the Presidential Commission on Election Administration

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Public Meeting

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>> Co-chair Bauer: Welcome to this public meeting of the Commission on Presidential Election Administration -- Presidential Commission on Election Administration. Thank you for coming. This is a public meeting in which the commission will hear presentations and have a general discussion on testimony that it's received, and information that's reviewed in the course of its various activities for those of you who would like a fairly comprehensive presentation now available through the website but it also publicly available. At the time, it was open to the public on November 14th. We went through the range of interests and viewpoints that we had an opportunity to hear from over the course of our work and today we're going to be reflecting on some of what we've learned, some of the issues identified for us in the course of that activity. So, I welcome all of you. I welcome the commission, top of the morning to you. Co-chair Ginsberg, would you like to add something?

>> Co-chair Ginsberg: Just that we look forward to this session in which we'll begin deliberations on the process to preparing a final report, so we look forward to a good and robust discussion on the luminous testimony we've received over the past few months.

>> Co-chair Bauer: We're going to divide this morning really fundamentally into presentation discussion around two particular topics of the first led by our senior research director, Professor Nate Persily, that takes a look at the scope of the commission's work to date, the information that it's received, and then he will be followed by Professor Charles Stewart of MIT who was one of the experts who participated in developing a survey with some results, very interesting results looking into views within the local election administration community about how elections are conducted and the experiences they've had in running them. So with that, I will turn it over to Professor Persily.

>> Professor Persily: Okay. Thank you. I'm going to -- as Chair Bauer mentioned, I'm just going to review what we've heard over the last six months, the last time you heard from me -- well, in extensive form was at the public meeting six months ago, and I believe it was June 21st. And at that point, we -- I talked about the research that had existed on many of the topics in the executive order, and now I'm just going to describe the testimony that tried to synthesize the testimony that we heard over these last six months in different formats and then as Bob mentioned, I'll turn it over to Charles to talk about the survey. Just to review where we were in the beginning, the goals identified in the executive order are to promote the efficient administration of elections, and to do so, to ensure that eligible voters have the opportunity to cast their ballots without undue delay, to improve the experience of voters facing other obstacles in casting their ballots such as members of the military overseas voters, voters with disabilities, and voters with limited English proficiency. As you know, the way we went about our work was to have a series of public meetings and hearings starting in June, but then we also had them in -- throughout the summer. Meetings with groups and organizations of election officials, submission of testimony under the material through the website, as well as subcommittees of the commission met and discussed. So, the public hearings, the initial public hearing, as I mentioned was in Washington, D.C. which just involved me making the presentation on the initial research. And then, we held our four public hearings, first in Miami on June 28th, then in Denver on August 8th, in Philadelphia on September 4th, and then Cincinnati on September 19th and 20th. And these public hearings generally followed the following formula, which was that we had election officials who testified then academics and other experts in the field, and then we always had a significant amount of testimony from the general public who could sign up or just appear. But in addition to those public formal hearings, all of which are on the website both in transcript form and in web -- archive webcasts, we met -- we went to subgroups of the commission, went to various organizations to meet with them that they were having their commission -- their meetings over the summer. The International Association of Clerks, Recorders, Election Officials and Treasurers, otherwise known as IACREOT, the National Association of Secretaries of States, National Association of State Election Directors, the Future of California Elections, National Conference of State Legislatures, the Election Center, and the Election

Assistance Commission. We, in one form or another, we met -- or groups of the -- of commissioners met with those election organizations. But, not just the organizations of election officials, but also a host of other groups invited us to meet with them, so the list is too large to account here, but is up on the PowerPoint, so a series of groups that were interested in the work of the commission and wanted to have input. And so, commissioners met with them and on the conference call which is also transcribed from November 14th, there's a long extensive review of these meetings. We were also fortunate to have a series of academics, help and present to the commission through these hearings and I want to just identify them, so Charles Stewart who's here with us today, Daron Shaw from the University of Texas, Steven Ansolabehere from Harvard have been organizing a group of academics who presented the testimony and the hearing in different hearings and then conducted the nationwide survey of local election officials that Charles is going to describe after I finish. So, now, again, to review what the factors are or the panoply of areas that are in the executive order. So, the -- to promote the efficient administration of elections, the executive order identifies that the goal of the commission is to ensure that eligible voters have the opportunity to cast their ballots without undue delay -- and the factors of the areas that bear on that are the management of polling places, poll workers and voter rolls, voting machine capacity and technology, ballot simplicity and voter education and provisional ballots, and to improve the experience of voters facing other obstacles in casting their ballots such as members of the military, overseas voters, voters with disabilities, voters with limited English proficiency, absentee voters and victims of natural disasters or emergencies. Let me begin by talking a little bit, I think at the macro level of the challenges in thinking about the testimony that we've received over the last six months, and that is the first, which we've emphasized at many of the hearings, which is the limited -- but the capacious but limited scope of the charge that is in the executive order, so that on the one hand, we are -- the commission is charged with identifying best practices and making recommendations, but is not here to recommend federal legislation, there are certain areas like renewal of the Voting Rights Act which are outside of the charge of the commission. And so, it's to identify, again, best practices and make these recommendations. One other threshold consideration is probably the sentence that we heard more in the hearings than any other, which is, one size does not fit all. And so, one of the challenges for the commission that was identified in these hearings is to both make these recommendations but to recognize the incredible diversity of practices, and cultures, and governmental entities around the country, so we have close to 8000 units that administer American elections. And so in -- it is frequently the case that we heard that recommendations at the national level sometimes don't seem to work in application at the local level because of the incredible diversity and decentralization of the American electoral system. Probably tied for first, or running a close second, at least when we heard from the election officials, not only does one size not fit all, but so many of these areas that are identified in the executive order involve the expenditure of resources. And so, while -- whether we're talking about administering law, dealing with the problem of long lines on Election Day, or dealing with provisional ballots, or whatever -- the voting technology that it ultimately boils down to whether local governments are going to have the money to purchase the necessary equipment to hire the staff to increase the number of polling places, whatever it is, and that is something that was frequently identified. Fourth, and this is something that we -- I mentioned six months ago, on the one hand in election administration, we are awash in data. We have more information than a lot of areas of public life. We, obviously, have election returns. We have surveys from the census. We have surveys from the Election Assistance Commission. But on many of these issues, we don't have systematic national databases on things like how long people were waiting in line in, you know, each polling place in the country, or other types of very micro level information about the practices in polling places. And so, we rely on surveys of the kind that we discussed six months ago that came up in the hearings. And then, we're fortunate to have the survey that the academics put together for this -- for the testimony that they presented which was a survey of local election officials. Fifth. Just to be clear about the kind of types of recommendations that we heard from the different witnesses, they run the gamut from the most general which would be your forms of the registration process to the most specific of, you know, regulating the font size and balance. And so, there's a challenge in thinking about the problem -- this could be a laundry list. This could

be a sort of -- a very involved description of so many of the micro foundations that are at the root of the problems in the executive order, but there's also some big picture items that we heard a lot about.

>> Co-chair Bauer: Nate, if I could interrupt just for a second, could you discuss a little bit in interplay between the one-size-does-not-fit-all and the macro versus micro recommendation issue?

>> Professor Persily: Well, so I think the -- one of the challenges in thinking about the testimony that we've heard is to come up with -- well, to identify the types of policies that a lot of local election officials said were necessary, while at the same time being sensitive to the diversity of their experience. So, that there are -- there's no shortage of recommendations that have been published by other types of organizations and I'll get to that toward the end whether you're talking about DAC, the Election Center, NASS/NASED, et cetera. And, I think that the, you know -- the commission -- the executive order assumes that the commission can make recommendations which will apply nationally, but at the same time that it has to be sensitive to the diversity in particular jurisdictions. And so, you know, that some of the recommendations that we heard dealing with the voter registration process, these are things that all jurisdictions are going to confront. So, that -- and technology purchases would be another one, that there, you know, a lot of places around the country that are going to be dealing with purchasing new voting equipment, so that might be a problem that's more broadly shared. Whereas, some of the problems that are identified in the executive order are going to very considerably between jurisdictions, take provisional ballots, for example. The -- what is a provisional ballot in a different jurisdiction really depends sometimes on the features of a state law so that, whether it's in California or Arizona where we see high rates of provisional ballots usage because people are permanently registered absentee and then they come into the polling place that provisional ballots are used -- that's one of the explainers for the use of provisional ballots in those areas. Whereas another is the use of provisional ballots is really restricted to particular types of problems in the polling place. And so, if -- you know, in thinking about the recommendations that were presented to us from witnesses, we have to be sensitive to the different sort of what each problem means when it gets broken down into the 8000 jurisdictions that administer these laws, while at the same time recognizing that there are shared problems and that there are large ticket items like reform of the registration process, which will affect everyone. We also heard that, you know, to some extent, not just new recommendations for how the commission should make sort of new recommendations falling on the lines of the executive order, but that the existing laws that are out there are not being enforced. These would be, you know, the -- National Voter Registration Act and how it deals with departments of motor vehicles, Americans with Disabilities Act, the Help America Vote Act, the Voting Rights Act, protections and Section 203 of language minorities, UOCAVA and Move Act which are both dealing with military and overseas voters that, for some groups, the main recommendation was enforce the law that's already on the books. And, that is, you know, a -- covers a large gamut of different concerns that are identified in the executive order dealing with, say, the registration process, or dealing with Americans with disabilities, or language minorities, or in military. So, a lot -- for a lot of those concerns, there's a question about the efficiency and the effectiveness of existing laws. Then, finally, as I was -- before, where this commission is not the first commission to deal with these problems, and there's a wealth of other information out there, particularly, though not exclusive at the micro level looking at the -- sort of identified concrete polling place practices, for instance, the Election Assistance Commission has put out its reports in quick start guides, the election center has put out its reports after the 2000, 2004 elections both on best practices. NASS and NASED have put up their reports, for example, NASS has its new report on dealing with natural disasters. And on issues such as ballot design, the AIGA, which is the premier design institute has put out its recommendations.

>> Professor Persily, again, a quick comment. Just to be clear on the enforcement side, there were distinctions drawn between various statutory regimes and the extent to which they've been successfully enforced. So, we heard, for example a testimony

that in many respects, the Move Act, affecting military voting procedures has been, in many respects, quite a factor, whereas, there continues to be very serious disappointment with the motor voter [inaudible] statute as it affects the responsibility of motor vehicle department. And so, I just wanted to make clear that these enforcement gaps are not uniform. There are pockets of real significant issues and in other areas some apparent progress.

>> Professor Persily: That's right. Yep. To begin with the problem that is both identified in the executive order and has probably preoccupied more of our time than any other particular problem that the issue of election day lines. In almost every hearing, the question was asked, "How long is a long line?" And we heard many different answers to that -- one hour, half an hour, that it's hard to come up with a standard because there are so many different factors that lead to line length in a particular area. There are some states which are not going to have any long -- any lines at all such as Oregon and Washington because they vote by mail. And so, there's a debate that was had in these hearings about what the standard is for line length, but we heard a lot about different factors that contribute to the length of lines whether it's poor planning, a shortage of polling places, staff and machines, or the misallocation of resources -- for the most part, when we did hear about long election day lines, it was not uniform throughout a jurisdiction, it was in particular pockets in that jurisdiction. Others, election officials talk about the preparation of voters that it's important that the more prepared they are, the quicker they will be able to vote, and so that can reduce line length. And then, finally, the length of the ballot and its complexity, which would increase -- obviously, increase line length. As I mentioned six months ago, queuing theory as applied to the polling place, identifies, you know, particular stages at which the line can develop. It's at the -- and as Charles Stewart's research explains, there's -- in the -- the most likely area that you find long lines is in the check-in process with the poll worker. But second to that would also be in waiting to cast the ballot at the voting machine, and then after that maybe taking the ballot and putting it into, you know, the scanner or other accounting mechanism. So, at each stage, you can have long lines that would then have back stream effects. So, some of the challenges that we heard in the testimony over the last six months that did not make it into my original presentation were, I think, involved technology, some of the problems of facilities and the mail. These were issues that, I think, at least for me, I learned a lot about these particular areas from the election officials who testified in others. On the technology question, it became clear that a lot of jurisdictions are concerned about the potentially widespread systemic failure of voting machines in the next several years because many of the voting machines around the country were bought after the Help America Vote Act appropriated funds in 2003 or four. And those machines are reaching the end of their natural life and the -- there's no federal money that is forthcoming to -- have comparable scale to the Help America Vote Act, and so these jurisdictions are put in a bind as to how to replace these aging machines. And so that's definitely a challenge that the jurisdictions identified, and it's even worse than that because not only is there this possibility of a widespread breakdown of voting machines, but there is a certification process that is broken to certify new voting machines. And so, the election systems commission is not yet functioning because it doesn't have a quorum of commissioners. And so, new standards for voting machines cannot be, sort of approved by the Election Assistance Commission that would then allow those standards, which are -- which many state laws incorporate by reference, to approve new technologies since 2007 which was the last time we had standards that were approved by that -- by the EAC. And so, since that time, there have been revolution -- the widespread use of tabloid computers -- all kinds of other technologies have emerged, and yet the standards for one reason or another are still lagging behind. And so, the certification process and the standards development process that both are impeding the development and adoption of certain technologies. But it's -- beyond that, there are many jurisdictions and we heard from Los Angeles and Travis County Texas where they are dissatisfied with the -- what the market has providing with technology and the voting machines that are out there, they're even going so far as to develop their own types of voting machines or to investigate the possibility that they would develop them. So, technologies, one of the new challenges. The second is, the problem of facilities and finding suitable polling places, suitable and accessible polling places. There's -- we've seen, actually a

reduction in a -- a substantial reduction in the number of polling places around the country. And one of the areas, one of the reasons there's been this reduction in polling places is that schools are now in some states being shut down as polling places. And schools are, in many ways, the perfect polling place. Because of accessibility concerns, they are usually have adequate parking, there are large facilities, large rooms, et cetera, and they've historically been used as polling places and they're ubiquitous. But, because, in the wake of Sandy Hook, the Newtown massacre, there are many school boards around the country are developing policies that would prevent people from sort of non-schooled members or people who have -- who worked there or students, they're from -- being in a school on Election Day, and so the closing of schools poses a real problem for the finding of adequate facilities for polling places. Third, we heard about the problems with the mail as we continue to sort of increase the -- the share of the population that is voting by mail increases where we have California, where are a majority of voters now vote by mail, Washington and Oregon where it's all done by mail; other states, particularly in the West where mail is becoming the primary mode for voting. The U.S. Postal Service is a critical player in the election administration process. But at the same time, they're facing stresses that are sort of well known to all of us and that lead into reductions and service as well as other questions about their -- the -- whether the service of the last -- that we've become accustomed to is going to be what's going to happen down the line. We also heard about disparities around the country in the postal service policy, for example, on issues as to whether the sort of lowest unit rate or the discounted rate would apply for election related -- election administration-related mailings. So, moving from the new challenges to the other -- one of the other main areas in the executive order or the management of the voter rolls, we heard reinforced what I had mentioned six months ago, which is that we have a problem in the United States in that we are the most mobile -- we're the most mobile population in the world, and we have a registration system that requires you to update your registration every time you move. And these registration lists can't keep up with the mobility of the American population. So, millions of registrations are out of date because people are moving or because they die and so this causes bloated and inaccurate -- roles that then have downstream effects in the polling place. The National Voter Registration Act was an attempt to deal with some of these problems, but in many states, there's really a lack of integration between the DMV databases and the voter registration databases. And that lack of sort of seamless integration is cause -- basically, is preventing the NVRA from doing what it's supposed to do. And then, finally, as in many of these areas, there's incredible cost in maintaining the voting rolls, which most of the time are done through paper registrations, as has been the tradition where people, will fill out their vote of registration form, and either deposit it or third party groups will gather these registrations and give it to the election authority. Now, let me move from the macro issues to the challenges faced by particular groups [inaudible] overseas voters, voters with disabilities, voters with limited English proficiency, absentee voters, and victims of natural disasters, or emergencies. When it comes to military and overseas voters, we as Chair Bauer mentioned, we -- everyone agrees there's been incredible improvement since the Move Act was passed -- the 45-day requirement that ballots be mailed out 45 days before the election has solved a lot of the -- when it's complied with has solved a lot of the problem of getting ballots out in the field to military and overseas voters, still we heard a testimony how this could be improved. But, there's also considerable confusion because of differing state practices and how both the Move Act and UOCAVA are being applied. So, for example, states vary in how long a ballot application through the federal postcard application remains in effect. Does it remain in effect for one election, which is just to be clear, when the service member sends in the postcard application, that is, you know, a request for a ballot, and the question is well, will that FPCA mailer be operative for just one election, or for a two-year cycle, and states are going to vary as to what the -- what their practice is. The Move Act says it would just be for an election cycle now, but states can expand on that and several have. Secondly, there's confusion over whether a federal right and absentee ballot also counts as a voter registration application, so different states will be applying that in different ways and so that leads to confusion. Beyond that, we heard a lot about the importance and the challenges of military and overseas voters to vote -- to interact with their election authorities and the -- pretty much, the only way that they can, which is

through some kind of online interaction whether it -- the information that is provided on the website, or email, et cetera. And so, surveys of the state websites identify this as a real problem where military and overseas voters cannot -- there's few websites is it glaringly clear where the federal postcard application, you know -- the websites don't provide the federal postcard application, or the FWAB, or other information that would be particularly tailored to military and overseas voters. Beyond that, we heard from Military Voter Protection Project about the difficulties with the institutional voting assistance -- installation voting assistance officers in the military bases that it's often the case that when service members come and move to a new base that voting registration is sort of, at best, an afterthought, or at some other point in the intake process, not at the same time that they handle all kinds of other bureaucratic needs that they deal with when they move to a new location. And a lot of the concern we heard was that the military officials don't want to get involved in politics and that voter registration is seen as one component of that. Yeah?

>> Commissioner Patrick: Just real quickly, I think one thing that also came up under the confusion piece and voter registration is the notion on whether or not the FPCA constitutes a comparable registration, the same level, not just the flaw, but the FPCA as the same level of federal voter registration form and that's something that's inconsistent across the states as well, that can certainly be confusing.

>> Professor Persily: Right. So, the -- and in the slide, I mentioned that how long is -- it's a ballot application, but then there's a question, well, is it just a ballot application or is it a lot more than that because are you effectively registering for the applicable time period where you're requesting a ballot. Now, moving to voters with disabilities beyond the original slide where I discussed the concerns about actually enforcement of both, the ADA and the Help America Vote Acts, and the NVRA's protections for Americans with Disabilities, all of which have aspects of them that are focused on issues in disability. We heard about the impending increase in the size of the population with accessibility needs and the continuing problem that's been identified of inaccessible polling places, untrained poll workers, voting technology where accessibility is not baked in but is, instead, segregated to sort of one particular machine in the corner that often the voting, that polling place workers don't know how to operate and will only end up operating if someone asks them for it. We heard about bans on voting for those with cognitive disabilities the different states have different regulations with respect to that. And a lot of the recommendations, or issues that we heard focused on the need for training of poll workers, both sensitivity training but also training on the law, training on how to use the technology and that we need to do a better job as a country with that, and that includes things like usability testing. Usability testing, which is not just an issue for voters with disabilities, but for ballot design more generally and that ballots, and polling places, and other features of the electrical system need to be tested for usability and there's a strong academic and organizational literature dealing with that. Moving to limited English proficiency voters, again, there's concerns about the lack of enforcement of Sector 203 of the VRA. And both within those jurisdictions and beyond those jurisdictions, the shortage of bilingual poll workers and multilingual election materials, as well as also, the importance in those areas of having state websites, or local websites that are in different languages. And as with the previous slide, some of the concerns for limited English, proficiency voters are ones more broadly shared, so things like confusing ballots, they're -- you know, ballot design issues are ones that are of concern to -- for all Americans and we've seen them in various incarnations around the country. But, we heard different testimony about what is sort of the optimal ballot design for dealing with limited English proficiency voters. Is it best to have a ballot in a particular language? Is it best to have it both in that language and in English because there are going to be some terms that are -- where limited English proficiency voters actually want to see the English translation. Obviously, if you have two languages on a ballot that increases the size and the length of the ballots, so there are tradeoffs. And some of the data suggests that if there are inadequate resources to deal with limited English proficiency voters that that is when lines will develop because of the interplay between the poll workers and the voters. We also, in Alaska and elsewhere, heard about the importance of having assistance for

those who don't speak a written language but need both ballots and ballot materials in unwritten languages. Next, in thinking about absentee ballots, which, again, is one of these areas that you focus this on the voters or on the system more generally, as Charles Stewart's research among others has indicated that there are -- many of the gains that we've made in this country through improvements in technology have been mitigated by the increase in lost votes at multiple stages of the absentee ballot process. So, the -- as I described six months ago that the potential errors in the absentee ballot process come from both the -- you know, requesting an absentee ballot, having that ballot mailed to the voter, having that voter correctly fill out the absentee ballot with the signature, mailing it back in time and then having it counted. At each stage, there's an opportunity for lost votes and it's creating a serious problem in the number of ballots that end up being lost at some stage in the process. This is exacerbated by the mail problems that we described earlier. And in those states where [inaudible] was becoming the primary mode for voting, we have this interaction between mail balloting and the polling place where when voters permanently register as absentee voters, and sometimes are unaware that they're doing so, many of them then show up at the polling place are then causing -- I would say causing problems to the polling place, but they have to be treated differently because it's unclear whether they both voted absentee and are showing up and voting in person, so therefore, there's an increase in provisional ballots in those areas that have permanent absentee voting. And then with absentee voting, when you do find instances of fraud, that is the areas where you often will find them and so that's of concern. Finally, the area of natural disasters in voting and emergency preparedness is one that I think is still in its infancy, but because of the problems recognized in 2012 with Hurricane Sandy, we had a testimony from both election officials and academics about natural disasters and voting. The first clear signal that we got in this testimony is the lack of statutory guidance as to when elections can be rescheduled and who is in charge on Election Day in the event of a disaster. And in many situations, the plea is not for a particular type of guidance but just some kind of guidance so that there is clarity as to what the criteria are as to when it can be rescheduled and then who's in charge. But more generally, we heard about the importance of planning for these disasters. Some states do it better than others because as with Florida, they're used to hurricanes and so they are -- have an operational plan in place, whereas others do not. And then, a problem that we heard about that occurred during Hurricane Sandy, which is maybe one that we -- at least, I hadn't heard about before, is not only about the voters who are themselves afflicted by the natural disaster. But, the first responders who come from all over the country sometimes that deal with these natural disasters, what about their voting rights? How can their ballots -- their opportunity to vote be protected when they're responding in an instance to these natural disasters. So, this is a summary of the testimony that we've heard both of the sort of the institutions, the systemic, the technological issues as well as, those that afflict particular groups of voters, and with that, I'll turn it over to Charles Stewart for his server results.

>> Professor Stewart: Yeah. Before we begin, I just want to make sure, are there -- commissioner, is there any further questions or comments? Commissioner...

>> Co-chair Bauer: Just not really a comment, not really -- not a [inaudible]. I just wanted to thank Nate, as well as everybody else who came to testify, I think for all of us who come into this. There's some folks in this commission who are -- were extraordinary election experts like the folks to my left. I mean, there are [inaudible] like Brian who are brand new to this, and there are some that [inaudible] a little rusty, and, you know, I was just a Secretary of State. I was not [inaudible] [laughter]. But diving in and learning about the intricacies of how elections work and all of these jurisdictions and things like, 12 languages that L.A. county has to deal with, or unwritten languages in Alaska to the first responders problem that you mentioned. It was just we learned a lot and so I just wanted to thank Nate for summarizing but as well, everybody else for coming. It's, on the one hand, made our job easier because now we've have all this information, but I think it's also a bit harder because this is a really complex problem. But I just appreciate everybody for the hearings and all the other -- the informal meetings and then all the submissions with -- I've learned a lot about this process and I already thought I knew quite a bit going in, so thanks everybody.

>> Co-chair Bauer: Any other comments or questions? I do want to make one comment before we hear from Professor Stewart, and that is there's reference to hearing testimony. We've heard a lot of testimony. This goes to Commissioner [inaudible] point, but we also, you know, understood, we're going to hear from the people that we invited -- or wish to appear. We had meetings with people who invited us for a fact-finding purposes to hear what they had to say, but also looked at the academic literature, whatever surveys and studies that had been done. So, we've tried to drill down. We've tried really to go beyond the anecdotal and to truly understand the best we could. As Professor Persily said in an area which is remarkably lacking in adequate data in certain respects, we've really tried to drill down and understand precisely how this system such as it is operates and in connection with that the survey that Professor Stewart is about to present is really an extraordinary contribution to the work of the commissions. We want to thank him as well and his colleagues.

>> Professor Stewart: Well, thank you, Co-chair Bauer, for the introduction and the kind words, and I'm going to talk today -- and to the commission, in general, for inviting me to talk about one more time to survey local officials in a different context than was talked about earlier in our Cincinnati meeting. And so, as a way of introduction, I think one of the ways of seeing a survey like this takes off on one of Nate's first points about the data vacuum that we face in election administration and improving elections based on scientific principles rather than other less informed principles. That is we have a data vacuum and that we're trying to assess -- trying to bring -- gather as much data as we can about the performance of election systems One of the areas that ends up being the hardest to get good strong systematic data is the experience from a local officials. Certainly, there are articulate dedicated leaders of election official associations who have their [inaudible] on the profession and who can articulate what they hear from their people. But it's also sometimes useful to hear directly from the people about what they have to say, and so my colleagues and I have attempted to do that in our survey of local election officials. The purpose being to hear directly from them, the commission has, as I mentioned, already seen some of this and the Cincinnati hearings. And so -- but, I will go over just a little bit about the background of this for the benefit of the audience and those who are watching in the wild world of the web and also, for the record to recall that initial results from the survey represented in Cincinnati. It was based on the first 1400 responses, the survey was still actually in the field. And my colleague from Harvard, Stephen Ansolabehere, explored particularly open-ended responses to many of the questions to give a flavor about the sorts of things that local officials were saying. Well, about a month ago, the survey was put to rest and we ended up with a total of almost 3200 respondents overall. And so, today, I'm going to talk about the responses from the entire survey and then focus on the closed-ended responses where we can quantify things more -- a bit more precisely. Again, this will be a reminder to many folks but, this was a survey of all election officials in the United States, which itself is a bit of a challenge to even get that list. There, as been mentioned already, 8000 local officials -- or actually, 8000 local jurisdictions. But it turns out, there's even more than 8000 chief officials when you think about it because in many of these places, there might be one board that handles the organization for Election Day, there might be another board actually that handles, say, the voter registration process. And so, even figuring out who you get the survey to is a major issue. I think there's some substance to this as well and thinking about where recommendations flow from a commission like this into operation because -- and I think the analogy of hurting cats only begins to kind of get to the issue of how to turn some recommendations into concrete action moving ahead. The survey was actually conducted by a census research on our behalf using a variety of modes. We relied on the web, on faxes, on -- which, by the way, election officials must be one of the last set of folks in America, almost all of whom have fax machines. And they have to receive ballots, so American election officials and Japanese business people are the -- I think, the last two groups of people who rely on fax machines, so there you have it. We didn't quite rely on pony express but we would have. We contacted -- the officials were contacted initially and we followed up several times to make sure that we got as many people as we could. The research team is on the screen. It included, again, myself, Stephen Ansolabehere from Harvard and

Daron Shaw from Texas. And we will be making the data and a variety of reports available through the Caltech-MIT voting technology website in the future. And then, finally, I do want to acknowledge both the Hewlett Foundation and the Democracy Fund, both organizations provided funding for the research that I'll be talking about. But, of course, it's usually -- is always the case in these situations, the research was done entirely by the research team identified here and all of the comments I'm going to make are mine and only mine myself. So, the response rate got almost 3200 responses from close to 8000 attempts to reach folks, so that's roughly a 41% response rate. We got at least some responses from every state except from Wyoming. Among the states with a significant number of local jurisdictions, by the way, Louisiana is our champion, 90% of their jurisdictions responded to the survey. There was a slight skew to southern states, only slightly so. So we did get a good regional representation of local officials. We also, it turns out, we got a slight skew to medium-sized jurisdictions, that is, jurisdictions with, say, roughly a 100,000 to a quarter million voters. And so, if the overall response rate was around 40% and that kind middle-sized group of jurisdictions, we probably got more than half of those jurisdictions responding to us. And the very largest jurisdictions, say, the ones over a quarter million, we got a slightly larger -- slightly smaller response rate. And then, likewise, in the very tiny jurisdictions, also more than 30% response rate. Overall, though, we got a pretty good mix of responses.

>> Co-chair Bauer: Quick question for all of our sakes, from a methodological point of view, what is a -- how do you look at 41% as a response rate for purposes of a survey like this?

>> Professor Stewart: I mean, there's a couple of ways of thinking about it. First of all, for very complex sampling situations like this, getting a 41% response rate is actually quite good just on the numbers. Of course, you want more -- I mean, you want as many as possible. So, the first thing you look at is you look at the overall response rate. My experience with trying to reach local officials, particularly -- you're -- luckily, if actually you can get up into the 10 to 25% range, because local -- government officials are busy people with a lot of demands and are actually quite good at deflecting requests for answering to surveys, so just in terms of the overall number, this is very good. The other thing though that you look at is that you are concerned about the representative nature of the people who did respond. And that's where -- because in most surveys, the people who respond first are really ticked off or really happy. And so, you want to make sure that there are some sort of representative quality in the survey. And, like I said, you know, there's a slight regional skew, there's a slight size skew, but, you know, we're within kind of the 30 to 50% response bands and all of the categories that I care about. So, I feel pretty confident that if we were to magically get everybody to respond, that the quality of the responses would hold. So... So, let's see. So, variety of contexts, as mentioned earlier, the 8000 local jurisdictions -- that roughly 3300 counties in America. One of the things that I do want to point out which will actually come -- I will keep coming back to in the presentation because I think it adds a little bit of -- a little more nuance to Professor Persily's comment about -- or asking when do thing -- when does one-size-fit-all? Is that half of all voters are in the 163 largest election jurisdictions in America. Okay? So, while there are roughly 8000 of these jurisdictions, roughly half of everybody of all voters are in the largest. Okay? And the breakpoint is a jurisdiction with roughly a quarter million voters. Okay? And so, throughout this presentation, I'm going to talking about larger and smaller jurisdictions and I'm going to be dividing at that point, and you will see in some circumstances that there are different responses and different patterns according to larger and smaller. And if I had made the breaks even more stark, those differences would've been even starker. Okay? But I also recognize, by the way, that, you know, a jurisdiction of 200,000 voters is not small, it's just small-er than the larger ones. Okay? So, the topics that I want to talk about are listed here. First of all, some data about spending and staffing, and here we can actually bring a little bit of information about disaster planning, talk about the organization of precincts, training of poll workers, how well things went, the good, the bad, and where the local officials report that they feel like there may be challenges in the future. So, first of all, about spending and staffing, just getting a good feel about how much money is spent in running local elections is kind of the -- one of the holy grail --

part of the holy grail of election data. Because running elections is relatively small, is that a small portion of local budgets, organizations like the Census Bureau tend not to break out spending for elections and so this is something that we rarely get a glimpse in. So, we did ask people how much they spent in the -- running the 2012 election, or rather, more broadly, running elections in 2012. And if we take the answers that were given and then net up across all jurisdictions, it runs into something like $2.6 billion spent to run all of the elections in 2012. Now, to put this in context, and this is operational spending. There was very little reported by the local officials in what would be called capital -- we would call capital spending. About 10% of local governments reported, for instance, buying new voting machines, or new poll books, so this is mostly operational expenses. Just last week, I was actually giving a lecture to a seminar on product development at MIT. We did a back-of-the-envelope calculation about what it would take to buy everybody new voting machines, new scanners, new DREs, that will be about $3 billion, so that would be kind of -- you could be amortize that capital outlay over 10 years, 20 years a century, whatever, local officials try to get away with. And so, to give you a sense about, you know, how much money is being spent. Roughly 26,000 people work in the central offices full time running elections, and keep in mind, we know from other research that roughly half a million people are mobilized on a presidential election to staff the polling places on Election Day. Now, in the sub-bullets, I've tried to provide some context for these numbers. For instance, one -- local governments spend $1.5 trillion a year. So, spending amounts to, for elections, amounts to 17 one-thousandths of 1% of all local government spending. Local governments primarily spend money on education and on public service relief. If you look in the area of general government, which is the part of local governments that keep track of things, and assess taxes and do those sorts of things. It is about a tenth of that. So, while it is a tiny part of all over local government, it's still, you know, a major part of kind of the general government function that's going on at the local level. And, by the way, it's about why it gets spent by local governments running their parking garages, which, actually, the more I think about it, there's some nice analogies there, and the sense that as a small thing everybody does it. The advantage of parking garage is, of course, is people park every day, and so they know when the -- you know, the [inaudible] or someone's not doing their job. And so, it's about the same -- roughly the same size but with different challenges. Okay? And I've provided some other contextual context for the other statistics, as well. The other one I kind of -- I just discovered over the last couple of days is that half a million people we mobilized into running the precincts on Election Day is roughly the number of people employed by fire departments. And so, for the officials who want to interpret what they do, you can almost say, imagine you had to, on the fly, create a fire department and mobilize it and demobilize it overnight. That's kind of the size of the Election Day work that needs to be done. Just a word about disaster planning, we did ask the local officials, do they have an explicit plan for running the election in the event of a natural disaster or emergencies that might erupt -- disrupt the election? And they either had a plan, or they didn't, and if they didn't have a plan, we ask them if it -- if there was a process underway or if there was no process underway. And we can see overall, looking in the last line of this table, that roughly half -- almost half of jurisdictions reported that they had a planned already in place. About a fifth are working on a plan and about a quarter say that they don't got one and they're not working on one. And there's -- I'm always amused when 8% don't know -- don't know what that's about. But this is one of the areas that we'll see in several other slides where it matters actually whether we drill down into the larger or the smaller jurisdictions. Roughly two-thirds of the larger jurisdictions already have a plan and almost all the rest are working on their plans. Right? So, it's really the smaller jurisdictions that are in this never-never land, and my suspicion given the other answers to the survey is that one of -- that these jurisdictions are likely waiting on the state to give the lead. So, just to kind of pre-save some of the findings here, it looks like the larger jurisdictions pretty much can handle things on their own and the smaller jurisdictions rely heavily on the states to do their planning for them and this is just one of those areas where that's going to be the case. Organization of the precincts, we ask people -- we ask the local officials how do they allocate a bunch of things, including poll workers and voting machines. And here, I think we are most interested in the amount of discretion that local officials have and whether they, in fact, are able to respond to problems that arise, shifting

populations, those sorts of things. And so, one of the things we asked was about the state constraints. Does your state have rules regarding the number of poll workers that must be allocated to your polling place? We also asked -- and so, the answer there is about almost about 40%, say, the state tells them how many poll workers to have. But another 40% say that they have rules or they have discretion, and then finally, 13% say it's entirely up to them. Okay? So, you know, this is one of those cases I think of the glass either being half full or half empty in the sense that there may be a number of local jurisdictions that might want to do some things to help them deal with problems they face, say, with lines, with demand on Election Day. They may be hamstrung by what the state allows them to do. An equal number of jurisdictions, however, are not hamstrung, and that's something that that's going to go, be important moving forward when we get to recommendations. There's a question about how our poll worker is allocated, and there's a number -- we gave the local officials a number of options. Some of them are things like allocating poll workers -- the most common is allocating poll workers and proportion to the number of people who voted in a precinct in the last similar election. And a similar response was the second most common. I allocate poll workers in proportion to the number of registered voters. So, by in large, the answers to these questions are related in one way or the other to demand for -- essentially election services on Election Day, but we can see, for instance, that 12% say that they allocate just the same number of poll workers to each polling place. Okay? And so, you know, and my guess is that those are going to be the places that have the hardest time responding to problems on Election Day. This is also one of those areas where you see that it matters whether it's a small or a large jurisdiction doing the allocation, so that the larger jurisdictions are allocating based on either the number of people that they expect in the polling places, the expectation of lines, or the number of machines they have. Whereas, these smaller jurisdictions, yes, they oftentimes also rely on estimated demand, but they're more likely also to rely on kind of [inaudible] rules, like give the same number of machines to everybody, or to take the formula the state gave me and just apply that. Okay? So, again, two different types of jurisdiction sizes, two different types of administrative practices that need to be kept in mind, I think. The issue of training poll workers is one that's come up a lot of times with the commission and a lot of best practices have been discussed about both the amount of training in which, like eight hours or so seems to be about what's needed given the complexity of voting these days. We've seen examples of literally superhuman efforts by some of our commissioners to do training. And, so the question is, well, how much training is actually done at the local level? So, we asked the local officials how much training did the typical first time poll worker received prior to the most recent election? And then we asked them how much training the typical poll worker who was responsible, in charge of a precinct receive in anticipation of the most recent federal election. And we can see here that it wasn't a whole lot. On average nationwide, the first-time worker received two and a half hours of training and the chief, the person in charge of the precinct, on average, received about three and a half hours. Larger jurisdictions gave about an hour more of training, but none of this is close to the eight hours that I've heard many times saying is sort of what you need. And in fact, only 10% of the local jurisdictions say they gave their poll workers eight hours or more of training.

>> Co-chair Bauer: And when we talk about training, that could be both hands-on interactive, or it could be online?

>> Professor Stewart: Yes, yes. It could be. And, you know -- and I will also reiterate and answer to that question that, you know, that -- you know, we're just kind of skimming the top here and I think it -- my main takeaway is that it looks like there's not a whole lot of training going on and the question is, "Well, what is the quality of that training?" You know, there's a big discussion there to follow up from this. But I will move on to talk about things that...

>> Commissioner Mayes: Charles can I just ask, was there even an agreement on the subject matter that a poll worker -- could you sense that from what you got in the survey, or was that beyond the scope of the survey?

>> Professor Stewart: You know, that was beyond the scope of the survey, but since you've asked, I can dip in to the open-ended questions to see if answers -- if there's any way of teasing out what the subject matter of the training was.

>> Commissioner Lomax: And I have a quick follow-up question. Did you ask about whether or not they paid them to come to training?

>> Professor Stewart: We did not ask whether they paid them to come to training, which, obviously, would make a big difference.

>> Professor Stewart: Well, would both make a big difference in terms of the inducing people to come and would make a difference in terms of expenses as well. And my guess is -- well, I don't know what two and a half hours is consistent with, either you don't do a lot of training because it's expensive, or that you're not paying them so they don't come to a whole lot. But that's a good question, as they say, more research is needed. Things that went well. We asked the officials to think about the 2012 election, and to tell us three things that went especially well -- we didn't want to be Negative Nellies here just from the start -- and, we gave them a list of 19 things. The slide is pretty small -- has small type, but they are the sorts of things that the commission has been talking about, voting technologies, availability of polling places, poll workers, management of early voting. Basically, a smorgasbord of the types of issues that arise in -- rise in election administration. The things that went well. The five things overall that went well, and I draw the commission's attention really to the first column here, is about a third of jurisdictions said that, "Well, voting machines actually, was one of the things that in this last election went well." Okay? And I'll quickly add that we have heard and we'll come to this about the future, we've heard concerns about the future with voting machines, but this suggests to me that, you know, people are worried about the future rather than experiencing right now at this very moment, breakdowns of voting machines. The management of absentee ballots was the second thing that went well, the training and management of poll workers, the availability of polling places, and the management operation design of polling places were things that overall went well. Basically, managing the basic logistics of Election Day, the local officials felt like had gone well for them. Now, if we divide things into small and large jurisdictions, well, because there are so many, the small jurisdictions dominate, the top five for the small jurisdictions are also the top five for all jurisdictions. For larger jurisdictions, they highlighted another -- some things were the same, so to some degree, the one size did fit all, and to some degree, they didn't fit all. So, large jurisdictions also said their voting machines were good, their absentee ballot process went well, and training and management of poll workers, they thought went well. But the larger jurisdiction, themselves, also felt like -- I would interpret as the same, that they managed other crowd control aspects of the election well, that is, the quality of the registration list and the poll books that they used. They felt it went well on this last election. And managing the early voting process is something that the larger jurisdictions felt like they could be proud of, that that was not mentioned quite as much by the smaller jurisdictions. So, again, one size doesn't fit all sometimes and sometimes it does. But what were the concerns? We're always more interested in train wrecks, and so our car crashes or whatever. And so, the concerns for 2012 -- well, number one was nothing in particular [laughter]. We allowed folks to say nothing at all and there you go. It's the most common thing said by all jurisdictions. After that, the availability of poll workers, voter education, lack of funding, and postal service issue. So, here, I would just underscore Professor Persily's presentation about how the postal service issues are an emergent -- emerging issue that has risen over the last several months and it's, you know, reflected here in this survey as one of the top overall concerns. Again, the smaller jurisdictions have the same concerns. Look at the larger jurisdictions. Thing number one is, the larger jurisdictions are much less likely to check the box, nothing in particular. There's a lot going on there and they have particular things to talk about. Interestingly enough and it surprises me, they were less likely also to say lack of funding was an issue for them. They were more likely a bit to point out the postal service issues, but they much more than the smaller jurisdictions mentioned the challenge of keeping lines to a minimum and managing provisional ballots. And so, here, again, and I think if we want to, you know, get a bit more subtle about the

one-size-not-fitting-all, that suggests that for larger jurisdictions especially, well, crowd management is a big issue. We've seen this in many other pieces of testimony and research where the lines are largely a large jurisdiction phenomenon and problem. And then provisional ballots, in many places were provisional ballots are used because of the mobility of voters, people in cities and suburbs are more mobile than folks who don't live in the cities and suburbs. And so, this ends up being a real issue for the larger jurisdictions and no so much the smaller jurisdictions. Okay? Oh, did someone say lines? [Laughter] So, we did ask about lines in the survey, and so since this was mentioned by the larger jurisdiction as being concerns. We asked folks -- well, were lines a problem in 2012 and we gave them three different flavors of "Yes." Yes, they were common and widespread. Yes, only in some places. Yes, in only one or two places. Or, to say that lines weren't a problem. So, we have the mysterious 3% who said they didn't know if lines were a problem. But beyond that, looking at the -- in the upper half of the table for the moment, for all respondents, 83% of the respondents said "That lines were not a problem at all in their jurisdictions," but I've broken out the responses by the larger and the smaller jurisdictions, and there we see that when we look at the larger jurisdictions, only a quarter say that lines were not a problem. So, for three quarters of jurisdictions, lines were a problem at least to some degree, whether it be one or two precincts that were problematic, whether it'd be a bit more widespread or in just a couple of places, very, very common by the admission of the local officials. Another way of viewing this, and this is what I've done it the last line of the table is try to weigh the responses by the number of eligible voters in the jurisdictions represented by the respondents. And so, about half of voters live in jurisdictions where the people running their election say there were not lines. The other half of voters live in jurisdictions where their election leaders say there were at least some line problems. Again, common line problems are rare, but at least as a chronic low level problem, long lines are, you know, kind of keep cropping up where there are a lot of people. And for the larger jurisdictions, this is clearly an issue. [Inaudible]?

>> Dr. Stewart, how does that compare to survey that you do every two years? Does that -- do those two jive well or are you surprised by the number of acknowledgement of lines here where I think your survey suggested that generally people are waiting about 13 minutes to vote and then...

>> Professor Stewart: On average, they're waiting 13 minutes to vote. On the other -- I'm not entirely surprised by these responses in the following sense. The most -- the biggest takeaway I -- my biggest learning of it last year about lines has been how -- they do seem to be focused on a few state -- a couple of states where they're chronically a problem and basically every city you at least have to be concerned about the possibility of lines. And these responses are consistent to that, you know, where you have a lot of people -- it's at least in the back of the mind of most jurisdictions, even if it doesn't manifest itself at this time. One of the things I've -- the next thing for me to do on my copious free time is to try to figure out whether I do have the data about people reporting long lines. I know what counties they live in and the zip codes they live in, and I know the counties and the localities of the officials to see whether the answers of the voters and the officials line up. My initial cut at that suggests that it doesn't -- I mean, it lines up a little bit but not comprehensively, but I don't know how to interpret that. It could be that, well, one, it could be a problem -- and I always hold out the possibility it's a problem with the method. You always have to hold that out. But it also -- but if it's not a problem with the method, it could very well be, again, lines are rare. They're spotty, and so, you know, you could have a really bad experience in one precinct in a large jurisdiction, and maybe the election official won't find out about it, or might think, "It always happens here. It's not such a big deal." So, I think that this is an opportunity for us to drill down into particular jurisdictions and to find out more what's going on.

>> Co-chair Bauer: So just -- so, I compare the general statement you've made about sort of what the expectation would be of lines with the number. So, to understand this, in the larger jurisdictions where roughly half the voters in the United States are concentrated, almost 30% report lines of up to -- of one to two hours.

>> Professor Stewart: Oh -- so, the -- you know, the long line -- let me actually go back to the category.

>> Co-chair Bauer: Is that one or two locations? I'm sorry.

>> Professor Stewart: Yeah, one or two locations. Okay. Those are the categories.

>> Co-chair Bauer: So, flipping it back then, 40.5% long lines at...

>> Professor Stewart: Some...

>> Co-chair Bauer: Some. So, that's 40% of those -- of -- in jurisdictions were over -- where roughly half of the voters in the United States are concentrated.

>> Professor Stewart: Right.

>> Co-chair Bauer: So, is it spotty or rare? It seems more than spotty or rare.

>> Professor Stewart: Well, it can be both, actually, and I think this is -- it gets back to some of the things that Nate was saying earlier It's rare in the sense that it looks to be focused on a few polling places. But once it happens in a -- that polling place, then it might affect every voter. So, in that sense, you can have outbreaks in one or two places and still affect a lot of voters. That's thing number one. Thing number two; is one of the ways that I interpret this in light of other findings is that your precinct, this election may not have a line if you're in a large city, but it might the next time. So, kind of the risk of having a long line is also pretty great and be kind of the -- yeah, in a risk sense and a large jurisdiction. So, I think it's true that in any given election, there's going to be a relatively small number of voting places where you get the long lines. Those long lines are going to be focused on those jurisdictions, which are small in number, but vast in numbers.

>> Co-chair Bauer: That's right. So, the total number of voters who might experience the problem, going to voter experience, it could be substantial?

>> Professor Stewart: Yes, yes, yes. And I think that -- yes.

>> Was there a common definition in this for what a long line was?

>> Professor Stewart: No. No. And, again, this gets back to the question about, you know, how do we interpret results like this and you can only -- basically, I would -- I mean, you can only basically trust, you know, the question and the answer to it. That's -- and basically the question is, did you experience long lines? And the answer categories were -- are very qualitative. So, I would just take this as kind of the -- just kind of a -- you know, a kind of a face validity test or something. It's not a very precise definition about what a line -- constitutes a line. I think this is being, if you were just to pick out -- yeah, if you pick out a random election official and you were to ask them, "Did you have problems with lines?" What they would answer you in kind of a casual conversation, or maybe a lesser than casual conversation. I should report, by the way, in that -- being inspired by Commissioner Thomas, I have a survey that was in the field but, alas, the results haven't come back where I actually asked people, voters, what they consider to be a long line. And unfortunately, I won't be able to report that until January or February, but, you know, at least the commission has -- has spurred on some academics to actually get to Commissioner Thomas' core question.

>> And the other thing about the long lines is, someone might answer there was a long line because there were 200 people when the poll opened in the morning, as opposed to a long line later in the day that would suggest some sort of equipment failure or bad planning or something like that. It's all long line.

>> Professor Stewart: Exactly, and to shield a bit for my earlier survey, one of the things we do in the survey, the performance in American elections precisely for it --

for that reason, is to probe people about when they showed up, was the polling place actually opened when they showed up to try to get it -- get at those sorts of issues. But in this survey, this is a segue to the next slide, we did ask people what they felt the local officials felt were the causes of these lines when they -- when they encountered them or when they perceived that they had these problems. And the prompts were the standard, the registration problems, insufficient poll books, et cetera, or just too many people showing up at the same time, which is kind of this lumpiness problem of -- that polling places you have to endure. And about half of the respondents overall said that the number one problem was two people -- too many people showing up at the same time. Now, again, there's a problem here. This is a really broad answer. It's literally the case that all the lines are due to too many people showing up at the same time [laughter]. But I interpret this and I -- most people I've talked to interpret this as being kind of the lumpiness problem in dealing with kind of the surge capacity and being, you know, and I think we've gotten some other evidence. Informally, that local officials don't always plan for the surges, the planning is for the average turnout and I think that this is evidence that, you know, when you get lines, the biggest reason is, well, in a sense, we've planned for it, and if you plan for the average capacity rather than the surge capacity, you're almost guaranteed to get the line and that's, I think, how I interpret this result here. But there are other things that they say as well that we've also -- that the commission has also heard such as the long complicated ballots, people on the wrong precinct, et cetera. The larger jurisdictions, again, have a different set of reasons that they ascribe to the long lines. So, the larger jurisdictions, for instance, are less likely to say that they had long lines because of registration problems. They are more likely to say that there were problems with insufficient poll books or not enough early voting days. By the way, I mean, the smaller jurisdictions are more likely to say they had wrong people in precincts and registration problems. That's not what the large jurisdictions said. They said they didn't have enough poll books. But, actually, those two sets of answers are actually about registration. So, I interpret that as, to me, as meaning that the large jurisdiction, there is -- if you have lines and the registration problems, the officials are immediately jumping to the technological solution. If we had poll books, we wouldn't have had that problem. Smaller jurisdictions, which are less likely to use electronic poll books are also less likely to say, "Well, if I had more poll books..." because for many of them, you know, they don't use poll books. Right? So, registration problems are in there as a mix, but they're just -- you know, the detail is quite different if you're a, you know, a Boston versus Amherst, Massachusetts, or something like that. Then looking forward, finally, over the next five years, what areas of election administration are in significant need of improvement or upgrade? And we allowed people to choose up to three. And we gave folks -- it's kind of the standard set of things. Overall, the biggest challenge moving forward, despite the fact that the voting machines, by report of the officials went -- you know, performed well. The local officials still think that the voting machine is a big challenge moving forward. Followed by the availability of poll workers, voter education, training and management of poll workers, in the postal service. The larger jurisdictions are different in the sense that poll worker and voter education problems seem to be less on their radar. The voting tech issues are more on their radar and the availability of polling places is more on their radar. My guess, that being that in the larger jurisdictions with an older infrastructure, accessibility issues are more -- parking, are more of a challenge, and so that's a place where there is some difference between the two types of jurisdictions. Again, though, I mean, postal service issues are one that was not initially part I think of the commission's agenda but has shown up again as on the list of local officials.

>> Co-chair Bauer: A question for you. Do you anything just that merits some attention and explanation between the testimony we received in which you would have thought that the voting technology challenges in the future would have commanded a much larger share of the response and the actual percentages reflected here. Because the testimony would've led you to think that that number would be considerably higher than we see reflected in these -- in this data?

>> Professor Stewart: I mean, yes and no. I mean, I think that -- putting myself in the mind of an election official and we actually have some election officials around

the table. It could very well be that voting technology is the biggest issue, but it's not the biggest -- it's not a big issue for everybody. If you're, again, a small jurisdiction or with one or two machines, you'll get whatever the state or the county procures. And like you do procurement for everything else. And so, you know, the fact that it's number one and the fact -- it basically tells me all I need to know. And maybe, you know, you're going to hear the complaints. You're not going to hear the folks saying, "Yeah, we could get by," but that would probably be true with all of these other areas as well. So, in a world in which a lot of people are getting by are doing well. You know, the [inaudible] is not falling in those places. My sense is that this guy is not falling in most places, but the place that people worry about the sky falling, or they worry about the sky falling is most likely to be voting technology.

>> Oh, Commissioner Patrick.

>> Commissioner Patrick: There we go. I think one thing to take into consideration and there also happens to be that many of the jurisdictions that attend election center conferences, IACREOT and some of the other places. I would imagine skew to the larger jurisdictions than smaller jurisdictions that maybe don't have that kind of travel budget. So, I think that many of the testimonies that we heard over the summer may have been waited to larger jurisdictions and that may accommodate for some of the disparity there.

>> Co-chair Bauer: Are you surprised that even among the larger jurisdictions technology is number one. Charles correctly says, it tells them everything he needs to know. It's number one across the board, but even among the larger jurisdictions, less than 40% report that. And that doesn't seem terribly consistent and even with the testimony we heard on the road.

>> Commissioner McGeehan: Okay. I think that Larry had -- my comment would be that, I think maybe something we heard on the road was stifling innovation and improving the process. And so, that's sort of a different question as to what's an immediate problem now. So an election official looking at their challenges down the road, they can probably live with what they have. But we heard from folks that were trying to improve it and make it better, so that may explain some of the testimony here, as well.

>> Commissioner Lomax: Yeah. I was just comment that not all jurisdictions are very -- are heavily reliant on voting machines. I mean, a lot -- you know, some states vote all by mail. Some are optical scanned and just basically if their reader reads, they're happy. I think most of the states who rely on voting machines are in the same boat we were in Nevada that their machines are getting old and they're worried about what they're going to do. But, I think it's only those kind of things where that rises to the top.

>> Professor Persily: Can I jump on this? I'm actually surprised at how large it is, because if you remember that the way that the question is asked, there's, what, 15 options...

>> About 19, I believe.

>> Professor Persily: 19 options, so that, you know, there's some places there will be only limited English proficiency voters, that'll be their top [inaudible]. So, this is just a methodological point that when you give that many options, it's rare that you're going to get something close to 40% that everyone's going to agree on. So, this is real sort of clarion call when it comes to the voting technology.

>> Professor Stewart: And the final thing I would say which I don't think is entirely repetitive with what I said earlier, you know, the commission has heard from the thought leaders in this space, and I think all thought leaders in this space are worried about technology for a lot of reasons. If you're in the trenches, I mean, my experience in talking with local officials what I've kind of pound around with them, you know, are experiencing, as we saw early in my presentation, you know, machines

that work, and their challenge is not the machine at work, but maybe it's the, you know, getting the poll worker to set it up right. You know, it's kind of -- you know, it's the everyday running the election to make sure it -- I mean, this machine will work if the poll worker knows how to work it. It's oftentimes what I encounter. And so, for the Rankin file who just, kind of, you know, waking up in the morning and, you know, making the election work, again, and to have a third of them aware enough that here's a big issue that the rest of the -- you know, that -- you know, people who spend all their time in meetings like this are talking about, actually, I think is a good thing because it does [inaudible] it's a good thing. I mean, it's a significant thing suggesting that when the voting machine issue gets bigger, there's already a seed planted in the Rankin file to accept this challenge of renewing the voting machines over the next 10 years or so. And, by the way, that's my last slide, except, there's a conclusion slide. So, and we've had questions and comments on the disposal of the commission both for any other comments or questions, but also questions you might have that I might go back to my computer and come up with to assist the commission as it writes its final report.

>> Commissioner Mayes: Charles, can I just ask you? While you can argue that money solves every problem, how much adequate funding would address the top five that you have up there?

>> Professor Stewart: Well, you know, I would -- I mean, you know, the people who live this life more than I do probably have better answers than I do. you know, the big item obviously there is voting technology. The other areas are areas that you can't do for free, but are areas where I would argue in my experience is more a matter of applying creativity and existing knowledge to problems that face voting. Right? So, you know, the availability of poll workers, you know, you could double or triple or quadruple what you paid the poll workers, but it's my experience that that's not going to get you more poll workers necessarily. It's going to be accessibility to the right populations who have the time off, who can come to the training or willing to do the training, who, in fact, get trained well, those sorts of things. So, yeah, I think voting equipment is really the place, is the big ticket item and the others are either policy or a little bit of money and a lot of creativity and a lot of cooperation.

>> Co-chair Bauer: Did you say you have another slide?

>> Professor Stewart: No

>> Commissioner Britton: Professor Stewart, I get this data is great, thank you. And this particular slide, I think is the money slide. If you were to cut this and look at that number of voters, would it still be the same or would it look different? Meaning, if you could say the larger jurisdictions -- or what percentage of the voters versus smaller jurisdictions, that'd be interesting to me.

>> Professor Stewart: Right. And I can certainly -- I can make up an answer right now. I can certainly, you know, pretty quickly offline, create a hard answer. But, my expectation is that it would emphasize even more the voting technology issue.

>> But I thought its half and half, right? Half's the...

>> Professor Stewart: Well, it's half and half, but here, all I've done is I've just bifurcated the sample, big and small.

>> Oh, right. Right. Right.

>> Professor Stewart: Right, but what I can also do is actually apply the number of voters to every single answer, right? And when you do that, you actually -- you just -- you end up pushing the small and large jurisdictions even further apart.

>> Professor Persily: Can I ask you, Charles, on the -- this is something I don't think you can off the top of your head answer, but if you looked at the -- the jurisdictions that had the lines, or report having lines, and then look at the

factors that were of concern, the other touch factors, and see whether there is a correlation between line length and the other things that they thought didn't work well, right? Because, I mean, if -- it'll be interesting if there's a shortage of -- if in the areas, that long lines, there's also a complaint about shortage of polling places, right? I mean, then there's some argument about that the...

>> Professor Stewart: Right. And that's easily done...

>> Yeah.

>> Professor Stewart: ...and I will do it.

>> Commissioner McGeehan: I had a point, or a question, really, and I don't know if you'll be able to dig deeper on this, but this goes back to one of the earlier slides about the differences between the larger jurisdictions seeing the state formulas for, you know, polling places, ballots, that the larger jurisdictions seemed to see some discretion and the smaller jurisdictions seem to think that's the requirement. And a part of that may be that I have a feeling in most states, the law is a floor, not a ceiling. So, for smaller jurisdictions, they may not want to have the maximum -- or, you know, even meet the floor as far as the number of poll workers to assign to a polling place, but they have to have at least three or at least four. Whereas in a larger jurisdiction they know that's not nearly enough. So, I think the point there is that there may be discretion as just how committee, how the different jurisdictions, you know, interpret is as floor-to-ceiling type of stuff, so...

>> Professor Stewart: I agree entirely with the point, and, yet, again, as I said to Commissioner Lomax, more research is necessary. I mean, that -- and go back to what Nate was saying earlier, that we still are in a data vacuum, I think, about what's happening in polling places, and whether, you know, as you say, are these ceilings or floors, you know. We need very precise information in order to make, I think, solid recommendations about how, you know, how you should reallocate resources.

>> Commissioner Thomas: On the technology, I would just make the comment that being from an optical scan state, you know, we have two groups. We have those that are the cities and townships that run the election day operation, and they get somewhat apprehensive about the actual scanning machines. And newer functionality they want on those tabulators, for example. So, that's a driver for newer technology. But more importantly are those that actually -- that for us at the county level to do the programming ballot layout. So, it's not so much the hardware piece that they're concerned with. They're concerned with the technology, the integration of technology, what election management software they get from the vendors, and the difficulty of using and integrating that with other pieces of software. And so, if you look at election administration, and voting systems and the outputs, it's just like the rest of our society. We've all become far more technologically astute and there are more demands that are being places on us. It wasn't that long ago that election returns were a piece of paper, and they were posted on the wall and the reporters would take those numbers and maybe they put them on a website. Well, now, that's not acceptable. Communities are being driven towards posting all of this on the websites. So now, you need something that very easily moves from one platform to another. And that's where a lot of the election community frustration is with that level of software. The machines, yeah, they work, they wear out just like a computer does, and with every computer, "Geez, you wish it could do this or that," and that's what slows us down in terms of the certification process. There was a time when you could find things that you would like improved for the next election. The vendors would do that, get it certified and put it into operation. Well, that's an impossibility now. So, you know, I think the commission has heard a lot of testimony on these very issues and they really have become challenge for election officials, and I think that's where a lot of the angst is coming from in terms of moving forward with technology.

>> Commissioner Mayes: I know that we were surprised on occasion by the lack of information that was readily available. For the one question that Chris asked which is, what is a long line, for example. But, I want to anticipate something that could be the opposite of that is now that everybody has said there's a lack of information

that we need more. Election officials are already stressed, and so, if they get a thousand surveys, how are they to pick which one to answer?

>> Professor Stewart: [Laughter] Well, it [inaudible] Yeah. So, I like the answer of Commissioner Thomas -- mine. But, less flippantly, I think -- a couple of answers to that. One is that, I mean, moving forward, there already are a limited number of survey research programs and there could be some others that could just become regularized, and if they were regularized and if the entire community recognized that here is everything we really need on an ongoing basis, I think that could help. That's thing number one. The second thing is that, also something Commissioner Thomas was saying, you know, the voting technologies -- the functionality of the voting technologies is increasing. You know, the data available already from the voting technologies is pretty amazing. And so, another way of dealing with the election officials being overworked, yet getting more data in order to manage their system better is to both just -- and make it so that you could figuratively push the button on the scanner or the DRE or in the -- the central tabulator and have it produce many of the reports that we oftentimes ask officials just kind of, make- up numbers for. Or, already a number of technologies already produced the -- you know, the raw data, but there's not a good, you know, simple application -- there's that word again -- applet, to just take the raw data and turn it into something that's useful. So, I do think this is an area where the vendors and the universities could very easily automate a lot of the data needs. It already has happened to some degree, but I think that that's one way moving forward that would be really helpful.

>> Professor Persily: One thing on that which is that the -- it's also the distribution of the data that, as Charles said, that there's a -- a lot of the data exists right now. So, for example, with e-poll books, you can get a sense of what -- if you use your e-poll books and DREs, you can get a sense of the time it takes from the check-in process to the completion of the vote and that won't require any effort on the part of the jurisdiction to respond. It's just a matter of taking that data and then putting it up on a website that, you know, Charles and others could examine.

>> Commissioner Patrick: Additionally, on that, some of the common data format work that's being done will help as well, because that will kind of give a universal format that the information will be condensed to. So, moving forward, that will help, I think with survey and researching.

>> [Inaudible].

>> Commissioner Thomas: Yeah, and I would say that, as you pointed out, Charles, we are very good at dodging surveys [laughter] as part of the job description. But, I would say that the ability to roll that into voter registration software, voting system software where it actually gathers that data, which is what we've done primarily with the EAC's biannual report, will improve not only the ease of getting the data out to people on a timely basis, but the accuracy as well. There's nothing worse in terms of, you know -- I mean, we don't have to sign anything saying it's accurate, which is a wonderful thing, because when you're sitting in January or in December and you're asking somebody what happened the last August, you can only imagine what you're going to get back. So, it's got to be at the point of transaction if that data can be grabbed, you're going to get some very good stuff -- end of the day.

>> Co-chair Bauer: I would like to pursue one point, we were discussing that sort of helps me think a little bit about this -- how to read these results, and it's taking the data and then sort of putting into as you -- I think you said a few minutes ago, into the mindset of the election officials. And what they're thinking about when they're asked, "Did it go well? What are you worried about?" And I'm sort of brought to this by [inaudible] but I'd be interested in anything our election administrator commissioners have to say on this, which is, there is a certain expectation that election officials have about how much help they're going to get. So, when you said, "Oh, I can get by." It means they know that, for example, if some have testified, if they want to go and get new machines, they're not going to get them because the state legislation not going to authorize the funds. That, if they look at a gap between

technology and the world around them and the technology they're using, speaking just to the other day of watching videos of drones delivering packages [laughter] to your home, that there's a big gap between election technology and the technology that's rapidly evolving in other aspects of American life. My impression is election -- a lot of election officials we've heard from, have decided just to sort of adapt themselves to a certain baseline, sort of expectations which we characterize as modest, in light of the political support they get, in light of the resources made available. And therefore, when you say what went well and what are you worried about, that's going to have some effect on what they're prepared to say. It's comments from the election officials here, is that a fair statement?

>> Since you're staring at me, I guess [inaudible] [laughter].

>> Co-chair Bauer: [Inaudible]. You can dodge your surveys [inaudible], but you can't dodge me.

>> Commissioner Lomax: All right. I think it's a fair statement. One -- and I'm -- I'll just let it go at that, but one of the things I did point out is -- one of the -- having had to answer a bunch of these surveys, the -- there's a lack of standardization in terminology that, for instance, an inactive voter, that means different things in different states, provisional ballots, and we're constantly getting the surveys saying how many did have, how many did this, that or the other thing. Same with provisional ballots, and we're not answering the same question from state to state because it's a different thing. And whenever you ask for cost, I can make an election cost anything you or I want, just with basic assumptions because I get asked that question all the time. If I want to make early voting look good, I'll make it look cheap. And because of am I supposed to incorporate the full-time salaries, the build -- cost of the building -- I mean, you can break it down in all sorts of different ways and include or not include whatever you want. So -- and even if you're not trying to influence the outcome, it would help if the election community eventually standardized the language even as we get together and are trying to put together our report here. We're still using, trying to decide what to call certain things because we call them early voting in Arizona means something, and early voting in Nevada or in Michigan. So, I think that does to some degree affect the outcome of this. I don't know how you get a standard set of terms that we can all use throughout the community, but I think it would help the accuracy of the data.

>> Co-Chair Bauer: Commissioner Ginsberg, do you have any...

>> [Inaudible].

>> Oh, [inaudible].

>> Commissioner Thomas: Just [inaudible] your question, yeah. I mean, it's the run-up to an election is very stressful. And it kind of attracts a certain person as election administrator. It gets in the blood. They -- you know, it's a run-up and -- it's what?

>> Commissioner Patrick: It's like rabies.

>> Commissioner Thomas: It's like rabies, yeah [laughter]. Well, I don't know if I would have gone there, but it's not terminal and there's not a shot for it. So, I -- you know, so when Election Day comes and goes, and the sky is not falling, and the margins are wide. There's a nice sigh of relief, life is good, and everyone's done well. And so, I'm sure our colleagues in Virginia right now are, you know, experiencing something different, not that it didn't go well, it's just that when a microscope is focused, it becomes a whole different ballgame. So, getting by is -- yeah, definitely an issue, and, you know, everyone would like to have a couple more backup machines. Everyone would like to have more polling places that really serve the population better. But, it's living with what is available and I think election officials do a great job at that, of making do of what they have. But there is, and it's a risk of doing this, but there is a younger group of election officials that are starting to populate the profession. And they have high expectations and are

challenged by the technology and they are really pushing hard to do a much better job by securing better technology, which is a great thing.

>> Commissioner McGeehan: One other comment is that, you know, I think, again, putting ourselves in the shoes of the election official, with all the partisanship, even just a simple thing like changing a voting system can become such a partisan battle, and a fight, and do you want to take on that fight? And maybe another factor that sometimes comes into bare to keep things, the status quo. I totally agree with you, though, Chris, as far as technology, talking to young people about notices of elections, you know, how do you find out about election. Don't talk about printing something in the newspaper or posting it, it's all, you know -- not even emails. They don't want things by email. So, we really do need to think about how to reach the younger folks that are much more tuned in, with Twitter or whatever.

>> Co-chair Ginsberg: Just as we sort of enter the final stage of our process, I wanted to thank everyone on the commission and, especially you, Bob, for the opportunity to look at these issues, which is partisan acts I think we've seen in a whole new life with a whole set of nuances, we might not have fully appreciated before. But, each and every one of you have helped informed this process and issues that we'll now have to put into writing in the final report. And special thanks to Nate for all his gathering of the voluminous materials, and to Charles for his analysis and for keeping us hydrated throughout the process [laughter].

>> Co-chair Bauer: Yeah, I want to second what Ben said. I think that the caliber of appointments of this commission has made all the difference in the world to the conversation, to the trips on the road, to the testimony, to the decisions that we've made about the schedule. And so, I don't know that -- I appreciate the fact that Commissioner Ginsberg continuously refers the two of us as hacks, but then again, he's always been a lot more straight -- pardon me?

>> Co-chair Bauer: Well, maybe with my term originally, I -- [laughter] that's true. It was [inaudible]. It was a moment of introspection which I regret. In any event, I want to -- but I do want to thank the commission. I think this is -- we are going to now proceed to -- of -- have a recommendation -- set of recommendations to the president after the first of the year. So, sometime in January we will conclude the work of the commission by executive order continues for another 30 days thereafter for purposes of making sure that it distributes the results and has the opportunity to answer questions about the recommendations. And so, this will be the last public meeting of the commission and certainly public hearings are now behind us. So, again, I'd like to join Commissioner Ginsberg in thanking every one of you and thanking those who have joined us here and also on the web and who have written to us and used the website. Thank you very much.