hour, at least it becomes a major problem in my mind. A voter may expect a 15 to 20 minute evolution, but I think a lot of voters, [inaudible] in a presidential year, anticipate it's at least going to be a one hour evolution from beginning to end.

>> Executive Director Andino.

>> Mine was derived mainly from how voter expectations. We saw in some counties where obviously voters complained if they had two, three, four hour plus wait. In other counties, if it was about an hour and a half, an hour and forty-five minutes, voters thought that those were long lines. So, the definition of what an acceptable wait time is really varies from county to county. But I think voters go in with the expectation it may take roughly an hour to get through the process.

>> So would it be fair to say that from your standpoint as administrators, and maybe this is what you were also suggestion Secretary Palmer is that an hour, setting aside the voter's experience, more than an hour's wait indicates to you that perhaps things aren't running the way that you would want them to. So that, it's essentially a warning bell for you one hour. For the voter, one hour may be acceptable by voter expectation, particularly if the voter sees that the polling place is actually otherwise running well. Is that a fair way of putting it?

>> I agree.

>> And then my second question is for, excuse me, for Commissioner Manlove. I want to just ask you a question about the difficulty you had with the general assembly over the use of schools. You indicated that their lobbies were better than your lobbies.

>> That's exactly what my answer is.

>> Yeah. Was there anything that surfaced in the, you couldn't get a vote. Was there anything that surfaced, or [inaudible] of argument that took place that indicated to you the resistance on the part of, with the [inaudible] what lay behind the resistance on the part of the assembly beyond the raw skill of the lobby [inaudible].

>> From the general assembly, I think it was the lobby of the schools. I'm not saying they're official lobbies. But I just think the pressure was put on them by, by the schools themselves. But I'm not sure what, well I'm surmising why the schools don't want to make a change. I'm not asking them to add a day. I'm asking them to just take one in service day and make that day primary election day. We also do the school referenda. And on those days, every event known to man happens in the schools. It's bring your mother to lunch day, and the science day, so that they get their target audience in the school to vote on referenda. That's partially how the schools are funded. So, they can't be secure on primary Election Day and then insecure on the day they're raising money. I think that's a piece of it. I also think a piece of it I I'm giving them a Tuesday, and they're looking for a Monday or a Friday. Outside of that, I have no other, I can't find a reason why they would want to have all these voters come into the school when the children are there. My issues are all voter-related. You know, the parking lot issues, just finding a suitable room big enough for all of the equipment we have. All of those issues, and I've been fighting that battle for a long time. After the tragedy in Sandy Hook last year, I thought, well I'll look at it from their standpoint. And as a security issue. They certainly don't want these people wandering around the building. And I'm stunned that it, that was not good enough either. So, I don't know what the real reason is. But I think it's the referenda and the Tuesday Election Day. And our, we have a late primary. It's in September. And they're, you know, what they've said is, you know, that they're just getting back in the swing and then I'm asking them to take an in service day. And some of them start before Labor Day. Most of our schools now start before Labor Day. So it's not really right on top of when they start. And often we've had an election, in some of our school districts, we've had a Tuesday election, and Friday they had an in service day. So, that just doesn't hold water anymore.

>> Okay, my last question also to you Commissioner Manlove has to do with early voting. You mentioned that you don't have it.

>> We have absentee with an excuse.

>> With an excuse.

>> Yes.

>> The use of [inaudible] absentee without an excuse, but the general assembly isn't keen on that either, is that do you know, is it because elections have run relatively smoothly. It's a smaller state. There's no perceived need. What are the reasons for that?

>> Fraud. That was the reason it came up during the discussion. In Delaware it's in the Constitution. The reasons for voting absentee are in the Constitution, so it had to be a two-thirds vote. They couldn't get, they needed one vote from one side of the aisle, and they couldn't get one more vote. And so it just failed.

>> Very good. Thank you. Any further questions from the Commission? Excellent panel, thank you very much. And we'll take a fifteen minute break.

>> Mr. Chairman, Co-chairman. Thank you very much for having me here today. I'm going to read primarily from some data that the task force with National Association of

Secretaries of State have prepared. And I'll interject some comments from my experience here in Louisiana. First off, I talk to you as that co-chairman with -- I share that with Denise Merrill out of Connecticut. I'm the newly elected secretary of NASS and a co-secretary state of Louisiana. We, as the nation's chief elections officials, have been working hard to ensure that laws -- state laws and practices for emergency management of election provide eligible voters with a positive voting experience and a process that's fair and equitable. Contingency plan -- planning and emergency responses are never a small task. Especially, in a decentralized system like we have in the United States with an estimated 7,800 local jurisdictions. 2,000 polling -- 200,000 polling sites. 2 million poll workers. And in the last cycle, approximately 1. -- 125 to 130 million voters. The 2012 General Election cycle will go down as a particularly memorable one for many of us. And we experienced a major curve ball that none of us probably expected in the form of Hurricane Sandy. That hit the East Coast just days before the November 6th Presidential Election, threatening to disrupt voting processes in at least 16 states. As the storm approached, we had an informal meeting that I conducted with several East Coast states. And then a formal one that was orchestrated by the Association of Secretaries of State. Where we had a conference call with New York, Vermont, New Jersey, Maryland, New Hampshire, Connecticut, Washington DC, Delaware and Massachusetts. Having experienced storms like Katrina and Rita in the Louisiana and New Orleans area, the process in Louisiana is one that's well-known. We go through this process, quite frankly, almost two or three times a year. And we have a very definitive process that we do. And that was what I attempted to communicate to my colleagues in those 16 states. There's various things you should do pre the storm approach to act -- to assess your issues. Whether they be voting machines in arms way and various other components. One of the other things a lot of people forget -- and we talked about commissioners in your earlier presentation -- is your commissioners evacuate too. So you've got to have a method in order to contact them, know where they're going, and some contact reference point with them amongst many, many other things. In January 2013, after the election was completed, the National Association of Secretaries of State formed a task force. Which I -- as I indicated, I co-chair along with Secretary Merrill out of Connecticut. That consist of 24 states. The mission is to support state election officials in their efforts to efficiently adopt sound election practices and preparation for the response to emergency conditions. Our goals are identifying relevant laws and policies related to disaster and emergency planning. Sharing experiences and lessons learned from past emergency situations. Engaging with relevant state and federal agencies and other stakeholders. And discussing ideas and strategies for effectively dealing with future emergency scenarios impacting an election. The task force has spent the last six months gathering research and compiling information that would be helpful to state election agencies. NASS conducted a survey of state election officials and officers to gain insights on laws governing emergency authority and election continuity, contingency planning, emergency outreach partnerships and much more. I'm going to go over some of those highlights on those findings today. The first area that NASS Task Force wanted to examine were laws and guidelines for the postponement of elections. In 2012, there was a lot of media buzz and public speculation around the idea that Hurricane Sandy would require postponement of the Presidential Election. Under the U.S. Constitution, the primary decision of postponing an election lies with the states. While federal law stipulates that emergency postponement power for federal election comes from those with the power to make and alter such regulations of voting for Congress. Congress has never really exercised that authority according to the Congressional Research Service. Primary or local elections for federal office have only been postponed a handful of times since 18 -- 1860. And they are very limited. But no examples could be found of a general election being postponed or delayed during a federal election cycle. For the most part, this matter's been left in the hands of the states. This makes great sense when it comes to disasters which tend to be localized and best evaluated by state and local officials on the ground when it comes to formulating a response. The NASS survey findings on the subject show that 12 of the 37 responding states have a law that specifically authorizes the suspension, delay or postponement of an election in emergency situations. In most of these states, a decision is to suspend or postpone an election is made by the governor of that state -- after a declared emergency by him or she -- chief election officials or a combination of the two. Most of the time this action may only take place following

a declaration of a state of emergency by the governor. In Louisiana, a state that I've already noted as no stranger to dealing with these types of aftermaths of hurricanes. The governor may suspend or delay an election upon declaring a state of emergency or an impending emergency. And upon certification by me or my office that an emergency exists and a delayed election must resume or be rescheduled as soon as, therefore, practical. Another important topic the NASS Task Force has sought to examine is the ways in which states can facilitate voting by individuals directly affected by emergencies. Either because they are first responders who are helping with relief efforts in the area affected. Or because the voters who have been displaced from their residence due to an emergency evacuation or some related factor such as injury. I want to note here that many states sent help to those Eastern Seaboard states, my state included. And that added additional processes. So it's first responders not only in the affected states, but those that may leave to assist. Energy workers, telephone -- you go on and on and on. So you have to accommodate for that. And we made special allowances for them in Louisiana. While my state and states -- California, Maine, New Hampshire, Oklahoma, Virginia, West Virginia -- have laws which clearly specify voting option for emergency workers and voters displaced by emergencies. A significant numbers of states are seeking to write laws in order to allow that for those effects. One of the chief highlights of NASS survey may be the degree to which states told us that they could use their existing absentee voting, mail voting and early voting procedures to facilitate voting by individuals aforementioned -- in the aforementioned circumstances. For example, the Washington secretary states office noted that the states mailing ballot system, which includes the ability to electronically download a replacement ballot, inherently provides increased access to those affected by an emergency. Now, I want to note here that sounds good on paper and policy. But if you don't have any electricity, that can be a problem. So you have to be prepared for that. And I will give you one quick example. Have a great relationship with your National Guard. Your National Guard has tents, generators and other facilities. Make sure you're in -- have a good relationship with your energy company. Make sure, if you're going to change voting precinct locations, that they're maybe nearby a hospital that will get energy first or other facilities of that type. So you have to think forward on those issues. And do not assume you will have electricity. Even something as simple as lack of cell phone service. You know, if you can't get your phone recharged, you have no more phone service. So you have to go to almost a military model with the National Guard or your sheriffs department and the like. So the motto here is be prepared for the absolute worst. And we all are used to living in a nice air-conditioning building like this. But with inability even open up windows, you can see what the problem is when it gets a little warm. Or in the case of Sandy, when it got freezing cold. In the wake of Sandy, which interrupted early voting and damage that destroyed polling places in several states, officials were able to negate the storm's impacts on voters through a variety of actions. Consider the following. In New York and New Jersey, more than 250 polling places were relocated while displaced voters were permanent to vote -- were permitted to vote provisional ballots in any polling place in the state. Connecticut extended its voting registration deadline by two days. Maryland, New Jersey, New York and Pennsylvania extended their deadlines for requesting absentee ballots. While the District of Columbia, Maryland and Virginia extended their deadlines for early voting and absentee voting. Maryland allowed displaced voters to receive absentee ballots by e-mail or fax. And New Jersey designated displaced voters as overseas voters. Which allowed them to return their ballot by e-mail. One other quick example we experienced, even in Louisiana. For those of you who do not remember the overseas military ballots. There was a plane in Afghanistan that burnt on the ground, though primarily all those ballots would have gone to New York City affected by Sandy. We were able, through the new process, to backtrack all those individuals from Louisiana whose ballots were on that plane. Alert them. Have them revote. And I extended on emergency authority two days for the receipt of that. So just an example that occurred that you could have never anticipated. The final piece of the puzzle is contingency planning and state emergency preparedness procedures. These efforts have been long been an important part of the election administration. There are many scenarios that warrant taking precautions and making preparations to prevent, negate and recover from an emergency situation that may disrupt an election. A number of states have well-established guidelines for reporting and making recommendation with respect to regional, state and local contingency planning efforts. Ten of the thirty-

seven states responding to the NASS survey said they have statutory requirement for the development of an emergency election contingency plan. However, the vast majority of responding states have proactively developed materials to facilitate the administration of the elections in emergency situations. Some more specific examples include communication plans -- I see my time is up -- for emergency situations including contract information for key staff. Procedures for informing voters of the news media. Contingency paper ballots for touch screen technology. Power outage procedures for polling places. Including evaluation of polling place power needs. Polling place relocation and on and on. I would urge you to go to the -- NASS Task Force has this ongoing process on their website. And I also would urge you to go to the FEMA site. It gives you some very good suggestions. I will conclude with that. I shortened it a little bit in the in the effort of time. But it is -- I think we -- this copy of my presentation is in your hands. Thank you very much.

>> Thank you, Secretary Schedler. Director Valentine.

>> Good morning. My name is Todd Valentine. I'm one of the Co-Executive Directors of the New York State Board of Elections. And I've been with the State Board since 1997 and the Co-Executive Director since 2008. And I currently serve as the treasurer of the National Association of State Election Directors. And this panel's -- has been asked here to speak about disaster preparedness. And, you know, unfortunately, when you talk about disasters, New York state has had its share of disasters that have impacted the election process. Our most recent was Hurricane Sandy. But before that was the flooding from Irene that had devastated sections of upstate New York. And before that, of course, was -- September 11th was on the day of our primary election. Now, one of the critical things we've learn is that a key role for those outside of the disaster area is to help establish lines of communication between the election officials themselves and whoever else they need to talk with. Police and fire departments. Power companies. Highway departments, et cetera. All depending on what hurdle they are facing at the moment. And, of course, we -- you have to work out to the poll workers. And, of course, the voters at some point. But we're not the first responders. And I don't know even think we're the second responders. You know, we're -- you know, the process that we outside the area are there to help put Humpty Dumpty back together again. You know, we're there to help the connect to people. To put the pieces together and run the election. And we want to bridge the gap. That they talk to each other is a critical function. Now, at the end of the day, you know, what I want to emphasize that elections are about people. Both those running the election and those voting. You know, providing a human contact. Even if just by phone and reminding them that there are people to help and support them. You know, it helps to tell them that they'll get through it. There's a lot of psychological support that goes into this. You know, people you're speaking to, you know, have been through a traumatic event. You have to remember that. And that you're asking them to push forward and hold an election. You know, as the secretary pointed out, there's been very few incidents in, you know, the history of this country where elections have been delayed. You know, they're just not cancelled. We run the election. And, you know, sometimes it takes a little bit of tough love. You know, when we had the flooding from Irene, one of our counties gets on the phone and asks, "Hey, when are we going to postpone the election to?" And the storm had hit about a week before the election. And our answer was very clear and unequivocal. We're -- you're holding this election on the original date. And then they said they needed to think about that and get off the phone. A few minutes later they get on the phone with the county sheriff and calls and starts down the same postponement path. And we said, "We can't postpone the election." Now, this is a bit of an overstatement, but we said, "In over 200 years, we've only had one election postponed and that was 9/11." And that was on the day of the election. So the sheriff goes back. Comes back a few minutes later and says -- then we're all on the phone. Now, "What can we do to help you?" You know, so great. From then on we worked together. They -- you know, help get them what they needed. And, you know, the election went on. I'm not saying it was perfect, but it went on. Again, the lesson I took away from that -- and I think you need to remember here -- is, you know, we can talk about plans and contact lists. But you're still talking with people in crisis. You know, they've had their lives disrupted, property destroyed. And sadly, in the worst cases, there's been injuries and or loss of loved ones. And, you know, you don't want to underestimate the state of shock that they can

be in. And, you know, a lot of times when you're in these areas, you can just, you know, if it's in a disaster, you can just delay what you're doing. The business can close for a little bit. You know, you can fix the damage, and then you can go to repair it. But the importance of holding that regularly scheduled election is just one of those bedrock principles that everybody rallies around to in -- through a crisis. You know, and we're going to hold that election, and we do. And, you know, even after 9/11 -- it was only a matter of a few weeks -- we rescheduled the election. And held the general election on time. You know, I agree with the secretary that, you know, the contact list and that initial contact is the hard part. But it's the important part. You know, as I said, the first thing -- they're not thinking about elections. And what we've learned to do -- and this is certainly what we did this fall -- was we don't wait to -- wait for to you call them. Try to get ahead of the curve if you can. That's easy when the -- when you can see the storm coming. It's a little bit easier. Or the flood, but sometimes you can't. But immediately afterwards, don't wait. Reach out to them. Because, if you wait for them to call you, it may be a problem. And that's why having a variety of contact lists and, you know, it's -- what we found is that people can always seem to get to a telephone. You know, the cell phone network. You know, the Internet's down. The fax machines flooded. But the cell network generally holds up. Again, as long as you have battery life on your phone. But it was surprising the number of people who would go out, charge their phone up in the car, and then come back or call us from that. But what we would do -- we found one of the key things we would do is we would just set up a, you know, a virtual place to talk. A series of phone calls. We would provide the 800 number with a conference line. They could dial into us. It gave them one number to call. And then we would bring the people to that line. And that's -- you know, you start with a lot. And it seems like a lot when you're talking to somebody every few hours. You know, morning, noon, at the end of the day. But you need to assess the situation early on to figure out what it is you're missing. You know, what do you need to get through the crisis? You know, for example, in Sandy, one of the issues we had was talking with the power companies. And -- you know, in -- certainly in the -- there are a number of power companies that service New York City and the surrounding metro area. But they didn't always talk to the boards of elections. So it -- it was important for us to bring them to the phone so that they could understand, you know, that polling places need power at some point in time. And what is their schedule for restoring these? And it was also critical to get the boards of elections to understand on the other side that there are some other priorities the power company has. Like the hospitals and healthcare facilities. And that the polling place may not be first on the list. But knowing when it was going to be restored allowed -- and whatever that schedule was -- allowed the boards to work out contingency plans for either moving the poll sites to where there was power or bring in auxiliary power, if necessary. And, of course, during Irene -- before that what we did there was -- it wasn't so much a loss of power. But it was a loss of -- a lot of roads had been washed out. So you had access to the polling sites we had to help coordinate. They -- an additional transportation or shuttle network for people who just couldn't get around. Because a lot of the roads were in very rough conditions. So, you know, getting buses to move people around to the polling sites are something we helped them get through. And, you know, after 9/11 was -- you know, you stop the election. You know, it's -- that's not -- it wasn't an easy thing to do. But what's not built into our statute, and -- you know, this is just one of those things that we've never -- you know. It's hard to address beforehand -- is, you know, there are emergency provisions for stopping an election. Our governor clearly has those authorities. And almost all governors would. And the report that NASS puts out demonstrates or shows good examples of where those -- those legislative issues are. But our statute doesn't allow -- there's no provision automatically for postponing an election. And even a primary election, there's one -- there's a provision which allows for an additional day of voting. Or extending the -- or having an additional -- hours for the election on some additional day. But it still says you have to have the election first and show that enough people didn't show up to be eligible to get the additional day of voting. 9/11 was a little bit different because we used the emergency power to stop the election. But then what we -- our role as the board of elections was to help bring the legislature back together because there -- this had never happened before. We had to legislate a whole new calendar for the election in the truncated time period because there was no -- there was no way to move the general election. So we had to figure all that out.

But that was -- our role was to provide that communication connection with the county boards of elections, so they knew those that weren't directly impacted by the disaster. But, okay, when are we going to run the election again? You know, and it would be great to have a whole fleet of backup election machines and staff that you could just swoop in. Okay, you guys can rest, deal with your crisis. And we'll take over the job. But there just simply aren't enough people or machines. And, you know, I'll give you an example. In New York state, we have over 15,000 polling places that are staffed by over 60,000 poll workers on a statewide election. And so what we try to do is to get people in these situations to think of not what they need, but what can you do without? And then work to provide the minimum. It's not going to be the best situation. You know, and we're the facilitators to be there, supportive in running the election that's been disrupted. And, you know, at the end of the day, we just need to find a way to make this work.

>> Thank you very much. Director Giles.

>> Good morning. I want to thank the commission for inviting me here today to share my experiences and perspectives on conducting elections in the wake of a natural disaster. Today I would like to speak about once you put the pieces together to conduct the election how to get that information out to the voters. I'm going to give a timeline of some of the actions taken by the state of New Jersey as a result of Superstorm Sandy. Then I will discuss some of the lessons learned that may be helpful to this commission. Monday, October 29th, the storm made landfall about 8:00 p.m. and pounded the state throughout the night. For the next several days, the state was involved in assessing the damage and preparing for the election. During this time the state and counties were inundated with phone calls and e-mails from voters asking for assistance in finding out how and where to vote. There were numerous people who said to us, "I've lost my home and everything I own. Please don't let me lose my right to vote." This really resonated with the election officials. It was so important to these individuals that, while their entire lives were in chaos, it seemed the one thing they could count on that gave them some sense of normalcy was their right to vote. So the state started releasing a series of directives. And I'm only going to discuss the directives or components of those directives that directly relate to informing voters on how or where to vote. So on Thursday November 1st, the state directed that individuals designated by the state or county election offices could assist in delivering and returning an unlimited number of mail-in ballots to voters who were displaced and living in shelters. The existing law only allowed an individual to assist with the delivery of a maximum of ten mail-in ballots. The county election officials utilized this opportunity because they knew many of the people staying in the shelters were not going to be able to get to their polling places on November 6th. So they brought the voting to them. Friday, November 2nd. At this point 900 of New Jersey's 3,500 polling places were still not available, either due to loss of power or damage. It became very apparent that the counties were going to be finding and moving polling places right up to the last minute. The state was facing the dilemma of how to notify voters where their polling places would be on November 6th. There wasn't going to be enough time to mail anything to the voters. Even if there was enough time, there was limited postal service in certain areas. And so many voters were displaced that we wouldn't have been able to get mail to them anyway. Fortunately, for New Jersey we began -- we began participating in the Voting Information Project over the summer, which is sponsored by the Pew Charitable Trust. And, basically, the way this works is the state gives the voting information project team information about where and how to vote in their state. The Voting Information Project partnering with Google created a free application programming interface in API that gives websites and mobile devices the ability to grab the state's information and share it with their users. New Jersey focused on a texting tool put out by Mobile Commons that would have the voters text the word "where" or "donde" to 877877. And then they would receive a text back asking for their address. And based on that information, they would receive information about their polling place location. We began promoting this with the media as a way voters could find out where their polling places were going to be. We stressed that voters use this tool on election day so, if there were any changes to their polling place at the last minute, they would be able to access the most up to date information. We were promoting basically a know before you go approach. Saturday, November 3rd, in addition to the

state working with the media, the counties were directed to provide notification to voters about changes to polling place locations by using county websites. Reverse 911. Public service announcements. Newspaper notices. And posting notices at all unavailable polling places, informing voters of the new location, provided it was safe to do so. Realizing not everyone was going to be able to receive this information or be able to return to their designated polling place, the state issued a directive allowing displaced voters to vote a provisional ballot at any polling place in the state. So, basically, if an eligible voter saw a "vote here" sign, they could walk in and vote a provisional ballot anywhere in the state. Sunday, November 4th, the state began a series of conference calls with advocates and interested parties to ensure they were informed of the state's plan. And that everyone was on the same page. This was an important partnership in assisting the state in getting the correct information out to the voters. It was another set of resources the state was able to utilize in its effort to communicate with the voters, not only prior to, but on election day. This group included the ACLU, The League of Women Voters, Disability Rights New Jersey, and the Lowenstein Center For Public Interest. Monday, November 5th. By the end of the day, all polling places were established. The counties were able to do this through the use of generators and removing and consolidating polling places, where necessary. The statewide voter registration system was updated and a final file was sent to the Voting Information Project team for use with the websites, mobile apps and the texting tool. Tuesday, November 6th. Election day. According to the United States Election Project, New Jersey had a turnout of the voting eligible population of 62.6 percent as compared to the national average of 58.7 percent. And according to a study conducted by Charles Stewart of MIT, New Jersey had the ninth shortest wait time to vote in the country. Which averaged between five and ten minutes. The reason I bring this -- these statistics up is -- well, honestly because it gives me the opportunity to brag about my county and local election officials. Because without them none of this would have been possible. And -- and I also have to give credit to our citizens for their resolve in exercising their right to vote. And this -- it makes a great segue into some of the lessons that we learned. Tip O'Neill said "All politics is local." But in our world it's elections that are local. And Sandy really proved that to us that without a good team at the -- at the local level, it's very difficult to conduct an election. So it's important to remember what gets decided at the federal and state level eventually has to trickle down to the local level to be implemented. So as this commission makes its recommendations, it's important to remember that at some point it's going to have to be implemented at the local level. Another lesson learned is that the media can be a very powerful tool. But making sure your message is the one the voter is hearing can sometimes be a challenge based on your geography. In New Jersey the northern part of the state gets most of their news from the New York media. And the southern part of the state gets most of its news from the Philadelphia media. This can lead to voter confusion if not all the states are doing the same thing. And earlier I spoke about the Voting Information Project and how valuable it was for New Jersey. I just want to give you a few statistics on how much it was actually used in New Jersey and across the country during the 2012 general election cycle to show what a valuable tool social media can be. Nationally, there were more than 25 million lookups via the Google and Microsoft tools combined. The tool's embedded in over 600 websites like CNN, ABC, Fox News, Rock the Vote and Facebook. In New Jersey we focused on promoting the texting tools, since many voters were without power. And there was no need for a smartphone to send a text. As a result, there were 138,710 texts in New Jersey. In comparison, New York used a tool to a lesser degree and had 58,500 texts. And then there were 46,211 texts for the rest of the country. This mean -- this meant New Jersey accounted for 57 percent of all the texts used on this tool. And these tools are not only valuable during disasters, but can also be used to address some of the issues facing the commission like long lines. Tools like this can be used to not only tell you where to vote, but how long the wait is. For example, if a county uses vote centers and there's a one hour wait at one vote center, a voter could find another vote center that may only have a ten minute wait. I'm -- see I'm out of time. So I will wrap it up with that. And, again, I want to thank you for having me here today and allowing me to share my experiences.

>> Thank you very much. Professor Stein.

>> Thank you. I have a lot, and it's in my written report. So I'll go this rather quickly. And I hope I don't mess this up. Basically, what I'm looking at are two questions. What steps do local officials take when they prepare for and respond to natural disasters? And do they work? And I'm really delighted I got to be on this panel. I don't know if Nate was smart enough or got all the airline tickets, wherever. But what's really encouraging is that I had seen all this data. But I didn't have a chance to talk to a lot of these election officials. And I kept asking Nate, like, "Who are they?" He's, "Well, I don't know yet. I'll tell you when you get there." So this is really quite -- I hope this doesn't disappoint anyone. What I looked at was, of course, Hurricane Sandy. It took -- it landed -- made landfall on the 29th. My definition of a county that was affected was the FEMA declaration of disaster. I actually am collecting and have collected -- at a later date I'll give the commission more of the data about the actual dollar loss and power loss. But I'm looking at 225 counties, 24 states. And it was a pretty severe, as we just heard, hurricane. It disrupted the election. So what did we look at and what might we expect to happen? Depressed voter turnout. An increase in the proportion of voters who ballot by mail or in person. Where it's available? An increase in the proportion of voters who cast a provisional ballot. And all of this you heard from the other election officials. What I was looking at also is, like, so what can you do? I was particularly interested -- and I didn't know the history of cancellation of elections. And it just doesn't happen. Rarely, does it happen and only under the most catastrophic and tragic circumstances. Convenience voting seems to be what I -- I've used the term convenience voting. In-person early voting, no excuse mail-in voting, and election day vote centers as a way to address this problem. If at least you could know there's a hurricane coming or there might be a potential disruption. The others are looking at provisional voting or relaxed provisional voting. And the other, of course, the one that I put a lot of focus on. And I'll talk a great deal about is how you operate your local election polling places. Remember that all of these other ones that are on that list have to be delegated by the state. And in a partisan environment that we're in, it's simply not practical to assume that the states that don't have no-excuse early mail-in voting or in-person early voting are going to adopt them. Not any time soon. So I thought Bob [inaudible] comment was particularly important. Look at what you can do and what you probably can do in terms of polling place operations. What I looked at here was two concepts, openness and centralization. Openness simply means that a voter can vote at any location throughout the county rather than their restricted location. And if it's in-person early voting, they can vote on a number of days. We know this to be an effective vehicle for not only increasing possibly turnout, but it reduces lines. And, in fact, if you look at Charles's data, which I've done and reanalyzed it, there's some disparities between long lines. Only, it's the early voting places that actually have longer waiting times. And people like it. So be careful what you wish for. You may think long lines are bad. But in states like Nevada, Colorado, Texas, long lines may not necessarily be the big problem. Early voting is where you get to choose at and where and when you get to vote. Second, was centralization, which I put a big deal of emphasis on. It's the idea that, instead of having a large number of relatively small voting places, you have a small number of larger places. And this hurricane gave us a natural experiment to study that, as we just heard in New Jersey. What I'd looked at here was the 2008, 2012 Presidential Election. I took the EAC's administration and voting survey, about 3,000 counties. I compared before and after in counties that were under a disaster declaration. Not just in, of course, those areas but throughout the country. My measures here were of vote cast as a percent of total registered voters. The percent of total vote cast by absentee, in-person early, provisionally. I looked at voting place practices. Particularly, number of voting places per vote cast and poll workers per vote -- place. This -- these tables are kind of small, but I'll get back to the quick and I'm watching my clock. Yeah, the hurricane reduced turnout. And it did so significantly. And it did so in a manner that is robust. By that I mean, even when you control for things that we know obviously turnout voters. Such as competitive races, good weather -- which was obviously not the case here. We still have a difference of between about -- an average in these counties. 2.8 percent fewer voters turned out in 2012 in counties that had a disaster declaration than in all other counties in the U.S. And that is a persistent finding. What's interesting here also is that, in fact, the proportion of vote cast early, whether it was in person or by mail, actually went up just a little bit. And why didn't it go up more? And why

couldn't it have gone up more? For the obvious reason here, and I'm going to get to this table in a minute, is that most states that were affected by the hurricane do not have flexible voting. Only three states of the ten that had a disaster, one or more counties with a disaster declaration allow no-excuse mail-in voting. And only one state, Maryland, has in-person early voting. And it adopted it -- conveniently for me -- in 2012. So we actually get a nice before and after. And, yes, there was an increase in in-person early voting. Almost all, if not exclusively driven, by Maryland. I won't go through some of this other data other than to simply say, it doesn't take rocket science to figure out what Bob just told us. When you have a hurricane, you consolidate voting places. So in counties that were under a disaster delegation, the number of voters per polling place went up. And went up significantly. By about 100 per polling place. And not surprisingly, the number of poll workers per polling place went up. So what we had was what you would call a consolidation or centralization. Question, did that make a difference? Now, I don't know, as Bob pointed out, that New Jersey or New York election officials did this intentionally. To a large extent it was forced on them by the areas that didn't have power. The areas that were accessible. But the bottom line basically was you had a natural kind of experiment here. And I use that with a qualify. You got to see what would happen if you just had to consolidate to a large -- a small number -- excuse me. A large number -- excuse me -- small number of very large polling places. And the question was did that make a difference? And you bet. It made a huge difference. That's a distribution in change of voter turnout. It's nice, normal. I did a rather extensive statistical analysis. It's a reasonably robust analysis. What's the bottom line in the finding? This is the effect of increasing the size of a polling place. So on the horizontal axis is the number of voters per polling place. On the vertical axis is turnout. What you have are disaster counties, non-disaster counties. The interesting question is, if you consolidate, you go to a smaller number of larger polling places. And that would be on the far left side of the -- on the horizontal axis. Do you get higher turnout? And the answer is no. As -- in disaster counties, yes. In non-disaster counties the effect is marginal. Or a small number of very large polling places actually helped keep the turnout higher. Why? Because you get more efficient operations. This is what you get in vote centers in Texas, Colorado. You're consolidating the number of poll workers to a large box place, where it's accessible for parking. It's not built for five-year-olds. You have not 5 or 6 polling machines, but 20. And here's the interesting one. If you've been in a hurricane and you've lost your identification, you can't get to your polling place. There's somebody to tell you what to do. There's somebody there to tell you that this is how you use the voting machine because the last time you used it was four years ago. Most voters vote once every four years. I think the thing that counties can do that effectively addresses not just emergencies -- and I think you've heard it from these election officials -- but for any general election is to look at the way in which you disperse your scarce resources. Retailers do it. Walmart does it. McDonald's does it. I don't know why it would be a bad thing to do for our own elections. Thank you.

>> Thank you very much. And we'll begin the questioning with Commissioner Grayson.

>> I know that a lot of jurisdictions, at least on paper have, contingency plans. You know, emergency plans that they hopefully -- you know, when something like this happens, you break the glass you -- in Louisiana you probably don't have glass you break. It's -- you use it all the time. I guess, I'm curious. There are a lot of great -- work to get -- to pull off the elections this year. And I'm curious how effective were those plans if they existed in your respective states? And what were the areas where they were found -- they didn't have the right steps or recommendations, that sort of thing? How did you find -- because I do this think is an area where there is some planning that takes place. I know we -- it was a big push after the 2004 election to do this. I'm just curious how those plans in action turned out to -- how effective they turned out to be?

>> I'll start off. In Louisiana, we found them to be very effective. Simply, I guess, because of the frequency of and how long we've been dealing with this. As we've seen over the last few years, it seems like these storms are starting to hit the East Coast. And I'm sure, you know, the more -- it's kind of a crazy [inaudible] -- but the more disasters you have, your learning curve diminishes. So we, quite frankly,

have our process down pretty effectively. And it works for us. And it's just a routine deal for us. I mean, we may have -- this year we haven't had any threats. But some years we have five or six where we have to move our machines out of arm's way and, you know, assess our voting precinct locations. They're the same ones we've been moving for years. Some, because of the frequency of that, we've actually changed permanently. But each event you get a little bit better at it. So for us it works.

>> Is there an area where they were -- where you saw that improvement? Where there was the shortcoming? I guess, so in addition to, if they didn't perform well, were there specific areas where you saw that you had to improve it? You know, the plan didn't contemplate [inaudible].

[ Multiple speakers ]

>> No. I can't honestly say that. I mean, the only change has been just a change in dynamics of elections to a certain degree. I mean, it's an instant gratification society we live in now. So -- but I find people almost more tolerant. I think New Jersey and New York emphasized that. Individuals under stress like this -- it's amazing. Their house would be flooded, and they'd show up to be a commissioner. People are just -- seem to be a little bit more tolerant in those kind of situations than on a bright sunny day when they want to go to a football game or go hunting. If they experience a long line on that day, they have something to say on a -- if it's an emergency and everybody's in the same boat, they just seem to be a lot more patient. So that's been our experience.

>> Yeah. I mean our -- you know, there's always plans. They look good on paper. You know, the one thing that has been effective, as far as planning, was -- you know, with the equipment and the hardware. I mean it's regularly tested to make sure if power does go out what to do. You know, all the counties we -- you know, we have to constantly update contact chains. You know, and the one thing we've always emphasized is, you know, because elections are clearly run locally. And disasters are responded to locally is that that connection always has to be there with a highway department. With the police department. The fire department. The sheriff's department. And, you know, they're -- that's been effective -- is that -- the one thing that's, you know. I'm -- it's not ineffective. It's just you don't know how -- we don't know what's going to happen. So, you know, the best laid plans -- I'm not going to say are -- you know, get set aside. But the best plan is the one that conforms to the crisis that's there. So that's why, you know, the communication network -- start with talking. Figure out what you need. And then broaden from there. Because, you know, it's not like with the power company that has a clear contingency plan to bring in outside workers. Like, there's no way to just start shifting election workers around. Because the same workers that are outside have to run the election there too. So, as I said, there's no way to just move in, replace machinery. It's just -- you know, what are -- what's wrong? And let's see what we can bandage together. So that's -- so, as far as plans, they're effective until the next disaster when you figure out what the problem is. But -- you know, it's there. At least everybody's -- as the secretary said -- you know. They're -- they understand the need to respond to it. And I think that's where -- that's where the plan, the consciousness of knowing that you're going to be in a crisis has been effective.

>> I agree with what Todd was saying. And I think some of it depends on the level of the disaster. I mean, in New Jersey our plans go back to after 9/11. And more based on what if there was a terrorist attack or -- you know. So a lot of plans were developed out of that I believe. And those were more geared to a county level. That, if there's an issue -- because you don't think of a statewide disaster like Sandy that we went through. So I think part of that is, one, now when you're looking at a disaster of that size, where do you fall as an election or election officials in the priority? Hospitals. Water treatment. You know, these things -- basic life functions -- have to -- have to be taken care of first. And then you have to know where you are in that pecking order. And I think that's one of the lessons we learned, that we got the information to power companies. But we knew our polling places were not the top priority. They had to get certain things up and running so, you know, that kind of communication. And I think the communication with, you know, your emergency

management teams and FEMA of what -- what you can and can't do. What you can and can't spend. Those are the type of things that I think need to be built into the plans. So you know going in, we have to buy generators. Where are we going to buy them? What size generators do we need? That was a huge lesson we learned. We just walked in and said, "Hey, we need generators?" Well, what size? You need a 5,000 watt or a 10,000 watt? So you had to layout the polling place. So these are the kind of things like, you know, Todd said. Until you and Schedler -- until you live through it and actually get in the weeds of it, your plan is great on paper until you really do that. So I think that's kind of where we're -- we are walking away from -- from Sandy saying, we need to maybe get in the weeds a little bit more. And know what we can get from emergency management. Know what we really need to do. So a very broad plan. Make sure you have good contact numbers. You know, and you know where everybody's going to go is great for a small level disaster. But when it gets to that scale, it really changes the game.

>> Have you had a chance to actually revise the plans since then? Or is that just -- I mean, I know it's an ongoing process. But I didn't know if that -- because it would be interesting for us, maybe, to look at a before and after. To see things like the generator size, you know, that you probably got more specific on there than you.

>> Correct. We're in the process. It's a work in progress.

>> Yeah.

>> And I know NASS is putting together the white paper and.

>> Yeah.

>> You know, if the secretary wants to talk about that a little more. But I think, definitely, when you live through it.

>> Yeah.

>> You realize that pretty generic plan is not going to be good enough

>> Yeah.

>> One thing that I'd actually like to hear a comment on is -- my other research area is hurricanes. I do a lot of work on evacuations. I think that's one of the -- I'm probably the only political scientist that studies elections and hurricanes. One of the databases I've gotten -- I didn't have time to analyze it until like about -- before I wrote the report -- was the states have a. Emergency planners have a ranking for power restoration. So I asked a simple question. Are the power rankings for restoration correlated with where we vote? I took New Jersey's. Because I wanted to see what places did New Jersey use for election day operations? And what areas were high priority for restoration? One of the rankings is schools. But not elementary and not small schools. Big box schools, like high schools. Community centers. Stadia. Activity centers. And that's where they were holding their elections so I.

[ Multiple speakers ]

>> Because of the shelter. They -- because they use them as shelters.

>> And they were the shelters.

>> Yeah.

>> And I'm sure the secretary remembers that, when Louisiana voters were evacuated to Houston during Hurricane Katrina, they actually held early voting in Houston.

>> In the Astrodome; right?

>> And Beverly Kalpin [phonetic] ran it.

>> Yeah.

>> Big box locations. Five of them on the southwest side where they were heavily concentrated in temporary housing under Bill White. And, again, very efficient voting. So I think to some extent there's some natural opportunities here for overlap.

>> Thanks. Commissioner McGeehan.

>> Just to follow up on that. With the power company issue, we gave them our list of polling places prior to the storm hitting. And one of the things we found was they -- and they worked really well with us -- is these weren't transformers down. These were entire grids down. So they would get a grid up and running and let us know. Okay, this list of polling places should now have power. But only when the grid started up again did you find the transformers out. And, again, we got back to the issue I was talking about how important your locals are to then get you that information to say, okay. This school, even though the grids back up, is still down. So that constant communication with the power company is critical leading up to the election.

>> Commissioner McGeehan [phonetic].

>> Secretary Schedler, did you have a comment [inaudible]?

>> Well, I just wanted to add that I think that's a good thing about this task force with NASS is that we are now starting to correlate. And just like we share information on all election issues and the like at our conferences. Where now, hopefully, that this process will be a moving target. As we learn more, we're going to continue to put more down on the white paper and the plans. And, as was -- someone asked about the plans. I mean, they're constantly changing. I mean, you could -- I could establish plans now based on 30 hurricanes, and a hurricane comes in from a different angle. And all of my polling places, I've got to change. So it is a difficult process. And you just got to have basically a shell of what you need to do and a pecking order. But I could go back historically on 30, and the 31st one may be completely different that destroys all those well-laid plans. But the basics -- the building blocks, the ABC's of blocking and tackling -- remain the same. Assess your situation before and after. Close contact with your National Guard and energy companies. Close contact with your -- those are basics that are uniform no matter what the scenario may be.

>> Commissioner McGeehan.

>> Yes. I had a question for Professor Stein. It's a little bit tangential to preparing for natural disasters, but I was curious. I thought I heard you say that -- convenience voting -- that you've done some studies where you've seen maybe there's a slight increase in turnout. Generally, what we've heard, I think, on a lot of the commission hearing's been that, you know, voters enjoy convenience voting. It makes it easier, but that it doesn't necessarily have a positive impact on voting. I was curious, do you have information that.

>> Yeah. That's correct. The historical record is that convenience voting, in-person early voting does not have a dramatic -- has marginal effects, if any at all. However -- and Charles is sitting in the back. There's a paper forthcoming by Barry Burden and his colleagues at the University of Wisconsin that's detected a peculiar finding. And that's is that early voting matched with same-day registration has a significant impact on turnout. And there's some other work by Jan Legly [phonetic] that shows that early voting when matched with party activities, mobilization activities. And the two chairmen of the commission know something about these campaigns. When the parties target voters in their parties, their partisans, for early voting -- whether it's mail-in or in-person -- yes. By itself, no. But when it's used in conjunction with either same-day registration -- which is not ubiquitous by any means -- it does. But generally, no. And I think your second comment, which is absolutely correct.

Which is that the level of support for these types of convenience voting is quite hi. Whether it's mail-in, in-person.

>> Commissioner Patrick.

>> Just a follow-up on that real quickly. And then I have one other question -- is that we've also seen that that's when you're only looking at federal elections. But that convenience voting can have a dramatic impact on turnout in local races and that sort of thing as well. And I'm not sure if you would agree with that or not?

>> I read the literature really well. In-person early voting has not historically -- Adam Berinsky, a Prof at MIT has done a pretty good review of literature. But, if you look at election day vote centers, as practiced in Colorado, Texas -- soon to come in some other states like Indiana -- it's had a significant effect and nontrivial effect. Five to eight points on turnout. So it depends on what you mean by convenience voting. If voters on election day who are not what we call the hardest of voters. They're not people who have -- an early voter is probably somebody who's voted with some regularity. So giving them or her that opportunity to vote early is just convenience. But when you provide the same kind of convenience on election day, the vote centers, they do have a dramatic effect on voter turnout. What's most interesting, it has no effect whatsoever on partisan voter turnout. So, if you said, sure, it will increase voter turnout -- vote centers -- and it does. And it increased it dramatically among people who don't have a history of voting. That must always lead to a Democratic higher turnout, absolutely not. And what people forget is that Republican voters are dying and not being replaced at a higher rate. So in states like Colorado, where they gave us a natural experiment because some -- only half the states -- half the counties adopted it. We can see exactly what was happening. You got habitual nonvoters who were getting caught in voting. Simply because it was much more convenient along highway 35 at vote centers that were hotels and convenience stores. So you got to be careful about what you're talking -- when you're using -- about -- in-person early voting and mail-in early voting. That requires a lot of knowledge and information that voters are only going to get reported to them by partisan candidates who want them to vote. But these election day voters, they're people who are as undecided about voting as to when they're going to vote. And the vote centers in Colorado, now New Mexico, Albuquerque -- Austin, Texas has just adopted it. And don't forget Lubbock, my favorite -- Anne remembers that -- the first. And they did use Twitter and text messaging to tell people the lines. It's had a dramatic effect on turnout. So it depends on what you're talking about when you're talking about convenience.

>> And I was referring mostly to early voting by mail. In the western -- the western definition of early voting. So my -- my other question has to do with the task force and the recommendations. And what do you foresee coming out of this? And what I'm thinking about in terms of what you said about the media outlets. And when something like Sandy impacts a multi-state region, where the states are all potentially doing something either dramatically different or slightly different. Is the notion that the task force will have this -- these recommendations, these best practices, this white paper that hopefully, potentially, the individual states may adopt some of these recommendations? So that there will be some more uniformity in those regions when they are impacted? So that there won't be as much voter confusion? Is that -- is media interface part of the task force in how to try to and mitigate some of the confusion by voters? Now, the other thing is people have said, I'm sorry, if you live in a certain part of the state and you know you're getting your information from another state, the voter should understand. But, again, these are people in traumatic situations. So I'm just curious if that's being addressed in any way in the task force paper?

>> Yes, ma'am. It is. And that's a very good question. And it leads me to one thing that I wanted to mention in my comments. FEMA. There is -- I would recommend to anyone, if you have a disaster, to get yourself a specific disaster relief appropriation. Because it bypasses a lot of the regulatory processes that FEMA has to go by. We felt that effect -- the election post Katrina, the New Orleans election. We spent some \$3.5 million over and above extraordinary expenses to put on that

election. You know, when you talk about putting on issues -- in Houston, Texas and Atlanta, Georgia and Birmingham, Alabama and Memphis, Tennessee -- for a city-wide election. Obviously, you have cost. You have personnel costs. You have hotel costs. We were disallowed all those costs. You know, we didn't have the ability to go to a sign company to make nice pretty signs for us. So we had to get 4 by 8 pieces of plywood, and everybody got a paint brush out. And we painted them white, and we put where the new precinct locations are. We got no reimbursement for that. We got no reimbursement for postage to outreach in some of our media expense. And that was because we did not have a direct appropriation from Congress to pay it that would have bypassed a lot of the bureaucratic red tape at FEMA. So one of the things I think you could do would be to maybe standardize that. Because I often -- I told my colleagues many times, I don't care if you have to get somebody to write down the approval for what they're telling you you can do on a paper napkin. It's better than just talking. Because four years later, when you're trying to argue with FEMA on your second and third appeal. And you have nothing in writing. But it made logical sense at the time. And you know Suzy or Joe told you to do it. You better have something in writing. So it was a learning process for us. And I promise you, we'll never do it again that way. New York, I think had that direct appropriation after 9/11. And that's the way to go. But that's one good example. Regarding media, that's a tough one quite frankly. I mean, we were fortunate. We had WWLH70, which is about a -- it's a huge wattage station. It gets into Atlanta, Chicago on clear nights. That was our dominant source. But it was indicated with New Jersey and northern New Jersey getting their media out of New York. And it may be a different process. I mean, some of those areas maybe it made some sense to unify something in a disaster across state lanes. But it's a difficult one. But we have cataloged all of the laws across our states. And you can't force somebody to do it. But, obviously, best practices would indicate to take -- at least take a look at that. And we'll have that report finished February '14. And, obviously, it will be an ongoing project. But our first formal report will be put out in February '14.

>> We have about seven minutes left in this panel. I have questions here from Commissioner Mayes [phonetic] and Mr. Britton [phonetic]. And I'm going to allow you, Commissioner Ginsberg, if you'd like to question Mr. Stein closely on his comments about the life span of Republican voters. I'm sure we'll be glad to extend for a few minutes. I'd listen closely.

>> It's very kind of you to make the offer.

>> Yes, yes. Otherwise known as reverse turnout. Commissioner Mayes.

>> Democrats.

>> Commissioner Mayes.

>> Professor Stein, can I just ask you, we've heard some mixed views about early voting. But leave that aside for a minute. What I wanted to ask you about early voting is assume you've got it. When do you think early is too early?

>> I think that's a judgment on the part of elected officials. The simple fact of the matter is in the context of this question, obviously, too early wouldn't have been -- probably two weeks would have been adequate. If voters habituated to voting early, many of the problems I think you heard in New York and New Jersey might have been avoided. By that I say, the higher proportion of vote was cast. Note, in my report, this election in 2012 in the counties affected by the hurricane was by no means unsuccessful. In spite of the hurricane, the response was pretty good. So the turnout rate dropped 2.8 percent even against all the other explanations. But I would think two weeks is more than adequate for a couple of reasons. Candidates have to campaign.

>> Yep. Exactly.

>> And let me tell you something else about early voting that you may not know about. Because [inaudible] little bit more partisan, but it turns out that -- no pun intended -- that early voting states have higher cost per vote cast when you control

for all other factors. People who run campaigns are not fools. They know that, if there's going to be a voting taking place two and three weeks before election date, what are they going to do? They're going to get the GOTV out. They're going to do their mailing. They're going to do their advertising. Only they're going to do it for every day of early voting. Every day is a GOTV day. We find that news coverage goes up. That's nice. That's good for candidates and voters. But so does the cost per voting. And so does campaign fundraising. So early voting may have an advantage. Not in turnout. Except the types that I've mentioned before, election day voting centers. But early voting as you described it. In-person early voting means your campaign's now getting much longer. And when they get longer, they get more expensive. And if we think that the expensive campaigns is a problem, be careful what you wish for. Two weeks in, I think is adequate. And it's ironic. I am, as you can tell, a native, not of Texas. I'm from Houston Street of New York. Not Houston. But I was a little bit surprised in my own research. And I give Charles Stewart some credit for this. That the most liberal and presumably most progressive parts of this country have some of the most antiquated voting systems. It's Texas, which is hardly what I would call a state -- given the recent debate that Anne and I are going to talk about -- as being liberal that led the nation in in-person early voting. It's Colorado that had the first election day vote centers. And Oregon and, of course, Washington all mail-in balloting. So a lot of this idea of no-excuse in-person -- mail-in and in-person early voting, you got 40 -- close to 40 percent of the vote in this country's being cast before election day. And among these 10 states or 24 states, that's not contributing to much of it.

>> And then just one other quick question. In New Jersey, you mentioned using social media. And we've heard some remark about the potential for that to be abused because it's so ubiquitous. Which is the whole reason it probably works effectively. Have you seen any evidence of that means being abused by anyone trying to confuse voters?

>> Overall, no. I mean, there -- we had heard some of the stories that there were things on Facebook to try and confuse voters. But, in general, I think it was used in a very positive way I think. You know, when we're talking about social media for -- our standpoint is the way it was embedded in all the websites, you know. When you went onto Facebook, it would pop up to say, here's -- here -- you know, where do you vote today? And you could go right to the tool and find out where to vote. You know, we try to work with, like, Rock the Vote and organizations like that to make sure that they're getting the right message out. So I think, in general, the more mainstream social media is a very positive effect on elections.

>> Commissioner Britton.

>> So I'm impressed with how you all handled these disasters and issues. There's the preplanning, but then there's also the aftermath. And my assumption is that the number of provisional votes went up substantially; is that correct?

>> Yes.

>> So how -- how did you handle that? Did you have to do anything different or anything significant? And was there any concern about the number of provisional votes you had?

>> I -- there -- I mean, it definitely went up. One of the things we obviously had to do differently, our normal provisional ballot law allows you to vote anywhere within your county if you move or your information not correct. By expanding out to the entire state, the process was if you -- you know, voted in Bergen County but you lived in Ocean County, Bergen County would have to get that ballot back to Ocean County. So there was definitely a different process that you'd normally would not see. And the counties had to communicate amongst each other to get the ballots back to where they belonged. So they were counted in the proper counties. And those voters got credit for voting.

>> You know, the design of our election system is very narrowly focused so the voter has -- is only eligible to vote for certain offices. Because the ballot contains --

you know, it's top to bottom. You know, it -- you know it was a federal election, so it had the top offices. But then it had a lot of local offices that, if you're not eligible to vote for, the ballots just not available. So, you know, expanding the provisional balloting became a bit problematic. Because, you know, the voter simply isn't eligible to vote for some of the offices that are on that ballot. So, you know -- and then after the election, as Bob pointed out, you know. Getting the ballot to the right person to record the history that that voter voted properly, you know, became a logistical issue. That, you know, quite honestly has strung out some of the results from our elections through to this year. You know, because ballots were moved. You know, a lot of ballots were move around. So it just -- that's something that going forward is something we'd have to look to as to the logistics of when that occurs. If you allow some of that, then by an emergency decree, you know, we didn't lose any ballots. It's not that we lost ballots, but it's just we weren't ready to move so many. Because usually -- they're come back to one secure location. Now, you have to bring it back to a secure location and move it to another location. So working on that logistics in the future is something we're going to have to deal with.

>> It's interesting, in disaster counties, provisional ballots cast as a proportion of all ballots went up significantly but no change in the number of provisional ballots that were counted. So and if you know how provisional ballots have to be counted and I'm sure it might have changed in the New Jersey and New York, you, the voter, have to come back and validate your ID or your location. Maybe what happened then -- I don't know. That's what the question is -- you might have given out more provisional ballots but you didn't count any more of those provisional ballots. I suspect maybe the voters because of the dislocation of the hurricane were not able to get back to offer whatever information they needed or they may have been counted without that voter having to come back and validate their identification in the precinct location, but it ran 51% on average in those 225 counties, but you saw an increase of about .006 to .008 number of ballots counted -- cast. So something was happening there and that would have been interesting to know.

>> Well thank you very much to this panel. Outstanding and we much appreciate it. We're going to -- because of the significant amount of testimony we still have to hear for the rest of today, we're going to move directly to the next panel with John Carbone of IACREOT and Steve Graves at MIT. That's a 45 minute panel. We'll recess at 11:45 for lunch, which with the expectation that we'll be back in 20 minutes thereafter and start early with the panel's -- the post lunch panels. So if we could have Mr. Carbone and Mr. Graves join us here please.

[ Pause ]

>> Good morning. I didn't realize you were -- yes, you're for the President, hello.

>> Well I'm a immediate past President now. A Co-chair.

>>

[ Inaudible ]

>> My name is Joanne Rajoppi and immediate past chair of IACREOT, the International Association of Clerks, Recorders, Election Officials and Treasurers. It is the largest organization of election officials in the country. And as you know, the Commission made an appearance at our annual conference Louisville in July and from that, I decided to form a task force of our election officials in IACREOT. Mr. John Carbone was the chair of that task force. Our members, because they're election officials are in the trenches. They are the people that actually perform the elections and of course they're very knowledgeable. So without further adieu, I'd like to introduce Mr. John Carbone to produce and report, give a synopsis of the report we have from our election officials and thank you very much for the opportunity.

>> Thank you. And I also want to note that Mr. Carbone, obviously, you've submitted in writing your testimony so what we'll do is hope that you can summarize in the 8 minutes you have and leave time for the Commission on this schedule to ask questions.

>> I would intend that. You have the report and the 15 pages and the summary, there's an additional report was submitted to the committee which contains approximately 60 pages which has a number of appendices. The appendices deal with a number of specific issues that identified election officials have asked us to address. There's a section on the hurricane in New Jersey, there's a section dealing with the Cook County Board of Elections who talked about lines, dealing with lines, anticipating lines. There's a section from the Chicago Board of Elections which deals on vote centers. In particular, they have come up with a very interesting idea of what they call super vote centers that are doing it at convention centers, sporting venues, etc. opening it early that provides parking, very good visibility access, and the ability of candidates to campaign outside the parameters of the center itself. There's a report from Mr. Ballick from El Paso County, Colorado Springs, which deals with a comparison of direct read votes by tabulation as compared to hand counts. Finding hand counts surprisingly are not accurate. The machine, in general, produces a greater level of accuracy and there's also one from Noah Pratts, who has given us what he calls the perfect election district map and how to deal with it. What I do want to deal with is the concern that IACREOT and its officials have. We welcome the Commission. We welcome the President's invitation. We look forward to a report ,but we're concerned. We're concerned about a number of things. Many reports are written, many reports get bound in leather with gold stamp, go up on the shelf and are never seen again. We want to ensure that you follow the four Ps in developing your report. That you ensure what you offer is practical, that is possible, is politically palatable, and purchasable. In addition, we are hoping that many of the recommendations you make and many of the best practices we have suggested, are somewhat scaled or identified. Some of these are long term. Some of these are interesting endeavor. Some of these are technology driven which technology will be out of date next year. Many of them are advocates from positions of what they're looking to do. Our view is we are not academics. We don't look at the why of elections. We look at the how of elections and looking at the how of elections we've come up with a number of recommendations in the report, a number of suggestions. Again, one that appears to be easily implemented without legislation is election boards, county election boards. And we have one that's tried as a test in the last election. Tweeting to voters, waiting times at polling places. Voters could sign up before the election to receive these tweets. Campaigns, candidates, political parties, advocacy groups, unions could also sign up. So they would know at the physical polling places, which are not super centers, what the wait time may or may not be. Tweets may last, tweets may go away. God knows what the next innovation would be, but it's a way of interaction that one election official has done that we're tending to hopefully replicate with a through our membership but it doesn't require legislation and that's one of the other concerns we have. In all your recommendations, the practical the possible, the political, the purchasable, we hope we are not binding it to legislation. The potential for legislation being adopted on a uniform basis nationwide, the potential for adoption or recommendations of legislation that would be uniform and complete by every state legislature is very doubtful. So a lot of what we're recommending and a lot of what we're looking for is either consider things that we can do that either require no legislation. Perhaps mere regulatory change, or are palatable to suggesting again, the tweeting. Or palatable, practical and political without major legislative change, a pile on of interest groups, of vendors, of political interests and that would raise a concern with us. The other thing that we're concerned about is -- and I think I know the two co-chairmen have done what I have done. I've done Governor Cane's recount, Governor Thompson's recount in Illinois. We've all been there in the trenches in the field and we've all come to realize an election is not a singular event in one day. It's a process. And facing the election is a process. If you look at it in the [inaudible] or step back in a larger pattern, you realize that a lot of what gets done get's done under bipartisan control at the state level. Not by elected officials who are bureaucrats. Not by civil servants, but there is a bipartisan control. Now if I was a third party, a minority party, a small party, I'd be concerned by that. It's not provided for in the constitution. It's not in the law, but most election boards, most election functioning, whether it be challengers at

polling place or anywhere else, is a bipartisan effort. It's not bad. There's nothing wrong with it. It provides actors, it provides balance, and it provides a way of ensuring the adoption and use of anything you recommend. So again, we would hope that you would continue to look at it as a bipartisan venture. The Commission is that, the political parties are that, and I think that's an important consideration. Beyond that, I'm available for questions.

>> Thank you very much. Professor Graves.

>> Okay. Thank you.

>> Press your button to [inaudible]

>> Yes. Okay. Okay. And yeah. I have some slides. Yeah. Thank you for inviting me to present to the Commission. I'm pleased to be here to discuss methods and tools for allocating resources to improve voting. Just as background, I'm a professor in the operations area at the MIT Sloan School. Having joined the faculty 36 years ago. I'm a faculty affiliate of the MIT Operations Research Center. I have joint appointments in the engineering systems division and the mechanical engineering department. I'm also a faculty affiliate of the Cal Tech MIT voting technology project. I do industry-based research. I'm not an expert on voting. I work on collaborative projects to optimize and improve industrial supply chains and manufacturing systems. We've worked with dozens of companies ranging from Amazon to Intel, Boeing to General Motors, Samsung, Staples, so forth. Okay. Let me just put this down. So long lines and waiting occur when there are inadequate resources. At a voting site, resources could include voting machines, voting booths, poll workers. These resources are inevitably constrained. Election officials must decide how many resources are needed and then determine how best to allocate these resources. Tools exist to help managers to understand the tradeoffs and to make these decisions. In particular, we are interested in deploying tools that can address a range of questions. Given a number of machines or a number of people, how should they be allocated across a number of sites? Or if we're given a service target, that we might want to know how many resources are needed to achieve the target and how to allocate those. For instance, how do we assure that only a small fraction of voters wait more than 5 minutes? Finally, we might want to have the capability to address various what if questions. What if the time to vote is longer than we expect or shorter? What if more voters turn out for the election? So the type of tool we envision is based on cueing theory, the study of waiting lines. This figure shows a simple system. Customers arrive, they cue up, they get served, they leave the system. We can view voting, a voting site as a series of cues. Like on here, we just show that voters arrive. They wait to register or check in. They wait again to vote. They may wait a third time to submit their ballots and eventually to leave the system depending upon the voting technology. So we've developed a very simple prototype of a resource planning and allocation tool. The tool uses the simplest cueing models. Ones that would be commonly found in an operations textbook. The current version of the tool acts as a calculator that would allow an election official to experiment with different resource allocations and to find optimal or near optimal solutions. The tool provides a rough cut analysis and could be complimented by having a simulation tool that could be used for both validation and more detailed planning. Finally, we note that the application of cueing theory is very, very common in resource planning for many service contacts including call centers, health care delivery systems, public emergency response systems, and even theme parks. So here I just provide a screen shot, not for you to read, but just to show you what the spread sheet might look light. The tool characterizes the waiting time to vote for election sites. In this case, that use machines to vote. The inputs are in yellow and would include estimates of the arrival rate of voters. Estimates of the time to vote as well as the number of machines that are allocated to each voting site. In the orange cells are policy parameters specifying the service targets and in the pink cells, are the calculated outputs reporting the system performance. I'll illustrate all of this with a simple hypothetical small example. So as my example suppose we have three precincts, we have 15 machines to allocate. Let's suppose the average time to vote is 6 minutes. The service target might be that we want to minimize the fraction of voters that have to wait more than 3 minutes. And we look at the peak period. And we might assume that

we've got some estimate of what the voter turnout is during that peak period and in this case it's 20 voters per hour for precinct 1, 35 for 2, and 45 for precinct 3. So the tool will allow us to examine various allocations. A naive allocation might give each precinct the same number, namely 5 machines. The tool would report the average wait time for a voter as well as the fraction of voters that experience waits longer than the target of 3 minutes. We see here that the wait times are dramatically different. They seem reasonable at precinct 1, but excessive at precinct 3, 9 minutes on average with a majority experiencing waits in excess of the service target of 3 minutes. Indeed in this case, many, many voters in precinct 3 will have much longer waits. A natural question is, can we do better? And so here, we might take one machine away from precinct 1 and allocate it to precinct 3. That's an obvious thing to do. This helps a lot. Now the wait times are more comparable across the precincts. Should we do it again? What if we move another machine from precinct 1 to 3? We see here that we've gone too far. With only 3 machines at precinct 1 in the second example, the wait times again become excessive. So it seems here the best allocation of 15 machines in this simple example would be 4 at precinct 1, 5 to precinct 2, 6 to precinct 3. But we might look at these wait times and say well, they're too long. So what if we had more resources, what would we do? And so the tool could also tell us what's the value from incremental resources? And here we just show that if we added one more machine just to one of the precincts -- to each of the precincts, what would be the reduction in the average wait time? So for instance, at precinct 1, we would reduce the average wait time by 58 seconds. So we might look at this and we might say, well, gee, the best thing to do would be to put that extra machine at precinct 3, you know, in which case we can check the overall performance and see there that it's quite good at precinct 3. We might also ask how many machines are needed to achieve some service target? For instance, suppose that we want no more than 10% of the voters in each precinct to have to wait more than 3 minutes, then how many machines are needed? The tool could determine that. In this case we'd need 18 machines allocated as shown. We can check the performance and see indeed the performance is quite good. The wait time at every precinct is on the order of a half minute and about 5% of the voters would have to wait longer than 3 minutes, 95% less. The tool could also be very useful for examining various what if questions. The example here is to suppose that we could somehow improve the process and reduce the time to vote on average from 6 minutes to 5.4 minutes, a reduction of 10%. This might be the result of a redesign of the ballot or an improvement of the user interface or providing advanced information on the election choices to the voters. The tool can help the election official to see the impact. In this case with 15 machines, we see a dramatic improvement in which we are now able to meet our service target, namely in each precinct, no more than 10% of the voters experience a wait of 3 or more minutes. This insight could be very, very helpful in figuring out where to focus improvement efforts and to identifying the points of most leverage for improving the system. So I just go quickly here. We have a similar tool that we've built in for checkin. The tool I've shown you is for the voting stage and we might -- an example of the checkin time were a half a minute. How many stations would we need so that there's minimal waiting at checkin and we see here we need one station for precinct 1 and two for precinct 2 and 3. The analysis here can also account for what often happens in checkin where you have multiple lines. Say you split up the voters by the alphabet. The cueing dynamics are quite a bit different and we can compare setups with a single line or a multiple line. In summary, any service system we have in any service system we have waiting when resources are inadequate. This can occur due to poor allocation of existing resources as well as due to not having enough resources to start with. Tools based on cueing theory are commonly used to determine the waiting times in these systems as well as to provide guidance on how many resources are needed and how best to allocate them. These tools are applicable to voting operations and could help election officials with their resource planning. The applications of these tools requires estimates of the voter turnout and estimates of the time to vote or check in. The applications also requires some judgments on service targets as to what amounts -- as to what amount of waiting is acceptable. Finally, the deployment of these tools should go hand in hand with the training of election officials on how best to use them. Thank you.

>> Thank you very much Professor Graves. So we'll turn to Commission questions. Any questions?

>> I have a question. Should I lead the questioning Commissioner Ginsberg? Do you have a question?

>> No. Go right ahead Mr. Bauer.

>> Well that's very kind of you. Thank you. [laughter] Mr. Carbone, question for you and then one for Mr. Graves. The question I had for you is you refer to the four Ps one of your Ps is purchasable. Can you -- do you want to comment a little bit about resource constraints here because I assume that's what you're referring to? And as you know, that's an issue that we can only address in so many ways within the mandate of this Commission but at the same time we're mindful. We hear a good bit about it and you touched upon it. Do you want to expand for a second about sort of within your community just exactly how that's being experienced and addressed?

>> Most election offices are at the bottom of the political feeding chain for funding. Most elected officials who fund political operations thinks it only functions two days a year. Primary day and general election day. They have little understanding or little concern. It's not a squeaky wheel. It's not an advocacy group. It's not a group of citizens who want money, so it doesn't flow there. The only funding we have ever had nationally has been the HAVA, Help America Vote Act, which was a significant amount of funding but was used in many different ways in many different states and sometimes didn't get to the elected officials. Our concern is you can make some of the greatest recommendations, which I'm sure you will, but if they're not funded either federally, at the state level of the county level, they're difficult, if not implementable at all. That's why we were looking for recommendations that are purchasable. There is not going to be a poll tax. There is not going to be a surcharge on something to fund elections. Since it is the consent of the govern we're seeking, it is the most important act a citizen can perform, it should be the most receptive act the government wants. You would think that there would be funding for it and unfortunately it just isn't there.

>> And you -- the reason you say is simply a question of priorities. Whatever arguments you make are outweighed by arguments made for other alternative resource uses.

>> It's not only priorities, but you know, the reflection you get is, well, do -- you just bought those computers six years ago for elections. Why do you need new ones? Didn't you just buy that system? What's happened now? No one takes into affect that there are registration issues for people moving, the cost of changing those registrations, updating registrations roles. No one takes into effect that the early voting, the mail voting of staffing, polling places which have in the early voting centers workers, people present who may only service 15-20 people a day. They're there but they're not getting the full crunch that you get on election day. So there are costs involved with the ease of access but everyone still reflects upon it as being a polling driven process. I mean, even in the statistical studies, it's difficult to compare election district to election district, county to county, when you start saying well how many votes were cast and how much did you spend at the polls? Well how many of them were not cast at the polls is an important consideration because the ones not cast at the polls probably cost the most but also made ease of access or early voting possible. And let me just even deal with the electronic voting books. If the Apple Corporation wanted to give iPads to every election district in the country and we gave them a huge tax write off, it would change elections. We've talked about these electronic poll books. You wouldn't have lines. Any line you go to you could register to vote and you wouldn't have to vote at your own polling place. You could vote at any polling place meaning vote anywhere. You show up, you sign in, you vote and electronically, that vote is not recorded in the polling book, but the polling book no longer accesses or allows Bob Bower to vote elsewhere. Likewise, if there is a line, somebody go down the line and say did you change -- did you get married? Has there been any change in your address? You can update election information at registrations there so that would make the ability to vote anywhere. That would ease the lines, that would take it away and think of what the cost of an iPad is and obviously some software that could be developed and you could have a

system which interrelates within your county, within your state and if you wanted to, you could have a registration system which is a national registration system. I move from California to New York and my registration could change. Likewise, if I do move to New York and I vote in New York, California will be alerted that I should no longer be voting there. Not a big expense. Massive expense, one time expense, perhaps, but that's the kind of expense you would look at. But to get everybody to sign onto that? I don't know who convinces them.

>> Thank you. Professor Graves. Just on your last point in your summary about the importance of deploying with the tools, tutorials, and capabilities for details simulations, the question I'm going to ask you is a broad one, but one of the issues as you know that we've been talking about is, how to think about translating what's available into the world in which we have election -- local election officials who have to be making the judgments you talked about, have to be thinking about how to work with this material and be trained to work with this kind of material with these sorts of tools effectively. Is there any -- are there guidelines or sort of points of first consideration that we should have in mind as we sort of think about how we would take this kind of tool and then make it essentially sort of user friendly, teach the use in a way that gives it some uniform effectiveness.

>> Well, I got to give you a couple of reactions. I admit my hope would be to get some feedback from election officials with tools like this as to, are they appropriate? What would make them better? Do they help them with doing their jobs? You know, and then based on that feedback, refine it, but then also, as I say, I think there is a need for an educational campaign and I would try to keep things simple and get us to walk before we run and also do it in light of the type of data that exists, and any type of tool model like this needs inputs and you don't want to make things more sophisticated than the quality of the data or the estimates that you would put into it. Okay?

>> Thank you. Commissioner Ginsberg.

>> Professor Graves, could I follow up on that? We may do a little role playing here with Mr. Carbone since he's a local election official, but you have this tool that looks very promising for dealing with lines. How do you actually take this tool that you described and make it available to a local election official, run through the tutorials specifically that that local election official would need? In other words, how do we do this on a practical basis? What form does it come into a local election official? And then I'd like Mr. Carbone to react to the sort of practicality, possibility, political implementation of it.

>> Well I got to think, I would think the tool, it would just be an open source tool, something that would get posted someplace that could be downloaded. It will be nice to have examples that are built around it to show people how to use it. I think it has to be augmented with material to help people figure out where the appropriate inputs that go into the tool and I could also imagine you -- that there would be a series of tutorials that might be online tutorials or it just might be an educational campaign that goes out. I'm not sure if I'm addressing your question.

>> No, you are. So it would be open source.

>> Yep.

>> You would pull down the formula --

>> Yeah.

>> -- into a local election official's computer.

>> Yeah.

>> You would then input the information based presumably on the last election or the last couple of elections --

>> Right.

>> -- and see what you came up with.

>> Yeah. Yeah. I mean, I think it would be nice to have cases, illustrative cases that somebody could look at to see how it was used. But I think it's also very critical and I haven't really dealt with this but -- yeah, how do you look back at the history and try to make those projections for the next year to come?

>> So if you had the data inputs that you talked about and just illustrated for us from past elections --

>> Right.

>> -- where we ought to have most of them anyways, that would be the sort of trial runs that a local jurisdiction would go through?

>> Yes. Although -- [overlapping speakers] -- want to account for okay, what's changed since the last election.

>> In other words --

>> Is there different number of registered voters or is it a different type of election? You know, then how do you make adjustments as you anticipate this next election?

>> And the ballot is the same in all the --

>> Yeah.

>> -- various variables.

>> Yeah. Yeah.

>> Any thoughts Mr. Carbone on how something like --

>> Yes Co-Chairman Ginsberg. Mr. Pratts of Cook County addresses a system they already use in attempting to define what the lines will be, but the problem in any system like this is planning is not the projection of the present into the future as Steve did say. Things change. Candidates change. The effectiveness of a campaign may change. The hotness of a campaign. You have polling places relocated from a school to a church, from a church to another building and that could affect the lines. The access into the building could change the lines. Baring the polling place deeper into the school. There's a whole series of factors that you really can't anticipate to compare election to election. Do you have certain constraints? We have constraints a number of registered voters assigned to that district is a potential pool of voters. If you could weed some out into an early voting system, you could weed some out into a not excuse vote by mail, vote absentee ballot. You remove that surge perhaps, but then you also have the issues that some people vote when they go to work. Some people vote when they come home. Some people vote when they go to pick up their children at school and you're going to have -- you can't have it all spread out evenly over the day. You're going to have those surges. One of the things that we have recommended to all the officials is the Wal-Mart greeter. Having somebody readily identifying the polling place. It's sometimes hard to find a polling place. We have a universal sign for beware of moose if you go up to Vermont and Maine, but do you think we have a universal sign like a stop sign that says polling place here? It is difficult to figure out sometimes where the polling place is. Then you get in the labyrinth of a school somewhere in the basement, greeters. They're out front. Not campaign workers, not candidates, greeters who bring you in, directing you, welcome you, and the use of the greeter speeds the person in and out of the polling place. Steve has also presented what this could do. I don't think that -- you know, I have a 90-year-old mother who teaches me to use my iPad. She's unique. Many of these election workers

and poll workers may not be able to handle that level of sophistication in the study but I'm also going to tell you there are poll workers who don't need to be told they're going to have lines. They know there's a hot campaign in their district, in their city. They can see when lines are backing up and they need to take affirmative steps and most of them do to speeding them through the polling place. Some of the things that have been mentioned is, don't ask me why all polling books are all A to L and M to Z. Break them up into four or five. You can have a poll worker handling two books and if we had the electronic poll books, you're not going to have backups and lines.

[ Pause ]

>> [inaudible] Mr. Carbone, are you saying if he gave you the formula, you wouldn't use it?

>> It's not a question of I wouldn't use it. I'm an attorney. The question is, would somebody need to use it? If we have a district in the Midwest in a very small populated county, you're not going to have lines. In those areas in which you have lines and let's take Cook County, Illinois, Noah Pratts already has a formula in his system where he -- and that's in the appendix -- where he tries to utilize that. So there are in some of the larger districts that are considering that. Now, is there a technological reluctance, academic reluctance? Perhaps. Could you order someone to use it? No. And then the problem you're going to get and I'm not suggesting everyone would answer this way is, okay, I know I'm going to have a line, what can I do about it? Well the what can I do about it is the part that we like to address on how to do it, but the historically, figuring out projection of the historical into the future is a difficult thing and if you misalign resources, that's another problem. It's not the question that they wouldn't use it. I'm not sure they all would know how to use it.

>> I'm not making -- I'm not saying everyone would have to use it, but as an election official myself for the last almost 20 years, I found a remarkable, very predictable on what the next election is going to be based on the last if you're comparing presidential to presidential, similar election to similar election, and to almost argue as it seems to me you are, that it makes no sense to try to predict the number of people that are going to show up at a polling place doesn't make any sense at all. It doesn't mean you're always going to hit it on the nose, but you can, I would suggest, just by going turn out in past elections, take a pretty good stab at what's going to come out, allow a little slop in there so you round off high, and then take -- it's not -- what he's doing, we did where I was and I'm sure lots of other election officials do, so that you can go polling place by polling place and you can allocate machines in a reasonable sane manner rather than -- your statement that, in Cook County, we know we're going to have lines. Well if you know you're going to have lines, why aren't they doing something about it? It may be because they don't have the resources and that's a legitimate reason and you allocate the best you can based upon the research.

>> Mr. Lomax, I mean most of the larger districts that are going to have problems do that, either do that by a rule of thumb, standard practice, but they also try to figure it as Mr. Pratts has done with it, standardized formula we've used with other election officials. It's not that we wouldn't use it, I'm not sure everybody could use it. And then you do get down to the problem is, okay, I've decided that this election is very contested. It's very hot. You don't have extra machines. You don't have more machines. You are going to move some resources around and you're going to move some workers around, but in effect, there still may be a delay and still may be a line. In the present system and structure that we have, there are other things we could do which could eliminate lines. A vote centers, the electronic poll books. I'm not saying they wouldn't do it, I'm saying -- I will say there might be some that wouldn't know how to do it, but they probably have their own way of figuring out what they need and where they need it. That may be a little too complex for them to do.

>> Okay. Well I really think when you get -- it wouldn't be, but I'm not going to get into that and I do think it's a key part of planning for an election is knowing how

many voters you expect to show up and how -- what your ability is going to be to process those voters because as we listen to testimony around the country, repeatedly -- and I mentioned it earlier today, I mean, I hear from election officials who should have known they were going to have lines because they didn't have the capacity to process the voters. Now I agree with you also on -- I mean greeters, there's all sorts of other things that you can do to help get people through all the way to a more accurate voter registration database. I mean that helps speed things up too. But I do think this is a key part of it. I personally think it would be a big help.

>> Mr. Commissioner Lomax, just to give you an explanation of statutory problem. When we used to have the old AVM Sequoia physical machines with the little meters, they only went up to 999. After 999, you couldn't put in any more votes so most states had limitations of 500 voters in a district or 750 voters in a district or multiple machines. Now with the electronic machines which can take any number of votes, there's little thought into how many registered voters you put in to a district and because of costs and other constraints, they sometimes load more workers -- or excuse me, more voters into a district than they have workers. The machine can handle it but the physical facility of the workers can't necessarily do that. Yet there used to be preclusions as to how many when we had machines. We don't have that anymore. Again, it's another issue to look at.

>> Commissioner McGeehan.

>> Yeah. Following up a little bit on Commissioner Lomax's comments, Professor Graves, I think this is a really neat tool and I could see how it could be used on a lot of different levels, perhaps to validate some of the statutory formulas that are out there whether those are still appropriate especially as the framework for voting has changed. One thing that has been -- that we've wrestled with in Texas is well if half your population votes early, can you then reduce the number of election day polling places? I could say a tool like this could really help inform folks determine, okay, in redrawing election day precincts, how big can we make them in light of the number of folks that turn out early. So it just sounds like a very promising tool and I look forward to examining it.

>> Yeah. Thank you. Yeah, I guess I would just emphasize that in that case, with early voting, again, you need to still have a projection of what you expect on election day. And it's not just the voter turnout but you also need to estimate how long it's going to take to vote, which can again, vary dramatically, I think from election to election. Those sort of do go hand in hand.

>> Commissioner Grayson?

>> You know, I guess one of the thoughts is since we do live in a resource constrained world, this tool also strikes me as the kind of tool that you took it before your local jurisdiction to allocate more money, you can make -- you can show very clear, look, this is what you gave me, this is what we're going to get. If this isn't acceptable to you, but just that one example you show with the one extra machine how much of a difference it made. This could be an effective advocacy tool as well as a management tool for administrators at the state and local level.

>> Yeah. I was trying to emphasize that but maybe it didn't come acrossed [laughter] But yeah, it's not just allocation but what are the resource requirements you need if you want -- if you have some service -- so [overlapping speakers]

>> It doesn't strike me as very hard to come up with how many people you think are going to flow through and how long it might take to vote.

>> Yeah.

>> And what a norm ought to be.

>> Yeah.

>> A little bit of training, a little bit of thought, as Larry said, these are things you should know.

>> If I could just close, I think we don't have any additional questions here and we're coming up against our time but I just want to clarify one point just generally from your testimony Mr. Carbone about uses of technology and some of the cautionary notes, flags you just put up about local officials and what they're able to use and whatever. You emphasized in your testimony the significance of continued technological development and its application to election administration and so I assume that cautionary notes aside, an organization like IACREOT and I'm addressing this also to the immediate past President here, that IACREOT in a world in which such tools become available and begin to circulate within the community and are tested so that we can see what the experience of local officials are, that IACREOT would play a role in socializing that community and helping, for example, to test the experience and feed it back so that those tools become the best tools, a surface for use and the best trainings of local officials can be developed. Is that a fair statement of the mission of the organization and how you would relate to development of this technology?

>> Initially or previously the election force -- the Election Assistance Commission evaluated and approved voting machines. So you would get a list of approved and accepted systems and that's kind of halting a little. The market doesn't have a lot of vendors and of course the vendors who are there sound like late night TV slot salesmen as to what their systems can do but one of the things we do do is we share experiences, recommendations, voting systems, and it's not just the purchase and the technological obsolescence but it's the support. At the present time, the largest manufacturer of voting machines went out of business. There is no support. And that's become an issue. So again, we need the federal election -- excuse me -- the Election Assistance Commission looking at voting systems, but we need vendors to step forward with compatible projects which are open source, easily technologically improved or not locked into proprietary software. We have at our conventions vendors that we vetted, that give the support and have come with high recommendations, but there is nobody out there offering a system. The last system you had was by a company that was owned by Hugo Chavez in Venezuela and that caused all kinds of security concerns as you well know and has been well known. So we need some kind of market, something in the market to come forward that we can look at that meets those standards and recommendations, but we do recommend, we do validate, we do disparage.

>> And that would include -- yeah, and just to be clear, that would include not just the big ticket items like voting equipment technology but even just tools like the ones we're discussing now and we'll be -- Commission will be looking at other tools like that, like the one that Professor Graves has described that help election officials you know --

>> Yeah, IACREOT --

>> -- map out efficient ways of conducting their elections. Pardon me?

>> IACREOT is definitely a vehicle to get that information out to educate our members. We share our experiences, especially in elections, and if I might just say one thing about cueing. You know, the time to vote varies dramatically because you have people that don't have -- their signature does not match. There are people that are on the roles and are asterisked because they need ID. There are people who see a voting machine and do not know how to vote. There are people who need assistance in a voting machine and have to sign a waiver to allow that person to go in to them. So when we say it takes so much time to vote, that is a very movable time frame and I'm not talking about one or two exceptions because I'm there. I do it. I also do vote by mail and I have to tell you, I would say 1 out of 8, 1 out of 9 have an issue that takes a longer amount of time to resolve.

>> Could I just clarify?

>> Yes, please.

>> So the model is -- just assumes there's an average time to vote.

>> I'm sure. Yes.

>> Not that everybody --

>> I understand.

>> -- so that average -- yeah. That's it then. Accounting for the fact --

>> I understand. It accounts for that. Yes.

>> In New Jersey, we limit your time in the polling place to 2 minutes. Just to avoid backlog in the machine, not in the polling place -- I'm sorry -- but in the machine and I have actually been present in election polling district in Hudson County where the worker physically went in and yanked the voter out.

[ Pause ]

>> On that note, [laughter] I think -- [laughter] Yeah, we will recess for 20 minutes. I think the goal would be to be back here by 12:10, please. Thank you.

>> Thank you.

[ Music ]

>> We will begin this afternoon with a panel consisting of Taeku Lee, a political scientist from the University of California at Berkeley; Michael Jones-Korea from Cornell University; Dana Chisnell, a consultant with Usability Works; and Whitney Quesenberry, a principal consultant at WQ. Welcome. Professor Lee, would you care to begin?

>> Professor Taeku Lee: Sure, thank you very much -

>> Thank you -

>> Professor Taeku Lee: I'd like to thank. I'd like to thank Chair Bauer and Ginsburg and thank the other commissioners for inviting my testimony here today. My name is Taeku Lee, and I'm a professor of political science and law at the University of California at Berkeley. In thinking about the importance of fair and, a fair and just system of election administration, I took as a guiding precept the words of former Chief Justice Earl Warren, who in crafting the Court's opinion in Reynolds v. Sims asserted that the right to exercise the franchise in a free and unimpaired manner is preservative of all other basic civil and political rights. And this, so the specific barrier to that free and unimpaired exercise of a franchise that I've been asked to say a few things about is the barrier of language, and my focus will be specifically as that barrier affects Americans of Asian origin. The handout is lengthy. So just to organize my time, I thought I would just start with my five main points, which are the Asian Americans as a group are rapidly growing as a segment of the US population. As a population they are heavily foreign born, and tremendously, ethnically, and linguistically diverse. It's also a characteristic of Asian Americans that they under participate relative to their number in the elections process; and, fourth, language is an important factor in this under participation; and the fifth in, as defined by current law, there are significant gaps in compliance in Section 203 covered jurisdictions, further adding to the need for some work in this area. So now to flesh and detail some of these five main points. First, on the population itself in numbers. An absolute size, Asian Americans have grown from less than a million Americans in 1960 to roughly more than 18 million today, and it's a population that's still growing. In proportions, it's roughly about six percent of the total US population. To give a better sense of the decade to, decade growth, the next slide just shows in the last decade that no other group, at least as we as a country classify people by race and ethnic origin, has grown as rapidly as have Asian

Americans, and this figure is for the Census category Asian alone. If you take the more capacious category of Asians alone and in combination, the rate of growth is even more dramatic. And then in terms of its relationship to migration, in the last five years, there's been no other region of the world that has been sending newcomers to the United States at a higher rate than has Asia. So, specifically, Asia has displaced Mexico and Central America as the largest regional contributor to legal migration to the United States. Relevant to the charge of this Commission, there just two additional demographic characteristics to point out. One is that as a group, Asian Americans are heavily foreign born. So two out of every three Asians in the United States were born outside of the United States, and if you just focus on adults, that figure rises to eighty percent. And, so this is a population that's disproportionately comprised of political, you know, greenhorns and tenderfoots. In terms of the legal foundations of language accommodation, that means that a disproportionate number of Asian Americans in terms of educational opportunities have received their education and their language outside of the United States. They come from a dizzying array of different national origins, and each of these national origins with at least one, if not more than one, different non-English mother tongues. In terms of language itself, more than three out of every four Asians in the United States report speaking a language other than English at home, and this is a figure that has been growing pretty steadily over time, and it's much higher than the 21 percent figure for the country as a whole. Then in terms of the Census Bureau's definition of what counts as limited English proficiency, nearly half, 47 percent, of those Asians who report speaking a language other than English at home report that their facility with English is less than very well. So when you combine those two things together, speaking a language other than English at home together with not speaking English very well, that's one out of every three Asian Americans who are limited English proficient. The exact figure is about 36 percent, and you'll notice on this slide also that there's significant variance across groups. That's the demographic baseline. Where do elections come in? As I said, one of the starting observations about Asian Americans is their under participation. So earlier I mentioned that Asians in the United States are six percent of the total US population. They are just under four percent of the citizen population in the United States, and when you look at who votes, they are less than three percent of the voting population in the United States, and that has been a pretty steady gap over time. There's no evidence that this gap is closing. You can also see this under participation relative to other groups. So this is the percentage of citizens who turn out to vote, and as you can see, the rates of voting for whites and African Americans in this country is discernibly higher than it is for Asian Americans and Latinos. For Asian Americans, one of the key gaps is between being a citizen, whether it by birthright or naturalization and registering to vote. So only 55 percent of Asians who are citizens in the US have registered to vote, and then once they've registered to vote, their rates of voting are comparable. They're somewhat lower, but they're comparable to that of other groups. So the current population survey asks its respondents who have not registered to vote for the reasons why they have not registered to vote, and what this slide shows is that Asian Americans, more than any other group, are likely to mention that difficulty with English is a real reason for their not having registered to vote. So the total averages over the last three presidential years, CPS surveys have been in the order of one to one and a half percent. In the 2012 CPS, almost ten percent of Asian Americans reported language issues as being a reason for why they did not register to vote. This next slide is just to reinforce the important point that language is just one among many factors, both for Asians and non-Asians as to why people don't register to vote. So I don't want to overblow the claims of language here, but in terms of groups that have mentioned language as being a significant barrier to vote registration, Asian Americans stand out as a group who do mention language issues as being important. OK. I will quickly go through some evidence from two additional surveys. It's very, Asian Americans are a group for which it's very hard to get good data, including in-sources like the CPS. So I would just note that these two, as I see them, are the two most exhaustive data sources on what's happening political with Asians in the United States today, and just observe that to properly survey this community, you need to interview in at least nine Asian languages, and roughly half of your respondents will choose a non-English language interview simply to be able to talk about politics with somebody on the telephone. This slide just reinforces the gap that you see in

participation by desegregating Asians into those who speak English very well and those who are limited English proficient. Voter registration rates, that's about a twenty-percent gap between those two groups, and then in terms of voter turnout, there's a ten-percent gap between those two groups. Then this slide reinforces the demand among Asian Americans to have some in-language election material support. So of those limited English proficient respondents, they were asked would you make use of in-language election materials if they were available, and about eighty percent say yes. And then a final cut from these data is to take those respondents who are currently in covered jurisdictions, and to ask them if in their experience whether they have voted in person or whether they have voted by mail, whether they receive some form of language assistance, and you will see that the rates are pretty high in terms of Asian Americans, even those who live in covered jurisdictions who have not received language support. The rates are lower for those who vote by mail than they are for those who vote in person, but these are pretty high rates in covered jurisdictions of not receiving language support. Finally, I'll just show a few slides from what I see as being the most exhaustive effort by four advocacy organizations to study how well compliance is going on in currently covered jurisdictions. Jurisdictions covered for different Asian languages. I'll go through these slides just very quickly. So among the things that you would want to look are, you know, are translations there, and are they good translations. So in the precincts that were studied, in 45 percent of the cases, this report finds that translations are either missing or they're incomplete or otherwise displaced. Another thing you might look for is whether there are bilingual workers there, poll workers there to be able to assist. In 43 percent of the cases, there were poll workers, but they were missing their badges. In 23 percent of the cases, they were simply missing any poll workers who could afford bilingual assistance. A third thing you might want to look for is whether or not the poll workers who are there to offer language assistance are proactive about offering that assistance or simply wait for somebody to come up and seek their help, and then what the study finds is in more than one in three cases, they were not proactive. And then, finally, for voters who come and whose names are missing from the registry roles, you might want to see if language is an issue. Whether they're actually offered a provisional ballot, and what the study finds is that in one out of seven cases, that did not happen, that they were offered a provisional ballot. So those are the main things that I wanted to share with the Commission, and so then in summary, this is a rapidly growing segment of the US population and the electorate linguistic diversity is a characteristic and partly as a result of their being very heavily foreign born, language remains a barrier to their full participation in elections. And there are studies that show that there's a demand for in-language election material support among Asian Americans, and that there are persistent gaps in compliance in existing covered jurisdictions. Thank you for your time -

>> Thank you. Professor Correa.

>> Professor Michael Jones-Correa: Thank you to the Commission, again, for inviting us here to present our work, and I hope this is helpful to the Commission as it carries on. So I am speaking today on something which is not appearing on the screen. On language proficient under the Voting Rights Act. There we go. Thanks. And it's effectiveness in implementation. So I teach political science at Cornell. The work that I do is on immigrant political incorporation, and this is part of a series of papers that I've written with co-authors on two, Section 203, the Voting Rights Act. Section 203. Was introduced 1975 when Congress extended the Voting Rights Act to protect linguistic minority groups, and it protected it under two, Section 4(f) and Sections 203, and require that materials be available in localities where there were linguistic minorities. Originally over five percent of the total and then now 10,000 individuals or five percent of the total of voting age citizens. Any political subdivision. So when the Supreme Court struck down Section 4(b) of the Voting Rights Act in Shelby v. Holder, it didn't actually affect Section 4(f) or Section 203. So this coverage is still in place. So this particular study looks at coverage under Section 203, and the design of the study is hinged on sending Cornell undergraduates to verify materials and personnel available at registrars and DMV's in covered counties. So we sent undergraduates to 94 counties, and they would appear at the registrar's office and ask if there was somebody who could speak the covered language, and if

they were available, and then also ask if there were materials available in the covered languages. And so this first map is all the counties covered under Section 203. These are the counties covered under Section 203 for Spanish language minorities, which is the focus of this particular project, and these are the counties, they were covered in the study. Oops. I'm realizing, clicking the wrong thing. There we go. Counties covered under the studies. [Inaudible] the 94 counties that cover 15 states. Twenty-eight of those counties I should just note are counties that were covered under state provisions, not under the federal provisions, the Voting Rights Act, and the paper discusses those separately. So we wanted to look at variation in implementation of the Voting Rights Act. So there's a good deal of work looking at the effectiveness of the Voting Rights Act Section 203, finding that covered counties, in fact, do have higher voter registration and turnout rates for covered minorities, and some of that work I've written myself along with others. So there's actually quite, there's a gap in the kind of work looking at implementation rather than effectiveness, and so this study in particular was interested in implementation and then the outcomes of this variation in implementation. So of the counties that we visited, one in seven could not offer registration in languages other than English, one in four indicated that they did not have personnel present who could offer aid in languages indicated in the Voting Rights Act, and one-third of individual covered jurisdictions in the study failed to provide either translated materials or assistance bilingual personnel required by law. So as Professor Lee mentioned in his presentation, there is a quite substantial gap in actual implementation of the law even though the registrars were aware of the law. So we've entered into looking at what, whether this actually mattered, and this slide is simply looking at, it's simply a bivariate plotting of registration for voting for covered and non-covered counties. So the covered counties are the ones we visited, and the non-covered counties are everything else in those 15 states, and just sort of eyeballing this, you can see that there's, that coverage actually makes quite a substantial difference. So we, the paper then turns to multi-variate [inaudible], which I'm sure you're happy I'm not presenting in a slide form. So these are just the kind of takeaway points. So all things equal, a county covered under Section 203 has a voter turnout rate that's 15 percent higher than non-covered counties. Counties that provide Spanish-language staffing see, Latino registration that's six percent higher than those without Spanish-conversant staff. Counties providing Spanish-language materials have Latino registrations that's about four percent higher than in counties that do not provide those materials, and registration rates increase over time at the longer a county is covered under Section 203. And there's similar kinds of results for voter turnout. So a county covered under Section 203 has Latino voter turnout that's 11 percent higher than non-covered counties. Availability of Spanish-language staffing. So counties have four percent higher Latino turnout than non-covered counties, and proficient of Spanish-language registration materials is associated with a six-percent increase in Latino voter turnout. So, lastly, this particular study looks at possible explanations for differences in implementation. So why do we see this variation? And we'll look at four different things - the cost of enforcement; host jurisdiction political ideology; oversight by local actors, so whether or not there's a Latino elected official present; and [inaudible] sanctions. So cost of enforcement by itself wouldn't explain a lot of the variation. We do include controls in the model for the size of the county, whether it's urban or rural, and these are not significant. And we don't, the paper does not go into great detail on [inaudible] sanctions. There haven't been a lot of [inaudible] sanctions in states that have been sued by the Department of Justice like New Mexico don't see any diminishment in poor implementation. So the two that we focus on in the study are host jurisdictions, political ideology, and oversight by local actors, and what we find is that host counties, local, the host counties ideology, political ideology has the greatest effect. So states whose voters report the Republican Party presidential elections more than one standard deviation from the mean are -

>> I apologize. [Inaudible] Just take it one [inaudible]. Slow down a little bit. This is the first time we've ever told a witness to take a little more time, but I [inaudible] I've had [inaudible] following this piece, and I know it's important -

>> Professor Michael Jones-Correa: Yes. OK. So these are multi-variate regressions. We're trying to explain why we see this variation in turnout in registration. So we

control the number of factors. One of the factors we control for is whether there's a Republican governor, Republican state legislature, and voter turnout. So the difference between Republican/Democratic vote for the presidential, previous presidential election. So it turns out that states that are more, that have more Republican voters are 19 percentage points less likely to provide bilingual personnel. States with Republican governors were 27 points less likely to provide bilingual personnel, and. So the paper goes into some detail about why it is that local election officials might feel that they can shirk these federal responsibilities, and it's partly that they're, in a sense, serving two masters. So the, they're getting one set of signals from the, from their local elected officials and their local constituents, another set of signals from the DOJ, and they're choosing to listen to their local constituents and their local elected officials rather than the DOJ. So just to conclude what this suggests is a need for better and more oversight of actual implementation. I think this question of implementation is, you know, one that received relatively little attention. So there's much more discussion of the letter of the law than the implementation of the law. And so we'd be better served by paying more attention to this local shirking responsibilities by better monitoring oversight by the Department of Justice. Oops. I realize I skipped a lot of slides. Thank you.

>> Thank you. Ms. Chisnell now.

>> Dana Chisnell: Thank you. Commissioners, thank you for this chance to talk with you today. To the election officials here and in the audience, thank you for doing amazing work. I know that for many local election officials, a good election is a done election. The research from my team, and many people have gone before us shows that good elections reflect clear processes, efficient and effective poll workers, and the importance of usability and accessibility across the voter experience. Good elections are clear. They have verifiable results in which the margin of victory is larger than the number of residual votes. Clear, verifiable results come from carrying out the voter intent. As my team likes to say, cast is intended, counted as cast. I'm Dana Chisnell, and the talented team at the Center for Civic Design has put together a couple of studies to visualize the voter experience for you today. In our research in the fall of 2012, we asked what questions do people have about the upcoming election. Our study had a small convenience sample of 41 participants who were geographically diverse. They used their own county's website to answer their questions. There are a lot of interesting findings about these [inaudible] county websites, as you might imagine, but what's relevant today are the questions that participants asked. The most asked question was what's on the ballot. We've also spent more than a hundred hours over the last nine months studying how elections work on Election Day by being in polling places for elections large and small across the country. Now, let's follow a voter through the journey based on our data and observations. Across our journey map at intervals are questions voters asked. These represent activities. Something a voter might do to get their questions answers. So let's see how well the websites did. The county election websites helped sixty percent of our participants who asked the question find out what was going to be on the ballot, 72 percent found information about voting absentee, 60 percent of the participants who asked whether they could vote early found their answers on county websites. County websites helped 65 percent find where their polling place was, however, only 35 percent of those who asked learned who their current representatives were from their county websites. Sixty-nine percent got an answer to whether they needed a voter ID, and we were delighted to see that 80 percent of participants who asked questions about registering to vote or about their registration status did find answers to those questions on their county's website. But in preparing to vote, one of the questions that came up for many of our participants was how do I actually vote. They wanted to know what to expect at the polling place and what the voting system would actually be like. Tragically, this question went unanswered for all but about 13 percent of participants who wanted to find the answer to this question on their county website. If we look at the journey through answering these questions, it's easy to see that, first, the best we got was an 80 percent success rate on one question. There are a couple of sizable dips, too. Ideally, you'd want everyone to find their answers. And when we filled this space, we can see how far we have to go to improve the experience and at which points. This filled space is actually the

window of opportunity. There is a lot of the franchise in that space. It's the room for improvement. So now let's look at the polling place and what goes on with voting there. Same basic format, but as we're basing this map on observational data, I'll show you a composite visualization that depicts one of the typical voter paths. The voter gets to the polling place. If they're driving, there's a parking to find, which can be tough in some urban places. Signage probably helps them find their way to the right entrance, but unless there's a queue, finding the exact location of polling can be challenging. Arriving in the room where polling is happening, the voter has to figure out where to go first. If there are multiple precincts or election districts housed in the same polling place, they often don't know which is theirs. They go to the wrong one, and they get redirected. Eventually, they get checked in, get a ballot, and then head to the voting booth where we encounter the death of a thousand cuts that is the ballot. For many voters, this is the first time they see what's on their ballot. The voter has to figure out how to mark the ballot and choose which contest to vote in. There's pressure to complete the entire ballot, but some voters don't feel comfortable voting in contests where they just don't know who the candidates are and what the issues are. They wonder if the votes will count if they don't vote the entire ballot, and having many different kinds of contests on the ballot can also slow voters down. If there are contests on the second side of a printed ballots, voters often forget, or they don't even realize that they need to vote on those, too. Finally, they finish marking the ballot. The voter casts the ballot. If there's a tabulator, they may get a message from it if they've overvoted or undervoted, and they'll have some decisions to make about what to do. In some cases, they may get the ballot back to spoil or replace and vote again. When completely done casting, the voter gets a sticker and leaves. So that's the big picture of what a voter goes through. The specific steps may be slightly different or in a different order, but elections are nothing if not ritualistic, and this map doesn't account for a voter showing up at the wrong polling place or having to vote on a provisional ballot or voting on an accessible voting system. This is what you might call the happy path. The optimal steps for a voter to follow, and, yet, we can see that our observations suggests that it's not perfect. It's pretty good, though, and some of the issues are easily correctable. For example, many jurisdictions have put a greeter at the main entrance to direct people to correct, to the correct precinct right away. Having a well-trained reader or a team of greeters closes that gap, and then we're left with voters' direct interaction with the ballot. These kinds of maps are tools for benchmarking the experience voters are having now and measuring improvements over time. To close the gaps, there's some simple questions to ask. They might seem obvious, but when you specifically test for them and measure voter success, you can also take remedial action. For example, my team in developing the field guide to ensuring voter intent, and each field guide with a check list like this one. To close the gap, the field guides offer evidence-base prescriptive steps for improving design usability and accessibility that virtually any jurisdiction can implement within the constraints they face in election code, voting systems, and the resources that they have. Design usability and accessibility are vital across the voter experience. When a voter can prepare efficiently and vote effectively, election administration works well, too. Conducting simple checks for usability and accessibility can be quick, inexpensive, and leave to continuing improvement election to election. We urge the Commission to use a similar approach in its final report of best practice recommendations, and we encourage local jurisdictions to call on their communities to help them run these checks. Thank you.

>> Thank you very much. Ms. Quesenberry.

>> Whitney Quesenberry: Commissioners and chairs, thank you so much for the. Thank you so much for the opportunity to speak today. I'm Whitney Quesenberry, also from the Center for Civic Design. I have another role as the grants coordinator of the ITIAF Accessible Voting Technology Initiative, which is funded by the AC. I mention this because I'm going to talk a little bit about some of the projects we're doing there. What I'd like to talk about today is to share some ideas about how accessibility can be a source for innovation in elections, not perhaps the most obvious tact to take on that. Here we are at a Commission again. This is not the first time we've been around this block and tried to solve these problems, specifically, how to ensure that everyone, including voters with disabilities, older

adults, limited English proficiency, etc. can vote with the same independence and privacy as any other voter. Legislation from the ADA to the [Inaudible] to the Voting Rights Act have included requirements for accessible voter, voting, but why, then, have we failed to actually be able to meet this goal. Yes, there's been progress. [Inaudible] certainly has enabled us to have an accessible voting machine in every precinct. The question is can, we may have some that [inaudible], that is accessible, but is it usable, and is it actually used. Despite bright spots that I think we hear about a lot on these panels, ultimately, I think incremental change is not that satisfying, and I started talking about what is it that we need to do to sort of break through this to try to get past that. One explanation is that the different pace of change with technology in our personal and in our public lives may be part of the problem. We can think about this with a visualization I borrowed from Stewart Rand. If we think about the different aspects of civic life as lanes on a circular track, and we can see how fast each lane has to move to maintain a consistent pace. In the very inner lane, we have laws, and we have regulations, which usually have the slowest cadence of change. The next lane is voting systems, which I put in a rather inner lane because of the time it takes to develop a system, to certify it, to purchase it, and deploy it. Just makes, just takes time. The next lane has the election process, voter habits, and cultures, which can change even between legislation or between voting systems, but in the outside lane, we can see modern technology practically racing along at Internet speed. The pace at which new technologies have been adopted are particularly fast and seems to be accelerating these days, probably not a surprise to any of us here. It took a hundred years to get from the introduction of the telephone to the Internet, but since the 90's, we've seen one product after another, one system after another change our lives, whether we're talking about Google or the draw screen reader, which was first released in 1989, all the way up to iPads in 2010. For elections, I think what this change of pace and technology change has brought is rising expectations about how available, how convenient, and how accessible information and interactions with government can and should be. So I suggest that what we need is ways, is new ways to think, not as isolated silos of work with security, design, accessibility, election process working in separate rooms, but with collaborative innovation and with everyone at the same table with the same goals. First, a universal voting system, one that everyone can use. A flexible system that allows for differences not only in voters but election procedures and state laws, and robust, something that was able to keep up with the pace of change while supporting elections we can have confidence in. I have three suggestions for how we can do this that I'd like to talk about. The first is to adopt best practices from industry. It's no secret that elections are not the best funded department in the world, and that they work under a lot of constraints. Those aren't situations in which there's a lot of time cycles or resources to do experimentation, and experimentation is really the key. It means trying out new ideas, doing things like usability testing, doing the follow-up research and the feedback, iterating the design that is the key to successful innovation. Having the idea is the easy part, making it work is the hard part. But there are products and processes and best practices that we can borrow from industry, carefully selecting to those that add to our ability to make elections fully accessible. I'd like to talk about one small example from industry of something that didn't start out as accessible but became so, and that's the iPhone. When the iPhone was first introduced, it was described in the disability community as a slab of glass. There was a lot of dismay about how this was setting accessibility back because it had even fewer keys on it than a Blackberry did. And the debate raised a lot of questions about whether accessibility and innovation are in conflict, which I think mirrors some of the discussions we hear about whether security and accessibility are in conflict in elections. Fast forward to today, and the iPhone and the iPad are considered best in class for mobile device accessibility. Now what changed in the meantime? Because that's really where the interesting lesson is. I think it was a mix of three things. First, Apple wanted to meet the legal mandate so they could sell the iPhone to government under either 508 or state laws. So there was a push. There was a commitment to finding a solution, and the solution they found was initiative. They didn't redesign the hardware. They redesigned the software, and in doing so, they embedded the screen reader and the other assistive technologies deep into the operating system. So it's not just the phone that becomes accessible, but every app on that platform becomes accessible with really no particular work by the developers. They have to no break it, but they don't

have to create anything. And I think that's something we could learn from, which is thinking about where we make accessibility in makes a difference to how successful it can be, especially as we've heard about all the challenges of implementing grand goals across a lot of levels. The next idea is to create better ways to collaborate. Obviously, we work with each other, but in 2012, ABTI ran two innovation projects. The first was a series of workshops held at Georgia Tech with election officials, voting system vendors, designers, and people with disabilities. For industry designers, this is a pretty common practice of running collaborative design studios, but it was new in this world, and afterwards, we got a lot of positive comments that the structured work sessions were for advocates a chance to get out of the echo chamber, and for election officials a chance to work together instead of in a confrontational way. The second project was even more experimental. It was open IDO, which is a project of what large industrial companies, and this [inaudible] nine companies, and it created an open challenge to designers around the world who had experience with election, more necessarily American, to think about how we could create accessible elections. As an example of how this worked, one of the ideas that this group of some 800 or so designers got entranced with was the idea of pop-up voting centers. Mobile voting, voting vans, and that was actually one of our winning concepts. They didn't know that at the same time in Iowa, election officials were actually creating pop-up polling sites. They have a process by which during early voting, a community can request a day, a polling place for part of a day at their location. So what I think we saw was not brand-new ideas, but ideas coming up from industry that might have some traction in elections, and our question then is how do we, if we could bring that level of enthusiasm and creativity and brain power to explore new ideas, how could we put those to use in elections. Finally, and perhaps the most controversially, I want to suggest that we should [inaudible] for the extremes. Conventional wisdom suggest that we design for the center of the curve, and then we sort of slowly expand outwards, expanding from usability to accessibility to the real extreme needs, but I think that if we actually start from the outside, we might find that it works better for everybody. One example in a project, we have two projects we funded, the first at MSU is looking at using a joystick for election, for manipulating a voting system. Joysticks turn out to work very well for people who have low dexterity but high force and people who have minimal movement and need low-force controls, but they're also very familiar to pretty much anyone who plays games and does a lot of other, drives a car, for example. So there's a place where we might look at something that sounds like an extreme for people with extreme needs but might prove to be a common system. Another example is work on making a ballot enclosure that could take any tablet, but wrap it in an accessible thing. We might think about meeting cognitive needs as another example. We know that information, election information can be baffling to many in our research, and we've certainly seen the need for plain language, but we can go further and think about how to make information work effectively for people with traumatic brain injury, with, people with [inaudible], and we might find that some of the things we learn there would make it easier for everyone to work and to learn and become more engaged even before election day. Finally, it's easy to see how the needs of overseas voters and flexibility could apply to many people. In one usability session, we met a woman who had advanced cancer. She said she'd like to vote in person, but she never knows from day to day whether it will be a good day for her or not. She actually was from the, it was from the election website thing. She reported going to her election website and learning about early voting there and discovering that she could go and vote, not just get a ballot by mail. So there's an example of someone who's not overseas, not military, doesn't meet the Census definition of someone with a disability, but who is nonetheless helped by those features. So in closing, innovation does not have to be dramatically disruptive. I urge you, the Commission, to consider an approach that combines best practice [inaudible] recommendations with ways to create opportunities for collaborative input from all. We can take good ideas and turn them into great elections. Thank you.

>> Thank you. Questions from the commissioners. Professor Persily.

>> Professor Persily: This is for Whitney Quesenberry. Just a quick question based on your discussion of iPads. Is it your view that the off-the-shelf types of technology are, all other things being equal, sort of better for people with disabilities than

those, the proprietary systems that are out there? Is that sort of, since you deal with a lot of different technologies.

>> Whitney Quesenberry: I think one of the challenges is that when we say off-the-shelf technology, we rub up against the digital divide issue, right. Voice over is only as good as whether you know how to use it. So I think some of the projects that we've been looking at at AVTI are how can we use off-the-shelf technology as an inexpensive platform for a ballot or ballot marking system that is designed so that it can be used by anyone, even if they're not very familiar with all technologies. I think assuming that someone knows a particular kind of technology is, we're a big country, and we have a lot of voters, and you have to think about meeting all of their needs. So I wouldn't just say let's give everybody an iPad, but I might say a commercial tablet could be an inexpensive platform.

>> Commissioner Patrick.

>> Commissioner Patrick: Thank you. This question is for our two professors. Very interesting information, and I'm wondering if in your studies if there was any consideration given to jurisdiction or review given to jurisdictions that were recently covered under Section 203 in the last Census determinations, and if so, if that had any impact versus a jurisdiction that's been covered for a long time and maybe either has established or should have established these procedures. And then the second question to that is did you notice any sort of distinction between jurisdictions that were previously covered under Section 5 of the Voting Rights Act or not.

>> Professor Michael Jones-Correa: So on the first part, the length of time covered under Section 203, there's some difference between counties that have, [inaudible] county has been covered under Section 203, the more likely it is to see this, both difference in implementation and difference in turnout and registration, but it's a relatively minor difference. So every ten years a county's covered, we see a two percent increase in both registration and turnout versus just being covered at all. Leads to much greater increases in turnout and registrations. So even if a county is very recently covered, you see these higher effects on turnout and registration. And whether it was covered under Section 5. I don't think we looked at that in this study. We did, I did look at this in a previous paper, not looking at implementation, but simply looking at effects on turnout and registration, and the effects are similar for both Section 203 and Section 5.

>> Professor Taeku Lee: Thank you for that [inaudible]. Thank you for that question. That's an excellent one to ask of the two communities, Professor Jones-Correa and I look at the advancing justice report that I include in my presentation is designed to look explicitly at whether or not there's a difference in the compliance gap between the newly determined covered jurisdictions post 2011. I know that the report finds some significant difference in these new jurisdictions. I can't speak with specificity to what they actually were. So if you go back to some of the slides in the handouts, you'll notice that part of what I presented was counties that seemed to do particularly well in terms of compliance with language accommodation and counties that seem to do quite poorly. So if you are limited English proficient, you, all things equal would want to be in Kings County, Washington, and you really wouldn't want to be, if you're a Bengal, you really wouldn't want to be in [Inaudible], Michigan. I'm happy to include more detail comparing the new determinations of coverage in the written paper that I submit to the Commission.

>> Commissioner Patrick: I think that it would be interesting to look at for those who are recently covered whether or not it improves over time, and because we have some that have already been covered, whether or not there is any distinguishing factors there because maybe we can identify some best practices in places like King County that do an excellent job of it. That can perhaps inform some of the other jurisdictions that are maybe getting this sort of coverage for the first time and are looking to receive some sort of instruction or assistance with that. So thank you.

>> Commissioner Mayes.

>> Commissioner Mayes: This is for the, excuse me, the professors. When you talk about voters that don't have English proficiency, do you know how much more difficult it is for jurisdictions to reach out to them using social media. Are they totally ignored when they go into that vein?

>> Professor Taeku Lee: That's also a great question. I actually don't know of a study that looks at that, although I would be surprised if there isn't one out there. What I do know from studies I am aware of, Asian Americans is any kind of outreach in advance of elections seems to do more than doing nothing, whether it's direct contact between elected officials or election officials with different community organizations, or I would infer through technologically based outreach efforts like social media, I think things that you do in advance of elections as I see it seem to have an effect in terms of reducing the language barrier -

>> Commissioner Mayes: Well, and the one thing that I'm focusing on now is we had a panel dealing with disasters. So that is not as much advanced planning. It's more sometimes in the moment. And so I'm even more introduce when there has been a hurricane or a power outage or whatever it is, whether those communities are being included in the social media outreach [inaudible].

>> Professor Taeku Lee: Yeah, I mean one of the other things that I would think would be a positive recommendation in terms of language access would be using social media on Election Day as a way of crowd sourcing where are the flash points. So sometimes as one of the other panelists said, a good election is a done election, and there's such a scramble to get to Election Day that precincts may not be aware of themselves of some of the problems that they see, and so there's a way of crowd sourcing where are the real gaps in terms of, you know, poll workers not wearing badges or things of that nature that have to do with language access. I think that would be another really good way of improving election administration.

>> Commissioner Mayes: And when they talk about Chinese, are we assuming it's Mandarin and not Cantonese?

>> Professor Taeku Lee: Well, part of what you're identifying is some of the gaps even in the existing data collection. So I can't tell from certain data sources whether those distinctions are made or not, or even for that matter in the current population survey, which is some of the best data that we have about voter registration and voting, there, if you ask somebody from CPS, they will say that there is some Asian language support, but there's no way of knowing what that language support is of the people that are interviewed in the CPS. And one of the things that we know as academics is the language in which you interview somebody, especially when they are disproportionately foreign born, makes a huge difference in terms of what kind of answers they will give you to the same set of questions.

>> Commissioner Mayes: Then I'm just going to shift gears and I quit. So, Ms. Quesenberry, I have just an observation rather than a question. You mentioned borrowing industry practices, and you mentioned one in particular which is the mobile van. Actually, two companies that I've worked for use mobile vans for their business. One is Colgate-Palmolive because they took the dental clinics around the country, depending on where they were based, and the second one is Allstate because when there were disasters depending on how bad the disaster is, you take the van to where the customers are. So.

>> Whitney Quesenberry: And New Jersey actually did a sort of variation on that because I know some of our polling places were actually mobile command center vans set up in front of the building that still didn't have power. So.

>> Commissioner McGeehan.

>> Commissioner McGeehan: This is a question that I think goes across both subjects, language accessibility and design and accessibility. And the question is when you are designing materials that, to cover more than one language, do you all have

recommendations as far as, I'm from Texas. For the longest amount of time, we used to have our voter registration application in English and in Spanish, and it was very busy. Sometimes difficult to read. So it was redesigned so that we have a Spanish form and an English form, but, of course, the risk there is that you may not have the Spanish form available as, you know, in local offices. Anyway, I'm wondering if you have a recommendation on a best practice as far as how to include all the required languages on all the required forms.

>> Professor Michael Jones-Correa: I, no. I do think that, you know, many of these forms are available now electronically as well as in, on paper format, and we were surprised in doing these site visits at how unaware some of the local registrars' offices were that there were alternative forms of access. So even if they didn't have the forms available in paper that there might be other ways of accessing the forms. It just seemed odd to us.

>> Professor Taeku Lee: I mean, I would just add to that I think a simple but important observation that translation is best done when it's not thought of as just being a one-way translation. So the worst-case scenario is one where you're just taking a set of text written in English, plug it into a Google Translator Bing, and expect. I mean, if you try traveling in Europe with Google Translate, you'll either wind up in jail or some other kind of [inaudible] situation. So in the survey world, which is mostly the work that I do to interview Asians in nine different languages, you have to start with an English questionnaire, translate that to different Asian languages, back translate that to English to see if it makes sense in English if you only give the translation to non-English speakers, and then go out and test it to see if it really works after you've done the translation, back translation. And then I think that would be a minimum standard in terms of translation.

>> In terms of designing the form, a ballot or a registration form, there is very little data about combining languages in one form. In other countries, they have separate forms, or in Canada, for example, if you fill out the customs form, when you enter the country, it's French on one side and English on the other side. They [inaudible]. That is not necessarily going to work here in our observations and usability tests. We see people using English plus one. So if they're native Spanish speakers, for example, they'll refer to both. This is very common to go back and forth, and part of it, I believe, is that the translation issue. Some concepts don't translate very well, and if you don't start out in plain English to begin with, getting to something that's understandable in another language is going to be pretty much impossible. There was a little bit of data from a study that the EAC sponsored that the Design for Democracy Project did in 2006 and 2007. That is part of the recommendations in this tome called "Effective Designs for the Administration of Federal Elections", and the recommendation there is two languages on the ballot, but there's really not a lot of data. This is a thing that I would like to spend a lot more time studying.

>> And I would echo that there's not a lot of data. When I served on the TDGC, one of the reasons why there's a requirement for voting systems that they be able to switch languages or switch user preferences at any time was from a study that watched people start out insisting that they were fine in English and get to the ballot questions and suddenly need to switch languages. We've seen in some medical research that side by side is very helpful when people are checking words. Does this really mean what I think it means? That to be able to be able to easily switch back and forth between languages can increase proficiency, but putting two languages or more on a form makes the design challenge a lot greater. Design for Democracy did some work in Chicago with putting Chinese and Spanish on the same ballot page as the English, but it does take not having too crowded a form and it takes designing it very carefully so that the weighing of the languages doesn't fight with each other.

>> Commissioner Patrick.

>> Commissioner Patrick: Had one more short question for the professors in regards to moving forward with Section 203 coverage, and I'm curious what your thoughts are on the change to the five-year determinations and the basis being within the ACS, and as

you're looking across the country, I know it changed dramatically some of the coverages. There were many jurisdictions that were certain that they were going to get coverage and then did not receive it. Many of them went ahead with their language programs anyway because they saw the need even though it was not identified being based on the ACS, and there were other places that lost coverage that they knew they still needed. So I'm curious what your take is on that, in moving forward if you think having it be a shorter period, every five years instead of every ten years, if that will potentially assist that group of voters.

>> Professor Michael Jones-Correa: I think the transition to the five-year redetermination based on the ACS is probably a positive step in part because the demographic changes that have been taking place over the last thirty years [inaudible] simply affect some areas much more rapidly than others, particularly in the last 10, 15 years in the South and Midwest. You've seen very rapidly changes in the immigrant populations faster than can be, than a ten-year adjustment would be able to help. I think it's all I want to say.

>> Professor Taeku Lee: Yeah. I would just agree that I think five is better than ten because of the rate of change. The one addition I would make is that ACS is a little bit of a double-edged sword in the sense that it's better able to document change as it is happening, but it is based on a sample-based approach rather than actual full counts. And so for a lot of Asian languages, sometimes you may get above the requisite threshold but not know it because sample-based approaches of counting are bad at getting to the extremes. So, you know, for some of the smaller Asian populations, they may actually need coverage in their jurisdiction, but you may not be able to assess that properly by looking at the ACS -

>> Commissioner Patrick: It seems as though we may be having a tradeoff between the nimbleness of the five year and the accuracy of a broader survey -

>> Professor Taeku Lee: That's right -

>> Commissioner Patrick: Thank you.

>> Chairman Bauer.

>> Chairman Bauer: We flaunt our non-partisanship here. Professor Jones-Correa, I just wanted to understand a little bit more about the [inaudible] and the nature of the research that you conducted in to the implementation problems in the counties that you studied. So in particular with reference to what you researched in the vein of host county ideology, I just have a few questions I want to make sure I understood. First of all, are you referring to ideology, or are you referring to partisanship? Is it by party or by point of view in some way that you are looking at the signals, and I'll get to the question of signals in a minute, the signals that go out to the populations in these counties, or to the, excuse me, to the local officials in these counties -

>> Professor Michael Jones-Correa: More correctly, it's partisanship, not ideology. So the measures we have are measures of party vote and party control of the state house and governorship -

>> Chairman Bauer: And do you have a sense that you mentioned state house control. Gubernatorial state house control, and, of course, the elections are administered on the local level -

>> Professor Michael Jones-Correa: Yes -

>> Chairman Bauer: Do you have comparable sort of analysis of what the partisan makeup is at the local levels where the signals that you refer to might have been received?

>> Professor Michael Jones-Correa: So the partisan difference in the presidential election vote is at the county level, but we don't have a measure of county-level elected officials.

>> Chairman Bauer: So the partisan makeup of the county level elected officials on the sort of signals receiving end is not established?

>> Professor Michael Jones-Correa: That's right -

>> Chairman Bauer: So you could have a Republican state house, but you could have Democratic local officials who are administering the elections?

>> Professor Michael Jones-Correa: That's correct, although we do have this measure of county-level vote. So the difference between a Democratic and a Republican vote at the county level, so presumably county is, has a very, is very Republican, then they're likely to have Republican elected officials, but they're, that might not always be the case -

>> Chairman Bauer: OK. And do you have research into what type of signals were, you're talking about that might affect the implementation at the local level? You refer to signals that might, it might result in this serving two-master syndrome -

>> Professor Michael Jones-Correa: Right. Now, this is really drawn from the literature in political science on bureaucracies and on principal agent theories. So the difficulties that elected officials have or, in this case, the federal agency, the Department of Justice would have in maintaining oversight over local agents, in this case, the county election officials. But I have to say that it is, that very end of the paper is somewhat speculative.

>> Chairman Bauer: On the [inaudible] point -

>> Professor Michael Jones-Correa: Yes -

>> Chairman Bauer: On, and then just last question that I wanted to raise. Is it, and you have to appreciate. I, my limitations in the matter of social science research are vast. So I just want to make sure I, I want to make sure I understand this. Is it, if you are seeing an effect like the one you described, is there any, how do you control for the possibility that if you have essentially limited party targeting of those populations and much lower political engagement by those populations, that that has the effect on, that the casual factors don't run, in fact, the other way.

>> Professor Michael Jones-Correa: Right. So some of those things, so the results are reported are the results for those variables holding the other variables and the models at their mean. So there are other variables that you're controlling for. So some of the other variables that we're controlling for in those models are Latino voter turnout, Latino registrations. So we're controlling for those variables so that we can see what the effect is of this difference between Republican and Democratic partisanship at the county level. So some of these things we can control for, but not everything. So there might be of some admitted variable which might help explain why we see some of this variation, and that's possible. So it, yeah, so there are limits to the social science research.

>> Chairman Bauer: Alright. OK. So, and do you look at, for example, differences between battleground [inaudible], are there, but there's battleground states versus non-battleground states and that sort of analysis.

>> Professor Michael Jones-Correa: I didn't in this model, but I could, and, again -

>> Chairman Bauer: Going into the question whether that has some impact -

>> Professor Michael Jones-Correa: It does, and so a lot of the research that I've done that has this control for battleground status, if you're a voter in a

battleground state, you are more likely to be contacted, for instance. You're more likely to turn out, and so it might be something to take into account -

>> Chairman Bauer: But it wasn't in this particular -

>> Professor Michael Jones-Correa: It wasn't in this particular -

>> Chairman Bauer: OK. Thank you very much.

>> Any other questions? Not, thank you all very much. We will take a short break, and then begin the public testimony in about, at a quarter of. We're moving up the schedule, which we recognize. So if everyone is not here who signed up when we begin, we'll come back at the end for that to include. Thank you.

[ Music ]

[ Music ]

>> If you could all take your seats, we'll be starting momentarily. Thanks.

[ Music ]

[ Inaudible Conversations ]

>> Good afternoon and thank you all for attending this particular public testimony part of the commissions proceeding. The way we would like to do this, because we do have a lot of people who want to testify, and a fairly tight time schedule is that we will be rigorously enforcing the time limits -- three minutes per person. At one minute you will see a yellow light, right down here, start to flash. Co-chairman Bower is in charge of the clock. And if I could, I'll read the order in which you all will be testifying, so that we can keep a fairly steady flow up. Jeanine English, Doug Hill, Paul O'Hanlon, Will Gonzalez, Stephanie Singer, Marian Schneider, Charlie Sullivan, Joe Ferraro, Ben Hovland, Susan Carty, Steve Richardson, Elizabeth Randol, Clyde Terry, Gerald Perece -- if I'm pronouncing that right, Anthony Williams, Jenn Bullock, Brandi Martindale, Alexander Gillette, Carla Olmo, Steven Johnson, Jonathan Brater, Dona Salberger, Kate Queue, Kyle Williamson, Numa St. Louis, Nelson Diaz, Kevin Soubly, Whitney May, and Seth Flaxman. If I have forgotten any of you who wish to testify, please see Mark down at the end and he can add you to the list. With that, Jeanine English -- AARP, welcome.

>> Jeanine English: Good afternoon. I'm Jeanine English, AARP President-elect, and on behalf of AARP, we appreciate the opportunity to share our views regarding the important work of this commission in addressing ways to improve the administration of elections, and promoting the democratic ideal of maximizing voter participation for all eligible voters. AARP is a non-profit, non-partisan organization with over 37 million members that helps people 50 plus have an independent life make independent choice and control in their lives that will be beneficial to them, affordable to them, and to society, as a whole. Congress passed the Help America Vote Act in 2002 requiring states to meet uniform standards in federal election technology and administration. AARP believes the act has been successful in promoting innovation and creative solutions to address the requirements for accessible voting and increasing voter participation. There are examples of successful vote by mail elections in Oregon, Washington, and Montana, and early in person voting in 32 states and the District of Columbia. We must build on these successes, rather than adopting new rules that discourage voting. A recent GAO survey found that states have also made progress in increasing the accessibility of polling places, but more needs to be done. We should restore period accessibility reports under the Elderly and Handicapped Act, especially since many states have reduced polling sites and our mandating centralizing voting, as we've heard this morning. In addition, AARP believes attention is needed to ensure that some 1.4 million residents of nursing facilities can exercise their right to vote. AARP supports additional experimentation with mobile polling and designating long-term care facilities as polling places.

Further, we need to eliminate voting barriers resulting imposing overly strict requirements on voters who move into or within jurisdictions. Imposing new burdensome ID and verification requirements for registration by mail, more frequent voter role purges that increase the likelihood of purging errors, excessive and restrictive third-party registration prohibitions that limit civic minded groups and individuals from assisting eligible people with registration process, and provisional ballot systems that make it unlikely that ballots cast will be counted. We also find that there are many requirements that hurt older voters who no longer drive and do not need driver's license. No longer travel and never needed a passport, or do not continue to need a passport. And even if they can receive new birth certificates when they lose their birth certificates, we find that that cost can be an additional \$200 or more. I see that I'm out of time. We have submitted our written testimony and I thank you for the work that you do and AARP will be there to work with the states and the other jurisdictions to make sure that everyone that's eligible to vote, can in fact vote. Thank you very much.

>> Thank you. Doug Hill.

>> Doug Hill: Good afternoon. I appreciate the opportunity to present our comments today. I'm Doug Hill, Executive Director of the County Commissioners Association of Pennsylvania. We are non-profit, non-partisan association that represents all of Pennsylvania's 67 counties, and as is the case in most states, our counties are the ones responsible for voter registration and for conduct of the elections. I want to -- I have submitted written comments for you. I'm obviously, not going to take time to read through that. Instead, I want to focus just on a few things that have been discussed today. I will echo Pennsylvania's experience with lines is really episodic. It's confined to individual polling places, and individual specific circumstances, and that often relates to voter registration issues, poll book issues, it can sometimes be failure of technology, and some of those kinds of things, but it really is very much episodic. Pennsylvania is helped by the fact that we spread our 8.7 million registered voters across 9,400 polling places, and so that the voter count at each place is relatively small. We also do not have initiative and referendum, so our ballots are a little bit more compact than you see in other states, although, on the other side of it, we make up for it in the number of elected officials. We have 2,700 municipalities, and you get the idea. We've been working steadfastly on improvements that many of the type that you've talked about already. Getting training and keeping poll worker is, by far and always, our biggest hurdle, but we're also doing a lot of work to upgrade technologies, share databases, develop better means to have communication with the polling places, so that we can address problems quickly and keep voter lines moving. We've also done a good bit in voter training, and that for both -- the last panel you had, Pennsylvania has a remarkably robust website -- votespa.com. It's maintained by the state, but advertised heavily by the state and our counties during each of -- each part of the election cycle, and then voters can find virtually everything they need there, clear down to videos on how to use the equipment that their particular county employs. We do have impediments to further reform. Constitutional, for example, we can't do no excuse absentees. We have statutory issues that limit our deployment of equipment from polling place to polling place. Pennsylvania is a hugely parochial state, and 9,400 polling places is very -- it becomes very difficult to talk about things like voting centers and, of course, voting centers and early voting have fiscal and practical limitations, not the least of which is a court system that always likes to wait until the absolute last minute to finally certify the names on the ballot. A few suggestions that I want to throw your way on things that we've not heard you talk about yet. You did talk about tools for management, and resources, and lines. Another tool we could use is means to compare equipment and practices beyond just certification. Certification certainly tells us whether equipment is appropriate, but it isn't the kind of peer review that lets us know, does this work better, is this other type better accepted by the voters. Another issue we hear regularly from our counties is time to implement. Anytime there's a legislative change, or a regulatory change, quite often it comes far too close to the time for conduct of the election and it makes it remarkably difficult for us to put systems in place, then in turn to train the poll workers and the voters. So, I do appreciate the...

>> I'm sorry would you mind summarizing...

>> Doug Hill: And that's what I was just about to do. I do appreciate the opportunity to appear before you today, and we'll be happy to answer questions, and we look forward to your report and to furnishing additional information. Thank you very much.

>> Thank you. Paul O'Hanlon.

>> Paul O'Hanlon: Good afternoon. My name's Paul O'Hanlon. I'm an attorney and voting rights specialist with the Disability Rights Network of Pennsylvania. We're the -- our state's protection and advocacy organization, and like a speaker in the panel before, one of the things I want to emphasize is when we're making election policy for all, we need to consider people at the extremes, and particularly, in every jurisdiction we have people with disabilities, some of whom are in, what I would describe as, difficult circumstances. And so, when you're talking about voter ID laws, when you're talking about long lines, when you're talking about Election Day challenges, people with disabilities in difficult circumstances, I think, have to be on our mind. I'm concerned, for example, around Election Day challenges most precincts aren't equipped to deal with voters who are deaf, who require sign language interpreters, we have voters who have difficulty with expressing or receiving information. There are things that we really need to look at, otherwise, people with disabilities are left defending their rights in a circumstance where there's just inadequate procedural safeguards and that's just not right. The process of voter registration is critical in the voting process. Most states, if you're not registered to vote, you're vote won't be counted on Election Day, and therefore, we really need to start with voter registration and emphasizing that. United States, unfortunately, is in the low category of doing much to assist people to register to vote, essentially, it's your burden to register to vote, and as you can imagine, people with disabilities have a harder time. People in facilities, people in nursing homes -- it's not like you're just going to go to your local library and register to vote, sometimes, it requires people to be provided with assistance. The National Voter Registration Act, one would think, which requires all state funded disability service organizations to offer regular registration opportunities, would solve that, but if you read the bi-annual report to Congress, as I do, all the states, unfortunately, are bordering between pathetic, and what I would say, is criminally negligent when you look at disability agency registrations. My state, Pennsylvania, I've been tracking for the last six years, we have never had a year with more than 1,000 registrations by disability agencies, even though the law says with each interaction, each application for service, change of address, recertification of eligibility to be offered, and yet we don't see anything that really suggests that's being done. I've been saying that if this was done, we would see more registrations. In last year's report, I just want to point out that we have a county -- Mercer County, 100,000 people -- they registered 65 people with disabilities. Not exactly earth shattering, but if the rest of Pennsylvania registered at that rate, we would have over 7,000 registrations. Instead, we have 800, so this is a big problem. Thank you for your time. Appreciate. Thank you.

>> Thank you, Mr. O'Hanlon. Will Gonzalez. He's here -- perhaps not. Stephanie Singer, Commissioner.

>> Stephanie Singer: Good afternoon. My name is Stephanie Singer. I'm here to represent the 1.1 million registered voters in Philadelphia, who elected me to represent them on our three person board of elections here in Philadelphia, known as the City Commissioners. So, on behalf of my fellow city commissioners and my fellow elected officials in Philadelphia and on behalf of the people of Philadelphia, I'd like to welcome the Presidential Commission on Election Administration to the birthplace of American Democracy. I also represent the Committee on Election Reform on the County Commissioners Association of Pennsylvania -- you already heard from Doug Hill. We are a state-wide group of about a dozen elected officials and election administrators working together to improve election policy in the commonwealth, and I have the honor of being the democratic co-chair of that committee. So -- and I'm an active member of the National Election Verification Network, which is where I first heard about Tammy Patrick's terrific work in Maricopa County, and I think that our

President did a great job of selecting people for this panel. So as we heard on the panels today, election administration is an essentially local business and the states make the laws, within the states the individual counties create the procedures, and at the polling places the poll workers carry out the procedures. So, -- and our election administration is only as good as the people who carry it out. So, first of all, it's really great to see such a strong presence of election officials on the panel, on the commission, on also on the panels that have addressed you, and as you craft recommendations, please keep in mind that for any kind of election reform to succeed long-term, election officials have to be part of the process at the table from beginning to end. And -- so my first recommendation is that you include election officials, and not just the election officials who get quoted on TV, not just the best and the brightest who have done the most interesting work, but you really need everybody. States are different, within a state, regions are different, ballots are different, everything is different in different localities, and you'll want to hear from everybody. My second recommendation is to honor the poll workers. Now, one way to honor them would be to pay them fairly for the work that they do, and I recommend that. That's not something that you can probably do at the federal level, but at the federal level, you could do some work to honor poll workers. We could have a poll worker appreciation day, the President could invite the 50 longest serving poll workers to the White House, something like that. If it's visible, and it's fun, and it's celebratory, that would make a difference. So, those are my two recommendations. Keep election officials in the loop in all parts of the process, and honor the poll workers. Thank you. Thank you. Marian Schneider.

>> Marian Schneider: Good afternoon, Co-Chairman Ginsberg, Co-Chairman Bower, and commission members. My name is Marian Schneider and I'm an attorney with Advancement Project. I'm Advancement Project's Pennsylvania lawyer, and I live, practice law, and vote in Pennsylvania. Advancement Project is a multi-racial, national, non-partisan, civil rights organization. We work on the ground and advocate to remove barriers to voting for voters of color. We've been in Pennsylvania since 2004. In 2012, I was co-counsel in Applewhite against the Commonwealth, the suite to have Pennsylvania's restrictive voter ID law declared unconstitutional. I was also co-counsel in Golden English against Chester County, which is a suit that alleged that Chester County violated Section two of the Voting Rights Act by refusing to move an inadequately sized polling place to more spacious quarters on the Lincoln University Campus. As a result of that refusal, voters waited six to eight hours to vote, mostly African-American voters and some were denied the right to vote, outright, and this is exactly what we talked about earlier today, where inadequate polling place resources, result in the denial of the right to vote. We have submitted to the commission written public comments. We describe in detail the problems that afflicted Pennsylvania voters in the 2012 election, and recommend fixes for those problems. Those problems address topics one, two, four, and seven through 10 of the commission's topics that they are charged with considering. For example, one of the recommendations we make is Election Day or same day voter registration, because that cures numerous ills, including eliminating or reducing provisional ballots altogether, and allowing voters to vote who have not registered in advance of Election Day. Similarly, we recommend in person early voting, just as was discussed earlier today by some of the members of the other panels, because they also cure a variety of the problems that Pennsylvania voters experienced in November 2012. We -- just -- I can't summarize my testimony so I leave it to you for review, but just to say that we have to fix these problems, because those of us who have been working on the ground on behalf of voters, see these problems recur time and time again. Fixing these problems is going to require bold action on the part of the election administrators and the government, but it's essential that we fix these problems, because when we exclude classes of voters from voting, then we don't have a true democracy, because not everybody gets to participate. Thank you for giving me the time to speak today. Thank you and we appreciate your written testimony. Mikia Moore.

>> Mickia Moore: Good afternoon. My name's Mickia Moore and I'm from Upper Darby, Pennsylvania, Delaware County. I wish I had a nice title like the other people who came up here, but I'm just a voter, and I wanted to give you an idea of what happened to me on Election Day, November 6, 2012. I proceeded to my local polling place to cast my vote for the next president. When I arrived, I was asked to show my driver's

license, which I did. After it was verified, I was asked to sign in on the ledger, I did so. Unfortunately, the polling workers decided that my current signature did not match the signature that they have on file. I was instructed to cast a provisional ballot. This was unsatisfactory to me, because I didn't feel as though that would be counted joint at election. After insisting on knowing what my alternative was, I was instructed to appear in front of a judge at the Media Courthouse to prove my identity. On my way to the courthouse, I called to see if I needed any additional documentation, like a birth certificate, or something to that nature. During the call, I was informed that it was not necessary for me to come, all I needed to do was have a registered voter signing an affidavit stating that I am indeed who I am and I did. I had one of my neighbors come and sign the affidavit stating that I am who I am. The Judge of Election questioned how I received this knowledge and called the Media Courthouse to verify that I spoke to one of their employees, but still was not allowed to vote at the voting machine. Through a friend, I was given a number to the Committee of 70, who sent two lawyers to fight on my behalf. After discussing with the Judge of Election, I was told that I was violated in my right, but in the end the Judge of Election has the final say, so I should cast the provisional ballot, rather than voting in the machine that day. Again, that wasn't satisfactory to me. At this point, I took matters into my own hand and contacted Channel Six News and asked if they would be interested in my situation. They sent a camera crew, and that's how I was finally allowed to vote that day. I hope that my story gives you an idea of what's going on at the voting place on Election Day, and hopefully you'll be able to do something to change it next time. Thank you.

>> Thank you.

[ Applause ]

>> Charlie Sullivan.

>> Charlie Sullivan: Sir Co-Chairs, commission members, my name is Charlie Sullivan and I direct a national prison reform organization called CURE, a criminal justice reform, but I'd like to talk to you today about absentee voting by voters who are incarcerated in jails. For the last 10 years I have been working with the Board of Elections and the Department of Corrections in Washington, D.C. to facilitate voting by eligible citizens confined in Washington's two jails. Although the common perception is that people in jail cannot vote, this is not true. Citizens serving misdemeanors and those awaiting trial, can vote absentee. I would like to explain the two steps of registering and absentee voting that are done today in D.C. jails. This, I think, could be a model for the other 3,300 jails in the country. Please understand that I'm not talking about prisons, where people serve felony convictions. Only two states -- Maine and Vermont, allow their state prisoners the opportunity to vote. So I'm talking about jails. Step one -- registering. The mayor and city council of D.C. passed legislation in 2009 that made the D.C. Department of Corrections, "a voter registration agency." As all of you probably know, under Section seven of the National Voter Registration Act, D.C., and all other cities, can designate agencies as voter registration agencies. These VRA's must distribute mail voter registration application forms, give assistance to applicants in completing voter registration forms, and accept completed voter registration forms for transmittal to the Elections Board. Thus, all eligible citizens being processed in the D.C. jails today are given an opportunity to register to vote. Step two -- absentee voting. If a registered voter expects to be in custody on Election Day, he or she must request an absentee ballot by filling out a form that the jails will provide. These filled out requested absentee ballot forms will then be picked up by a D.C. Board of Elections official and hand delivered to the Election Board for processing. Then, within one week of Election Day, Board of Election officials will hand deliver the absentee ballots to those in the jails who requested them. They will also be available to provide assistance, if needed. Then, a board official will collect the completed absentee ballots and bring them back to the Board of Elections. Let me end by saying that we do have a handout that the D.C. Board of Elections -- you have that in your pack -- your statement, that actually gives out two people eligible to vote, and I think it's very comprehensive. Pretty much goes exactly what I said. So again, thank you and appreciate.

>> Thank you very much. Joe Ferraro.

>> Joe Ferraro: Good afternoon and welcome to Philadelphia. Thanks for coming. It is truly appreciated. My name is Joe Ferraro. I blog is the -- under the name Joe the Nerd -- various places. Yes, it's kind of a joke. My degree is in mathematics from Temple University, right up the road. I majored in math and -- with a focus on cryptography and computer science. My entire career right now is dedicated upon -- predicated on the idea that machines break. Just this week the U.S. Marines website was hacked into by, I guess, Saudi nationals, or whatever. Earlier this year, it was revealed in May that ATMs were hacked into by evil hackers to the tune of 45 million. Now, if you think about all the money and resources that are put into the security of our defense department, as well as our financial systems, it's amazing that that ATM heist actually started in December and wasn't revealed until December -- or in December, revealed in May. So, you take a look at the discussion that we've had on the machines today. A lot of it was about the lock point of the technology. We've fallen into love of technology for the sake of technology. And I love technology, I've been in it since the mid to late '70s I've worked in technology. I've probably -- programs I've written have probably calculated your paychecks. I work for a place called Vertex that does payroll systems. The lines, and the time, the cost are all tech dependent. What we need to do is actually get rid of the machines. We can go to paper, but we can merge technology into it. If we remove the voting process -- the machines from the voting process, basically, you walk in, you get verified -- we use technology whether it's a voter ID card or driver's license, or whatever, but we know who you are. Once we hand you a ballot, we send you over to privacy kiosks that can be flexible. You can have 100 kiosks in a place so you can have the 5,000 people in the one Virginia precinct, they can all vote and we're not sitting there waiting for a stall at half-time at a basketball game, waiting to use the voting stall. We can just fill it out, relax, we don't have a two-minute warning for someone to be pulled out of the voting kiosk to say you're done voting. We can take our time, we can make intelligent votes. I -- we can replace this with a small network, maybe one or two network machines with a scanning printer that can be hooked up to the -- optical printer that's hooked up directly to the county, and then this way if we need a exotic language we can print down a key for the exotic language that was explained earlier. If someone is Hindu, we can get a key for the ballot, they can put in oh, E27 is what I want. I can pop in E27 on the English ballot and I'm good to go. I'm over time. I've written a lot about this on a Patch article back in May under the name Joe the Nerd Ferraro on the Norristown Patch . And, pens do work, paper still works and I hope you have a great day. Bye.

>> Thank you. Susan Carty. I did skip a name. My fault. Go ahead. We'll get Mr. Hovland next. I apologize.

>> Susan Carty: Okay. I'm Susan Carty and I'm the president of the Legal Women Voters for Pennsylvania and we would be so proud of you. I'll tell them that you're using the colored lights. That's how we run our debates. Keep it on time. I've passed out a map to you, which is not in my little conversation, it's just for informational purposes, but it's a map that indicates all the counties of Pennsylvania. The ones that have no PennDOT office, there's nine counties, I believe, that have no PennDOT. And then, a certain number of counties only have one day access, others counties have two day access, and when you see the colors on the map, you will see the volume of the state that it having difficulty even getting a photo ID. I'm going to calculate the square miles and the population, not today though. So again, I'm Susan Carty and I'm so grateful for you to have us here today. The league is a 93-year old organization that has worked tirelessly to ensure all voters have equal opportunity, and equal access, and a barrier-free voting. We meet here today in Philadelphia, proudly referred to as the birthplace of the American democracy. Holding this esteemed and profound place in history, we in Pennsylvania urge you to support model best practices for election systems, not only nationally, but globally. As you know, the question of government photo ID in order to vote, is controversial here in Pennsylvania. With our courts still considering whether the legislative adopted requirements are acceptable according to our Constitution. Whatever one's views on I.D. requirements, it is abundantly clear from the Pennsylvania experience that such

requirements do not make the administration of elections any easier -- at least they add confusion and expense to our election system. The league does support moves to secure online voter registration systems and offers more accessible, efficient and economical registration opportunities to the voters, including portable state-wide voter registration. We continue to strongly recommend the extension of election hours and early voting. Money saved could be better used -- or spent by making all polling places accessible, upgrading and replacing aging voting equipment and buying electronic poll books. I'm going to skip, because we're running out of time here. We support education designed with the intent to expand understanding of the voting process, education that provides clarity in procedures, and education that encourages all voters to actively pursue their fundamental right to vote. We have seen it all. We have seen it all. We have hotline numbers in Philadelphia, Pittsburgh. We hear everything you've heard today and more, and it's not all solved, and it continues. Clearly, we need improvements in our election system, and we welcome your interest in our views and hope for reform. Thank you so much.

>> Thank you. Ben Hovland. Sorry I messed up the order there.

>> Ben Hovland: Good afternoon members of the commission. My name is Ben Hovland and I'm the senior council for the Fair Elections Legal Network. A national non-partisan voting rights organization dedicated to removing barriers to registration and voting for traditionally underrepresented constituencies and improving overall election administration. I believe there is no area of election administration that can make a more significant and immediate impact on the voting experience of Americans than poll workers. This is a topic that individuals outside of the elections world rarely think about. For the commissioners who are here for their expertise in customer service and lines from outside the elections world, I'd like to paraphrase former Missouri Secretary of State Robin Carnahan who often helps people understand the complexity of Election Day by asking individuals to imagine that they run a business. This is not an ordinary business, but rather one that is open for, basically, one day every other year. On that day, you have millions of customers who may or may not show up. On top of that, your frontline employees, who are supposed to take care of all these customers, are basically, volunteers who you are asking to work a 14 to 16 hour shift. Essentially, we ask poll workers to perform an amazing task. Furthermore, that task has become more difficult in recent years. The Help America Vote Act introduced many needed reforms to our elections, but in doing so added new forms, new procedures and new technology to polling places across the country. Since 2008, there have also been numerous changes in election laws at the state level. Many of these changes have led to court challenges and election laws that are continually in flux. These changes, as we have seen here in Pennsylvania and many other states, lead not only to voter confusion, but poll worker confusion. For the past several months I've been speaking with election officials around the country about the tools they have created to simplify poll worker training or Election Day reference materials. If a poll worker has a long line of voters standing in front of them, they do not want to flip through a 150-page manual in search of the answer. I've seen numerous examples of checklists, duty cards, cheat sheets, frequently asked questions, and other innovative ideas that help reduce Election Day stress on poll workers. The Fair Elections Legal Network hopes to submit a finalized report from this project to the commission in the coming weeks. However, I'm here today to ask the commission to focus on the important of simplifying the poll worker experience by promoting the great ideas and innovative materials being created by local election officials. The commission can help increase communication and information sharing between jurisdictions. While there are numerous election official organizations, my conversations have shown that more can be done to increase the sharing of best practices from jurisdiction to jurisdiction and state to state. Finally, I'd like to thank the commission for this opportunity to share my observations and look forward to reading your final report and recommendations. If I can provide any additional information or be of help in any way, please do not hesitate to contact me. Thank you for your service.

>> Thank you and we look forward to your submission. Steve Richardson.

>> Steve Richardson: Hello, I'm Steve Richardson and with me is Greg Moohn. We're here from Virginia and testifying on behalf of independent voters in Virginia and our national affiliate IndependentVoting.org. We're here not to talk about barriers to casting ballots, but rather barriers to participation in elections. Every voter should have full access to the democratic process, and unfortunately, our system is not delivering that. We do not want to minimize the importance of sound administration, however, barely half of all those eligible bother to vote, even in a presidential election, and almost 40% of them decline to associate with either of the parties that control elections. The real problem is that voters don't think their vote will count, even if it's counted. Most folks don't matter because the system reflects partisan preferences that constrains voter choice. For example, even in Virginia where we do not register by party, major parties enjoy advantages built into the process. Primary elections for major party candidates are publicly funded, but anyone voting in the primary must choose one of the two major party ballots. Virginia primary is considered open, but our elected officials have demonstrated that they have no intention of allowing non-partisans to fully participate. In 2008, and again in 2012, the Republicans, clearly concerned about Ron Paul's challenges to the parties' favorites for the presidential nomination, announced voters would have to sign a loyalty oath to receive a primary ballot. This unenforceable and unconstitutional oath -- a pledge to support the nominee in general election, was supposed to prevent others from crashing the primary, but in both cases, it was withdrawn within days due to backlash from members of their own party. This year, in which we're electing a new governor, the Republicans opted to nominate their candidate by convention foregoing a primary election, because they were afraid the Lieutenant Governor -- a moderate, might beat the Attorney General in an election open to all voters. A truly democratic system would encourage maximum participation, but closed primaries do just the opposite. Therefore, we encourage you to recommend to the President an extension and expansion of your charter to include systemic issues that limit participation in the democratic process. We look forward to your final report and hope to see you in another round of hearings that explore these issues in greater detail. Thank you. Thank you. Elizabeth Randol.

>> Elizabeth Randol: Good afternoon and thank you for this opportunity. Get my lights on. Okay. I'm Elizabeth Randol, Common Cause Pennsylvania's elections modernization campaign manager. Common Cause Pennsylvania is a chapter of Common Cause, a non-partisan organization with over 400,000 members and supporters throughout the country. Citizens working to build free and fair elections and open, honest, and accountable government. In recent presidential election cycles, Common Cause Pennsylvania has assembled teams of poll monitors to watch election proceedings around the state. In the 2012 general election, we had over 250 poll monitors observing the election and helping voters in over 100 precincts in almost every region outside of Philadelphia. Common Cause Pennsylvania partnered with a large statewide coalition of election protection organization to address problems on Election Day, including the Lawyers Committee for Civil Rights Under Law that maintains a database of Election Day problems experienced by voters nationally via their 866-OUR-VOTE hotline and/or the ourvotelive.org website. In the 2012 general election, Pennsylvania generated the second largest number of citizen inquiries and complaints, after California, with over 9,000 calls. Our findings from the 2012 general election were numerous, however, for the purposes of this testimony today, we are focusing on the single largest problem we experienced on Election Day -- poll books that were missing large numbers of legitimately registered voters. A written testimony includes more details, but some of the problems we documents were the following: new voters who had registered, which included both first-time voters and voters who were voting for the first time in their district, who were not listed on the poll books. Some voters who had lived and voted in their district for many years were no longer listed on the poll books. Several voters who brought their attention -- oh, I'm sorry, who brought their registration cards to the polls and discovered then that they were not listed in the poll books were not offered provisional ballots, required by law. And in some polling locations, language barriers exacerbated confusion regarding poll books, and often those voters were not given provisional ballots. The quick recommendations in the testimony are online voter registration, same day registration, and establishing uniform national standards for purging voter rolls, no excuse absentee ballot voting, and early voting, and making

sure that poll workers are equipped with better communications so that they can check for polling locations and to confirm registrations. Thank you very much.

>> Thank you. Clyde Terry.

>> Clyde Terry: Could you give me an audio signal with about 20 seconds to go...

>> Sure.

>> Clyde Terry: ...since I can't see your light. Thank you very much. Mr. Chairman, commission members, my name is Clyde Terry and I'm here today on behalf of the National Council on Disability. The National Council on Disability is a council of 15 members appointed by the President to advise the President and U.S. Congress and other federal agencies on policies that affect individuals with disabilities, some 56 million strong across the country. We've already submitted a testimony to the staff of your commission electronically, and I will try to summarize, since time is short. We have been engaged in a process of reviewing the implementation of Help America Vote Act. It's, sort of, after 10 years of its implementation and in October we'll be releasing our reports summarizing our findings of both its success, as well as, work yet to be done. In essence, some of our findings however, just in short, are the three important facts. First off, we encourage that your report mirror ours to ensure that the accessibility provisions contain and Help America Vote are indeed implemented across the country. Our second recommendation will be to assure that voting equipment excel -- itself is applied universally -- virtually to all voters, so that individuals with disabilities can have the same rights to vote privately and independently as all other voters. And our third recommendation is that polling officials should be trained, both in how to use that equipment, set it up, maintain it, as well as, sort of, disability etiquette and awareness, so that individuals with disabilities can feel welcome and involved in a political process. And justification for these recommendations contained in our report are essentially this, GAR reported in a 2008 election that only -- that 27% of the polling places, in its survey, were accessible according to the provisions of the ADA and HAVA. We have no reason to believe in the four years between 2008 and 2012, that anything remarkably have changed, so many polling places continue to be inaccessible to persons with disabilities. This is further supported by the federal Election Commission, by its own statement indicating that 20,000 polling places, from their best guess, are in -- are not accessible to persons with disabilities. Rutgers University did a study in the last election where the participation rate for persons with disabilities was 12.5% less than the general population. Those researchers concluded that one of the reasons of that is that polling places, simply, were not accessible and applied perception that persons with disabilities are not welcome to participate in our electoral process.

>> Just so you know, Mr. Terry that we're running out of time.

>> Clyde Terry: Got it. Thank you.

>> Thank you very much.

>> Clyde Terry: Thank you very much. In essence, I just want to recon you that when we start talking about people with disabilities, we're not talking about someone down the street, a neighbor, or someone that you don't know. We're talking about all Americans. We're talking about, you know, one in five adults between the ages of 18 and 64, and one in two over the age of 65, whether it's accident, illness, war, or genetics, we all are a part of this community and if you're commissioning to help find the electoral process available to people with disabilities, you're making it available to all. Thank you very much for your service.

>> Thank you, Mr. Terry. Jennifer Mathis.

>> Jennifer Mathis: Good afternoon. Thank you for the opportunity to testify. I am Jennifer Mathis, the director of programs at the Bazelon Center for Mental Health Law, which is a D.C. based national non-profit organization that advances the rights

of people with disabilities, specifically people with mental disabilities, promotes equal opportunity in all aspects of life, including voting. Consistent with the commission's direction to identify best practices and make recommendations to improve the experiences of voters facing obstacles in casting their ballots, including voters with disabilities, we urge the commission to make several recommendations concerning the voters with mental disabilities, as follows. First, the commission should recommend that states examine their voter qualification requirements and take steps to bring those into compliance with federal law. The voting rights act require that any test on determining whether someone is qualified to vote, including based on competency standards, must be applied to all voters equally, and currently this requirement is violated in many states in practice, as well as, by law. For example, many states apply different rules to individuals under guardianship than to others, placing significantly higher burdens on them to demonstrate the capacity to vote. These individuals are often asked a variety of questions that individuals without disabilities are not required to answer, in order to vote. In some states, individuals under guardianship are presumed incompetent to vote and barred from voting all together, regardless of whether they in fact have the capacity to vote. In many states, as a matter of practice rather than law, service workers -- service providers, poll workers, and/or election officials have frequently required individuals with disabilities that live in congregate care settings, such as nursing homes and group homes, to take tests or answer questions that are not required of other voters, or have simply prevented these individuals from voting, or refused to count their ballots. The commission should identify as having best practices states that either do not impose a voter competence requirement -- and there are 11 of those, or states that have voter competence requirement that is applied to all voters, rather than just voters with disabilities, or voters under guardianship, or number three, states that have a voter competence requirement that is tailored to impose no greater burden on individuals with disabilities than on individuals without disabilities. I think Maryland and Nevada have adopted a standard that does that and I've gone through those in our written testimony. And finally, would recommend that the commission -- or would urge the commission to recommend that poll workers, election officials, and disability service providers be trained concerning three topics -- federal and state law requirements concerning voter competence; two, types of voter assistance that are and are not permitted under federal law; and three, other types of reasonable modifications required by the ADA and the Rehabilitation Act. Including for example, helping residents of nursing homes and other service settings register, get to the polling place, apply for incomplete and absentee ballot if the resident chooses to vote by absentee ballot, and explore mobile polling, as well. And I will [background talking] submit the rest of my testimony in writing. Thank you.

>> Thank you very much. Karen Bojar.

>> Karen Bojar: I wasn't expecting to be called so soon. My name is Karen Bojar, and I am representing the National -- the Philadelphia chapter of the National Organization for Women -- Philadelphia NOW. The Philadelphia chapter of NOW is committed to making voting easier in Philadelphia -- in Pennsylvania. This is especially important if we are to increase participation in non-presidential year elections. If the people who came out in November 2012 had come out in 2010, we'd have a very different Congress, and in Pennsylvania, a different state legislature with major consequences for redistricting. People may be willing -- or at least some people, may be willing to wait in line for hours to vote for the president, but this generally does not carry over to down ballot races, such as state legislature. Although, making voting easier impacts both men and women, in a sense, this is a woman's issue, as women are the ones most likely to be juggling work and family and thus having trouble getting to the polls, especially when their work place is far from their home, or as increasingly the case, they are also juggling several part time jobs. Long lines disenfranchise voters who simply can't take off more time from their jobs and have to leave the polls before casting a vote. This is a far greater threat to our democracy than in-person voter fraud, which non-partisan analysis have generally found to be extremely rare. Charles Stewart, a political science at MIT, found that the impact of lines is more likely to disenfranchise blacks and Hispanics who waited an average of 20.2 minutes, compared with 12.7 minutes for whites. The

research about early voting is at this point inconclusive, but as more states move in this direction, we should have a better understanding of the impact. Much of the research was conducted in the early days of early voting and probably does not reflect the current political landscape. Burden and Myer, professors of political science at the University of Wisconsin, found that early voting is most likely to increase turnout when combined with same-day registration. But even if it does not increase turnout, making it easier for citizens to vote and taking the pressure off Election Day has got to be a good thing in itself. Another byproduct -- well, can I finish this sentence?

>> Please finish the sentence.

>> Karen Bojar: Of giving voters more flexibility may be that voters will be under less pressure and more likely to spend time on down ballot races frequently ignored by voters. Thank you very much...

>> Thank you.

>> Karen Bojar: ...for giving me this opportunity. Thank you.

>> Gerald Perese.

>> Not here. Jenn Bullock.

>> Jenn Bullock: Good afternoon members of the commission. Welcome to our nation's first capital and the city of brotherly love. I'm Jennifer Bullock, founder and director of Independent Pennsylvanians, which is a statewide activist group committed to strengthening the power and voice of independence. We are the state affiliate of the largest national activist hub for independence, IndependentVoting.org. Independents make up 13% of the electorate in Pennsylvania and represent 40% of the electoral nationally. Thank you so much for this opportunity to speak directly to you about issues of election and voting access that are very important to me, and I think very important for the health of our democracy. A colleague of mine a few months ago, who is very committed environmental activist, he came to me with a very impassioned and heartfelt request. He wanted me to vote for a particular candidate in the primary who has a very good record on environmentalism. I liked the candidate and consider myself a good environmentalist, but unfortunately I had to decline his request. This is because, along with over the 1 million PA voters who are registered outside of the two major parties, I am barred in Pennsylvania from voting in the primaries, which serves as the very important first round of elections, as we all know. Pennsylvania is one of 17 states whose primaries are closed. This is fundamentally undemocratic. And to add salt to the wound on our democracy, I am barred from a voting process that I help to pay for as a tax payer. This, and many examples, we can share regarding the hyper partisan control over redistricting, poll management, ballot access -- to name a few, is what we ordinary citizens want and need to change. Power to the people, not the parties is not just a slogan, but an important dialogue that needs to be addressed with seriousness and rigor. This includes a truly non-partisan view of our voting process that, with all due respect, goes beyond, all be it very important, issues such as accurate vote -- vote counting and user friendliness of polling and voting mechanisms, and goes to the heart of free and fair elections. On behalf of the over 1 million Independents in Pennsylvania and 40% nationally, I invite the commission to a more -- to more fully explore what it means that every voter counts, as well as making sure every vote is counted. Thank you so much.

>> Thank you. Is Anthony Williams here? Brandi Martindale.

>> Brandi Martindale: Hello and thank you for holding this hearing, and thank you for serving on the commission, and thank you for affording us the opportunity to weigh-in on our democratic process. I'm Brandi Martindale. I'm a recent graduate of Columbia University Teachers College, from the Master's Program in Organizational Social Psychology. The President's Commission on Election Administration has come together to address several problematic narratives that plague the American election system. There's the narrative of the disabled, who can't reach the polling place. That of the

soldier, who is overseas during the elections, and that of the understaffed polling place, which cannot keep up with the volume of voters. These and many others are being considered by the commission. However, one narrative is being ignored, that of over 13 million Americans. The narrative of closed primary processes. In 19 states, closed primaries lock out over 22% of their electorate through political party control. Nationally, this number accounts for just over 7% of the total electorate. 13,193,753 Americans have no say in who they choose from in the general election, because political parties closed the primary process. Primary elections are paid for partly with Independent voter's tax dollars, yet these voters are excluded because they do not wish to register into a political party. This mechanism forces voters to join political parties they do not support in an effort to retain their right to vote. Over 40% of Americans now identify as Independent. This suggests that in states with 22% unaffiliated voters, another 20% have registered into political parties just to retain their right to vote in primary elections. This phenomena may cause political leaders to feel a false sense of support on party issues, because leaders look at registration numbers and assume members join the political party because they support their stance on issues. Leaders may not realize they are failing to represent the will of their constituents. But they are. Polls across America suggest our nation's leaders are lagging behind the American public on a number of social issues. To move forward, America needs the overtone window to shift. We need our leaders to catch up, and forcing people to join a political party to retain their right to vote is stifling the message that America wants change. I understand the reasoning behind party primaries; I understand why they were developed and what their intentions were, but the truth remains: a mechanism which denies otherwise qualified voters from casting their ballot is an unacceptable means to an end. I implore the committee to include these numbers and to include this structural barrier into their research. To ignore this narrative is to ignore the injustice forced upon 13,193,753 Americans, and is a blatant abdication of democracy. Thank you.

>> Thank you. Alexander Gillett.

>> Alexander Gillett: Good afternoon, members of the commission. I'm Alexander Gillett, chair of the Green Party of Philadelphia. I would like to talk about ballot access as an element of the right to vote. The right to vote doesn't mean anything if the voters don't have the opportunity to vote for the candidates they want. That happens because those candidates can't get on the ballot. Thousands of Pennsylvanians have registered as Greens, Libertarians, and Independents, yet it is very difficult for third-party candidates and Independents to get on the ballot on Pennsylvania. A third party like the Green Party must submit nominating petitions containing the signatures of currently-registered Pennsylvania voters equal to at least 2% of the highest total vote of the statewide candidate in the last election. For 2014, that means that the Green Party would have to collect 62,511 signatures to get a candidate on the ballot, versus 2,000 for the Democrats and the Republicans. The signatures on nominating petitions must be identical in all respects to the information on the voter's registration card on file in the voter's county. If somebody used a middle initial on the voter registration form but fails to print and sign that initial on the nominating petition form, the signature is invalidated. There are many more technical requirements to the correctness of the petition. Once the petitions are filed, they're subject to being challenged by other Pennsylvanians. In 2004 and 2006, the candidates lost petition challenges on all these variety of technicalities, and in addition to that, they were assessed costs in excess of \$75,000 to be paid to the challengers. Assessing a candidate costs for losing a petition signature challenge has a chilling effect on citizens who want to run for public office. Those -- it turns out that both of those challenges were organized by the Democratic Legislative Caucus of the Pennsylvania Legislature, and by a Legislator named Michael Viani, who's currently in prison for the charge of using public employees to do private political work, as are a number of his associates. My right, and the rights of my fellow Greens, all of us registered voters, to vote for candidates of our choice, has been taken from us in Pennsylvania because of the Ballot Access Laws, and more importantly, the way those laws have been interpreted and enforced by Pennsylvania courts. Thank you very much.

>> Thank you. Carla Olmo. Jerry Vattamala.

>> Jerry Vattamala: Good afternoon. My name is Jerry Vattamala, I'm a staff attorney in the democracy program at the Asian American Legal Defense and Education Fund. AALDEF, as it's called, is a 39-year-old national civil rights organization, based in New York City, that promotes and protects the civil rights of Asian Americans through litigation, legal advocacy, community education, and community organizing. AALDEF has monitored elections through annual multilingual exit poll surveys since 1988. For nearly 25 years, AALDEF has monitored elections for anti-Asian American voter disenfranchisement, compliance with the Federal Voting Rights Act's Language Assistance Provisions, Section 203, and Non-Discrimination Protections, Section 2, and implementation of the Help America Vote Act, HAVA. In 2012, AALDEF dispatched over 850 attorneys, law students, and community volunteers to 127 poll sites in 14 states to document voter problems on an election day. The survey polled 9,096 Asian American voters in 11 Asian languages. I'm not going to be able to go through all of my testimony -- obviously, I only have three minutes. So I plead with the commissioner review my written comments. I've also included our report, a Section 203 report on our observations from the Presidential Primary elections in jurisdictions that were covered in Section 203. I've also included our observation and complaint letters that we sent into all of the jurisdictions that we were in on election day -- that, again, it's 14 states, 127 poll sites. All of our observation letters are included in my testimony as attachments. We've also included a letter that we sent to the Department of Justice, outlining the major violations of local and federal law that we observed on Election Day. Right here in Philadelphia, there was inadequate language assistance for Asian Americans, excessive and illegal requests for identification, and violations of HAVA. Briefly, although Philadelphia is not covered under Section 203 for Asian Language Assistance, the City of Philadelphia agreed to provide interpreters at targeted poll sites for Asian Americans who speak Chinese, Kamai, Korean, and Vietnamese, pursuant to the 2006 settlement from U.S. v. Philadelphia. Unfortunately, the city has significantly backslid on its promises from this settlement. The city provided a total of only four Chinese, Kamai, Korean and Vietnamese interpreters for the entire city on Election Day in 2012, which was wholly inadequate, and resulted in Asian American voters being prevented from voting, particularly at the South Philadelphia Branch Library, and that's included in Attachment A to my testimony, our observation letter for that poll site. Asian Americans, we saw, were asked for ID in much higher numbers than other voters. Five voters in Upper Darby Township and three voters in Philadelphia were required to prove their citizenship before voting. We had 52 respondents in our survey who said that they were asked for identification. 26 of those 52 were not first-time voters, and were not required to show ID. That's 50% of the voters. Briefly -- and it's in my testimony -- Annandale, Virginia, Asian American voters were segregated into separate lines. In New Orleans, Louisiana, Asian Americans were prevented from being assisted by a person of their choice, in violation of Section 208 of the Voting Rights Act...

>> Thanks, but we need you to sum up, if you could.

>> Okay, absolutely. Asian American voters are overwhelmingly naturalized citizens, first-time voters, limited English proficient. We need vocal and local jurisdictions to comply with the requirements of Section 203, to follow Section 208, the Help America Vote Act, and to stop asking and requiring Asian Americans to provide forms of ID that are not required of other voters. 249 voters on our survey, on Election Day, were required to prove their citizenship. That's completely unacceptable, and I hope the commission will review the letter and the attachments, and take our recommendations into account. Thank you very much.

>> Thank you. Rorng Sorn.

>> Rorng Sorn: Good afternoon, member of commission. Thank you for the opportunity to say briefly of who I am and what I do in Philadelphia. My name is Rorng Sorn, and I'm the Executive Director of the Cambodia Association of Greater Philadelphia, and we represents about 20,000 Cambodian population in the Great Philadelphia area. And we serve about a thousand or so a year, through direct service, advocacy, and cultural education. For the last 13 years, we've been very active in conducting community engagement, which include helping our community member to become citizen, conduct a

voter registration drive, and also conduct GOTV, which is voter education, voter mobilization, including phone banks and also the postcard and so forth. Most of our members, who are new to the country, this may be their first time going out to vote, there are so many confusion, and as previous speaker from AALDEF has mentioned, these are the problems that exist in our community. So, we wanted to make sure that our -- any voter, regardless of their ethnicity background or language capability, have access to the polling place and can cast a vote. We wanted to make sure that we promote democracy, and to keep our voter really engaged and participate fully. With these new laws and all the barrier really discourage our voters, especially elderly, with limited English proficiency. So we want to ensure that they have the right, and they can cast a vote. And please, also look into supporting the local community-based, non-profit agency that really work tirelessly at the ground level, as our agency, without compensation, but we see the need to help this community member to really exercise their fundamental right. But we wanted to make sure that they all fully participate, so we work tirelessly to really promote, and encourage, and educate, and really mobilizing them to get out to vote. So, please ensure that every voter has access to cast their vote and make their vote count, and please support the local non-profit, or local community-based, that really work at the ground level. Thank you so much.

>> Thank you. Steven Johnson.

>> Steven Johnson: Good afternoon. My name is Steven Howard Johnson. My testimony today accompanies that of Dona Sauerburger, Steve Richardson, and Greg Moohn, and two or three others who have already spoken. I am an Independent voter, a citizen of Maryland, and an American citizen. From all these perspectives, I want America's principles of government strengthened. One of our first principles is that we, the people, are the nation's electors. It is for us, the nation's voters, to choose the elected officials we want. It is not for elected officials to choose the voters they want. I will expand on this point in my written testimony. Today, I want to describe Election Day, and how business was done at my polling place in Maryland. Our state had seven major issues on the ballot. My county, Anne Arundel County, had another 14 or so. Some of these measures were well-publicized, but most were rather obscure. After an hour of waiting in line, it came my turn to vote. I was asked to stand at a touchscreen computer, and scroll through this lengthy set of ballot questions. As you can imagine, like everyone else, I tied up several minutes of computer time figuring it out, and casting my vote. I have a bit of an Operations background. From that perspective, I see a major design error in how Maryland's voting system was set up. No one in Maryland thought to separate the lengthy process of reading and marking one's ballot from the very brief process of hitting enter. The two processes were jammed together on the same computer, and that's why our wait times were so long. The separation we need would not be hard to achieve. Suppose there had been 30 or 40 chairs and shielded clipboards for voters to use while sitting and reading their ballots, paper ballots, and making their choices. And then, suppose, as each voter finished, the next step had been to hand one's ballot to an election clerk, so that it could be fed into a ballot-counting machine. Think of that brief step as the equivalent of hitting the Enter button on the touchscreen. Had my polling place been set up in the efficient way I've just described, every voter's wait time in line would have shrunk to almost nothing. Let's consider making it a national standard that the physical process of wading through a ballot will always be separated from the machine process of reading the ballot choices and capturing each vote. I, too hope to see you at a second round of hearings with an expanded charter. I appreciate you being here today. Thank you very much.

>> Thank you. Jonathan Brater.

>> Thank you for the opportunity to testify. I'm Jonathan Brater. I'm a counsel at the Brennan Center for Justice at NYU School of Law. We have submitted written testimony that details are for big recommendations for how states can improve the business of running elections. These are modernizing voter registration, expanding in person early voting, setting minimum standards for the management of polling place resources and improving the design of ballots and the performance machines. Due to limited time I am just going to talk about modernizing voter registration. Voter

registration is the biggest single election administration problem that we have. As the commissioners are aware there are 24 million registrations. That's one in eight nationwide that are either invalid or contain serious errors. And on top of that there are more than 50 million eligible Americans who are not registered to vote at all. This can stop a lot of people from voting. In 2008 three million were prevented from voting. Also, having flogged voter rolls is a threat to the integrity of our elections. And as Don Palmer from Virginia testified on the first panel., problems in registration can create all sorts of delays on election day when poll workers are trying to help voters who are, either have problems with their registration or aren't on the rolls. This happens primarily because too many jurisdictions rely on paper-based voter registration. Having to use ink and paper forms that may contain or eligible information and then having to have election officials enter that data creates lots of opportunities for the rolls to become flawed. And that is what results in all these needless barriers to voting, opportunities for fraud, and just generally an inability to run our elections in a smooth manner in the way we should be able to in the 21st century. After studying this we recommend that states fix this as I said by modernizing voter registration and that consists of four key improvements. Number one: A state should shift to electronic registration. That is when eligible citizens who want to register to vote interact with state agencies like the DMV or public assistance offices. The agencies can transfer that information electronically and it can be uploaded directly into the state-wide database. Second: Registration would be portable meaning that when you're registered you remain registered in the state as long as you reside there. Third: States should have online registration so that states can use online systems to register and also make updates. And fourth: States should have a safety net on election day so that when voters show up and there are problems on the polls, on the rolls that can correct that and then vote a ballot that counts. I think we've already heard some of the benefits from this today. Eileen Manlove from Delaware explained how it saves money and there are significant accuracy benefits. And, of course, Commissioner Patrick can speak to this much better than I can, because of her experience in Maricopa County. But another benefit that Ms. Manlove described was increased registration at public assistance agencies, which can help register people. It also helps states comply with end barrier requirements for agency assist recommendation and that's another huge benefit. I just want to emphasize this is a bipartisan reform. It's been led by people in both parties and it's not a one size fits all solution. It is flexible. Again I would refer you to our written testimony for this and the rest of our recommendations and thank you very much.

>> Thank you. Dona Sauerburger.

[ Adjusting mic ]

>> Thank you so much for allowing us to speak to your Commission. I am a member of the independentvoting.org and I've come from Maryland to tell you why I so passionately believe that basic electric-- election reforms in addition to improving the efficiency of the polling station are so important for establishing and maintaining an effective government that is responsive to the voters. As an American citizen I am appalled that our government seems so helpless, hopelessly helplessly paralyzed bipartisan gridlock. And I believe that this begins in the election process. So, I'm hopeful that we will use this opportunity to explore the deeper issues and address the problems with an election system that encourages political extremism. I have been a registered Democrat since my first election more than 40 years ago. I became an independent voter a few months ago when I realized how much each party, including mine, clings to power rather than allowing encouraging individual legislators to come to their own decision based on the needs of their constituents. And so you may ask, well how does that relate to the election process. Well, when elections are arranged to maximize the effect of a certain party, then legislative representatives are less likely to feel the moderating pressure of a balanced constituency and more likely to buckle under the pressure of the party that helped them get elected. Primarily, as I understand it, this power is instituted in the election process in two ways. One is having the slate of candidates determined by primary elections that exclude voters who are not registered members of a given party and this has been explained so eloquently by others, other speakers here. The second

one is allowing the ruling party to draw district lines in such a way that favors the election of their candidates. And I'll speak to you from my experience in Maryland. Our district lines in Maryland look like a bag of worms that fell onto the floor. I live in District Four and if I travel southwest for a mile and a half I enter District Five, which stretches for 15 miles to right and 60 miles to left. But, if I continue traveling in the same direction for only five more miles I'm back in District Four again. And Steven how testified a moment ago lives in District Three. He can leave his district, travel northwest through mine for about 12 miles and then surprise, he's back in District Three again which forms a distant island stretching five to ten miles to his right and his left. And if he continues only another five miles he's back out of District Three. This does not reflect community lines. These lines were drawn to minimize the possibility of a balanced constituency, which maximizes the need for our legislators to respond only to the extremes. The redistricting process should be based on something that's out of the hands of the ruling party and not just bipartisan. It should be a non-partisan system based on objective criteria. So, in conclusion, I urge that these-- these issues are important enough that I urge and request that the Chairs of the Commission invite the leadership of independentvoting.org to provide a special briefing to you to discuss the democracy concerns and appropriate remedies for independent, independence leading to an efficient responsive government through our election process. Thank you.

>> Thank you. Kay Yu.

[ Inaudible whispering ]

>> Good afternoon. My is name is Kay Kyungsun Yu and I'm a partner at the law firm Ahmad, Zaffarese & Smyler. Thank you for the opportunity to speak to this vital issue of great importance. I'm affiliated with a number of organizations dedicated to preserving voter rights. These include and in the past have included the Philadelphia Commission on Human Relations, The Asian Pacific American Bar Association of Pennsylvania and the Southeastern chapter, Southeastern Pennsylvania chapter of Americans for Democratic Action. However, I am appearing before you today not on behalf of any specific organization but to speak from my own experience as an immigrant and as a naturalized citizen. I was born in Seoul, Korea and I moved to the United States when I was a small child. My family's immigrant status was a source of great strife for our family. As a young teenager I recall when I was shocked to find out that there were deportation notices for each one of the members of my family. I was terrified by the idea of being sent back to a country I did not remember and could not know. Fortunately, for me with the passage of the Immigration Reform Control Act of 1986, I became a permanent resident and ultimately a naturalized citizens of these United States. Tragically, the law came too late for my mother who passed away just a year before the law passed in 1985. Perhaps it is because the right to vote was not a birthright for me that I've come to cherish this right to vote. I view it not only as my right but as my responsibility. Specifically with respect to Asian-Americans we are the fastest growing minority group in the United States and constitute the largest percentage of new immigrants. More than 70 percent of Asian-Americans like me are naturalized citizens. So, I urge you to consider and pay attention to what has been spoken up already that is language access, uniform federal regulation of polls, and civic education for an informed electorate. One last point that I would like to close with is that today congress and the President are at the precipice of the first major immigration reform since the 1986 law. And regardless of how the final bill is written, millions of immigrants are likely to experience a new status as naturalized citizens. I ask this Commission to urge the administration to actively recognize the voting and participatory potential of millions of new Americans and to safeguard the franchise for all citizens as part of comprehensive immigration reform. Thank you.

>> Thank you. Kyle Williamson.

[ Silence ]

>> Good afternoon. I would like to thank the Commission for having this hearing here and allowing us to be able to come and speak. My name is Kyle Williamson. I'm an

independent voter and I'm out here just speaking on behalf of myself and a lot of the issues that I've seen going on just in general with elections. Me personally, I vote in Exton, Pennsylvania Chester County. Unlike many of the people here in this room that testified before and others around the country, I don't, I don't run into the issues that they have. I go in and vote, takes me less than a minute and a half, walk in. The poll workers have donuts, coffee there for us. We go right in there, get our ballots signed up and right out of there. But that does not excuse myself and others to ignore the fact there are issues that are facing other people throughout the country and need to be addressed. And the main issue that I want to speak about are the laws that are being implemented by certain individuals and our state legislators that are set out to disenfranchise other voters. For example, our House Majority Leader, Mike Turzai, who sits up there and blatantly speaks out in public about the voter law that they implemented last year in 2012 as mainly sole purpose to help Governor Mitt Romney win Pennsylvania to give him a better chance to win the Presidential election. Thought Judge Simpson last year had postponed and then Judge Berkley this year again, I think like a few weeks ago, postponed it again passed these elections. Though it may seem constitutional by just looking at on a piece of paper, the implementation of it into you know working policy disenfranchises a lot of voters. And though it doesn't hurt me individually, I know that it hurts my neighbor down the street or a family member that lives down here in Philadelphia. And that's-- like I just want to address that like I believe that any legislation that goes through that involves voting, which is for the people should go through the people and not through a majority held entity. Do you know what I mean? And that's basically all I have to say and I'd like to thank you for allowing me to speak.

>> Thanks very much. Numa St. Louis.

[ Silence ]

[ Adjusting mic ]

>> Good afternoon Chairs and Commissioners. I am delighted to be here. Welcome to the birthplace of American democracy, Philadelphia. My name is Numa St. Louis. I'm a community activist and executive board member of Americans for Democratic Action in the Southeastern Pennsylvania region. I'm also a co-founder of the Haitian Professionals of Philadelphia and a Commissioner on the Mayor's Commission on Afro-Caribbean Affairs. The right to vote is critical. It is imperative to our democracy. Free and fair elections is at the core of the American concept of democracy. It is a fundamental right. It must be safeguarded and protected. Our citizenry is at stake. In the last few years we've seen a coordinated effort from Pennsylvania to Texas to North Carolina that seeks to rule back Americans' right to the ballot box. These particular efforts target certain segments of the electorate including minorities, the disabled, the elderly and college students. Undermining their right to vote and denying them access to the ballot box on the false premise and pretext of rooting out voter fraud. There's been no evidence to substantiate that false claim. This sends an awful message to Americans at large, but particularly the immigrant community. I'm a first generation American and my family and I cherish the right to the ballot box. In our home country of Haiti we're seeing the horrors and the pain that people go through to gain access to the vote. We want all Americans to be involved and empowered in the democratic process. But also, I want to think about the ramifications of these laws. America has a long history of being a champion of democracy throughout the world. These laws that are being enacted to undermine our access to the voting booth sends a terrible message to the world. How do we look going around the world preaching the virtue of the democracy, while at home we're undermining the rights for Americans to do just that. I think it is something we need to think about long and hard. We cannot preach the virtues of democracy on a world stage while undermining the right for Americans to vote. It impacts our standing in the world. It is our hope that this Commission will help to implement sound recommendations that will safeguard the vote. The goal ought to be free and fair access to the ballot box and to maximize the number of Americans that can vote. Thank you.

>> Thank you. Nina Ahmad.

[ Inaudible whispering ]

>> Good afternoon. My name is Nina Ahmad and I am the Chair of the Mayor's Commission on Asian-American Affairs in Philadelphia. Welcome to all of you to the City of Brotherly Love and Sisterly Affection. I thank all of you for this opportunity to speak this afternoon. I am here today to be a part of the solution to improve voter experience. Specifically I'm here to help unpack some of the issues that impact voter participation within the Asian-American community and the immigrant community at large. I am here today because I owe a debt of gratitude to the foot soldiers of democracy who sacrifice blood, sweat and tears so that I, a woman of color, may have access to the ballot box. Asian-Americans are one of the fastest growing minority groups in the country according to the U.S. census bureau. The term Asian-American is an umbrella term, which includes East Asians, Southeast Asians, South Asians, Native Hawaiians and Pacific Islanders. Additionally there are separate ethnic categories within these broad one as well. The reason I'm outlining this issue of diversity within the Asian community is to underscore the need to disaggregate data so the barriers to voting within the-- excuse me, to disaggregate the data so the barriers to voting within each subgroup can be understood. I'm hopeful that your Commission report to the President will specifically underscore the issues faced by those with limited English proficiency and living marginalized lives as perpetual foreigners even though they are citizens. I request that your recommendation understand the nuance within this community and voter participation efforts are tailored with these realities in mind. As a Chair of the commission I have encountered difficulties that have been faced by the Asian-American community and there are a variety of reasons for the lack of participation of this community. One of them is the voter registration issue. Voter registration seems to be driven by candidates and hence fluctuate from cycle to cycle. If there was a concerted effort by building partnerships with advocacy organizations, the election integrity community and other governmental agencies to invest a robust poll monitoring program and increase maximized voter outreach and education activities in underserved communities, I can guarantee you there will be an uptake in voter registration, which will result hopefully in increased voting. The other issue that has been addressed by many I'm not going to spend time on is the voter I.D. laws, which I hope are going to be revealed completely. We have Asian-Americans who have come to this country as refugees and don't have documentation that they need in order to get their voter I.D.s The other issue is the voting timeframe. If we had-- Asian-Americans are small business owners and are self-employed because of barriers to employment in general. And they don't have time to go on one day, wait all day long in long lines facing untrained and unwelcoming poll workers, having no access to translators and all of this which froze insurmountable barriers. Expanded access to absentee ballots, fewer restrictions to registered voters and translated materials in multiple Asian language is extremely beneficial. And the last thing I would like to say is inclusion of stakeholders in decision making capacities communicate that there's a seat at the table. I took a look at your Commission here, the members here and we don't see any Asian-Americans included and I hope that will be rectified. When you-- I recommend that engaging marginalized groups always are reflected in who is at the table. So, thank you very much for allowing me to testify.

>> Thank you. Susan Lerner.

[ Silence ]

>> Nelson Diaz.

>> Good afternoon Commissioners. I have my statement in writing just in case I don't finish.

[ Moving around ]

I am a retired Judge. I'm on the President's Commission for White House fellows and I was also General Counsel to the U.S. Department of Housing and Urban Development. In

1972, together with the Puerto Rican Legal Defense Fund and Education Fund I filed an action known as [inaudible] versus Tucker case taken from a victory action in New York City which was similarly repeated in New York State and New Jersey. Puerto Rican's are born American citizens and when we get on the Mainland we have full voting rights. Spanish is the official language of Puerto Rico. Those of us who migrated here have a right to understand the ballot in Spanish. The Federal Courts have so ordered it and has opened a way for a 1975 Federal Voting Rights Act Amendment securing the voting rights of all linguistic throughout the country. This is to set the stage for the Federal Bilingual Assistance Provisions that insured the benefits of Mexican Americans and Latino voters and later to Asian-Americans and Native Americans. In 2006 the [inaudible] case was enforced by the Justice Department for failure to provide election information to citizens educated in Spanish in American flag schools like in Puerto Rico for violations of the Help America Vote Act of 2002 for failing to provide alternative language information to voters. In that effect, the bilingual program in many languages was established including bilingual interpreters and alternative language information, which is still in force. The voting machines have been monitored when I was acting Chairman of the Philadelphia Commission on Elections when some of those translations were corrected as a result of the Anglo language. I have translated ballots in Philadelphia for more than 20 years while a Judge at the Court of Common Pleas Pro Bono. As a result of these programs registration and voting increased to the point that Puerto Rican voters in recent election outcomes in Florida was the largest increase in my 40 years of voter registration activity. As an American Citizen the process enables more hospitality for the voters, a process which they can understand and not feel foreigners in our own land. Voting is taken very seriously in Puerto Rico. But because of the attitude and intimidation that we face in America, we feel like foreigners in our own land. Border I.D. is another aspect which you have heard and Latinos continue to be intimidated by that process. In Pennsylvania the backers of voter I.D. laws, as you know from the history of those who have testified was a political act by Mike Turzai. This has no--

>> Mr. Diaz please--

>> This is my last sentence sir.

>> Very good, thank you.

>> Thank you. I feel like the Supreme Court. This has no allegations of fraud. There have been no allegations of fraud on the voters since the new voter machines were instituted in Philadelphia. The most prevalent problem in the last national election was the lack of processing of registration of new voters. Even the fighters of the court urged that there was no violation and no fraud. I urge you to encourage and reinstitute Title V of the Voting Rights Act and to encourage early voting and mail voting as a means of helping working Latinos who are used to vote and some days an opportunity that is outrageous in terms of the democracy. I have participated in a committee just as yours in 1998 and the suggestion was that the voting be uniform.

>> Thank you. Kevin Soubly.

[ Silence ]

>> Good afternoon. Thank you for your time and the opportunity to address this Commission. On Election Day I represent myself, one independent non-partisan vote. But today, in front of this commission, I present, represent those of my generation referred to as Millenials who identify not as Republican nor Democrat but as free-minded, educated, opinionated, concerned American citizens. Come election day we desire to vote for our preferred candidates based on their merits and our opinions alone. We should not have to ally with or against a particular party for a right to cast a ballot as we do in Arizona. To vote we should not have to declare an Oath to anything but our country as we do in Georgia. Having to vote against an unwanted candidate rather than for a desired candidate, as the Michigan system supports, is I would suggest a violation of our constitutional right to freedom of speech and association. Perhaps you aware of a recent Article in the in "The Atlantic" by Ron

Forneir, "The Outsiders: How Can Millenials Change Washington if They Hate It." On the apparent rejection on mass of the U.S. political system by my generation, if not, I highly recommend reading it. Here are some notable statistics quoted by the article. Nearly half of my generation agree that "politics has become too partisan." Nearly one third agree that quote, "political involvement rarely has any tangible results." Only 16 percent disagree that politics today, today are no longer able to meet the challenges our country is facing and 45 percent describe their political affiliation as independent. Again, nearly half of my generation belong to no political party. But this is not me that we are apathetic, rather we are more involved in community betterment but with other social institutions at the exclusion of our own government. What does this have to do with election administration in this esteemed Commission? Everything. Your ultimate mission is after all, according to the executive board that founded this Commission, do quote, "Insure that all eligible voters have the opportunity to cast their ballots without undue delay. Prohibition from casting a ballot based on political affiliation is a clear impairment of this opportunity. Independents are here today just as we have been in August and July and June forcing our concerns. We are structurally prohibited from casting our ballots in some states and this failure must be addressed. For better or for worse, my generation is the future. Access to voting is the most fundamental aspect to political participation and being blocked from that results in disillusionment with both political parties and our country's current system of democratic political process. We all desire s stronger government society and country. Include us so we can help. In fact, we demand it. We deserve no less and the future of our country necessitates it. I look forward to reading your final report to President Obama in a few months. Please address this issue of political affiliation, prohibited access, insightful freedom of speech in that report. Include the strong and growing voice of America's non-partisan voters and advocate for more open and inclusive voting process for all American voters. We're counting on you. Thank you.

>> Thank you. Will Gonzales.

[ Adjusting mic ]

>> Buenos aires. My name is Will Gonzalez. I'm the Executive Director of Ceiba, coalition of Latino community-based organizations in Philadelphia. I will focus my testimony on matters relating to the rights of limited English proficient populations, LEP populations as Spanish speakers comprise the largest LEP population in the City of Philadelphia in Section 203 of the Voting Rights Act applies to this jurisdiction for Spanish speakers. We respectfully request that the Commission include in its list of recommendations to the President that he ask the Attorney General of the United States to fortify the Federal Regulatory guidelines governing the implementation of the provisions of the Voting Rights Act regarding language and minority groups. Those guidelines should compel the jurisdictions under its coverage to create LEP Advisory Boards that meet on a regular basis to help voters work collaboratively with local election officials, prohibit officials of a political party from taking part in the administration of interpreters at polling sites and set a strong requirement for records and data that each covered jurisdiction must maintain and share with the public to document its actions to comply with the voting rights act. Currently the creation of the LEP Advisory Boards is left to the discretion of each jurisdiction. Accordingly forwarding such advisory boards is dependent on the mood of local officials. And jurisdictions that are not receptive to public participation and administration of elections, community organizations and voters concerning about the voting rights of LEP individuals must exert large amounts of energy and expended resources just to engage election officials fortifying the federal regulatory guidelines to compel the creation of the LEP advisory Boards helps the community by creating a mechanism for election officials to provide quality services to LEP voters. LEP voters do not want to be passive receivers of services which when forged and delivered without their active participation do little to grant them equal access to the polls. The Justice Department understands the value of creating such advisory boards. It has required the creation by advising boards and consent decrees that govern the resolution of some of its Voting Rights Act complaints. It mandated a creation of an advisory board of voters from the Spanish speaking community of Philadelphia and the April 26, 2007 Consent Decree between the

Philadelphia County Board of Elections and the Justice Department relating to the cities and compliance under Section 203 of the Act. Unfortunately the requirement [inaudible] did not live past the expiration of that consent decree. Today we lack a formal LEP Advisory Board with strong channels of communication to Philadelphia's election officials. A more effective relationship between the LEP community and election officials in Philadelphia will eliminate the use of party officials to administer the provision of interpreters at polling sites. Officials of the Philadelphia City Commissioner's office readily admit to the relying on world leaders to locate and deploy interpreters at polling sites. World leaders are part of the organization and management of their respective parties during elections in Philadelphia. People with such strong partisan ties should not have a prominent role in the use of interpreters at polling sites. And partiality and avoidance of conflict of interest are pillars of the Code of Ethics of interpretation. I cannot give you an example of an instance when an interpreter at a polling site was caught steering an LEP voter to cast a ballot for a particular candidate or prevent it, an LEP voter from casting that ballot as that voter saw fit. However, when it comes to matters as important as the right to vote and to laws as important as to votings like that we must not only be vigilant against the propriety but also against the appearance of impropriety. To conclude, just because a fox has yet to be caught eating a chick does not mean that foxes should continue to play a prominent role in guiding the henhouse. Thank you.

>> Anthony Williams.

[ Silence ]

>> Good afternoon. On August 16th Commonwealth Court Judge Minard McGinley barred enforcement of Pennsylvania's Voter I.D. law until he makes a final ruling in the lawsuits channeling its Constitutionality. The ACLU, the NAACP and other groups filed a suit. I as the Deputy wit of the Democratic Caucus as well as the Chairman of the State Government Committee filed an Amicus brief on behalf of my caucus. The Voter I.D. Statute was signed into law on March 14, 2012, but it has yet to be enforced due to court challenges, administrative delays and educating voters in order to reduce the number that lack proper identification. For seniors, minorities and the disabled, the voter I.D. law creates substantial hardships. For an election official it burns valuable resources and produces an administrative nightmare. Independent testimony during the current court challenges put the number of Pennsylvanians who still lack identification to be approximately 500,000 people. At the same time backers of the law could not produce a single documented case of in-person voter misrepresentation. To reduce the number of voters who lack I.D. Pennsylvania has, or will have to spend six million dollars on implementation including television, print, internet advertising, 1.5 million dollars to mail a postcard to every home in Pennsylvania with a registered voter. Pennsylvania is using Federal funds for that effort, funds that could be used for what they were intended, the expansion access, the training election officials and improvement of the efficiencies of elections. Voter I.D. does, in fact, the opposite of what the funds that this Commission are intended to do. The Voter I.D. requirement will make it more difficult to recruit and train co-workers in Pennsylvania, if it is even possible to train them. They are intended in Pennsylvania-- the accepted number of photo identifications include PIN DOT, non-driver I.D. card, Federal Government, U.S. Military, U.S. Passport, Municipal Employee I.D., Student I.D. from a P-- higher educational institution and Pennsylvania's care facilities issued. I ask the members of the Commission to consider that there are 1240 licensed personal homecare facilities in Pennsylvania, including 100 within a five mile radius of this hearing. Pennsylvania has roughly 300 institutions of higher learning on more than 500 campuses across Pennsylvania. Pennsylvania has more than 2500 municipalities with fewer than a half of voters talking-- taking part in most elections, I would agree that the Commission has an important task in finding ways to improve how we get close to vote. But I would suggest to you that anyone with the ability to go through this type of critiquing of voter identification is almost impossible. Voter identification law as it currently constructed in Pennsylvania does the total opposite of what is intended and that is for us to participate in their freely exercised republic and have a standard by which we can exercise it through our own free vote. Thank you.

>> Thank you. Whitney May.

[ Silence ]

>> Good afternoon. My name is Whitney May and I work at the New Organizing Institute, a non-profit based in Washington, D.C. And our Election Administration Team is really tickled to be here today. Thank you for the opportunity to speak Chairman and Commissioners. I appreciate the professional paths that have brought each of you to the Commission. Thank you for your comprehensive research and your attention to public commentary on election administration. I look forward to seeing what you all produced to make elections better in our country. A little bit of background, I joined the Election Administration Team at NOI in February of 2012. Prior to D.C. I was a Certified Election Administrator in Durham County, North Carolina. I came to election work in 2007 by way of a goat farm near a standard career path. And just for the public record I'd like to state that a workday on a goat farm and a workday in a local election office are not terribly different and manure is just really part of that story. Following Ben from the Fair Election Legal Network I feel a little bit like an echo chamber for Robin Carnahan, but she really put together this brilliant framework that allows us to consider the complexity and the scope of delivering elections as a service, wherein as an election administrator you work year round, but your shop is only open a few days a year. You prepare for all of your customers to show up on one day. Your frontline employees are paid minimum wage. They work a 16 to 18 hour shift and on average are over 70 years old. And then your customers expect their experience to be a perfect 30 minutes or less. Really when you think about it the peaceful transition of power as a result of an election in our country is a modern miracle. Local election administrators are responsible for implementing election legislation, educating voters, designing materials, recruiting and training co-workers, our nation's largest one day workforce and properly equipping polling locations for all sorts of contingencies. As an election administrator in Durham, I was responsible for managing the budget as well as recruiting and training co-workers. I was 27, bright-eyed and bushy-tailed and determined to do a stellar job for my community. However, I didn't have a degree in election administration and I learned by boldly doing. Like so many election administrators and often at the expense of efficiency and grace. Election administrators across the country face common challenges. We've all heard that here today, but little if any infrastructure currently exists to help overcome those challenges. At this precise moment no one is successfully facilitating connections between administrators to share those solutions. As a result, jurisdictions are expending already limited resources, spinning and reinventing the wheel. The existence alone of this Commission is legitimizing the work of election administrators everywhere. Election administration has never been sexier, but elections are too important to stop here. Now the [inaudible] earlier this year we launched a knowledge network of local administrators across our country. We're calling this network electricity; a network that thrives on pure learning that raises the professional standard for election administrators and that promotes continuing education, a network of by and for local election administrators. It is our hope that you as a Commission will encourage election administrators to engage with us. Thank you for your service and thank you for allowing me to speak today.

>> Thank you. Seth Flaxman.

[ Silence ]

>> So, thank you. My name is Seth Flaxman. I'm the Co-Founder and Executive Director of TurboVote. We're non-profit, non-partisan text startup and for the sake of full disclosure I should say Commissioner Grayson also sits on our board. So, our mission is to build a service where any American can sign up one time and then get all the help they need staying registered to vote and voting at all their elections local to Presidential for the rest of their life no matter where they move. And last year we had 200,000 voters across the country sign up for this service. What that means is that we track their election calendar and their deadlines. They need to register to vote or vote by mail. We can mail them a physical copy of the voter registration form

or their state's vote by mail application already filled out. It includes a pre-stamped envelope already addressed to their local election office. All they have to do is sign it and stuff it in an envelope. We send text and email reminders to make sure they send these forms by the deadline and then if they're voting by mail we'll remind them to send their ballot back on time. And if they're voting in person we'd send a reminder like tomorrow is Election Day, here is your-- where your polling place is. The voters though that we're in contact with also contact us when they have issues and concerns. What I think the Commission will find interesting is that the number one type of issue that was reported to us in 2012 are around issues with voting by mail. Voters asking has my ballot been mailed yet? When will my ballot arrive? Has my ballot arrived at the local election office already? And unfortunately, the most that we could do was give them the number for their local election administrator and suggest that we give them a call, which wasn't very satisfying. Then this year we started doing research, reaching out to election officials, figuring out what technology do they need to improve their process and found out something very surprising, which is that we have the exact same problem. They also want to be able to track the ballots they're sending out through the mail system. We want to know when is my ballot going to reach the voter and when are waves of ballots going to be coming back to my office? And so we've decided to fix this problem. We're building a system that uses intelligent mail barcode tracking in order to allow election officials to track their ballots through the postal system and then communicate that information to voters. Some I'm very excited that the administration of absentee ballots is one of the issues that the Commission is considering. One of the best ways to reduce issues at polling places is to have more Americans vote by mail. And one of the best ways to help Americans vote by mail is to make, improve Americans' confidence in that system. So, I encourage the Commission to include in their recommendations a call to improve the accountability and transparency of vote by mail systems across the country. Thank you.

>> Thank you. Ellen Kaplan.

[ Silence ]

>> Good afternoon. I am Ellen Mattleman Kaplan. I'm Vice President and the Policy Director of a non-partisan Committee of 70, which is probably best known as the elections watchdog in Philadelphia since 1904. The Committee of 70's fight for fair and well run elections which like I said is now over a century old is a year round enterprise, but on every election day 70 recruits and trains non-partisan volunteers to go out to polling places all over Philadelphia. And in 2012 we did it in the four surrounding counties to help voters at the polls resolve minor issues and to refer more serious concerns to the law enforcement who happen to sit at the Committee of 70's headquarters. We have hotline volunteers who on November 6, 2012 handled over 8000 calls from voters all across Pennsylvania about issues they were encountering at the polling place. Let me start by saying that the Committee of 70 does support and hopes this Commission will recommend many of the reforms that other people have talked about today that will make elections fairer and create greater voter access to polling all across Pennsylvania including early voting expedited and online voter registration. But, here in Philadelphia putting some of these reforms in place would be like adding a GPS to a broken down Model-T Ford. However, the Commission can really play a powerful role by using it's bully pulpit to recommend standards for how local elections should be run because it is at this level that most voters encounter voting and where they make their decisions whether or not to be lifetime voters. Our testimony today we'll talk a little bit about what happened on November 6, 2012 and let me just sum it to say the election was probably the worst election in Philadelphia's history, certainly in my lifetime, which doesn't span the entire entry of the Committee of 70's existence, but I'm getting up there. An unprecedented 26,986 provisional ballots were passed including over 12,000 by voters who were properly registered to vote, showed up at the correct polling place and should have been permitted to use the voting machine. Over 5000 of those voters' names were inexplicably missing from poll books or supplemental pages. Two weeks before the election over 28,000 voter registration applications remained unprocessed and it didn't-- they weren't finished being processed until four days before November 6th. Almost 100 Republicans who were legally entitled to serve as minority inspectors at

polling places were not permitted to sit by Democratic Judges of elections and court orders were required to seek them. Now, in this town, which as you know is heavily Democratic, almost 80 percent of the voters are democrats, how would you feel if you were Republican in this town and you hear some of those things happening. These are the kind of--

>> Nonetheless we need you to sum up if you could.

>> These are the kinds of things that make our voters distrustful of how voting works in Philadelphia. So, we urge again this Commission, to set standards and issue a set of recommendations that are designed to result in local elections that conform with the most modern and up to date voting practices, are free of patronage and partisanship are operated with the greatest efficiency and by people who have an unwavering commitment to exemplary customer service. Thank you.

>> Thank you. Joseph DeFelice.

[ Moving around ]

>> Hello. My name is Joseph DeFelice. I'm the Executive Director of the Philadelphia Republican City Committee. I formerly worked as State Director of Election Day Operations for Mitt Romney for President and I'm a Political Science professor here at LaSalle University. I'm-- one word that came up constantly today was the word disenfranchisement. We've heard it a lot today and I'm going to talk about disenfranchisement just a little bit differently. Specifically, disenfranchisement of Republican election board workers. We're not talking about poll workers. We're talking about a court appointed election board worker that Ms. Kaplan referred to earlier. Philadelphia every election Republicans show up to the polling place with a court order to work inside the polling place. They get paid by the city to work and every year they're kicked out of the polls. Last year we had over 30 kicked out of the polls Election Day morning at 6:55 right before the polls are about to open. Now this is a disenfranchisement of the right. Many of these people never came back to the polls to vote that day because they're intimidated; specifically African-Americans were referred to as banana skins and pardon the expression, house niggers for being Republicans in North Phillie and West Philadelphia. But you don't hear about this kind of stuff regularly, specifically with the Republican party. Another issue, because I don't have a lot of time, is an issue here in Philadelphia we ran into; Primary 2011 we had over 83 divisions in the city of Philadelphia had more votes than voters that showed to the polls in the Primary. Barak Obama in 2012 received over 900 votes from the differential from the number of Democrat voters that showed the primary election. So, if you had 200 divisions he had more votes in those divisions than actual Democrats that showed to the polls. Some instances you had a Republican that showed to the polls in the Primary and they never switched the machine to Republicans so they just let-- or they put it on Democrat because in North and West Philadelphia talking about 98 percent Democrat. In a situation like this you could see why that would occur, but not to the tune of close to 1000 or 83 precincts which is five percent of the City of Philadelphia. And finally I'll leave you with the story of Joe Cheeseborough. There's two Joe Cheeseboroughs registered in Philadelphia. Same date of birth, the live about five blocks from each other. One lives in a 7-Eleven, the other one lives on a street that no longer exists. Thank you.

>> Thank you. Is there anyone else who has not signed up who wishes to address the Commission. Please.

[ Silence ]

>> Ladies and gentlemen of the Commission, I am Daniel Ignatius Murphy, an organization of one founded in 1927. [laughter] I'm here not to advocate nor editorialize about anything. I'm going to lay before you eight thoughts I have for you to consider incident to your function of facilitating an increasing voter turnout and I hope I can do it quickly enough so that they'll be time left over in the three

minutes to enable you to ask questions. But I will go slowly because it seems to me that my comments are not being recorded, as brilliant as they are. And the--

>> The are being web-- we have a transcript copy of your--

>> I'm sorry what?

>> We will have a transcript copy of your comment.

>> Oh, okay. Well then I'll speak a little more rapidly and maybe we can get a question or two. In any event, eight points. One: We should have Sunday elections. Two: Being able to register when voting or via the internet, Pennsylvania you can now register via the internet, but we can't register when voting. Several states now permit you to register when voting. Vote by mail and at the same time eliminate absentee voting but permit balance postmarked anywhere on or before Election Day. Or, if election is on a Sunday postmark one day after the Election. Oregon instituted the vote by mail system and the complaint was that you didn't get the results in a tight election until maybe the Saturday after the election. But it's-- Oregon has not reverted to the old system. Four: Permit voters to pick up ballots at multi-various locations in addition to applying for them at the local Board of Elections. Five: Explore the technicality, the technical possibility of voting by phone, which is now done in France or vote via the internet. Six: Require election board members to take a training course and pay them for the time involved. This is-- Ms. Kaplan of the Committee of 70's was pointing out that the Committee of 70 requires anyone acting on its behalf as an overseer at the polls must take a one hour course on the fundamentals of the Election Law. Seven: Eliminate pre-election residential time requirements. I having to live in the precinct, a given number of days prior to the election. And others speakers have advocated the fact that-- I got five seconds. I better hurry up. And eight: Eliminate Primaries and revert to party conventions as is now done in England. Oh I have 14-- oh I don't know how this clock works, okay. In any event, so is it all over.

>> It's all over.

>> Afraid so. Time flies when you're having fun. Please.

[ Silence ]

>> Good afternoon. My name is Theresa Petosa and although I happen to be one of those people taking the phone calls at Committee of 70 I take them for the Spanish speaking callers. My comments will be brief and they're simply my own and please excuse me for not having them prepared. I listened to everyone very carefully today and some of you probably saw me in the first row really vehemently soaking it all in. What I'd like to leave you with is very briefly a laundry list of some of the really disturbing things that I have come across personally while standing in line to vote or either taking a phone call or when I'm out in the field observing. Falsified ballots being handed out to help people to assist them to vote, to vote. People standing in front of polling places with pit bulls. Conversely the new Black Panthers standing, walking person to person in the lines of those waiting asking who they're going to vote for. Polling places closing at 5:30 because I don't have any childcare. Hurry up get in here, we got to close. I've seen in my neighborhood of North Philadelphia a very diverse neighborhood, mostly Hispanic, but also because we have the largest mosque in the city we have many new Americans, Muslim Americans coming from Albania and North Africa. These are the things that they've brought to my attention. Distribution of pamphlets saying ex-cons have lost their right to vote. You can never vote. If you're delinquent on child care support you're on a list and they'll find you when you show up at the polling places. Yes, you are a new American but you are not a homeowner. If you are not a homeowner, you cannot vote. They check your name to see if you own the property that you live at. A man in a wheelchair his battery died being sent from polling place to polling place because they couldn't find him on a list. We don't put the Spanish posters up here. You're the only Spanish speaker and you speak English. Voter assistants who help elderly voters they don't even know who they voted for by the time they left. Minorities, as we've heard countless times here I've watched them

in countless numbers being turned away or being subjected to unfair criteria that on one else is. And perhaps maybe the worst the smell of alcohol and marijuana piercing the polling place. I have only one thing: I'm asking, I'm begging, get the DOJ back into Philadelphia. I realize it's not within the orbit of your mandate to suggest that kind of funding and I do understand. But I know that there could be some government funding that could arguably be best used beefing up the DOJ for this specific purpose in Philadelphia and in other major metropolitan areas that have the same problem. I thank you kindly for your patience.

>> Thank you. Anyone else wish to address the Commission? If not thank you all very much for coming. We appreciate it. I think on behalf of all the commissioners we learned a great deal today and we appreciate that, Bob.

>> I agree. Thank you very much.

[ Applause ]