



the Presidential Commission
on Election Administration



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Public Meeting

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>> I'm here with my co-chairman, Bob Bauer, and Bob, any opening comments?

>> No, we thank the witnesses for coming. We look forward to an excellent hearing.

>> We have a very distinguished panel to start it off -- start us off. And Secretary John Husted, Secretary of State of Ohio, thank you and welcome.

>> Thank you very much. Pleasure to be with you today. Mr. Bauer and Mr. Ginsberg, and members of the Presidential Commission on Election Administration, welcome to Ohio. On behalf of the people of Ohio who, by the way, welcome the 10-month reprieve from TV commercials and robo-calls. We are -- we want to welcome you to perhaps the nation's most important swing state. November 2012 was my first presidential election as Ohio Secretary of State. Even though I knew I had assembled a great team, had confidence in the abilities of our 88 county bipartisan boards of elections, I was comfortable that we had prepared for all known contingencies. However, I also carried a healthy amount of caution going into that Election Day. But there was one moment early on when I knew it was going to be just fine, with just a few minutes in between meetings, I flipped on the news -- much of the coverage at that point had been about long lines in Florida -- and CNN was just concluding another segment about it. The anchor threw back to a reporter who was live from a polling location in Blue Ash, Ohio which is actually not very far from where we are today. In the background shot, you could see some voters casting their ballots, but there was also -- but there were also vacant booths and no lines to speak of. The reporter turned to one of our poll workers and asked what he thought about what was going on in the Sunshine State. Without missing a beat, this poll worker quipped, "Tell them to come to Ohio, and we'll show them how to do it." And I thought to myself, "That's right on. We do know how to do it," and everything went fine that day. However, I'm not here to pick on Florida, and Ohio's successes certainly didn't happen by chance. Improving Ohio's election system has been a process. We have worked very hard to improve the way our state runs its elections. But it's -- but we also had to learn some tough... lessons, especially following the 2004 Presidential Election when Ohio saw long lines in a handful of precincts. If you look -- if you think of voting like a highway system, you have one of two ways to alleviate traffic: you can add lanes, in this case voting machines; or you can reduce the cars on the road during the rush hour, and in this analogy, the number of voters going to the polls at the same time. Following the 2004 election, we chose the latter by adopting a no-fault absentee voting system. I served as Ohio's House Speaker during this time and supported this reform. Our goal was to take some of the pressure off the polling locations -- the polling places on Election Day by giving voters a chance to vote an absentee ballot in the weeks leading up to the election. From the time we changed the law until now, absentee voting has continued to grow in popularity with voters and elections officials alike. Although, it's worth noting that that growth rate has slowed. In early voting, we have -- as far as early voting, we have expanded opportunities for in-person and mail-in voting, and I would direct you to a map that's in your packets. You can see that Ohio has more expansive voting opportunities than any other state, including states like New York that -- where a lot of people like to have opinions about what happens in Ohio. You see, in Ohio we take our status as a swing state very seriously. Every four years, unlike a pure red or a pure blue state, Ohio's election system goes under the national microscope. My priority has been to make it easy to vote and hard to cheat. And despite the high level of scrutiny we endured on both fronts in 2012, I am proud that we were able to deliver a smooth and fair election. On the easy-to-vote side, it is easy to vote in Ohio. In fact, Ohio is a leader in voting access. With no-fault absentee voting, Ohioans were able to cast ballots over the course of five weeks. Voting starts here 35 days before the election. And they were able to do this without ever leaving home. In Ohio, you don't even need to leave home to vote. If a voter waited in a line in Ohio, it was by choice. Why? Because for the first time, ever in our state, my office sent absentee ballot applications to all registered voters statewide who had a current address on file with us. About 6.9 million absentee ballot requests went out to voters in our state. Other... than the states who vote exclusively by mail, Ohio was the only state to go to such lengths to make it convenient for voters to participate. Ohio voters also benefited from more online services, including a new online change of address system, and a... higher percentage

of provisional ballots were counted in 2012 as compared to 2008. In fact, according to the EAC's data, Ohio had one of the lowest rejection rates in the nation. And I want to point something out with provisional ballots, if I could. Provisional ballots are not second-class ballots; they're second-chance ballots. In Ohio -- in a lot of other states, for example, if you showed up at your local polling location and you had moved to Cincinnati from Cleveland -- in a lot of states they would say "Well you're registered in Cleveland; go vote there." But you know, obviously, on Election Day that makes it pretty hard to do. What we do in Ohio to make sure that voters are voting in the correct location and on the correct issues, we accept a provisional ballot for them in that case, and then validate after the fact their address and their eligibility to vote there. We try to make it -- do everything we can to bend over backwards to qualify voters to cast a ballot. On the hard-to-cheat side, we have also worked to ensure the integrity of our election system, leveraging technology to dramatically improve the accuracy of our voter rolls. And following the election, we issued the first-ever statewide report on voter fraud and voter suppression to give all Ohioans confidence that the rules were followed, and their votes were not diluted by those seeking to gain the system. Accurate voter rolls are the backbone of a smooth and fair election. Accurate, up-to-date voter rolls ensure this fair and smooth election, and I'm pleased to report that Ohio's voter rolls are in the best shape they have been since Ohio first created the statewide voter registration database. When I took office, we had complete information on only 20% of the voters. Only 20% of the voters did we have complete information on. But because of our partnership that we created with the Bureau of Motor Vehicles in our efforts to build the infrastructure to share data between the two agencies, which no one had ever tried to do before, we... now have complete information on 86% of the voters. In two short years, we have more than quadrupled the amount of voter information available. This is important because the data is used to validate a voter's eligibility or lack thereof. We were the first state to use the STEVE database from the National Association of Public Health Statistics and Information Systems, which includes death records not just from Ohio, but from other states' departments of health. This allows us to legally and accurately remove deceased voters from the rolls. Since I took office, boards have verified and removed more than 237,000 deceased voters from our voter rolls. Our county boards have also been diligent about processing duplicate registrations; in January of 2011, there were more than 340,000 duplicate records identified. Just before the 2012 election, we were down to 1,400. From 340,000 to 1,400, and the boards just keep plugging along. And... following the election, our work to clean up Ohio's voter list also allowed us to use the Interstate Cross Check System, championed by Kansas Secretary of State Kris Kobach, to research and refer approximately 20 voters who we believe have voted in Ohio and in another state during the 2012 election. This system currently shares data with 22 states; we hope more states will participate in the future. But without good data, this would not have been possible. It's why the data work that we did in advance was very important. Our new online change of address system has also played a major role in efforts to keep voter records up to date. We know that the most common reason a voter must cast a provisional rather than a regular ballot is because they did not update their address information. In Ohio, we are working to empower voters to keep their information current; they need only go online at MyOhioVote.com. It is very easy and very convenient. Just prior to the election, we took it a step further proactively sending postcards to Ohioans who we knew had moved, encouraging them to update their address online. And this year, Ohio boards conducted the federally-mandated National Change of Address process. For the first time, boards were able to give the voters the option of updating their information online, making it easier for them to stay on the rolls in this particular circumstance. In one year's time, nearly 126,000 Ohioans have used the new system, and we expected... that number will steadily grow in coming years as Ohioans become more aware of it. The next logical step to this, though, is the implementation of full online voter registration. For three years, I have been pushing the General Assembly in Ohio to pass this legislation. I see it as an opportunity for Democrats and Republicans to find common ground. It's infinitely more convenient for voters than the paper system, and more secure because it allows for real-time verification of eligibility. The online system is also more efficient and less costly for boards of elections, not to mention... more accurate as there's less data entry... and the voters control their own information. If the legislature finally takes action, it will save taxpayers millions of dollars, and it will be in

keeping with our goal of making it easy to vote and hard to cheat. Military voting is something that also we have made a lot of changes that I'm very proud of. One of our best practices that I always like to share with my colleagues from other states is our Military Ready to Vote Program. We've worked closely with all branches of the military and military organizations to distribute voting materials and to educate military families in what they need to know to participate in Ohio elections, no matter where they are stationed in the world or in the United States. August marked the two-year anniversary of our program; to date we have received more than 2,400 federal postcard applications from military and overseas Ohioans stationed around the world in 35 states, 15 countries and even six naval ships. Our efforts were recognized through the Association of the US Army, and the Military Voter Protection Project deemed Ohio as an all-star state. That's... a status we wear as a badge of honor and plan to keep building on it for the future. Poll-worker recruitment and training is a final topic that I want to talk about and is really an important one. Recruitment and training of good poll workers for Election Day remains a major focus in Ohio. Poll workers are the front lines in elections, and the face of elections for most of the voters in Ohio. In 2012, we needed an army of about 40,000 to staff more than 4,800 polling locations. Though recruitment... hiring and training is the responsibility of the 88 county boards of elections, the Secretary of State's office works to support boards and our poll workers. In 2012, though, only... new poll workers were -- in 2012, though, only new poll workers were required by law to go through training. But by directive, we extended this requirement to all poll workers, new and old, in all counties. To help, we distributed 760,000 in poll-worker training funds to the boards in over the past two years to assist these efforts. We provide print and online resources free of charge to boards of elections, outlining the proper policies and procedures poll workers must follow. We created a website, PEOinOhio.com, where we house all of our training resources and materials where... potential poll workers can sign up. And as of April 2012, my office forwarded more than 1,800 potential poll workers to county boards so that we can continue to try to recruit talent and improve the talent of the people working at our polls. I want to conclude with some recommendations to the Commission. After every election, I believe it is wise to reflect on the lessons we learned... what should be changed or, even more astutely, to remind ourselves not to try to fix what isn't broken. I believe that's why you have taken time to come to Ohio today. In your worthy desire to make elections run more smoothly in federal election years, I would encourage you to give due respect to the authority of the states to run elections in the best manner for our voters year-round in local, state and federal elections. I will note for you that, in Ohio, we have voting or the counting of votes going on 300 of 365 days a year, as we have four elections a year in Ohio. The attention only gets paid, though, to one out of every 16 of those elections at the national level, but we have talented election officials running elections 300 to 365 days a year. I also believe that the Ohio State House, not Congress or the federal courthouse, is the proper place to set voting policy for the people of Ohio. Before entertaining new ideas, I encourage you to help us in addressing some of the shortcomings of previous federal efforts to improve elections; namely the underfunded voting machine mandate, and what I believe to be the contradictory provisions of the National Voter Registration Act that have led to bloated voter rules. In 2002, the federal government got involved with the machines we now use to vote. It was initially funded, but now, more than 10 years later, these machines are aging, they need maintenance and, at some point, will need to be replaced. The next time we go to the polls to elect a president, these machines will be 12 years old. That's a lifetime when it comes to technology. The cost of this falls on already-strapped local governments. Rather than passing new election requirements, Congress should either fully fund HAVA, or commit... to long-term funding to maintain accurate, transparent and independently tested voting systems; or remove the mandate and return it to the states' and local governments. Additionally, our population is far more transient, I believe, than the National Voter Registration Act contemplated, and was written before we were able to leverage the technology we can today, which I referred to earlier. It relies on a mail system when there are much faster ways for us to communicate with voters and the voters with us. As Secretary of State, I want to keep eligible voters on the rolls, but also to meet the charge of keeping the rolls accurate and up to date. I have written the U.S. Justice Department on numerous times to help us resolve this contradiction in federal law. Ohio is... the subject of pending litigation because some Ohio counties which, based

on the last census, had more registered voters than people of voting age -- let me reiterate that. That is more voters on the rolls than voting age population, not more actual voters, which has become a popular internet myth. This is... a hard thing to explain to a skeptical public, but elections officials are largely powerless under the NVRA to remove even voters we know have moved on, even to other states, because we must wait for them to be inactive for two federal cycles. The Justice Department has not provided the direction resolving this matter, and any help you can provide us in bringing more clarity to our charge under the NVRA would be appreciated. Finally, I believe that... the great strides we have made in Ohio in just a few years on leveraging technology to improve list maintenance can provide a model for other states in cleaning up the country's voter rules. Data sharing between states can and should be encouraged by this commission to ensure our... voter rolls nationwide are up to date and accurate. It will prevent fraud, and it will do... the most to reduce lines and make Election Day run more smoothly everywhere. I am honored to work with you on this charge, in this area, and in pursuing these recommendations that you will be issuing to the president. In the words of the poll worker I mentioned at the beginning, "Tell them to come to Ohio, and we'll show them how it's done." Thank you.

>> Thank you, Mr. Secretary. Next, we have the top election officers in two states. Let's begin with the home state of Ohio, Matt Damschroder.

>> Good morning, commissioners. Since the Secretary has done a great job outlining what we have done in Ohio, particularly in the 2012 election, I'll be very brief and just kind of underscore again some of the points that he made, most importantly, the role of data in elections administration. As you all know, voter registration -- as the secretary mentioned -- is the backbone of election administration, and having accurate rolls is kind of the entrance point for voters to participate in their democratic process. Unfortunately, as the secretary noted, NVRA -- whether individuals or proponents or opponents -- NVRA did kind of cement into federal law processes that are now out of date and are not the way that Americans interact with almost any other activity in their daily lives. Whether it's changing their address, or entities like the government canceling records for deceased voters, et cetera. There are a number of opportunities, I think, to improve the data of elections administration as it relates to voter registration, as the secretary mentioned. Online voter registration, I think, is one of those important ways. Arizona has kind of showed us both the way to do it and the cost savings for local and state elections officials. And here in Ohio we're working hard to do that. Also, as it relates to the importance of data, I think we have two great models out there nationally right now. Obviously, one is the collection of election statistics by the EAC. The other is the "Survey of the Performance of American Elections" by Charles Stewart, which I think is an important thing that allows us to, as states, to judge how well we're doing and performing. And then I would close with a comment about training; the secretary mentioned it. As elections officials, one of the things that has been important for me to consider, having being a county election official for a number of years and now having an opportunity to work with Secretary Husted at the State, is that there is turnover in local election officials. The Larry Lomaxes of the world are not the norm for a local elections administration, I think, across the country. In Ohio, the turnover from the 2008 Presidential Election or the 2012 election, was significant enough that Secretary Husted had us develop almost a remedial education program, to a certain extent, for local election officials where we went back and talked about every aspect of election preparation. And I think that was one of the things that they contributed. As well as training poll workers, as the Secretary mentioned, is one of the important pieces that we need to consider. The processes, the technology of elections administration at the most granular level is something that -- I think a number of people have spearheaded that over the years and kept elections running. But I think we need to view precinct election officialdom as a civic duty that is something that we need to enlist -- and Secretary Husted is working hard on this in Ohio -- to enlist our corporate community, our labor community, our charitable community so that this is something that, at the county and local level, that it is viewed as a thing of honor and a thing of making our process work. So with that I'll close and obviously happy to answer any questions later on that you may have for the secretary or I.

>> Thank you, Matt. Kevin Kennedy is the Executive Director of the Government Accountability Board in Wisconsin. And as -- I believe that's the right title -- and as one of the senior election officials in the country has been a great help to the commission, both collectively and individually. So Kevin, thank you for coming and we look forward to your comments.

>> Thank you, Mr. Chair. Co-Chairs Bauer, Ginsberg, commission members, thank you for the opportunity to be here before you today. It's a tremendous honor to be here. When this country was founded, we placed our trust in our citizens to shape its governance. Voters have been given a powerful means to determine how our country moves forward. That is done by casting a vote at the polling place, at an early voting location, by mail or through some other means. As we craft laws and develop administrative procedures for elections, we have to focus on the principle that the voters and their right to participate in the political process is paramount. We've come a long way in empowering our citizens by eliminating barriers of religion, property, race, sex, income and age as impediments to focus participation in choosing our elected representatives. The United States serves as a model for the world in enabling its citizens to shape the governance of this country. Within our states and territories, our counties and municipalities, election administrators are working diligently and passionately to ensure voters are able to fully participate in the democratic process. As Wisconsin's Chief Election Officer for the past 30 years, I take great pride in my state's consistently high rankings in the surveys of voter turnout and other measures of effective election administration. How do we do that? We have a lot of help from our local election partners; Wisconsin has 72 county clerks, and 1,852 municipal clerks who run elections in the state. They recruit and train approximately 2,800 Chief Election Inspectors for each polling location, and another 35,000 poll workers to staff those locations. They draw on data, use technology and bring an unabated commitment to serve the voter. Paying attention to election-related data helps improve the voting experience for the public. Our focus has always been to serve the voters first. By doing so, we also serve the candidates and all the other constituencies and interest groups who are involved in elections. "Know your numbers" is something we continually preach to local election officials. Knowing how many people turned out in past elections is a good predictor of how many will show up in the future. And that tells you how many ballots to order to avoid running out, how to divide your poll books to avoid long lines, and how many election inspectors to schedule. Paying attention to the numbers enables our clerks to equip and staff polling places to minimize the wait time for voters. Knowing your numbers is also critical on election night after the polls close. Our local election officials tell us they can look at a list of unofficial returns and immediately spot potential problems at individual polling places that may have been caused by someone transposing a number or a voting equipment malfunction. Getting election-related data from all those local election officials was a challenge for us for many years. Two-thirds of our clerks are part-time and many work out of their homes. All of them have other pressing responsibilities besides election administration. State law requires clerks, after each statewide election, to fill out an Elections Voting and Registration Statistics Report, affectionately known as the GAB-190. In the past, these forms came back in paper format by mail and fax, and making it very difficult for us to not only get the big picture, but also to delve into the details. That changed in 2008 when we developed an online data collection tool. Now Wisconsin's local election officials enter all their statistical reporting online, allowing us to track who has and has not filed, and to complete a detailed analysis of the results. We match this data against numbers in our statewide voter registration system in the Official Canvas of Election Results to measure data quality. In addition to the reports on the numbers and types of voters, our system collects information on poll workers. It's one thing to say anecdotally that many poll workers are of retirement age. It's another to be able to say, as we can, that 39.5% are age 61 to 70, and 34.1% are age 71 and above. That kind of information guides our training methods in our efforts to recruit younger poll workers, including high school students. One polling place innovation our agency initiated in 1984 was the establishment of flexible hours for poll workers. Wisconsin law permits municipalities to allow for two or more sets of election inspectors to work at different times on Election Day. This flexibility enables municipal clerks to recruit and retain more poll workers because they do not have to work 15- or 16-hour shifts on Election Day. As you may

have heard, in 2011 and 2012, Wisconsin was quite busy with a series of 13 recall elections. As the public debated the wisdom of recall, one question that came up frequently was how much the recall elections cost taxpayers. Because we had the election data collection system in place, we were able to add questions about election costs to the GAB-190. As a result, we now are able to produce detailed reports on election costs. Our hope is that having these numbers will inform lawmakers and local government leaders about the resources necessary to conduct successful elections. Using our data collection system, we have documented cost data for the past seven statewide election events in Wisconsin dating back to April of 2012. Anyone can readily access this data through the statistical report put together for each statewide election. Wisconsin is also in the forefront of electronic absentee ballot delivery to our servicemen and women and to citizens permanently living overseas. Our My Vote Wisconsin voter portal is able to securely deliver an absentee ballot to members of the military and permanent overseas voters. This innovation has eliminated the need for overseas voters to find and contact the Municipal Clerk's office to request a ballot, and has cut in half the transit time for UOCAVA ballots. In addition, our My Vote Wisconsin site also allows any voter to check their voter registration status, find their polling place, and begin the voter registration process online. Wisconsin has embarked on a unique program of auditing polling places on Election Day to ensure compliance with HAVA and the ADA. We look at real-world conditions likely to be encountered by voters with disabilities. Each Election Day, the GAB sends out auditors across the state to visit as many polling places as possible. Our auditors carry tablet computers they use to enter their findings and take pictures of problems they find. Our audits categorize three levels of accessibility problems: high, medium and low severity. High-severity problems represent a barrier that in and of itself would be likely to prevent a voter with a disability from entering a polling place or casting a ballot privately and independently. Examples we found include everything from snow piles in handicapped-accessible parking spots and locked wheelchair-accessible building doors, to accessible voting equipment being set up on tables that were too high, not plugged in, or not set up at all. Identifying and fixing these accessibility issues helps not only voters with disabilities; it can also lead to more orderly and efficient polling place for everyone. If a polling place is too cramped for someone in a wheelchair to navigate, it's very likely too cramped... period. Finally, the foundation for an efficient and easy voting experience must engage the voter well before Election Day. Congress and many state legislators have given a renewed and almost continuous focus on changing election laws in recent years. The way the partisan debates and legislative compromises play out in the practical world to conducting elections and voting can present a challenge. In its two-year legislative session leading up to the 2012 Presidential Election, the Wisconsin legislature enacted 11 separate election-related bills. In some cases, multiple bills altered the same procedures. The sheer volume of changes, along with the unusual number of additional elections, made it harder for both local election officials and voters to understand the required procedures and what to expect on Election Day. Procedures that are not well understood are more likely to encourage uncertainty and even suspicion amongst those who are skeptical of the process. In 2012, in addition to training our local election officials regarding the many legislative changes, our staff implemented a comprehensive Back-to-Basics program to remind both election officials and voters about the fundamental rules of voting. Our Voting 101 Back-to-Basics Outreach Program produced user-friendly resources and our staff also engaged in speaking opportunities throughout the state to meet directly with voters and organizations focused on educating voters. I provided the commission with links and data related to our data collection, our disability access monitoring, as well as our training materials, and those links are in my prepared testimony that's been given to you. And Professor Persily has the actual data sets. I hope you'll view them. In closing, I want to thank you for the opportunity to share some of the data-driven solutions developed in Wisconsin, along with the passion and commitment our dedicated corps of state and local election officials brings to this essential process for securing our democracy. While elections are often evaluated and measured by numbers, in the end, it's really all about the voter. Thank you.

>> Thank you, Mr. Kennedy. Next is Doug Lewis, the Executive Director of the Election Center, and as such, in that role which has as its members many state and local

election officials. Doug has always had his finger on the pulse of what the election officials are thinking and needing. So thank you for coming, Mr. Lewis, and I look forward to hearing from you.

>> Thank you all for inviting us and having us talk to you a little bit about this. And in fact, I'm glad, Chairman Ginsberg, that you've said that because of the officials that you've got appearing, election officials you've got appearing today, all of them are members of the Election Center, and 90 percent of them are graduate of the certification program to become Professional Certified Election Registration Administrators, including both Matt and Kevin on this panel. And so we're looking at trying to find ways to help you. You all have a tough role here in terms -- sort of like being a mosquito in a nudist colony; where do you start? [Chuckling] And so the problem that you've got as you go through this is trying to find out, what is it you need to focus on? What is it will really be useful and helpful and serve the community well and serve voters well? And that's what we look at continuously. The beauty of working in this profession is, is I work with people who truly believe in making democracy work for voters. Election and registration administrators try their darndest to make this process work. Now, are we always successful? No. Have we screwed up on occasion? Yes. But we're pretty quick studies. We learn pretty well, we react pretty well, we respond. It's rare for us to keep repeating the same mistakes, although with Charles Stewart's data, we've seen that at least a couple of states have got repeat problems. Those problems are not always the result of administration, however. And it's -- I've provided you all with an article that we did for the Council of State Governments on, what are those elements? And part of those elements are beyond our control, quite frankly: the parts that are policy development, the parts that are funding development, the parts of the politics of election administration, of getting, of decisions that sometimes make no sense for voters but make sense for political parties. Those kinds of things are beyond our control in order to shape those. We have to end up with whatever all of those groups end up doing and affecting us in terms of either that they restrict our budget, or they give us policies that don't make a lot of sense, or they insist on political solutions that don't make a lot of sense for all voters in terms of fairness. And we still try to shape an election process that works for most voters. Now, in Election 2012 and Election 2008 -- in 2008, there was a different attitude. The voters that waited in line were absolutely happy to be waiting in line; and in 2012, they were not quite so happy to be waiting in line. And so it's amazing how a four-year shift in some of this can change the way we look at this. I will say to you it is not okay for elections administrators -- and none of us feel that it is okay -- to have voters waiting two and three and five and eight hours. That just makes no sense. And we have to find ways to fix that and to make sure that it doesn't happen again. The parts that are administrative parts we'll do something about. We'll try to figure out how to do that and we're going to look to you all for suggestions and ideas, and if you come up with some -- if you tell us that learning to play tic-tac-toe will help us figure out how to make this work better, we're going to at least try tic-tac-toe for a while. We may not end up using it long-term, but at least we'll try it. We're looking for ideas in order to make sure this works for voters. And so we will do what we can. You know, Kevin mentioned legislatures doing what they do. As you all discovered, I think, in probably your first hearing, when you went to Florida and you had that first hearing and you discovered that a legislature decides to put on 11 constitutional amendments and a whole bunch of local bond issues and wonders why -- in a presidential year with, you know, three or four languages and seven-page ballot -- that voters somehow can't get through the process. Well, those are things that we don't control. Now, we maybe should have known how long it was going to take for each voter to vote that and how many voters we could process by hour, and maybe that's our fault, and certainly we need to look in the mirror when it is our fault to look on these. But those are the things that we look at in trying to figure out how do we do this well for voters, and how do we make this well for voters? Early voting. We've got 32 states now doing some form of early voting. Early voting is one of those that tends to relieve our pressures on Election Day. But now let me say to you, it also stretches our resources. To do mail voting, in-person voting on Election Day, and early voting means that we've got to have more people involved in the process. We've got to have more equipment. We've got to have more resources. We stretch our resources during that period leading up to election, and you hope that your

legislature has been smart enough to end early voting three or four days prior to Election Day, so you get your best people back into the process. If they insist on us voting through that last weekend, as some bright judge did in Ohio, you end up causing problems for the elections process, therefore causing problems for voters. And so these are the kinds of things that we're faced with. And I will say to you, if you go to making recommendations on early voting, if you go to making those kinds of recommendations on early voting, please don't try to tell them exactly how to do it. You may want to say to them, "It's a good idea." You may want to say to them, "We encourage it." But let them figure out how to do it. Chris is going to know more about how to do it in his state. Matt's going to know more how to do it in his state. Kevin, when Anne was there, and when Tammy's been there, you know more about what you can do to serve your voters at those locales and you are better able to serve those voters at locales. And as I said to you yesterday, turning things over to the federal government, in a lot of instances, doesn't make sense. They move with a pace that, heck, a snail is fast compared to the federal government. This is one of those things that we have to look at. Look, I've been at this for... public policy work for about 40 years and been involved in elections for most of that period of time, and I've been at the Election Center for 20 of those years, and I will say to you: every election administrator I have met in this country wants to do the right thing for voters. They want to make this process a good experience, and they will work to make it a good experience if we're given the resources and the policies and don't end up with insane political decisions that happen when legislatures decide to pass legislation in an election year and then want it implemented in an election year. One of the things we were able to convince Congress of when they passed the 2002 Help America Vote Act was not to make it instantly applicable so that we could go through a period of time of making the adjustments and learning the things that we needed to learn in order to make this process work well for voters. Political parties -- look, I'm glad two of the great partisans of the country are on this panel, and you all have some influence even over your own political parties. Your political parties, the political partisans of both of your parties keep alleging that the process is broken. At some point, you begin to make the public believe that the process is broken. And if the parties cannot at least prove their allegations, instead of a bunch of anecdotal evidence -- and anecdotal evidence, guys, is not data, and the plural of anecdotes is not data. And so the fact that they build up them and talk to them and talk about them as if they are fact is absolutely horse-pucky. We are at the point that we need to understand partisanship has its place, but if we damage the process and the fundamental faith in the process, nobody gets to believe in the government that results from it. That doesn't make sense. Somehow we've got to get the two political parties to tone down that application of alleging that the process is broken or the process cheats voters or the process cheats democracy or what have you. This is too important. Democracy can be lost. The Greeks had it before we did. They lost it. It disappears for 2,000 years off the face of the planet. So it can be lost. It's one of those that is important for us to do the right things. In terms of military and overseas voters, we have made gigantic improvements in terms of how we do that. We have, at last count, two and maybe four states that have not really done all that they could do to make this process work, and they seem to be repeat offenders in this. We're for, we, the elections profession, is for you, the government, prosecuting those that don't do what the law says. But we don't need a whole bunch more new laws on military and overseas voting in order to make this work for voters. We can absolutely get to the problem, and we have -- it looks to me -- been able to have the states design their responses to this and make this process easier. And so anybody who doesn't meet that 45-day deal, I don't care what their excuse is, then prosecute them. Move on. Accessible voting. Accessible voting, we have lost our way a little bit. We thought we had in the Help America Vote Act an approach that was going to get us to the point where we could make voters with access needs have a good experience at this, and we lost that in this discussion of safety and security, of electronic systems, and discouraging the use of electronic systems, and somehow separating out that accessible voters need to vote on something separate than all the other voters. Guys, part of the way that folks have gotten away with this is because we've assumed that accessible voters are a small percentage of the American public. Well, depending on the -- if you look at the most conservative estimates there's 36 million Americans that have some kind of accessible need. If you look at the ones that are a little larger than that, it's almost 60 million Americans

have some form of accessible needs, and we've got an aging population. Shoot, I'm almost old enough to be a poll worker now. [Laughter] I'm getting to the point that I understand these issues. And that 18-year cohort of people who is identified as Baby Boomers are all coming to the fore now. And most of us have got some kind of accessibility issue. And we're living longer. God knows, I know some people hope that I don't live terribly longer, but at the same time I will say to you, if they're living 20 years longer or 25 years longer, and we're a huge cohort in terms of the voting public, accessibility issues are going to be a major problem going forward for the next 20 to 25 to 30 years. And it's no longer going to be looking at saying that this is 10 percent of the public. This is now going to be more like 55 percent of the public, and particularly of the voting public, because that's who votes best. Poll worker training or poll worker recruitment. Look, I've been at this 40 years. I will say to you I have heard for 40 years that we somehow need better poll workers and we need better-trained poll workers. They're better trained now than they were 40 years ago. They're better trained now than they were 30 years ago and 20 years ago and 10 years ago, because we've learned more about how adults learn and how adults respond to education and what have you. And so we've done that. But better connotes choice, as if we have too many to select from. When we get to our urban areas, there's not choice. If they breathe, they serve. And if they die while they're at the table, we don't tell anybody until the election's over. We need them. And so trying to say to us that we need better poll workers is wonderful if you're talking about most of America. It's not wonderful if you're talking about urban America, because no matter how many of them we recruit, a certain segment of them -- five percent, seven percent, 10 percent -- are not going to show up when they said they were going to, and then we have to backfill. And that's when lines start to develop, is because we didn't know which of those precincts they weren't going to show up in until they don't show up. And so part of that problem is, is how do we do that? Better training of poll workers, I think we're already there. And in fact, the one thing that all of us need to look at is we're asking too much of poll workers now. We're expecting them to be technologists. We're expecting them to be psychologists. We're expecting them to be meeters and greeters and wonderful people, and we're expecting them to administer an election, and make the process work. And we have overloaded what their capabilities are with two hours of training. And so we need to think about, "How do we do this better?" not necessarily how much more we can add onto them. And so let me wrap this up. America is a resilient democracy. We've learned a little something in 237 years of administering this process. We didn't get suddenly stupid in terms of how to do this. We make some mistakes. We adjust pretty quickly. We want to get it right. We want to make it work. If you give us some ideas, you give us some tools, you give us some recommendations, we'll be happy with those. We may not agree with everything you do. We may not agree with every suggestion you make. But I guarantee you we'll take it to heart, we'll look at it, we'll see, does it have an application? We'll try some of it, we'll figure out what works and what doesn't work, and we'll move on. We thank you all for what you're doing in terms of serving the country to make this better for voters. Thank you.

>> Thank you, Mr. Lewis. Questions from members of the commission. Commissioner Grayson?

>> Secretary Husted and Director Damschroder, I guess John referenced the DMV closer relationship, and I just wanted to know if the two of you could kind of dive a little bit deeper into that. How did... what did you do? Were there pitfalls? Will you have recommendations for other states that are trying to pursue this partnership to get the databases talking to one another or sharing the data or whatever you did? Because it sounds like it's pretty successful. And the situation that you all find yourself in where the DMV has one list, you all have another, it's not like Michigan or some of these others states where it's maybe easy to cooperate. Just curious what lessons and the guidance and advice you provide.

>> Well, I will have Matt go into the technical aspects of it, but I can tell you it was largely technical and that the two computer systems didn't talk to one another and we had to design a system where they could, that we could share that data. And you're going to need to make sure that the laws in your state allow you to share that

data. In many cases, secretaries of state also oversee the BMV; in those states, it's easier. In Ohio, we do not.

>> Right. Right.

>> And so, we had to build those working relationships. We have been longstanding, trying to make sure that the BMV follows Motor Voter and the requirements of Motor Voter. Ohio was not in compliance with Motor Voter, up until the last year, where we were able to create the system and to do that. If you're going to have -- it's just the best place to get the data that you need, to be able to track a voter based on the key pieces of data that we use. For example, if you're using a -- if you want to vote an absentee ballot, we want you to have your name, your address, your date of birth, either your driver's license number or the last four digits of your Social Security Number and your signature. We didn't have that data for 80 percent of the voters, when I took office. The only place to get access to that information was through BMV, and we had to build that relationship and create the technology, so that it could talk to one another. It's all part of trying to build that system and map --

>> Can I follow up on the relationship side? Since you're on your first term and the governor's in his first term? Was this something that maybe had started under prior administrations or just, you know, was new people, fresh start? I mean, I'm just -- because the relationship piece -- the silo pieces, you know, I know from my old job, silos are huge, in state government.

>> Well --

>> And they don't often care, because it's not, quote, "their" job.

>> We had a little bit of advantage, in that it was not started before, but the head of the agency is somebody who I knew, from my work in state government. One of the top people over there worked in the secretary of state's Office for the previous secretary of state that had moved over there, so there was an awareness that we had that didn't previously exist. And let's face it, if you're -- no one pays attention to elections, until the election happens. But all of these things need to be built when no one's paying attention. And to get people's attention about how important this is, is a trick. Because law enforcement has a lot of other issues that they deal with on a daily... basis. The BMV has other issues. They have other things to do. And to get that attention and to get them to make this a priority really was the most important aspect of it. And then to get the technical people willing to pull away -- with tight government resources. Let's face it: states and locals are doing with less than they've done in a long time, and to get them to give us their time and resources was the most -- was probably the most difficult part of it, but thanks to that cooperation, we're now in a much better spot. Matt?

>> I would just add briefly to that, that I think one of the things that was helpful, in terms of the relationship, obviously, as the secretary mentioned, the existing relationships. But after a number of meetings, as the BMV understood, that we weren't asking them to change any of their processes. We were just asking to get a one-off of what they do. We didn't want to get in their way. And to help them understand the advantages for the overall system of elections administration. Then they were able to come along. So, I think it has been a growing relationship, but I think we can expect additional good things in the future.

>> Okay. Thanks.

>> Commissioner Thomas?

>> Good morning. Thank you for coming. Secretary, I will say, you've got one of the best staffs in the country. Done very well, putting that together.

>> Thank you.

>> Matt, on your comment about the NVRA and file maintenance and working with the Kansas project, I wonder if you could speak to sort of the difficulties that that law creates. When we get data, for example, that would show somebody moved from Michigan to Ohio; they're not voting in Michigan, but they're voting in Ohio. They're on both of our registration lists, and what one can do with that, and the difficulty that the NVRA throws up to that.

>> Sure. Commissioner Thomas, I think there's two aspects there. One is the importance of data. As the secretary mentioned, in Ohio, before our project, we didn't have complete data for all of our voters, because many registered before the requirements of HAVA, so we didn't have driver's license for folks. In some cases, we didn't have the last four of their Social. So those data points are essential for accurately matching registrations and information, to know if it is, indeed, a match between Ohio and Michigan; or if it is, indeed, a match between Franklin County and Delaware County, even within Ohio. So, having that information has allowed us to reduce duplicate records in Ohio and allowed us, through Kansas and other states participating in ERIC, that I think you'll hear more about this afternoon, to do that. I think NVRA becomes a challenge because, as the Secretary noted, even if an election official becomes aware, through the National Change of Address program or from a program such as the Interstate Match, managed by Kansas, we can't really do anything about it until either a... certain time period has elapsed or the voter responds to one of multiple mailings that we've sent. So, in the case of -- you know, I think a lot of states had that challenge in college towns. Students come in, register, want to participate in democracy in their community where they're now living, and then they move to another county, another state and they remain on the rolls. And there's nothing that election official can do, under NVRA and many state laws, even though we know the person's moved. In some cases, we know where the person moved to. But we just can't do anything to maintain the integrity of that list. Most cases, people aren't coming back to vote. But as the secretary mentioned, it's one of those things that undermines the overall confidence, when someone says, "Well, gosh, in Wood County, the census says there's only 100,000 people of voting age, but your voter rolls say there's 107,000 people on the rolls" undermines confidence in the system.

>> Yeah, Kevin, I have a question for you, because you guys do same-day voter registration. And there's a lot of pressure on a lot of states to implement that. Can you talk to me, just a little bit, about how it's working? I know it's worked well, in your state, but how -- the impact on lines in a presidential election and exactly how all of that works?

>> Sure. We've had Election Day registration since 1976. We've actually leveraged it to... escape some of the federal mandates. We're exempt from the National Voter Registration Act, which, once we went to a statewide voter registration system, it's allowed us to have a much cleaner roll, without some of the issues. We can still take advantage of the matching programs you'll hear about later today. In presidential elections, about 16 percent of all the voters who show up... at the polling place register or change their registration. Most of them are already registered voters. They're changing their registration. A lot of states already permit that at the polls on Election Day, in some form. We get an identifying document from those individuals, and it's part of the plan, you know, that I was talking about. It's about knowing your numbers. Knowing that one in eight voters is going to have a change, particularly in urban areas, where there's a lot of turnover, you prepare for that. Having flexible poll workers is another way that we do that. In Madison, it's not unusual to have more people come in and working for the first three hours of the day and also the last two hours of the day, and putting them on the registration table to do that. It's really an organizational thing and by tracking our statistics the way we do, our local election officials have a good handle for that. It keeps our rolls pretty current, too, because with that Election Day registration, you know, we're able to make that change. Now, what we can't really do, which would be ideal, is if we had all 2,800 polling places wired. You know, we could track them on Election Day, but, you know, you don't own the polling places. It's not like the grocery store, where your data is going to a central location every day. You know, we're in temporary locations, so that's difficult. But we have municipal clerks who enter that

stuff in on a computer and then upload it into the system. We try to take advantage of technology, but we've had the experience of doing this since 1976. And it's really been a tremendous convenience. It's cut down our provisional balance. You talk about other states that work very hard to enable citizens to participate. The second chance voting, as Secretary Husted referred to, we had probably, we had less than 200. Out of three million people voting in 2012, we had less than 200 provisional ballots. And I'm not sure the poll workers properly issued those, because the only people who would get it would be an Election Day registrant who said, "I have a driver's license, but I don't know the number," or a first-time voter: someone who moved into Wisconsin and had never voted in the state before... should be the only two people who get provisional ballots in the state. So, it works very effectively, and like I said, it's helped us escape a number of Federal mandates. Because with the Help America Vote Act, we leveraged that; and with the NVRA, we leveraged that.

>> If I could just follow up, how long do they normally have to stand in line to register?

>> It really depends. Again, it's a planning issue. It doesn't take long to fill out the form. We often will give the forms to people waiting in line, with clipboards, to complete. We also having high school students sit there with a computer and take the information from the voter and type it and print the form out right there. It works very effectively. We've got a number of municipal clerks who've done that. That's all they do is sign. Our online registration process, we actually use that process for absentee voting in the clerk's office, and we can do that, where you can go right into our voter registration system, get all of your data entered, print the form out. The rolls won't get updated until we've done our DMV checks, but at least we've got the data there and saved that entry. On Election Day, again, it's like -- someone walks into the polling place. They're asked, "Are you registered?" We usually will use a greeter for that process in big elections. In small elections, it really is not a -- big elections, we're catching them at the door, making sure they're at the right polling place, getting them over to the line, if they need to update their registration or change it, making sure they have a form. So, we're running parallel lines for that. In crowded polling places, we might have, you know, a couple of stations for Election Day registration. Again, it's all about planning. You know that the November elections are going to be bigger and the presidential are going to be the biggest. It's 10 percent for every other election, or less, for Election Day changes.

>> Thank you.

>> Commissioner Patrick?

>> Good morning. I have a question for Mr. Kennedy, as well. Actually, it's a couple of questions, so if you'll indulge me. I wanted to ask you a little bit more about the survey. It's fascinating, coming from Arizona, to hear about issues like snow piles. So my first question has to do with, of the things that were encountered on Election Day, how many were things like that where, even if you'd gone out and evaluated the facility, you didn't necessarily or wouldn't necessarily know that the facility would pile the snow up in that location. So how many of the issues that were encountered were temporary-type problems and how many were actually structural issues that could have or would have potentially been identified beforehand and could have been mitigated with some temporary accommodations or something along that line? I love the fact that you have the ratings, as well, the kind of, you know, color coding of it -- the low, the high. And so, I'm kind of interested in that part of it, as well.

>> Well, it's actually kind of scary, because by actually having a very detailed survey, when you look at the numbers, you say, "Wow, that's a lot of problems." But most of them are temporary problems. They're, you know, not having the right notices posted, the wrong size print. I mean, we've been focusing on accessibility since the mid-1980s. And what we learned was the self-survey that's done by Clerks is not always accurate. And so that's why we went to, let's send people out. But we've taken the surveys that were done beforehand as a baseline so that we're not just randomly

going out. You know, we're looking at where people self-identified, "We're responding to complaints." But probably the high severity problems are temporary, easy fixes. I mean, it's educating people. I mean, I think you've heard this yesterday, from talking about people with disabilities. It's very difficult to put yourself in the place of someone with a disability. And that's really part of what it's all about. I mean, you're not thinking, if you don't own the polling place, that maybe the snow plow operator... just dump things over in the corner of the lot, where the accessible parking spot was. You know, we didn't have that problem for our June recall.

>> I would certainly hope not; although, you do live in Wisconsin, so it's always a possibility, right?

>> But locked doors -- it's an educational process. You know, again, if you don't own the polling place -- poll workers, in advance, need to be checking those doors to make sure that they're going to work. Sending people out to record that -- we do a follow-up, obviously. We don't just get the data and let it go. We have a biannual report that goes to the legislature. And we've documented all of the problems. And most of them are very easy to fix. And part of it really is raising awareness, but also we partner very closely with our disability community, because we rely on them to do a lot of the outreach and communication directly with those 1,852 municipalities that are going to have that. We've done a lot to get rid of most of the structural problems, so most of it is a planning problem. And again, if it's not your facility, you need to have access to it in advance, to make sure that you've identified those problems.

>> The question I had, to follow up really quickly, then, also, is what sort of response did you get from the local officials, where you identified these issues in their areas, that were things that potentially could have been prevented from occurring, like the signage being incorrect or locked doors -- the sort of things that could have been, perhaps, taken care of beforehand? What kind of response did you get from the local officials?

>> Well, it ranged. Everything that you would expect, from a human response. I mean, the best responses were, "Thank you. I wish I had thought about that" or "I can't believe that that happened; tell me what I can do," or, you know, they like to order supplies. You know, we have stockpiled a number of supplies that they could use to make their polling places accessible. To "You're wrong," "You're damn wrong." You know, frustration. We actually also had involved, you know, if it's a town clerk, the town chair got a copy of the report, because oftentimes the clerk didn't control that. You know, the board chair ought to know what's going on, because it's going to be the town board that's going to have to make the change.

>> Well, and part of the reason --

>> That created some elect race issues, sometimes pitting people against each other. But that's what you do.

>> Commissioner McGeehan?

>> Secretary Husted: Commissioner Ginsberg, or Chairman, could I add something to this point? I imagine that this is an issue that will be emerging in a lot of states. The polling locations that we use oftentimes are schools. And as schools, confronting the issues regarding school violence and security measures that many schools are taking, it becomes more and more difficult and schools are less and less inclined to want to make those facilities locations for voting, because you have access from people coming in off the street. This is an issue that we will begin -- we are beginning to confront. And I'm sure that this will be an issue, in terms of locations where voting occurs, that will emerge across the country. Thank you.

>> Commissioner McGeehan: I had a question for Kevin Kennedy, as well, on the data collection that you do. And it sounds like you get, you know, a really good response from your locals. And I was curious, are there incentives? Does the state build in

incentives for them to respond or is it more like you rate the -- just curious how -- has it been a challenge to collect that data?

>> Kevin Kennedy: Well, it was always a challenge in the past, because, you know, there's a lot of persuasive efforts that we would get involved in. And when it was paper-driven, it wasn't as efficient. You'd lose the paper. You wouldn't really -- "Oh, I sent that in." Well, having them do it online really increases the accountability. I will be frank that, when we developed the tool, we bribed them. We offered them, the first time, \$100 to try the system, and then we followed up with, "What were the pluses? What were the minuses?" We don't do that anymore. We did that the first time, but it got them to use the system. It got them involved. Now, we shame them if they don't do it. I mean, I have no qualms if I've got a clerk -- and there's a handful of clerks, that, quite frankly, the staff goes, "Oh, it's the town of --" and I won't say it here, "...again." And it's usually, we're waiting for 10 out of 1,852 municipalities to respond to that. And we had the same problem if we were trying to do data collection and response to lawsuits, as well. But we will make sure that their presiding office or their governing body knows that we've asked how many times. We'll make a record of the contacts we've had. Again, it is challenge, because 62 percent of these people are part-time. They may have a day-job somewhere else. But this data is very important. And we've found that it works very well. It allows me to throw out numbers all over the place here.

>> Commissioner Mayes?

>> Commissioner Mayes: Mr. Lewis, I'm struck by the contrast in your description of poll workers and that there is no choice, to what we heard from the officials in Ohio. They look at corporate resources, charity groups; and yet, you're saying, "If you're breathing -- and even that may not be required -- you qualify." And so, why haven't other urban areas -- because I come from corporate America and I can tell you, as I sit here, I don't ever remember working with any election officials about, would we be willing to have certain members of our community go out and work? And I can almost guarantee you, we could have pulled that off.

>> Doug Lewis: We have a number of urban jurisdictions around the country that do try to work partnerships with corporations, labor union, civic clubs, to engage as many new or consistently good people as we can. You're still at a marginal rate on that, in terms of some corporations take it to heart and do it really well and some don't want to be involved at all. We even have problems getting county government to agree to let their own employees take a day off with pay and be an election worker. We have success in some counties in America, but we have a lot of them who say, "Oh, no, we're not going to do that. We're not going to let them do that." And so, it's still a struggle in our major urban areas -- and let's face it, this is where our voters are. You know, I mean, I think you heard one of the research folks say yesterday, five percent of the counties have got, you know, 70 percent of the voters. We're struggling, in the urban areas, to come up with enough all the time and to get them to commit to coming to training, and to actually be trained, and then to remember the training. If you're training poll workers in a major urban area to work on Election Day, in many instances, you're training them 30 days out, three weeks out, two weeks out, before you actually do the event. Because you've got to have enough classes to train enough of them, as you go along. And most of the poll workers that we live with are older folks. They're not the young, corporate types. God love us, we'd love if every corporation in America would say, "Yes, this is a priority for democracy." But it doesn't happen that way. I think, in all honesty, Matt and others will tell you that this is a constant struggle, trying to make this work. And so, you get areas like Los Angeles or New York or Chicago or any of the ones where, unless you've got some way of rewarding them beyond just their service, you don't always have enough to actually start out with. And then, when you add in that percentage who just don't show up -- you know, I always used to say I never wanted to be the mother of a poll worker, because mother's health has been terrible, because the number one excuse we hear was, "My mother was sick," "My mother was dying," "I had to help my mother." And, you know, so, you didn't want to be the mother of a poll worker, because obviously it means ill health. So, when we get to that Election Day and that seven percent doesn't show up, you're scrambling, at that point. Now, you've recruited

more. You've done everything you can do to recruit fill-ins and to have more folks, but trying to press them into service in a hurry, in order to fill the position that is half a league away, in terms of where the polling site is, is not an easy task. And so, Los Angeles County employees -- somewhere between 25,000 and 30,000 of these folks, on a regular basis, and I guarantee you, if they're breathing, they're serving. That's just where we are.

>> Thank you, Co-chair Bauer.

>> Co-chair Bauer: Yeah, thank you. I know we're running out of time here so I'll be very quick. [Inaudible] you said on the school that you just raised, we have had testimony on that. A number of questions have been raised by localities about the difficulties of, as they see it, the school district sometimes see it of making the schools available. One of the issues that has come up -- one of the questions that has come up is whether the answer doesn't lie in making schools available for voting without security risks by scheduling teacher in-service days to coincide with Election Day, so the children are not present. But, maybe the administrative staff and the teachers are present and the voting takes place. Has there been a history of that debate in the state of Ohio? Do you have any thoughts on that for the commission?

>> Secretary Husted: We have -- we're only in the infancy of this discussion in Ohio. I can tell you that one of the things that has taken some of the pressure off of the need for locations has been our efforts with the early voting. When you have 33 percent of the voters casting ballots before Election Day, that means that there are fewer -- there are fewer voters turning out on Election Day and so county boards have can consolidated locations so that they need fewer of them. And they are trying to make good choices about having sustainable locations in making these decisions. So that's one of the things that's taken a little pressure off of it. But, we will -- we're going to work with the schools and other people that have safety concerns. I raised it as something that we are currently taking into consideration. Although, I can't tell you that we have a solution to it at this point.

>> Thank you.

>> Doug Lewis: Chairman, Bauer it's also that the school boards have more influence with legislators than we do. And truth is, more often than not when we make these proposals, they make sure they get defeated. Parents are unhappy because they don't know what to do with their kids on that day. And the school say that that means they've got to rearrange their calendars and what have you. And so, until we can win the argument with the school boards, we've got a problem.

>> Secretary Husted: I could also add a positive note for why the schools want to work with us. It's because in many cases they have school levies on them. On the ballot. And they like the idea of voters coming to the schools to make those voting decisions. So, we have reasons why and why not these kinds of elections would occur at schools. And so the schools have been very cooperative and I don't want to create any impression that that's not the case.

>> Final question to Commissioner Thomas.

>> Thank you. I realize we're out of time. But Kevin, if you're doing post-election audits, could you provide the commission with a description of that and any reports that you get out of it. It's one of the issues we are looking at.

>> Sure, I'd be happy to do that.

>> With that, thank you all very much. It's been a very helpful panel for us.

>> We will reconvene in ten minutes. Thanks.

[Silence]

>> Thank you very much. We're going to resume this morning. We are very mindful that we, not only have a lot of ground to cover, but other people here are also have schedules. And have made generously available their time. So, we spoke to the panelists about limiting their opening remarks to eight minutes. And this in turn provides the Commission with the opportunity, which he very much wants to have, to ask questions and still allow us to stay on the schedule for the rest of the day. So, we have set up the [inaudible] time keeping clock for your reference here as we go along and for your convenience. And we will begin -- we have an excellent panel here of very experienced witnesses in election administration. And we'll begin as we often do, on this side of the table. Connie Schmidt from the Election Center, Ms. Schmidt?

>> Thank you very much for the invitation to appear before you all to discuss election administration in our country. My name is Connie Schmidt and in December 2004, I retired as the election commissioner of Johnson County, Kansas. It's the largest county in the state of Kansas located in the greater Kansas city metropolitan area. I want to begin today by talking about the development of the U.S. election assistance commissions, election management guidelines and quick start guides and their successful practices for co-worker recruitment training and retention. Doctor Brent Williams and myself were honored to serve as co-project managers for the management guideline project. Under the guidance of the EAC Commissioners and Executive Director, Thomas Wilkey, these guidelines became the nation's first resource library of election practices for use as operational standards and procedures at the state and local level. And it was a project that was long overdue. In January 2006, a group of state and local election administrators served as members of the steering committee for the management guidelines. They included [inaudible] from small, medium and large jurisdictions representing users of a variety of different voting systems. The steering committee also appointed focus groups of election officials to serve as advisors and subject matter experts on each of the chapters of the guidelines. A total of 19 chapters were developed and distributed nationwide. We address the immediate need of election administrators by developing the quick start management guides. The quick starts were never intended to be a comprehensive management guide, but instead they provide a snapshot of priority items that were essential to managing elections. And we developed a total of 21 quick start management guides. From the smallest county of less than 2000 voters to the largest jurisdictions of several million, the management guidelines now serve as a national resource manual for administrators of elections. Again, recognizing the importance of poll workers, the EAC also funded the development of the guide book, Successful Practices for Poll Worker Recruitment, Training and Retention. That guide book was released for the first time in July 2007, and it provides a snapshot of poll worker recruitment training and management practices from across America. The guide book was print in what we termed, a recipe book style. Election officials were encouraged to go there and pick and choose what might work for their jurisdiction. With examples of those practices from other jurisdictions depicted after each practice in the guide book. In addition to the guide books mentioned above, the EAC also provides a wealth of resources, research studies and statistical data to election administrators nationwide. Their website, EAC.gov, provides basically an online library of information to election officials. The topics before this presidential Commission, actually mirrors the topics that are covered within the pages of these guide books. Procedures in the business world are continually reviewed and updated. I believe it is now time to review and update these guide books to include the latest use of technology, improvements and accessibility needs. New procedures for military oversea voters, etc. It's important to remember that the federal agency that was put in place to accomplish this work is operational now in staff, but continues to be stifled awaiting the an appointment and confirmation of new EAC Commissioners by Congress. I want to talk now briefly about some of my history. And we had -- I came from Johnson County, Kansas in 1992, following redistricting our county had very long lines during that presidential election. Those long lines led to an approval of a new state law implementing no excuse advance voting, which is basically what we call early voting. Voters didn't have to choose. They could vote by mail or in person at any time for 20 days prior to the election. It was their choice. Or they could wait to vote at their polling place on Election Day. The voters loved it. The most important lesson learned was that voters like having a choice. Our county from that point on never ever experienced a long line on Election Day during a presidential election because of

advanced voting. Presently, the November 2012 presidential election has been referred to many as the perfect storm. Redistricting new polling places, long ballots in some jurisdictions coupled with new state election laws all colliding at the polling place on Election Day. The end results in some jurisdictions was longer than expected lines. This year I have been consulting with one of those jurisdictions, the city of Minneapolis, Minnesota. Our reduction in polling places, redistricting and the impact of Election Day registration -- created long lines in many of their polling places. One in four voters chose to utilize elect day registration in this city. In several precincts, the number of Election Day registrations equaled or surpassed the number of preregistered voters. This tsunami of voters in these locations resulted in long lines primarily because of the paper work process that must be managed by the poll workers. We must all remember that the election process in the majority of jurisdictions nationwide is still very much a paper based system at the polling place. For the future, the election centers task force on election reform should a detailed report of recommendations following the November 2000 and again in the November 2004 presidential. Those reports are on the website, ElectionCenter.org. After the November 2008 election, the same task force convened again to debrief ourselves. As a profession, we agree that improvements are still needed in several areas of election of administration. And remember, this was after the November 2008 election. We said, "We need a comprehensive solution to the challenges that oversees voters space and receiving and returning their voted ballot. We need more federal funding for testing of voting systems. There remains a need to simplify poll in place operations and we need a continued investment in technology. States need to continue to improve access to voter registration by utilizing the internet and to improve data matching technology across state boundaries. We need to expand Election Day to a voting period and provide multiple methods to have vote while continuing to explore the use of vote centers. There remains the constant need to improve recruitment and training of poll workers. Lastly, we need to enhance the statewide voter registration systems to better support what we call the start to finish of election administration beyond just voter registration. We need an election management system at the state level. In summary, a presidential election is unique. It happens once every four years and brings the largest number of voters into the process. Local jurisdictions are carrying the full financial responsibility for funding this election. One way to provide the assistance in a presidential is for additional funding to be distributed to local jurisdictions to supplement their existing budgets. Now, they would be able to have more polling places, more poll workers and open and staff more early voting locations. Another idea is to promote a national civic duty day, similar to a day of public service where businesses and corporations release their employees to serve as poll workers on Election Day. These public servants become our nation's internal army of election workers focusing on providing top notch customer service to every qualified voter. We all know that if voters have a bad experience, it could impact their desire to ever vote again. It's our duty to ensure that all voters are able to cast their vote in a timely fashion with confidence that their voted ballot is secure and has been counted accurately. Thank you for your efforts on behalf of our nation's voters.

>> Thank you very much. And now we'll turn to David Orr from Cook County, Illinois. Welcome, sir.

>> Thank you. I appreciate being invited. And I do hope that there will be dramatic impact to the work you do. Quickly, in terms of Cook County, we manage elections for about 1.4 million voters. In suburban Cook, we include about 126 municipalities and about 600 other units of government. We have a very long and very complex ballot. In our last election in April, the election we had 2700 candidates, 800 ballot styles, 903 contests. Okay? You've already heard testimony in favor of many of the policies we already have, early voting, no fault mail voting, electronic poll books. So, I think rather than repeat those benefits, I'm just going to endorse them. I would like to cover a number of things that are up on the screen, I believe all the Commissioners have that. So to save time, I won't mention them except, I'll start off by saying -- some of these are goals. Some of these are warnings. And most of it is basically, what I think are good practices that help us deal with things like resources on Election Day, lines, etc. So first, weekend holiday voting, it's something I favor. I believe to expand the pool of available poll workers. Remove

time conflicts with the work day, enhance authority's ability to use important brick and mortar assets like public buildings. Altogether these factors will enhance the voter's experience, help reduce the lines and hopefully boost the turnout. Next is the optimal voting locations -- schools and public buildings. We've already spent some conversation in the last panel. So, election authorities need access to schools, least most of us. Park districts, other school buildings, particularly in big urban areas, to hold efficient elections. They help in several ways. They have accessible interests, modern wiring, internet connectivity, adequate space, sufficient lighting and usually a good geographic distribution. They also have classrooms and chairs, which is sometimes important for voters who have to complete paperwork or need to sit for a while. Removing students from the equation addresses concerns about security, traffic and overcrowding. If Election Day does remain on Tuesday, I strongly believe that non-attendance days for students are essential for elections whether school or closed to everyone or superintendents out for an institute day. This is working for us. In Illinois, the law says -- schools have to be available to us. It's true. Schools are fighting this. Some partly for the obvious -- security reasons. Some for other reasons. What seems to be working the most -- and we have actually have a significant number of schools doing this -- is going for that no school date. So that way that the kids aren't there. There's room for the polling places. There's room for parking. And of course, you don't have those safety issues. The next issue, we call harvesting data automated call form. This, I think, is probably the most important thing for us to have a handle on, what is happening on Election Day and what do we do about it? Knowledge is power, and when it comes to elections -- data gives you the power to manage voter wait times. About ten years ago, we built a web based data collection tool that captured catalog and share precinct based data collection tool to capture catalog and share precinct operation data on Election Day in real time. This tool, the automated call form or ACF, gives us the power to realign our resources and improve our populations based on real knowledge. All Election Day issues, from missing power cords to no show poll workers are entered into the ACF. Aggregated ACF data illustrates trends in our 1700 precincts with our 9,000 poll workers and 10,000 units of piece of equipment. We use the ACF during early voting, but Election Day is when hundreds of users log in. They include 75 employees at our call center. Field workers. More than a hundred operators and technicians in 19 remote locations which service our precincts. And dozens of staff and lawyers and others who take calls about entitlement lock poll in places, etc. On Election Day, we log thousands of calls. Most are handled over the phone quickly and close. Others stay open and are flagged for physical support or other follow-up. Through the ACF's proper views, that hand off as seamless in callers do not have to repeat their complaints. Remote site managers, the 19 sites that we use around the county, use the ACF data to efficiently allocate resources and route support visits. Each manager knows where a printer has been reported offline or an ACF hasn't been closed. They allocate resources accordingly. Calls can be sorted by region, by precinct, by problem types such as scanner issues or electioneering. And whether they are open or closed. They can be searched by issue or keyword which keeps issues from getting lost because of an input error. Post-election, we can map calls by type and location to find patterns and optimize future resource distribution. And [inaudible] use ACF data to follow-up with poll workers and conduct micro training on identifying deficiencies. An incorrectly completed form, complaint, an imbalance in numbers or damaged equipment might all want micro training. We try to push most of the data into the ACF so that it may also serve as an valuable tool for not only individual poll workers but for the team's working together. This includes tracking positive feedback about poll workers who do good things. Next is, data driven validity density maps. Because a turnout for most election varies so much, particularly in the local elections. And you might have 5 percent turnout in one town, but you mean to have 6 5 percent turnout in another town. To use data to predict turnouts helps allocate resources. Turnout is a function of many things including which contest are on the ballot. For example, there's 126 municipalities, I mentioned, contested races drive turnout and of course mayoral races drive it the most. We note where those precincts are and allocate resources accordingly for the expected voting surge. We call this our ballot density analysis. After the election, we note the predicted to actual turnout and refine the model. We have plotted these trends on maps for quick a quick visual sense of where voters cluster. Just a word on online Election Day and automatic registration, we've talked a lot about it. We are glad that Illinois is

joining that movement. By July 2014, we will have online voter registration. This should increase registration and cut human error and certainly reduce the cost. Integrated with e-poll books, online registration should improve [inaudible] quality, reduce lines and ease the transition to data sharing both in between states and around states. Election -- I also -- I'm not going to take the time, but she mentioned, I think Election Day of registration is important. And at some point getting to automatic or universal registration. All of these goals that we have rely on better [inaudible] built from available data sets from DMV's and other government agencies. An efficient Election Day registration system would have a pre-populated form ready for eligible systems on Election Day. They would simply supply their signature. Enter jurisdiction of transfer of information, like NCOA updates. Within a jurisdiction would also improve list accuracy and allow better service to voters, projects like the [inaudible] centers [inaudible] are designed for this. Benefits better list include fewer provisional ballots. Faster check in time. Fewer calls to election central and fewer people disenfranchised. A quick word on mail ballot application, the registration I mentioned before, a start in 2014, allows us to make a change. In past elections, voters would have to download and most of you [inaudible] know this, and print a mail ballot application. Next election for us in Illinois, they'll be able to skip that step and simply apply online. We'll have a quicker turn around and better service for our voters. Finally, online national voter information tool. Informed voters produce better elections. For more than a decade, my office has maintained a robust website with everything. We've a voter guide to a voter information tool, to let each voter check their registration ballot polling place. Last year, we [inaudible] a mobile voter tool to provide this information on the app. These assets helps each voter to get to the right place at the right time prepared to vote for the right ballot, at least in the right ballot. A national online voter information tool that provides any society on the U.S. with that kind of essential data would be tremendously enhancing the voter experience. I have other concerns relevant. Just touch on it very briefly. I do think it would be important to see if we can build a stronger national election administration agency. I do believe we should try to work on, we can call it, universal -- whatever we want. But, for example, take early vote. I do think it's important to have standards. If you want to call it rules, if you want to call it national requirements. But is it fair to have some jurisdiction with lots of early voting sites and some with almost none simply because of money? It's also, if there's no real regulation of these things, abuse can and does happen in the selection of sites and how those are handled. Anyway, I believe, working on those two things would make things better. I thank you very much for the opportunity to be here.

>> Thank you very much Mr. Orr. And now we turn to Commission of elections in Iowa, Don Williams. Thank you.

>> Good morning. My name is Don Williams. I've been privileged to serve the 27,000 registered voters of Marshall County, Iowa since 1988. As the Commission follows your mission to seek to formulate best practices for the consideration of election administrators around the country, I'd like to take this opportunity to talk to you about the election centers best practices program. It's under the umbrella of the professional educational program. Best practices has been part of the election centers national convention for 18 years now. I testify before you today with a firm belief that the sharing of best practices is one of the most effective ways to improve our profession and how we serve our voters. To those of you on the Commission that are not from the election community, I think it's important to point out an integral part of our culture. Because we're forced today operate in an environment that demands perfection with unrealistic time lines and limited resources, the election community has elevated the case method, copy and steal everything to the highest form of art. Best practices programs are the perfect platform to do this. It's my belief that the structure of the election centers program enables election administrators to draw the maximum benefit out of a program of best practices. It's an open exchange of ideas. It comes from all corners of our country and from jurisdictions large and small. Participants are invited to submit a paper. They're reviewed by a four-person panel. Winners are selected and invited to attend and present their paper at the national conference. In addition to the formal presentations, we have breakout sessions, science fair style, where conference

attendees and the presenters can interact and ask questions and change business cards and everything. Get the beginning process going for sharing of those ideas further. A successful best practices program will stimulate new programs. In 2008 we expanded our categories to spark additional ideas, encourage jurisdictions to submit multiple practices. We'll be making additional awards in the coming years to seek out ideas from smaller jurisdictions, encourage them to participate more. And we will also be making awards in areas that we deemed topical of how things are at the moment, a specific moment in time. Practices admitted into our program absolutely demonstrate how today's election administrators are in sync with the guiding principles of your Commission. The guiding principle to make voting work for voters is evidenced as follows. [Inaudible] county Florida submitted a paper. They used tablet technology to provide for a more streamlined and efficient check in process at the polls. A paper submitted by Davis County, Utah developed -- it was titled -- equipment officials resources -- how much? How many? Made easy. It provided a simple excel utility to have consistent and efficient resource allocations. The guiding principle to provide common sense nonpartisan solutions can be found in many best practices. Maricopa County, Arizona developed a GIS, public redistricting interface. It allowed for public input with their redistricting process. Something we all know can be really partisan. Cerro Gordo County, Iowa developed precinct atlas and they partnered with their secretary of state to distribute the program, free of charge, to other counties. Focus on providing election administrations as customer service can be seen in these examples. At Forsyth County, Georgia submission, early voting wait time dashboard address wait times before wait time became a buzzword. Contra Costa County, California best practice vote by mail rejection reduction program demonstrated their commitment of excellence. They want back to their process time after time to continue to increase the successes of their program. Complete best practices programs can be found on the election centers website from 2003 forward. I've provided the link in your packet. I'm happy to announce we've also got some big improvements coming to how we distribute the practices after the program. It is through an alliance between the election center and Auburn University to improve election administration in our country. That the team at Auburn has begun a project that will enhance the value of our program. Doctor Kathleen Hale, Director of Masters and Public Administration program and the Election Administration program at Auburn University, program faculty, and graduate students in the department of political science recognize that the sharing of best practices is vital to the growth of our profession. Their project to scan and index our best practices will establish it clearing house for the 18 years of practices that have been submitted to date. And this clearing house will be housed on the election centers website. Best practices are a powerful resource as long as they're used. I've asked people and they are used. When I asked Sacramento County, California, they quickly sided for best practices. That they have recently implemented or are in the process of beginning a program. It benefits their organization and it benefits their voters. My own experience illustrates that our universal goal to, as election administrators, to promote the public trust. And by our conduct of accurate and fair elections, has a common thread. That common thread proves that best practices submitted for jurisdiction of three quarters of a million voters is relevant to a jurisdiction of 27,000. I was impressed by a 2008 Clark County, Nevada submission, that featured an innovative way to deal with a facility shortage. They mobilize 48-foot trailers. They used them for mobile early voting sites. Last year, when I needed satellite voting sites, that I could place in politically neutral locations, I remembered the Clark County example. I modified it to fit my jurisdiction. And because of their best practices, best practice submitted four years earlier, I was able to serve my voters in an easily accessible and politically neutral location. A multitude of examples can be discovered if you met the best practices submitted to our program with what you see in our country today. Finally, I'd like to bring it home, and by reflecting on how I view the program. I realize that each practice I review finds me feeling like a new kid on a ride at Disney world. It starts with anticipation of a new discovery. It builds to a wow. Then I wonder how they did it. I want to talk about it. And I want the people around me to be as excited as I am by it. I think wow again. And then I want to do it over again. I bet you're wondering how I get from the the black and white world of election administration to the techno-colored [phonetic] world of Disney. It's a pretty direct route when you think about it. They both start with vision and dedicated individuals. Execution requires that a balance be struck between our ideal

world and reality. Both take a little magic. Our guests deserve and we demand perfection. At the end we want our guest to view it as a pleasant rewarding experience. And we want them to come back again. Thank you for the opportunity to share this passion of mine. It's an honor to be here today. And finally, thank you for your dedication to improving our system by your service on the Commission.

>> Thank you very much. And now we're going to turn to Neal Kelley from Orange County.

>> Good morning. I would like to express my gratitude to the Commission for giving me the opportunity to share my experiences and lessons learned as an election official in Orange County, California. As the fifth largest voting jurisdiction in the nation, Orange County is extensive both in its size and its diversity. In the 2012 general election over 1 million votes were cast, necessitating the production and delivery of 1.6 million sample ballots. 675,000 votes by mail ballots. The deployment of 11,000 voting booths. And the recruitment of over 10,000 poll workers. It is both an honor and a challenge to be responsible for providing high quality election services supported in five languages to Orange County's 3 million residents, a varying cultural generational and socioeconomic backgrounds. In light of these challenges, I'm proud that Orange County has been referred to as a leader in the field of election administration, however I'm also aware that that's not always been the case. Like many others and years past, the office experienced difficulty effectively communicating with voters and volunteers, efficiently mailing and tallying ballots and keeping pace with technology. That began to change in 2005 and great strides have been made to drastically improve election operations and the voting experience. And it's a great privilege to have the opportunity to highlight some of those innovations we've made in Orange County. However, as far as we have come, more progress is needed. I echo the comments of my colleagues in that regard. And for this reason, I'm grateful of the Commission's efforts to improve the experience of voting and increase voter engagement throughout the country. There are four areas of innovation I'd like to focus on this morning. I'd like to begin talking about how Orange County has embraced continual as a means of improving voter education and engagement. In 2011, we redesigned our website to make it more intuitive and functional for voters. This was not simply a redesign. It was a fundamental change in how voters interacted with our office. It was a re-imagining of that entire process. As you can see from this graph, we created a voter portal, allowing voters to access all of their specific voter information using a single entry point and viewed on an easy to use display, whether mobile or on their website on their computer. It's truly interactive. Citizens can register to vote, view and update voter registration information. Look up the status of provisional ballots. View individualized sample ballots and other precinct level data pertaining to districts and elected officials. These enhancements to the website's functionality have improved communication with voters and contributed to a public that is better informed about the election process. This is evidence by the steady decline and call volume with the rise and visits dramatically to our website. But data between call volume declining and web visits increasing is dramatic as you can see from this image on the screen. The redesign website has increased efficiencies in the management and operation of polling places. By integrating the Google geocoding tool, our website allows voters to ascertain their polling place location, provides a map and route information from their home address and more importantly, relays information about expected turnout and wait time at their polling place in real time on Election Day. By providing this information, voters are able to make quick and informed decisions about when and how they will vote. Which not only reduce polling place wait times, but improves the overall voting experience. Increasing the accessibility of information is one of many steps taken to make voting a more positive and more rewarding experience. Other efforts have involved conducting time studies to identify bottle necks at polling places. Streamlining how voters are processed, improving poll worker training, and promoting our vote by mail program. By making significant investments, the accessibility and popularity of vote by mail has increased dramatically in Orange County. It has been a strategic priority for me to invest in technology that is automated 80 percent of our vote by mail process to date. This has improved service delivery and the return of processing of the ballots. The graph that you see here shows the correlation between the investment in technology and automation and the increase in the use of vote by

mail voting as an option. The delivery of every ballot is tracked. And voters are able to verify the status of their vote by mail ballot on our website. Further, complicated and confusing instructions have been simplified and voters are now provided information explaining the most common errors to avoid resulting in the rejection rate of vote by mail ballot due to voter error, dropping by half since 2007. Paired with convenience, the high level of confidence voters have in the program led to vote by mail ballot making up over half of the ballots cast in Orange County in the presidential election. The effective administration of vote by mail program is critical to ensuring that the right to vote is readily accessible for all eligible voters. For many of our voters, casting a ballot at a physical polling place is difficult, if not impossible due to issues such as disability, transportation and employment. While Orange County is dedicated to insuring equal access to the ballot box for all voters, we are especially mindful of the distinct challenges faced by uniform and overseas voters for whom approximately 8,000 ballots were should in Orange County in the 2012 election. Whether a first time voter living a broad or a took place serving in a combat zone, guaranteeing the right to vote is paramount. To improve this process, we've developed a unique portal to assist military and overseas voters to receive and cast their ballot. The screen shot shows the tools we have developed for our overseas and military voters. Through this unique portal, it's possible to register to vote. Verify and update your military overseas status. Print a ballot online. Request future ballots via e-mail. And one of the more popular features on there is to secure your e-mail address so that troops serving overseas are not concerned about entering their military e-mail on our website. We keep it off the public rolls. Technology has proven to be a valuable tool in furthering the efforts to increase voter education and removing barriers the voters face to citizens with military and overseas voters. Commissioner [inaudible] you spoke briefly about corporate sponsorship or corporate interaction, we have a very robust corporate sponsorship program in Orange County. I just want to highlight Sprint, Wells Fargo and Enterprise Rent-A-Car are partners of ours in that endeavor. And so, I want to talk about poll workers -- I'm going to focus on students -- but I wanted today let you know that we're involved in that corporate side as well. Technology is one of many strategies used in Orange County to increase voter engagement and participation in the electoral process. In person community outreach has been a crucial means of voter education and voter recruitment. And in 2008, we developed a program entitled My Ballot. It's a one of a kind unique high school student election program that has transformed our poll worker recruitment. The expansion of voting rights through laws and grass roots advocacy is fundamental to the history of the United States, yet many students do not fully appreciate the power of voting nor the struggle many have endured to obtain that sacred right. For this reason, the My Ballot program was created providing a unique opportunity to partner with high schools and educate students about the evolution of voting rights. And the program consists of three important components. First, students are provided an in class presentation on the history of voting and how elections are conducted. Second, and the most popular, the students are brought to our facility, where they're taught how to build a ballot on our ballot building system. They're amazed at what it takes to actually create a ballot and the technology that's used. And then finally, we take the ballots that they've created and go back to their school, put it on our voting system and allow them to vote in their student elections on the ballot that they created. Those ASP students then tally the votes and they learn how to tally those as well. As students vote, they're encouraged to participate in the county poll worker program, that's the selfish part for me. The valuable program allows student volunteers to share their enthusiasm and technical skills with their community while they gain firsthand knowledge of the electoral process. While educating and engaging new and future voters, My Ballot is helping to revitalize Orange County pool of volunteers' student poll workers. Student poll workers now make up one third -- one third of all of our poll workers in Orange County. We had nearly 1,000 My Ballot participants serve as volunteers in 2012 which is up 30 percent from 2010. And you can see from the graphic there, that there's been a strong correlation between the program itself and the increase in our student poll workers over time. Thank you again for the opportunity and I hope the information I've shared with help advance your mission of improving the voting experience for all Americans. Thank you.

>> Thank you very much. And now we turn to Wendy Noren from Boone County, Missouri. Welcome.

>> Thank you very much. Although, you can probably hear me, even if I didn't have it on. I am very honored to be here and I appreciate the work you're doing. I was sitting -- I've seen lots of commissions over the year and I do think it's very healthy. It's kind of like -- I've also seen lots of space utilization studies. You know, it seems like every five years, my county hires somebody to do space utilization where we go look at everybody's space and do we need a building? It's good to have a good look at something like that. What are you doing? What are your needs? And those things. So I appreciate the time you're doing on this. I have been asked to discuss engaging young voters. I am the County Election Authority in Boone County, which is Columbia, Missouri home to the University of Missouri. Columbia College, Steven's College and several junior community colleges, they call them now. Anyway. I think, Douglas, a lot of times tries to say people didn't really go into elections. I did from an early age, went into election. I'm probably -- you know, most of my generation knows where they lived when John Kennedy was shot -- where they were. I am so strange. I know exactly where I was when the 26th amendment passed. And you know, spent the next four years trying to get student voter registration drives. I don't think anybody would be surprised, I got into an argument with my county clerk when I tried to register at 17 and he wouldn't let me. Anyway, probably the last time my secretary of state agreed with me. And it's been on from there. I take very seriously, being the chief election official in a college town. Over my career, I believe a person's first interaction with an election process is going to color their outlook for the rest of their life. If I can't serve them well, they may never rejoin the system or they may wait 20 or 30 or 40 years before they get back into the process. And so I try to train all my staff, all my poll workers, that when you have a young person come in, what you're doing is, how they feel on that day and their treatment is going to be what they feel about elections and their government for many years to come. Because I've handled over half of people's registrations -- I've done in my career -- have been 18 to 24-year olds. Close to 200,000. Okay. So, how have they changed? Well, I have learned it's not possible to keep up with them. It's not possible to stay ahead of them. I'm just trying not to stay too far behind. And so, over the years, they push me. I knew in 1999 students were -- wanted more out of a website than looking up information. They were already into transactional websites. So, before the 2000 election we started allowing voters to change their address online. In a college town, you tend to have to meet the needs 5 to 10 years earlier than the general population of technology. And so, what I have been doing -- hence -- to have to -- you'll start seeing cropping up several years later. By 2003, people wanted to get their sample ballots by e-mail rather than mail. So we started e-mailing sample ballots, polling [inaudible] notices out to voters. 2004, absentee ballots. People wanted to know, did I get their ballot? Did I get their application? Did we count their ballot? So every absentee application that comes into my office they get an e-mail, we got it, we sent it, we received it. I really think people and I know -- a lot of people have websites. The voter can go to the website and look it up. Well, when I go buy shoes from Zappos, Zappos doesn't make me keep coming back to their site to see if I ordered it. They don't make me -- you know, they send me an e-mail. We got your order. They send me an e-mail, it shipped. They send me an e-mail, here's this. And so, I look at my interaction what I want out of shopping experiences, my insurance provider -- all of these things in how people want to react to a website. 2008, put in a front end online voter registration. We still had to print and e-mail the application. Now, one of the problems has been for me is, you know, you always got to get around these pesky little laws. You know, it's just like -- I don't -- you know, it used to be. You know, before term limits, I could write a piece of legislation, take it down to the guys and research and say, Roger wants this. And it would go up to committee and Roger would say, fine. And, you know, well -- they don't know we as well. And so, you know, you'd kind of get around it. I just can't be stopped. You know? It's like I'm going to find some way. So I know a lot of people say, well, we can't do online change of addresses because the law says they have to be in writing. Well, they aren't a real official change of address until they show up to the polling place and sign it. So, it's an interim change that's held up here. But the voter doesn't know it. Now they know the polling place -- you know, I'm not getting 15,000 calls on Election Day because I've made it easy for people. They

get an e-mail from me with their sample ballot. Is your address correct? Click the button if it's not. It goes directly to their record. They enter their new address, they're done. You know? It is that kind of thing that they don't have to try and find me. On Tuesday, for National Voter Registration Day. And here's my latest. You know, we all think we have to get a signature, a wet signature, on the registration form. If we don't do that it's not that. Well -- so that's been my thing. I've got to get that through the legislature because I looked at this law in Missouri. Well, I thought, chicken or the egg? First, I'll develop the way they sign it, then I can take it to the legislator and show it could be done, here's how cool it is. People just sign their iPads. In my research, guess what? The Uniform Electronics Transaction Act, which covers 46 states have adopted. In that -- it is the most broadly worded thing. If the law requires a signature an electronic signature shall be valid. If a record is to be returned -- and it is so far. So there I have it. That is all the statutory authority I need because it covers every government document in my state. It covers state government. It covers county government and all of those things. So, again, rolling out on Tuesday, they'll be able to get online. It will then bring up a PDF. They can use an app to sign their PDF and send it back into me. I've got a lot of things on poll workers. I've got recommendations for you on immersing issues. With students, they don't know where they live. They never dealt with mail. I asked a group of -- have they ever mailed anything in their life? No. All right? So they don't know where they live. If they have no idea what to do with mail, then how do they know where they live? And you all are going to see this. So I see all these sites, state sites that requires somebody to put their name and their house number. They don't even know their house number. You know? It's like -- so I get addresses -- address where you live. The grove the den the this, the that, you know? Some of them make up a place. And you're seeing this more and more. You know? It's kind of like -- I grew up in a world where telegrams were kind of this archaic little thing. And I used to like to send telegrams. I thought that they were cool. But, you know, mail and how we want them to interact with us is like a telegram was for my generation and you got to move forward. Everything I do -- I deal with kids electronically. The poll worker program, 40 percent of my poll workers are college students. And it's only because they can go online, sign up, pick their polling place, pick their training time. They can go back and change it. You know, the only thing I've got to the add to that is text them to tell them to read their email. Because again, I got to keep up -- they got a little ahead on me. They don't read their email until somebody texts them and tells them to read their email. So, I have a bunch of recommendations I'll send to you.

>> Yeah. Please do and we'd like to see all of them.

>> Okay.

>> Thank you. I could also, in particular, I think, Co-chair Ginsberg we would like you to elaborate on the ingenious way that you found what you called pesky laws. [Chuckles] I got to -- he thought he had the market on that and then you -- [chuckles].

>> I am -- my legal counsels were nightmares, you know?

>> Or his warmest inspiration.

>> No. He's wonderful. He really is wonderful.

>> Thank you very much, very much. And now we'll turn to questions from the Commission. Commissioner Lomax and Commissioner McGeehan.

>> Commissioner Lomax: Neal, you mentioned that you have a system by which you input your waiting times at the various polling places on Election Day. How do you go about measuring that? How often do you measure it? And how do you get them into some database that the voters are looking at?

>> Neal Kelley: Thank you commissioner. So there's a number of data point that we use to calculate that including historical turnout. Ballot density, like David uses. We

also use information from the poll workers on Election Day that they've put information into a mobile device. So we're getting a lot of data inputs into this process that we are calculating on Election Day throughout the day. So, when a voter -- and I agree with you Wendy that most voters don't know where they precinct at. Or they don't know a lot of information to enter. So, we make it simple. They can just enter their name and their last four digits of their driver's license. Once they do that, then they go to that predicted wait time based on all of that data that's coming into us.

>> Commissioner Lomax: Does anyone actually go out there and measure it? You get a voter at the end of the line? A card or something? And then when he gets there you --

>> Neal Kelley: We don't do that. We have some metrics we use from the field supervisors that are out there. So that they are going out and making some determinations whether the data is valid or not. And we're actually doing a pretty good job on making sure that that data's within a couple of minutes is pretty accurate.

>> Okay.

>> Commissioner?

>> Commissioner McGeehan: Yes. This is a question for you, Wendy. And it doesn't relate directly to your testimony. But other Commission meetings, we've had testimony that Missouri is a really good example of a state that has implemented NVRA through the disability agencies. That in recent years, the numbers have gone up significantly. Are you familiar with that? And if I'm catching you off guard --

>> Wendy Noren: I do -- you know, there was a lawsuit in Missouri that was, I believe, project vote. And some other groups filed a lawsuit in 2006, I believe -- 2007, maybe -- against the state of Missouri for their failure to implement NVRA. A lot of the groups did. That lawsuit was heard by Judge Lowry. And the 8th district out of Kansas city and she did order -- issue an order against the state of Missouri for their failure to properly implement NVRA in particular in the social service agencies in the disability agencies. And we did see, between the time the Judge's order came out and between the 2008 election, I saw a marked increase. I mean, I was seeing none. And I was sending a staff member over to those places every Thursday morning to pick up things and they ask them, don't you have these? And so, I think Missouri had a very miserable thing with it until Judge Lowry ordered the state to implement the programs. And, you know, I am an actually a believer. I'm going to say one of my recommendations -- I'm a programmer. See all these things these programs -- I write myself. So, I'm kind of an if, then, else. If you all want same day voter registration -- let's see how you deal with that. One of the best ways, I think, would be to exempt states from NVRA. Because a lot of states hate it. They think it's costly. I think we all recognize those states that have same day registration have higher turnout. A lot of us felt like, you know, these NVRA agencies were going to be problematic. In fact, the original version of NVRA had an exemption for all states that adopted same day registration. And I had a bill work -- like I act like a legislator -- but you know, I used to behave like one. It was ridiculous. And -- but there was a bill moving through the legislature that write and be free so we could be exempted from NVRA. Unfortunately, the final version of NVRA said you had to have adopted prior to May 11th, 1993. Which stopped the movement of states to go to same day registration. I think that would have moved many many states to that. So, there's this connection there of the cost. State agencies not wanting to do it. We're seeing a decreasing number of these applications coming in from these agencies as turn overs occurs. That type of thing. But, you know, clearly, the data from 2006 to 2008, probably through 2010, would have been an incredible increase in NVRA. But, you need to credit Judge Lowry rather than much of anything else.

>> Commissioner Thomas.

>> Thank you. I have a question for Connie and then one for Wendy. So, Connie, those management guidelines which are really one of the best population in the country. If

the EAC is not going to continue, do you have a suggestion of how or where those could be continued?

>> Connie Schmidt: So your question is, if the EAC is no longer in place, what happens to the work produce products?

>> Yes.

>> Connie Schmidt: That's a good question because -- that hurts me because I felt very strongly from my heart. Because when I took my job in Johnson County, Kansas, there was no reference manual. I learned it the hard way. And there are county clerks who are elected across the country into a position of election administrator and they have no experience in the election world. So the goal was to put a resource manual in place so that people could go to and familiarize themselves with everything they needed to know. I went to the City of Milwaukee to a brand new election director there to ask questions about poll worker training. And I gave her some handouts from when we were doing plot projects for that guide book. She almost hugged me right there on the spot. Because around on the floor, she was trying to invent this because she was new. And here I stood holding the documents that she needed. And it was powerful. And it is very much needed and it needs to continue in some way.

>> I agree. So, Wendy. Yesterday, there was testimony -- and I think you were at the round table -- about how college students, younger people are aware of the problems with doing business on the internet and would know better than doing that.

>> I believe the gentleman was from MIT and maybe the college students at MIT in computer classes are more aware of security issues in the internet. Believe me, these kids do everything on the internet. I mean -- I sit and talk to them sometimes -- I'll see some kids at the coffee house. And they are like putting their credit card in a public Wi-Fi system. I said, do you have any idea about the problems with maybe doing that? They don't -- their world is these devices. And, you know, I -- maybe they'll become more aware of it -- I don't know. But if you -- I really do believe. The other issue is, we aren't teaching kids handwriting anymore. You all realize they have stopped cursive. So the very -- in fact, my attorney said, "Well, why in the world are you even getting a signature? The electronic app just says click." I said, "Well, you know, I got to have a signature to check for petitions and things like that." You know, look at any 2, 3 year old kid with their parents. And they're sitting with the iPhone dropping -- I mean, it's amazing. They aren't going to waste time teaching these kids how to sign their name out or write stuff. These kids are going to be like this from day one. I mean, New York Times had the article on the front page about how they're moving all of the iPads. You know, an iPad in every school. It's going to happen. Our high schools have moved to it. In my town, they're doing it in junior highs. And over the next five years, every student will be working on a tablet. So, you know, we -- yeah. I guess there are college kids at MIT who've done all of the studies and learned how to have. You know, you're typical English major -- nope. They have no clue. No. They're doing stuff out there. But let's be honest. How many of us, you know, "Oh, I don't do anything on the internet." I couldn't live without the internet. I couldn't function without the internet. So, we are all guilty. I put a credit card in on there. I guess it's okay, I don't know. But we give up certain things for the convenience of doing things the way we want to do it. And they do too. Even more so than I would. I wouldn't put my credit card on a public WiFi network, but they would.

>> Co-chair Bauer: I have a question for Mr. Orr and one more Ms. Williams could you talk a little bit about -- because you talked about the schools as a well-equipped facility for polling locations that has connectivity and space. And chairs for people who need to sit in the like. What are the histories of the state's engagement account school system that accounts for the success of or any frustration that you've encountered, in being able to recruit these sites. Get the cooperation of school boards to have these sites available to you for this purpose?

>> David Orr: Well, I can't speak as much for the state. The state in their wisdom decided that historically, that public schools should be polling places. All across

the state, and of course, it varies. And I can't speak for the counties; I would say a very experienced republican county clerk in a large county near Chicago said on the same issue, if you take away the polling places, you take away the elections. You take away the schools from polling places. So, I think most -- and I can't speak for all -- most find that whatever percentage they have -- whether it's 25 percent or 34 percent -- is critical. What we've tried to do, because issues always come up. The school's -- maybe there's a security issue. It may be they're rebuilding. All sorts of -- we try and work with them. But we have that law on our side. But, because of security, the best thing we try and do is to work with them to say -- listen, we all know there's lots of days that the kids are out of school. So if you plan ahead -- we've given them schedules all the way to 2020. Would you plan ahead so that as you're planning for 2014 -- I'm sorry -- 2014, 2015, etc. -- that give us two days. Plan ahead to either have the institute day where the kids are there. That's not as good for us, that's fine because I want the whole banana. Earlier in the last panel, we were talking about this shortage of good poll workers. Just think -- in the Chicago area alone, if we didn't have school that day, and I mean, kids were gone and the teachers were off. Talking about 20, 30,000 educated teachers and other administrators who would be available if we could get them. So, we have -- there's tension, but we're moving toward trying to encourage them to take that day off, plan it ahead. There was legislation introduced in Illinois recently to ban schools as polling places. Fortunately, that did not go anywhere on the legislature. But there is tension. And we do need those sites until we've reached the point where people are voting on their phones and they're not coming to the polls at all.

>> Co-chair Bauer: So, is there -- on the question of tensions -- is it primarily around the security issue or is it -- are there any other points of resistance that you had to address that you successfully negotiated?

>> David Orr: We negotiate sometimes individual schools. We may, okay, here's the problem. You've got a gravel driveway over here but you make the entrance in the back which means the wheelchair person has to go on the gravel driveway. So, it's all sorts of negotiations like that. The primarily thing -- not only is security -- which has been increased obviously because of the recent events. We don't have a -- well, universal policy. We try and deal with each schooled and politely convince them -- which usually works -- that they need to continue it. And in other cases, we use legal reasons to say, you need to continue. But the thing that works the most is when they will say, you know what? Why bother with all this. We will say on November 14th or whatever the day is, we will just not have the kids in school. That's our chief negotiating goals. It works some of the times, not all.

>> Very good, thank you. Mr. Chairman, can I add really quickly to that?

>> Certainly.

>> Neal Kelley: David's points are well made. And I just want to say in Orange County, you know, with respect to schools, it sounds very basic. But negotiating where those sites are on campus is critical because I can't tell you how many times a principal or a vice principal will change the polling place location to the back of the school. And then you have those voters walking through those -- the kids -- all the way through the back to the back of the polling place. So the negotiation part is critical on where that site is.

>> Good, thank you. Ms. Williams, on the best practice is sharing, you said they are used. In other words, you've all this wealth of information that's continuously being revamped, improved -- revised. And you're having success and distributed in a way that enables them to be effectively used. And I'd be interested, since eventually, we may produce recommendations that we hope would be helpful. If you could talk a little bit about what has worked best to make sure that you are able to disseminate effectively, these best practices. You know, do you have different approaches to ones of different visibility or significance. And how do you engage the larger community in sort of seeing, working with, being able to ask questions about the best practice work that you do.

>> Dawn Williams: Well, because our program is part of the election center's national conference, we have a fairly big audience once a year. It is the part of the election community that is normally more engaged in the process anyway that -- I do acknowledge that. But, between the in-person presentation of the practice, between the -- we distributed on CD's to every conference attendee, then it goes up on the election center's website. You can go back and look. We are looking toward delivering it in every possible way. But, there are always improvements. And I think the way that we can improve the most is to figure out how to deliver it to the jurisdictions that don't -- that aren't engaged in the betterment of the community like the election center officials are. And that may be a way that the Commission can, you know, use your influence and get to those that are less often engaged.

>> Co-chair Bauer: Okay, thank you very much. And the last question from Commissioner Mayes I apologize.

>> Commissioner Mayes: I just have to make one observation and then I have a question for Ms. Noren. This is as long as seven years ago. I was rushing to the airport and I had to get something mailed because I live in New York City. So, a lot of the mailboxes don't exist at the airport. I gave it to this young woman. And [inaudible], "Can you mail this for me?" Her response was, "Where's the mailbox?" So, now, this is my question for you. If you see technology as responding to a lot of the issues that the Commission is grappling with, what is your impression of the impact on funding? Because the resources and funding are all ways and just under siege for elections. And when I look at what happens in corporate America, it may be cheaper when you do your first transition. But as you stay on that platform, it gets more and more expensive as you try to upgrade and keep pace with whatever the innovations are. So, how will this area deal with that stress of needing more money?

>> Wendy Noren: And I don't know if anyone has said this to you all before, but, you know, we actually have entrusted to county government, the, basically in most of this country, the funding of elections. And county government is in most cases, the poorest unit in government. In most states we have the least taxing authority and those kinds of things. And you're very right. Not only -- you know, when I put in electronic poll books, it was not just a matter of the initial cost. The printer goes out. This one goes out. I'm in the process of looking at replacing them all with iPads. The technology of tablets is very very difficult to maintain when you've got iOS, you know, android. You know, I'm trying to look at a non-device specific solution. But you're right. You've got to have somebody who works on this stuff full time. Every time you do it, you got to check stuff on everybody's device. Does my system work on Firefox? IE 6, IE seven, you know? Does it work on Chrome? Does it work in this? And it's way too complex for most election offices. You know what? And I'll be very honest. And I'm a wacko. You need a lot of money. I'm stressing over -- IBM's working with me. And it'll be the first time I've paid for consulting services because I don't know how to move this stuff to the iPad's on my own. I just -- you know, we need infusion of cash. Think about this, the elections are very similar to the census. You do exactly the same thing. You're counting. They have the distinct advantage of a ten-year period to prepare for it. They ask the same five questions to every single household. Census day is April 1st, like Election Day. What if the census bureau had to report the results by the 10 o'clock news? How accurate would they be? They've got a full year to get county level data out. You know? I used to work for the census bureau, so I know, you know? What would they spend? \$50 billion, the federal government spent on the census? Just take half of that. Two presidential elections in a ten-year period. That's \$20 billion worth of technology that maybe we could use. If you want to fix that, maybe think of doing something like that. We aren't going to fix this on the cheap. You know? It cost money to fix these things. And, you know, when I said to Chief Senator Eagleton, that was his thing. The problem with a lot of these issues is we want to fix them on the cheap. And most things can't be fixed on the cheap, particularly when we want to do the kinds of things and communicate with people that way.

>> Co-chair Bauer: Thank you very much. Thank you to the entire panel for an excellent change. And we'll know we'll have follow-up with some of you and would much

appreciate it. Thank you very much. We'll go to our next panel immediately. Thank you.

>> Co-chair Bauer: Let me just mention to our panelists, A, thank you for coming. B, we've had to slightly reshuffle the -- at least the -- the mode of the schedule here. We have Secretary Kobach who -- who will be talking about the Kansas Project, and he was going to take a flight which was canceled and so will now be participating by phone. But in order to make that work we have to put him on the line at exactly 11:45. So we're going to have to move this along within the normal time frame, but maybe enforced -- you know and a little more, adhered to a little bit more strictly than normally we would. So I appreciate your cooperation and your understanding. We just have to accommodate the Secretary. So let us begin however you'd like to begin. Maybe David Becker, would you...

>> David Becker: Yeah.

>> Co-chair Bauer: ...like to open? Thank you.

>> David Becker: Yeah, thank you Commissioner Bauer. Good morning, Commissioners. Very good to be here with you here today. As I think most of you know I'm David Becker. I'm the Director of the Election Initiatives team at the Pew Charitable Trust, and it's very nice to be with you here today. Pew's been working with election officials and experts in this field to improve the administration of elections in this country for several years. After the 2008 presidential election we invited over 200 experts, campaign operatives, media, state and local election officials, from all over the country to a convening to look back at the election and look forward to possible areas of reform. Several of you were at the convening. We asked virtually everyone who participated if there was one area of election administration that was most important to focus on improving, and the response was virtually unanimous. Republicans, Democrats, election officials, and academics all agreed that voter registration was the one area most in need of repair. And the reason is pretty clear, problems with voter lists can resonate throughout the elections process. It's not just a list problem. It's a problem that can result in actual difficulties on Election Day at the polls, provisional ballots, etcetera. Our system of voter registration dates back to the 19th century, still relying heavily on what I call the three P's, paper, pen, and postal mail. Our research confirms that the result is a costly and inefficient system where approximately 24 million voter records are no longer up to date, where about 2 million dead people are still on the rolls, and where 51 million eligible citizens, about one and four eligible Americans, haven't gotten onto the voter lists at all. Our outdated voter registration system neither served the interests of election integrity nor provided convenient access for all eligible voters. So in 2009 Pew convened a working group of 42 experts, state and local election officials from over 20 states, academics, and experts in technology from the private sector to consider how best to bring our voter registration system into the 21st century. In 2011 we released the results of this effort in a report we entitled "Upgrading Democracy." In that report we made three major recommendations all informed by this panel of experts. First we worked with states to expand the implementation of online voter registration which had been proven to improve the integrity of the roles, significantly reduce costs, all while enhancing convenience for the voter. As a result we went from two states offering online registration in 2008 to 13 states offering it in 2012. 14 states offer today with several others poised to implement online registration systems in the next year. Second we recommended states automate their motor-voter processes more, akin to systems that have generated great successes in states like Delaware and Michigan. And last, and the main reason I'm here to talk to you today, is we recommend states better share data to keep up with our mobile society, enabling the states to identify voters who'd moved, and citizens who might not yet be registered in order to keep more accurate lists and better control the pace of voter registration so that all of the voter registration activity isn't compressed into about the 30-to-60-day window right before a presidential election as it is today. Then Pew partnered with seven pioneering states Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington State to build the Electronic Registration Information Center, or ERIC. ERIC is a sophisticated data center that provides participating states with an

opportunity to better identify voters who move or die by securely comparing voter registration lists, motor vehicles data, and other data sources such as social security death records and national change of address information. Using state-of-the-art software provided by IBM ERIC give states the actionable information needed to correct those records in a timely manner and reach out to eligible unregistered voters to encourage them to register at the most efficient time, weeks or months before an election rather than right the deadline. ERIC is a nonprofit corporation entirely run and funded by the participating states. With me today is the Chair of the ERIC board Shane Hamlin from Washington State who can share more details about how ERIC Works and the results we've seen so far.

>> Shane Hamlin: Good morning, Co-chair Bauer, Co-chair Ginsberg, and members of the Commission. My name is Shane Hamlin. I am the chair of the Electronic Registration Information Center, or ERIC, and the Deputy Director of Elections for Washington State. Thank you for inviting me to speak today on -- on ERIC and voter registration list maintenance. I'm going to cover five topics in my presentation. I'm going to talk a little bit about ERIC's mission and what ERIC does for states. I'm going to talk about Washington State's experience with ERIC including a specific example with one of the reports that we get from ERIC. I'm going to share a couple of benefits to states participating ERIC, some of which David's mentioned. I'll talk about a couple of others as well. I'm going to touch briefly on privacy and security, and then close by talking about the importance of looking at voter registration and what ERIC can do to help it. ERIC's mission is to assist the states to -- with improving the accuracy of America's voter rolls and to increase access to voter registration for all eligible citizens. Using powerful data matching technologies ERIC provides more comprehensive and accurate information by analyzing voter registration information and driver information from participating states, and it also looks at social security death index and national change of address data. Using reports from ERIC elections administrators can more confidently remove duplicate registrations, cancel registrations of deceased voters, better process address updates and address changes, and better manage and more efficiently manage records of voters who move and then register in another state. And they can do this and use these -- they can act on these ERIC reports do this all in a manner that complies with federal laws that protect voter rights but also require states to maintain clean rolls. Eric also identifies, as David mentioned, residents in your state -- in our state that are not registered but are eligible, giving states an opportunity to -- giving states information to conduct targeted, more efficient voter registration outreach programs. So what's my state's experience? To understand that my state's experience with ERIC I want to start by giving you a couple of points to consider and put Washington in context with other -- other states. We have 3.9 million registered voters. All of our elections are conducted by mail, so list maintenance is real -- is essential. And elections are conducted at the county level by 39 separately-elected county auditors. A couple of weeks ago we broke new ground in my state when we began updating 53,000 voter registration records and mailed voter registration information to a little over 140,000 unregistered but potentially eligible residents. And we cannot have done either of those on this scale and this efficiently without participating in ERIC. Washington has a long history of conducting list maintenance activities like most states that comply with the NVRA and HAVA. We do routine duplicate checks and deceased checks. We've participated in cross-state voter registration comparisons with Oregon and Alaska using off-the-shelf software, and we just joined the Kansas State Interstate Project. But given the technology available to us in ERIC we know we can do a lot better. So how much better was ERIC matching than what we currently do? I'm going to give you an example using the deceased voter report we got from ERIC, our first report from ERIC on deceased voters. The new system identified 947 deceased voters that we had missed using our routine processes. That's 25% more records than we found in our process, and I think this demonstrates the real value of ERIC. We've used the national social security death index for years. We use the same data is ERIC, but because it is more sophisticated and powerful than what we can do in our shop it found 25% more records. That's 947 voters -- deceased voters that -- those are ballots in my state that will not get mailed, and that is a huge improvement in our -- in our processes. What are some of the other benefits to states? ERIC states should see clean -- cleaner voter rolls which means cost savings at elections time, fewer problems at the polls, fewer provisional ballots cast, and that gets to some of

the bigger issues that you're looking at in your work here. ERIC members will see cost savings through joint purchases of data services. By pooling resources of ERIC members individual states will not have to purchase access to the Social Security Death Index or National Change of Address data. And as David talked about, that voter registration activity that occurs over a 48-month cycle in peaks at a -- at a presidential election voter registration deadline, over time we should see that activity spread across a more manageable period of time so that our local elections officials can more efficiently manage voter registrations, and people are on the rolls in a timely manner. And finally, but less -- perhaps less tangible a benefit of participating in ERIC is that it demonstrates to stakeholders, interest groups, campaigns, candidates, the media, and our legislators that we're doing everything we can to maintain accurate rolls and protect the integrity of our rolls, but also to reach out to eligible residents and get them registered. So a comment on -- on the data, and security, and privacy. Privacy and security were built into ERIC from the beginning. The ERIC work group asked the Center for Democracy and Technology to review the -- the ERIC governance structure and technical design, and the Center's recommendations were incorporated into ERIC. ERIC member states maintain control over their data. ERIC is not a national voter registration database. Sensitive data is anonymized which means it's rendered unintelligible to humans. It's done twice, when it leaves the state, and as it goes into ERIC. So sensitive data you can't tell what it is on ERIC's end, and -- and you can't tell in another state if you got the data what it is. Data's sent in a secure manner to ERIC, and ERIC the system itself -- the program itself, the IBM software is not accessible on the Internet. And I'll -- like I said, I will close with some comments on why voter registration is so important and how ERIC can help. As you know from hearing the testimony today and probably from your other public hearings voter registration is a key consideration in when election administrators are planning an election. It's a critical variable in any discussion about resource allocation, and resource allocation decisions certainly impact the voter experience on Election Day. Coming from a state that had one of the closest gubernatorial elections in U.S. history I know that voters -- I know the public trust in the outcome of an election begins with trust in the voter registration process. The public expects voter rolls to be clean, but they also expect voter registration to be easy and convenient. And elections administrators have a duty to maintain accurate voter rolls, but this can be a real challenge for the reasons you are earlier. We rely on a very antiquated system that's inefficient, costly, and error-prone. And as research demonstrates we simply cannot keep up with a highly mobile society. Modernizing voter registration will help improve other aspects of elections administration that impact the voter experience, better data sharing through programs like ERIC is a vital part of modernizing our registration system. It provides states with a powerful new set of tools that will improve the accuracy of our rolls and expand access to voter registration, achieving both goals more efficiently. So thank you for the opportunity to talk about ERIC, and I'd be happy to answer any questions you have.

>> David Becker: And if I -- if I can just follow up for a brief minute. One of the roles Pew will play going forward, because we don't know -- role in the governance of ERIC is we will be attempting to collect more data and research about what the effects of ERIC are long-term. And just to give you some idea the seven states that are participating, as Shane mentioned, are using this data now for list maintenance activities. To put it in a broader context with the seven states, they identified, thanks to ERIC, about 800,000 individuals whose address on the voter file was not as up-to-date as the address on their motor vehicles file within the state. In other words, they had moved within the state, but even the state had not identified that. In seven states alone 800,000 thousand nearly. They had identified about 100,000 people, almost 100,000, who had moved from one of the ERIC states to another of the ERIC states. That's just mobility within those seven states that we mentioned, 100,000 voters. And then it identified about 23,000 dead people who still had records in those states on the lists. And then even -- we -- ERIC identified about 14,000 duplicates that were on the lists in those seven states. That was something the statewide voter registration databases or supposed to catch, but they don't always have all the data necessary to be able to match a record do another record. So ERIC is -- is already demonstrating some benefits to the states that have participated. And we'll continue to -- to document what those effects are. As a result of some of

this research which Shane has helped collect and disseminate there have been several states that have approached the other ERIC states. We anticipate there -- several more will be joining in the coming year.

>> Co-chair Bauer: Thank you very much. And now we'll proceed to questions. Commissioner Thomas, then Grayson, and then McGeehan. Thank you. Commissioner Thomas.

>> Commissioner Thomas: Thank you. David, I was interested in your comment about the -- the lack of parity in terms of addresses being up to date with motor-voter in terms of more up-to-date driver's license than -- than voter registrations. And it seems you know we've just celebrated 20 years under the NVRA, and I think it's pretty clear there is an abject failure of DMVs to do what they are required to do under federal law, and that's been reflected in a lot of the data that the EAC has actually collected. I wonder if you'd have in the observations on that?

>> David Becker: Yeah, you're absolutely right. Looking at data that the EAC has collected from the states indicates that very few states by any measure would consider that there -- that the NVRA is working well in those states, particularly at DMVs. DMV is where you would expect to see a lot of the registrations coming from. I think the only states -- I mean, two examples of states are doing well from -- from the data are Michigan and Delaware where we see pretty strong numbers, around 80% plus of the overall number of voter registrations originating at DMVs according to the EAC data. But the EAC data also demonstrates not only are there a relatively small percentage of registrations coming from DMV, which of course is one of the main points of the NVRA. One of the nice things about DMV registrations is they're not driven by the election calendar. They're driven by life events. Has a person come of age? Have they changed their name? Have they changed their address? All relevant to a driver's license transaction, also relevant to a voter registration transaction. And if you look at DMV registrations over time in the states it's a fairly constant line, very little deviation from the peaks and the valleys. Whereas if you look at the paper registration -- paper registrations that come in in the state's what you see is that 48-month business cycle for elections, and I know the election officials on the panel know about this, where about 47 of those months everything's moving at a pretty slow clip, pretty manageable clip, and all of a sudden all hell breaks loose on the 48 -- 48th month when all the registration transactions occur. So if you look at DMV registrations you would expect to see very little variation in them. You -- and the data quality it's pretty clear is not good on DMV transactions. You look at a state like, for instance, Ohio, only about 14%, where we are right now of course, only about 14% of the voter registrations come in from their Bureau of Motor Vehicles here in Ohio compared to around 85% for Michigan right next door. California about 1.6 million registrants came in through DMV in the 2007-2008 period of time. But for some reason only 700,000 came in in 2011-2012 period of time. I think it's very difficult to explain, and it raises big data questions about how well motor vehicles is registering voters in a state like California where about one in 10 voters in the United States resides. That's only about 14% of their overall voter registrations are coming in through DMV in California, less than one in six. Another example, Florida, over 1 million people registered to vote through their DMV in 2008. Under 700,000 in 2012. So you're seeing variations on the numbers that you would not expect which raises big questions about the data quality as the states -- these are self-reported numbers through the EAC, and what we have determined at Pew -- we've tried to do further research on this. One thing we know is clear, it's very difficult for state motor vehicles agencies to document how well they are doing. They're not doing a very good job of it with the exception of a few states. Michigan, Delaware, and some others, the vast majority of states are doing a remarkably poor job of being able to even document how well they're performing under the -- under the NVRA.

>> Co-chair Bauer: Commissioner Grayson?

>> Commissioner Grayson: You've got seven states right now, and I know you've been talking to a few more. What are some of the -- I mean, and some -- and some states are going to say, "You know I want to get this thing started and -- prove -- prove it," you know? But what are some of the other objections that you've heard? You know

what are the common buckets that they fall into? Because it seems like a great -- and especially now that it's working, it -- it seems like just a great program.

>> Shane Hamlin: I think we'll probably both end up answering this question, but one of the first concerns, or one of the things that states are waiting for, I think they are waiting to see how it goes with the seven of us that are kind of blazing the trail. Some of it is cost, but costs are fixed -- relatively fixed in ERIC, and the more states that join the lower everyone's costs are, so I think some of them are also waiting, again, more states in, they know the cost will be down. And then some of them need legislation. They need authorizing legislation in their state laws to be able to share data between agencies, or share data across state. Those of us that are in either got legislation to do that early on in the process, or we already had the authority in our law.

>> Commissioner Grayson: On the -- on the cost, if I could follow up, is there -- I mean, is the -- does the cost savings that you see from not having to mail ballots to dead people -- I know sometimes states distribute money to localities based on how many registered voters they have, so that they cost-saving. I mean -- I mean, how -- when you wash that all out it's still a pretty good deal? I mean, it's...

>> Shane Hamlin: Yes, I -- I think it will be. So we're early enough in the process that we haven't been able to identify all of the cost savings -- quantify all the...

>> Commissioner Grayson: Yeah.

>> Shane Hamlin: ...cost savings, but I think most of the cost savings are going to go to the locals, which is great. That's where they really need to go. But on the state's side we'll see cost savings by not subscribing to data services and probably hopefully printing purer voter registration forms...

>> Commissioner Grayson: Yeah.

>> Shane Hamlin: ...and other activities at the state level.

>> David Becker: And -- and I should just add there's kind of front-end and back-end savings for the states that participate. The front-end savings are what Shane mentioned, they no longer have to each state foot the bill for all of these data services...

>> Commissioner Grayson: Right.

>> David Becker: ...they were getting. They were using staff time and resources to do this often difficult matching between two data sources that was taking a lot of time and effort, and so there's front-end savings there where now all of the data that's coming out of ERIC is designed to be actionable data. It's been [inaudible]. And then the back-end savings are, as you suggest, not only are you not mailing stuff out to voters who are no longer in your jurisdiction, or ineligible to vote, or who are dead, but you're also seeing reductions in provisional ballots and things like that that are driven by bad addresses in the voter list. And what -- what our job at Pew is going to be is we're going to try to get good data on that to document that and publish it.

>> Commissioner Grayson: Okay, thanks.

>> Co-chair Bauer: Last few questions, Commissioner McGeehan and Co-Chair Ginsberg.

>> Commissioner McGeehan: I was curious if you -- without getting too technical, if you could explain a little bit why ERIC has better matching criteria? For instance, you know how could ERIC find deceased voters that -- that you couldn't find in your state?

>> David Becker: Okay, so -- so I'll start with that. The way matching works in most states, as especially the election officials on the panel know, you might have a

voter list, and you compare it to one other data source. And if -- and you're always limited by what fields match in that data source. If you're looking at a Social Security Death list the address is usually not going to be addresses you can match. It might be an old address on the Social Security Death list. They're definitely not going to have a driver's license number in there, and most of your voter files don't have a Social Security number associated with it. So all you might have between your voter list and Social Security Death list is a name and birth date match. Well, that poses a big problem because of course, people might use a different name on their voter list. There might be errors in the voter list. I often talk about this, if you have a David Becker on one list born on January 1st, a David Becker on another list born on January 2nd, there are four possibilities. One is they're the same person and January 1st is correct. Two, they're the same person and January 2nd is correct. Three, they're the same person -- and this actually happens -- January 1st and January 2nd are both wrong. And four, they're different people with very close birth dates. And no human being can tell you which of those four it is based on that information alone. What ERIC does is it takes multiple data sources and forms what I call a web of confidence because it's matching multiple data sources across multiple fields at once. So using driver's license numbers, social security numbers, birth dates, addresses, and name it can form a -- a web of confidence. And under ERIC's matching criteria a name and birth date match alone would form -- they have a 1 to 10 point scale of confidence. It would be around a six roughly. Sixes never get reported to the states. All the states are seeing right now are nines and 10s, meaning virtually every data point is matching across multiple fields and -- and sources.

>> Commissioner McGeehan: Just to follow up, does the state then get -- when you know they're notified of a -- of a let's say a match with a 10 strength of confidence, is the state given the underlying data as to what the -- how that match was made, or?

>> Shane Hamlin: Each of our reports includes the confidence score, and then it includes the source of information that is used to make that score. So we're not sharing the sensitive data. And data that we submitted we get back. So there's the score, a resource where that -- how that score was made referencing other data sources, and our data.

>> Co-Chair Ginsberg: Shane, you had mentioned that Washington recently joined the -- the Kansas Compact. Secretary Kobach will be with us momentarily, but could you discuss a little bit why Washington made that decision?

>> Shane Hamlin: Sure.

>> Co-chair Ginsberg: And the interaction between the two programs, are they complimentary?

>> Shane Hamlin: Okay, I think they are complementary. They're certainly apples and oranges for sure. So ERIC is a prospective, going forward, real-time data checks, or very close to real-time data checks that we can use to keep the lists up to date almost every other month depending on what cycle were on. The Kansas Interstate Project is a look back at the last general election, and that match occurs in January. We haven't done the yet because we will in January 2014 looking back at this 2013 general election. So they're -- they're really different purposes. They're tools with different purposes, and so in some ways complementary. That's why we're joining because it -- it will help identify -- it -- one of the things it identifies is people who may have voted in more than one jurisdiction. One of the -- one of the tradeoffs with joining Kansas is we know there's a lot of work on the back end when we get those reports back from Kansas. Because of the -- the matching is not as sophisticated, in the sense they don't have access to the same software we're using, we know there'll be more work on our end to make sure that those matches are really true matches before we pursue prosecution if it's double vote, for example. So more work on the back end for states. It's a look back. ERIC is looking real-time and going forward.

>> Co-Chair Ginsberg: If I could -- just a real quick follow-up on that. In terms of the amount of work that you have to do on the back end is there some -- can you give

us some feeling for error rate or other adjustments you have to make to make sure that what you receive is accurate?

>> Shane Hamlin: You're referring to the Kansas Project?

>> Co-chair Ginsberg: Correct. Because you mentioned the backend work that was required.

>> Shane Hamlin: So in -- in our preparations for joining Kansas we've talked with a couple states who are -- are in the Kansas Project, and there is one state that's involved, Colorado. And from the Director of Elections Colorado's comments we can anticipate that few weeks' work for one staff person to go through those reports when they get back. And that's pretty much full-time for 3 to 5 weeks. And then that's just combing through the data. And then the process of -- actually if you have suspected double voters as the elections officials here know that can take weeks or months to work through those cases and work with law enforcement to investigate and bring those to closure.

>> Co-chair Bauer: Okay, thank you very much. This has been extremely helpful...

>> David Becker: Thank you.

>> Co-chair Bauer: ...and we much appreciate it. We're now going to hear about the Kansas Project from Secretary Kobach.

>> Shane Hamlin: Thank you.

>> Co-chair Bauer: By phone, so.

>> Secretary Kobach: Hello, can you all -- can you all hear me?

>> That's him.

>> Co-chair Bauer: Is that the Secretary?

>> Secretary Kobach: Yeah, I'm here. Can you hear me?

>> Co-chair Bauer: We can hear you. Thank you very much, and if you can't hear us let us know. We're very happy to have you. The Commission appreciates very much you're making the accommodation in light of the traffic -- travel difficulties that you ran into. And so please proceed.

>> Secretary Kobach: Okay, and do you have the -- the PowerPoint up on your screen there?

>> Co-chair Bauer: Yes, we do.

>> Secretary Kobach: Okay, great. Well, I'm -- I'm sorry I'm not with you in person. I got to the airport this morning only to find that my flight had been cancelled by [inaudible]. So it was the only direct flight from Kansas City today, so I'm -- I'm sorry about that. But I thought we could walk through this and -- and field your questions. Also with me is our Elections Director Brad Bryant, who's been Director of Elections in Kansas for around 30 years, so he's got a wealth of experience in -- in this area. But you know if we could -- can you advance the slide to -- go to -- go to like the third slide that says National Voter Registration Act of 1993. You know the NVRA of course informs and directs a lot of what we do as Secretaries of State and -- and election administrators. But as you see the section two which is basically the findings and the purpose of the NVRA, subsection four is ensuring accurate and current voter registration rolls, and some of the other purposes are more easily accomplished and others. You know so for example, you know getting registration out to government agencies and making registration available at government agencies is you know kind of self-explanatory how that can be done. But maintaining the voter rolls is something you're talking about right now, obviously in your discussion of

ERIC, maintaining the accuracy of voter rolls. But the -- the means to get to that end are not always crystal clear, and the Interstate Crosscheck, the Kansas Project, really started as a Midwestern project to see if it would -- if it would help four Midwestern states, and it's really turned into, I believe, a very effective mechanism for satisfying that -- that subpoint four of the purpose of the NVRA. If you go to the next slide, next screen the Federal Election Commissioners Guide, implementing the NVRA, there is a -- a requirement that the state's conduct a general program to protect the integrity of the process, ensuring the accurate and current voter registration roll for elections of federal office. Again, the NVRA envisioned the program, but there wasn't a any such program in existence at the time, and in the Kansas Project here, or the Interstate Crosscheck Projects has evolved into, I think, something that can serve that role. One of several mechanisms that can serve that role along with the National Change of Address file and the Social Security After Death list, and all of that. A little bit about the history of the Crosscheck, you know it's -- it's being used by a growing number of states to basically serve two very [inaudible] goals. One is to identify duplicate records when a voter registers in one state and then moves to another state. And the other is to identify possible double votes where a voter illegally cast ballots in two states in the same election. As you know as part of the nationwide voter registration system a person moves from one state to another and registers in the new state is supposed to provide his or her address in the previous state so the record can be cancelled there, but if the person fails to provide that address or the registrar fails to send it to the previous jurisdiction, or if the registrar in the previous jurisdiction fails to act on the cancellation notice a duplicate record exists. And as I'm sure you already know this problem is a big one numbering in the many, many millions of -- of duplicate records between the states. [Inaudible] due to the very mobile society we live in with people moving relatively frequently during their lifetimes. So the Crosscheck started -- if you want to move to the next screen which says 2006 Interstate Crosscheck -- it started at a conference in December of 2005 when the states of Kansas, Nebraska, Missouri, and Iowa signed a memorandum of agreement to -- essentially to coordinate efforts in various ways, and also see if we could successfully check our voter registration rolls against each other and see -- see if we could find duplicates, or -- and how this might work. And so in 2006 we had the first actual crosscheck with the four states that you see there. Then nearby states expressed an interest in joining, hearing about this project. 2007 we did the second crosscheck with six states; 2008, 10 states; 2009, 12 states; 2010, 13. I came into office -- was elected in 2010, and I learned about this program. I didn't even know about it prior to becoming Secretary of State. Learned about it and recognized that the value increases not -- not exponentially, but in a very steep, linear fashion the more states that are involved. So I set out to recruit other states into the program, and you know make it truly national in scope. So in 2011 we got up to 14 states. If you go to the next slide in 2012 we were up to 15 states. You can just go to the next slide, in 2013 we had 22 states. And in 2014 when we next -- what we will next be doing it right now it looks like we'll have 26 states, and perhaps more. So we now have the majority of states in the country in the program. And -- and by adding more states that increases the ability of the participating states to find duplicate records and potential double votes. So to give you a sense of you know how the number of records -- number of records were talking about. So when the first four states did it there were nine million records. You know nine million voter registration records that were being compared across those four states. If you jump forward to 2012 we had 15 states, that was about 45 million records. Then the -- you know looking at the next slide -- the 2013 Crosscheck Program the number of records compared was almost 85 million records. And you can see if you look at the component states that in the states like Kansas you know we have 1.8 million to offer to compare, but obviously bigger states like Ohio, has 8 million. These are of course reflecting the size of the voter rolls for various states. Florida, nearly 10 and a half million. And so we can now tell people -- when people are registered in more than one of those participating states. Now the -- the way it works is the states will pull the data by January 15th of each year using the prescribed data format that's been agreed on in this memorandum of agreement. If you go to the next slide it says Interstate Crosscheck data format. So the information should be self-explanatory. We -- we need the name of the person, the date of birth absolutely critical, the last four social if it's available. I think there is -- I heard the tail end of the previous

presentation, and that's correct that the majority of voters do not have that, but -- but we do have them for a substantial number of voters. I think you know roughly a third give or take. And the date of registration, and then very critical, did they vote in the last election? We upload the data to a secured FTP site that's hosted by Arkansas. If you want to go to the next slide, how does it work? As soon as all the state files are uploaded the Kansas Secretary of State It department pulls the data, runs the comparison of the files, and uploads the results to the FTP site by early February. And then each state downloads those results from the FTP site hosted by Arkansas and processes the results according to their own laws and regulations. And then it's a critical part of all this in my mind, is -- is the last part there. And that is that we delete all of the day after the Crosscheck is run. So no other state retains custody of the voter rolls of any other state. And I think that's important for security; it's important for peace of mind of voters and -- and elected officials, and [inaudible]. It's a one-time thing we do in January, and then the data is destroyed. But the states get this information illustrating when -- when you have duplicate files. So you go to the next slide which I think may have some gee-whiz features to it. So you have a potential match being shown. And you -- in this case there's John Q. Public is -- is registered in Kansas and Colorado. And the -- that's -- that's the nature of the -- we say potential match because obviously you don't send -- the states -- none of this states then just take the -- that individual off the voter rolls in -- in the previous state. At that point the -- most states will then mail an NVRA file confirmation notice to voter who appear to have moved to the other state -- to another state based on the Crosscheck, and this requires comparing the registration dates. Obviously the state with the older registration date mails the confirmation notices. And once the confirmation notice is mailed to the registrant either we get a confirmation from the voter that, "Yes, I have moved to the other state and -- and can be removed from the role of the previous state." Or if there is no response then the voter can be placed on the inactive list as defined in the NVRA, and as you know being inactive means the registrant is subject to cancellation after the second federal general election [inaudible] the mailing of the no sheet -- mailing of the notice. And most states will have the -- the actual management of their voter rolls done by their county election officials, or the actual removal of the person from the voter roll when that ultimately happens. And the -- the mailing of the notice is typically done at the county level. If you go to the next slide which is -- it should be a grid. And I don't know if you can see the numbers are not based on the size of your screen there. But -- but basically that grid shows the number of matches in each -- between each of the participating states.

>> Co-chair Bauer: Secretary, if -- if I met interrupt you just for a second. You might want to give us an example because it is a little bit hard for us to make out with the visual display that we have here.

>> Secretary Kobach: Okay, yeah, let me do that. So basically on each -- on the vertical and horizontal columns you distinctly have the -- the names of the participating states. And then the numbers you see -- [inaudible] hopefully you will have a hard copy you can they get more closely at some future point -- but the numbers show the duplicate records between the two states. So for example, if you were to line up Kansas and Colorado you would find that the number is about 12,000. And that's not surprising because of all the states that Kansas compares against we have the greatest number of duplicate records with Colorado. And we find that neighboring states typically have a very high number of duplicates. Now again, we're a relatively small state population was so 12,000 is a big number for us, but if you compare Georgia and you'll get some of those states that Georgia has the highest number of duplicates with -- [inaudible] the Georgia and Louisiana columns you get 22,000. Again, the neighboring states. Also if you have a major metro area along state lines you typically have a lot of movement of people across the state line. They -- they buy a house first in one state and then moved to -- to the other state. And so for example, the St. Louis area which sits on the Missouri-Illinois state line, you get 45,000 between Missouri and Illinois. Again, very large number of duplicates. Cincinnati where you guys are right now, if you look at Ohio and Kentucky you see 57,000 duplicates [inaudible] that's I think the highest number of any two states comparing the records on the whole list. So metro areas on a state line or neighboring states tend to produce highest number of duplicates. You also see a lot

of duplicates from the state of Florida and the state of Arizona because, of course, snowbirds will have a second residence, and they may register at the second residence, not canceling their registration in their first state. Or they may just retire to the sunnier climes of -- of Arizona and Florida. If you go to the next slide which says total potential matches 5,033,000 that's the -- those are the results from the 2013 Crosscheck. So you can see with each -- with each state those are the numbers of duplicate records that were found in that state's voter rolls comparing against the other participating states. So in Kansas we found 120,000. If you look at Florida over half a million duplicate records, so people registered in Florida and also registered in -- in another state. And again we say potential because you know nothing is confirmed until we go through the procedures of the NVRA and let the two federal election cycles occur or the -- the voter himself confirms that -- that he is dual registered. If you want to go to the next slide, it says success in Kansas. This goes to the other purpose of Crosscheck, and that is tracking double voting. And you know obviously in the national discourse there's lots of talk about voter fraud to the extent to which it exists. One form of illegal voting is pretty common, and it -- it seems to be widespread among -- across the country, and across different age groups, demoghic [inaudible], and that the double voting. It seems like a lot of people realize that they're registered in two states, and they try to pull a fast one and vote in both states, whether it's you know someone has a vacation home and they say, "Hey, I think I can vote in this state, too." Or a student at college who realizes he or she is registered in their home state and in the college state. It just seems to happen a lot. And so what we do in -- in Kansas is where we have you know evidence from the Crosscheck of a person voting in Kansas and in another state we then drill down and ask the other state to provide a copy of the person's poll book signature when they sign then, or a copy of their signature on the advance ballot application if they -- if they did by mail. We compare the signatures, and once we are pretty confident that it is indeed the same person voting in both states we refer the case to usually county prosecutors in Kansas. Some states refer to their U.S. Attorney's Office. So in 2008 we referred three cases for prosecution. In 2010 we referred 11 cases for prosecution. And you can see the [inaudible] there. And -- and I think this is really important just because it -- once the word gets out to voters that, "Hey, did you hear you know you -- you can't get away with this anymore, and did you hear that so-and-so got prosecuted, and you know might have had to pay a fine?" Then I -- I think it can deter this kind of illegal voting. If you get the next slide, success in other states, Colorado, Colorado also has been taking this very seriously. And they have [inaudible] several indictments and referred a number of cases to the FBI. So I think the -- you know the Crosscheck Program certainly serves that purpose, and -- and I'm not quite sure how else we would be to track that form of voting crime if we didn't have the Crosscheck. And -- and it's-- you know I think really it -- it serves a very important role in that respect. If you go to the next slide, what are the costs to participate? Zero. So far we've been able to do this with our IT Dept and with the Arkansas IT department just [inaudible] -- with our resources and -- and not charging in the state [inaudible], and we hope to continue that way because I think it's -- you know as I said earlier it's important to make it be as accessible as possible to all states to -- to join and compare their data this way. If you get to the next slide, it says how can the state join the Crosscheck? It's pretty simple. The election official signs the MOU, then two staff members have to be assigned in each state, an election administrator and an IT person And then there are periodic conference calls, e-mail, the -- the heavy [inaudible] in January when -- when the voter registration data has to be pulled. And then we process the -- the match of the data issues, and then the participating states receive the results, and then they decide what to do with it. And as I said, most states then pass that data to their respective counties. And they -- they begin the process of either cleaning up the voter roll, determining if the person is indeed no longer a resident in that state. If you go to the next slide I just wanted to very briefly touch on one thing that I know one of the other topics you all are focus fixing on is -- is line lengths. And not so much focusing on photo ID, which of course is a -- an issue of great debate, but I did want to point out something that you may not be aware of, and that is there is an interesting synergy if a state happens to be one of the photo ID states and is also a state where electronic poll books are on the rise. And we -- we saw this with the 2012 general election as well as in some local elections that -- that followed. And that is that

if you have the combination of photo ID -- if you go to the slide there just is copy of a photo ID, and then if you go onto the next slide which has the electronic poll book equipment, you do find, at least based on the observations that I have and others have made, and that is that it does sort of speed things up [inaudible] -- and we don't have long lines in Kansas generally. I mean, we -- we receive complaints if the line gets over 30 minutes long. I think other states you know may -- you know may have a higher tolerance for long lines, but it's just not something that we see very often. And if -- if you do have one of the counties in Kansas where you got the photo ID and the county's electronic poll books, roughly half of our counties are using electronic poll books, and most of those have a scanner with them. The person walks in with a driver's license showing, which is the most common form of photo ID people use. They've already got it in their hand. They just hand it to the poll worker, and the poll worker uses a little scanner like a grocery store scanner, and if you go to the last screen in the presentation, the person's picture pops up on the screen. The person's signature pops up on the screen. And the information necessary to assign the proper ballot to that individual also pops up on the screen. So it's -- it's very quick. And we've seen those counties in our state that have the electronic poll books really -- and the scanners -- get the line moving lickety split. And I've -- I've really been impressed watching how much faster those lines move. So it is an interesting synergy if -- if a state has the photo ID, which of course results in -- it should result in the state doing a public education campaign reminding people to bring their photo ID to the polls. We did in Kansas, and I'm pretty sure most of the other states are doing that have photo ID rules. So they're already bringing the license; they already have it in-hand. There's the sign up in the parking lot saying don't forget your photo ID. And there's -- they just hand it to the poll worker. The poll worker scans it, and the -- the transaction doesn't involve any you know spelling of the person's name or flipping of pages. Tends to speed up our lines. Again you know we didn't really have much of a problem with lines in the first place, but if you are looking for experiences that -- that show [inaudible] lines we had noticed that in our counties that have the electronic poll books. That's all I had for the presentation I -- I commend the Commission for receiving information from so many different sources and looking for solutions to improve the election experience in the United States. And I'd be happy to take your questions.

>> Co-chair Bauer: Thank you very much Mr. Secretary, and again for accommodating us, after the cancellation of your flight, with a phone call. I'm now going to check and see whether we have commissioners who have questions for you. Co-Chair Ginsberg?

>> Co-Chair Ginsberg: Thanks again for -- for joining us, Secretary. And sorry about the magic skies sort of failing you. We heard earlier as I think you know from the -- the folks who run the ERIC project, and I asked this -- them the same question to sort of compare the two, and to discuss a little bit if they are compatible among states which was basically their opinion. But I think we'd benefit from hearing yours as well about -- about the ERIC project and how states can use both.

>> Secretary Kobach: Sure, your question -- it's a little harder on our end to hear you, but I think your question was can we compare ERIC and the Interstate Crosscheck and talk a little bit about how the two compare, and whether a state might want to use both?

>> Co-Chair Ginsberg: Yes, that's the question. Thanks.

>> Secretary Kobach: Well, I think the -- again, because I -- because of the previous -- one of the previous panelists, mentioning that I heard, they are complementary. And I think that's the -- the right way to think of it. They -- they do different things in the same field, but they -- you know they are different programs and serve different purposes. So certainly, yes the crosscheck is more of, if I understand ERIC, it's more classic [inaudible] state this information is back. And it's also backward looking. So we're looking back at the past election but it has important [inaudible] to looking forward like how quickly can you get your voter -- how well can you keep your [inaudible] managed and clean and up to date. So it's different in that respect. It's something that I'm not sure exactly there, if you [inaudible]. I think determining whether double votes had occurred might be more difficult to do

with ERIC. But again, they both served their purpose. As I understand how ERIC works, he's a pretty [inaudible] state from logging into this system and can gain information about a voter that they might have some questions to other voters, residents or history or anything that you need to know about that voter. Whereas, if we don't maintain a database 365 days a year that participating [inaudible] can get logged into, ours is just a one-time check that I think provides a lot of valuable information but it is that one-time check. So ours served the purpose of identifying dual registrations and identifying them very quickly and casually. You don't have to go out to a participating state and you have to go out and seek a particular voter's name or a particular trainee based on some description that you have. People do register and it's [inaudible]. So I think they are complementary and different side of Colorado is different from [inaudible] vote and states can assess how much value they can get from each. I mean, for some, the [inaudible] vote is the answer.

>> Thank you, Mr. Secretary. Commissioner Grayson has a question.

>> Hey, Chris. Looking at the map of the states that are participating, there's a big hole in the northeast. Is there something unique about maybe their state laws or something that prevents them from participating? I mean, over the years, this project's grown all across the country but it hasn't penetrated anything in the northeast. I'm just curious if there's some common element to their lack of participation.

>> You know that there isn't anything unique or unusual or different in the laws of the states in the northeast. I think it reflects a few things. One is that their [inaudible] is one thing. And the programs tend to grow as the [inaudible] states join, so once Kentucky is in, we'll bag Tennessee. They all might want to try one per state. We saw a lot of growth in the southern states in the last five years as the neighboring states got involved. So the program really hasn't yet spread into the northeast. However, we anticipate that it will soon, perhaps even before the January 2014 crosscheck. We've had inquiries regarding the demo process. We're getting Maine, Connecticut, New Jersey, Pennsylvania, Rhode Island involved. So I think the map today looks different but I think it's [inaudible] the map that we started in the Midwest and expanded outward.

>> I believe the Commissioners have no further questions. Thank you very much for your testimony, Mr. Secretary, and for joining us today by phone. And we will have this on the record and part of our deliberations. Thank you very much.

>> No, it's my pleasure. Thank you.

>> With the conclusion of that testimony, we will recess and resume again at 1:15. Thank you.

>> On some tools that have been developed and would be of interest to the election administration community, we have witnesses Heather Smith with Rock the Vote, Mark Pelczarski, and Drew Davies. And so, I think what we'll do if we can as well start with Heather Smith with Rock the Vote and thank you very much for coming. And you'll be discussing an online registration tool.

>> Perfect. Thank you for having me and for this opportunity to present to all of you today. So my name is Heather Smith. I'm the president of Rock the Vote and just as some quick background. Rock the Vote is a national nonpartisan organization and our mission is to register and engage young Americans in our democracy. In the last presidential election, Rock the Vote ran the largest nonpartisan voter engagement and voter registration operation across the country, registering more than a million new young voters. And not only that, but we have register voters every day. There's about 12,000 who turn 18 each day and needs to be registered to vote. But as we do our work to register voters, we also work to improve and make our voting process work better for young and all Americans. We believe that right now, the adoption of online voter registration by states is presenting a truly unique opportunity to both improve the election day experience and rethink how all of us together, whether you're a third party registration agency, an NVRA agency, an elections official, a foundation or

just an average citizen, to actually improve our voter system in pursuit of the shared goal of promoting the administration of elections in a manner that is both efficient and inclusive. So it's been well documented and I won't spend a lot of time on the fact that our current paper-based voter registration process is timely, expensive and error-prone. In particular, the interpreting of handwriting from paper forms, the cost in typos associated with that entry, the inevitable deluge of forms that comes out of the registration deadline. As much as we'd like to fix that, people just procrastinate and they come just as elections officials are at their busiest preparing for Election Day. And all of this is just a recipe for inaccurate voter rolls which in turn significantly and negatively impact the Election Day experience. But online voter registration offers a solution. One, it improves the accuracy of voter files by eliminating user errors when they fill out their voter registration form. When they have the data in their form, we can make it so they can't put today's date in their birthday line. We can also make it that it's typewritten so that the double-checked and submitted to the state so you eliminate the error from handwriting. Second, it also reduces costs for elections officials eliminating the data entry of those forms and free valuable limited resources for those election offices. So with these accuracy and cost benefits, it's no surprise and quite promising that states across the country are moving to online registration systems. As of today, 13 states have complete online voter registration systems that allow both change of address and new registration. Six are beginning implementation and another handful are considering legislation. And support for online registration reaches across the aisle. These states are spread across the political spectrum. So as these online tools and systems are implemented, we like to believe it's critical that we learn from the early adopters and make online registration work particularly well for the elections officials and the citizens using this process. I am honored to make a few of those recommendations here today. So at Rock the Vote, we've been developing and utilizing online voter registration tools since 1996 so this is our 17th year. They look very different now than they did in '96 but we've been working at them in an attempt to make the registration process just easier and more streamlined for these new voters that allows us to put voter registration a little tool online in front of voters no matter where they are, on whatever websites they're on. The way it works is this widget lives today on over 25,000 websites and the user, the applicant clicks on it. They stay on that website which is their trusted messenger to a site they've chosen to visit and a form kind of overlays. It asks them then a bunch of questions that they'll need to register to vote. It fills out a voter registration form for them with the questions they've answered and it emails to them a link to this PDF that they can then download to print, sign and send. Through this kind of application form, this tool, more than five million voters have completed a voter registration form and mailed it to the appropriate county or state elections office. This widget, we've also made free and available to anyone who wants to embed it on his or her website, blog, Facebook page, et cetera. And we've worked very hard over the past nearly two decades to get that interface really well done so that when someone starts that they finish it and that completion rate is as high as possible. Last year, we tried something new. We actually worked with the state elections offices in California, Nevada and Washington to explore how to take our tools and sync them with the online voter registration systems that are being set up in those states. This way, we could go out and promote voter registration and get users to complete that form online and then we could send the applicant's data to the state for processing. Well through this fully electronic process then eliminate the need for the applicant to print and mail which as you can imagine, finding a printer and a post office for new voters today is getting exceedingly harder. But it also eliminates the need for an election form to read to you or read data and unearth that form when it shows up in their office. They're getting the data electronically. We are very proud to say that in these three states, it worked. The rate at which an applicant got on the voter rolls when they started at Rock the Vote and finished with the state went from 68% when they had to print, sign and mail to 96% when we transferred them to the state's website along with their data. This [inaudible] meant an increase of over 300,000 new voters getting on the rolls. And the applicant obviously registered entirely online so there was zero data entry required by the states. So based on these pilots and a bunch of research that Rock the Vote and our partners conducted in 2012 and in years prior, I'd like to make a few recommendations on how to best implement an online voter registration system as we look to take these

to scale. First, the online voter registration system, that interface that the users see has to be user-friendly otherwise they don't get through it. Simply put, that means making sure its mobile friendly. Most people today are actually accessing the internet from a phone, not a computer. It has to be mobile accessible. It means using best practices for disability access to dynamically pull multiple languages and just using basic user experience design. So again, when you start the form, you're most likely to finish it. Second, don't recreate the wheel. There are a number of states and a number of groups like Rock the Vote who have developed and made these user interfaces. Take them. They've been proven to work and don't spend spare dollars on building new tools. So the Rock the Vote tool for example is open source. It is free and available to any state that would like to use it. You just have to map it to your own -- map the interface to your own databases. So don't recreate the wheel. There's free proven tools that are available. And then third and this is the one I'm most excited about quite frankly. Use this moment to create new opportunities to make the voter registration process better for new registrants and better coordinated with third-party registration office operatives. In other words, OVR or online voter registration in these tools, their greatest benefit will be missed if the interface tool that the state or local election office sets up merely mimics an existing paper form. We can do so much more. The best of these new online systems, the California, Washington, Nevada have made opportunities to create an accessible and efficient system that allows their parties actually integrate and be a part of it. This matters for a number of reasons. When -- let's take a college or university, the military -- community organizations are nonprofits. There are so many institutions that interact with unregistered voters and either have an interest, a mission like Rock the Vote or a legal obligation in some cases to offer registration to their audience. This promotion is critical. It brings new people in. But then let's streamline how those people get sent into the states to complete the voter registration process. If we do this in a very simple way, we can, in fact, make voter registration -- we kind of rethink how voter registration works. The one key step that must be taken in order to make this new benefit possible is to provide what we call an API or an application programming interface. And it's simply a mechanism that allows third-party tools to gather registration information and communicate it to the states' own systems. When you're registering for a class or updating an address for a student ID card at a college, the university in that student portal can ask you; ask the student if they'd like to register to vote. If the student says yes, they're asked for a few more questions about information they need. That data is then sent as a batch to the state system through this API. They're registered to vote. You can implement this through MVRA agencies. You can implement this through Rock the Vote.

>> If we could ask you to sum up and then we'll cover the rest of the points.

>> Yeah perfect, absolutely.

>> Thank you.

>> So these technologies are simple and actually inexpensive but they could lead to the increased use of online registration by potential voters through promotional efforts by outside partners but it also eliminates the paper forms that these organizations would otherwise submit. So these are concepts simple user interface ensuring that we're not recreating the wheel and then finding ways to connect with third-party registrars whether they be agencies, universities, military, nonprofits. And Rock the Vote has prepared a detailed white paper both on this kind of concept about the technical specs behind it for best practices that include everything from available tools, sample code for the API's, as well as white labeled versions of the tools that we actually use that can be taken at no cost by states and we'll be providing that and making that available to the Commission. But in sum, just thank you for this opportunity. We're really excited about rethinking registration with the implementation of online voter registration and share your enthusiasm for making sure it's done well.

>> Thank you very much.

>> Thank you.

>> Well then, Drew Davies, to talk about the Anywhere Ballot.

>> There should be a slide coming up.

>> Well.

>> Or it's up to yours, yeah.

>> [Inaudible].

>> I think they weren't. Mark's next on the list. Okay.

>> But then we'll go to Mark [Inaudible] and he'll talk...

>> Just leave it.

>> Excuse me one second. So Mark, you're set up at the moment? Is that what I'm...

>> Are we?

>> Yes.

>> Okay, so we're actually -- let me introduce Mark Pelczarski and he is going to be talking about a resource allocation tool that he devised and please proceed. Thank you.

>> Well, thank you for inviting me to speak and participate in this. It's a very interesting project. By way of introduction, my name is Mark Billzarsky. I've spent many of the previous years as a professor of computer science at a college near Chicago until recently. Prior to that, way back in ancient times, back in 1980, I was one of the first -- I started and was president of one of the first software publishing companies back in the days of the Apple II and the early Mac's and stuff like that. But the reason you've got me here is because last year, I spent a year working at the President's re-election headquarters and I ran a small tech problem-solving group that worked with different departments throughout the campaign and one of the issues that came to us was one of our groups was looking to kind of get a handle on the wait time issues and where they might expect problems. You know, where things might develop and to have something that they could take around and talk to election officials to maybe address the problems or help them out with resource allocation. So they had a previous application running off a spreadsheet which was some mathematical calculations. But we did a lot of research. This is all built on other people's research and data. A lot of these resources had been quoted before. Doug Spencer and Zach Markovits from UC Berkeley; Ted Allen at Ohio State; Muer Yang from University of Cincinnati here; Bill and Arthur Edelstein with their research and several other projects plus some data we've collected on our own at the Wisconsin recall election. So what we've got here on the screen is this. After we put together, it runs in a web browser so it's portable. It will work anywhere and you've got the option of loading it up with some data so just for -- you don't have to do so but for demonstration purposes, I've got Hamilton County, Ohio loaded in here and all the precincts and just randomly chosen one that's got some potential wait times based on some voodoo, I guess. Here, let me just zoom in a little bit here so you can see a little bit more of what's going on. There are three critical pieces of data in here that you know. We can't really tell you what these are going to be. Expected voters, we loaded this up. I think these are numbers that were based on 2008 turnout on Election Day. In short, the 2008 turnout minus the absentee and early vote. It's adjusted for population change and I'm not even sure who's countywide or statewide. And then down here, two pieces of critical information that again vary greatly from county to county is how long does it take to check in, average amount of time to check in and then how long does it take to vote? And this issue right here has come up before the Commission several times that just the length of the ballot can greatly affect this time from anywhere from three minutes to over ten minutes per person. So the results you're going to see here are based on just conjecture on a ballot perhaps

but this can all be adjusted. You know, here we have some little more time to vote. And let's see. Let me take away voting station temporarily and give you an idea of what we're looking at here. So this graph, you cannot see the labels down below unless I zoom in but this is 7:00 a.m. through 8:00 p.m. so these are the times across the day and then on the left side, 15 minutes, 30 minutes, 45 minutes, 60 minutes. So I've set up a scenario right here where it's showing that around 6:00 to 7:00 p.m., we've got about an hour of wait. The yellow is the wait time per check in so these people are going to wait about 20 minutes per check in and about another 40 minutes to vote at the voting station. And you can play around with these and adjust. You know, okay, add another voting station and throw that one away. We still have the check in wait. Add another check in station and boom; you're lined up with voting stations now. All these pieces of data can be modified and played with to kind of give you an idea of what's going to happen. A little note on the colors here, I used yellow and violet here. Originally, I tried to patriotic about it and with a white background, I used red and blue until the first person walked by and said, "Oh! Is that the wait time for the Republicans and the Democrats?" [Laughter] So I decided with those neutral colors there, I suppose. Some of the settings in here, it's running a simulation on arrivals at a voting place based on pretty good data on arrival time. That's probably the best state that we had is what times of the day do people arrive at the polls? The Doug Spencer research I quoted had a lot of data from California where they had grabbed some measuring time. We measured some arrival times at the recall election in Wisconsin. There were several other sources we got that from and you can choose a pattern. Let me show, if you click on these, it will show arrival pattern. It shows what arrival [inaudible] here. So this is showing you, we have a peak in the morning. This is the most typical, an early morning peak, a little bit of a bump in the afternoon and then your big rush later in the day. You can say, "Well, you know, I've got a mid-morning peak instead," or you know, adjust it based on what you may know about a specific precinct. It's running the simulation here. I better zoom in a little bit so you can see. 20 times it's simulating 20 polling days with the same data. If you say, "Okay, let's do it once and show me what you actually used." You can see that each time I run it here, the green line, that's the arrivals that is actually using -- which stat? More closely it tracks what you're going to see if you're sitting there at the polling station measuring when people show up. So we gathered from 40 or 50 polling places that kind of data and then worked out the average arrivals there. But each time you run this, you're going to see a little bit of a skew and different wait times. If you look at the bottom there, your wait times are very -- but if you run it -- I had it defaulting to 20 times to run the simulation. You're going to get an approximation closer to the average. Now the other lines you see here -- let me make some, wait so you can see a little bit better here. We'll do that and we're running a little on time now. Okay. This also shows you the longest and the shortest wait time of those simulations so this is the average it's showing you in the graph but you can also see the range of expectations. So you may have a polling place set up perfectly that it's going to show no wait time but you can't control for a busload of people showing up all at the same time or just you know, 10 people all showing up at 5:05 and you know, some of them are going to have to wait. So these are the kinds of variations you see so you can play with that and get an idea of the range of results. The last thing I'll close with here is if you do load up data into it, you can also go for the entire county or the entire group set of data and fill in what your resource allocation is. In this case, this is conjecture for Hamilton County and you can run it on the entire dataset and it takes a little bit longer because you're running how precincts here but in a couple of seconds here. Tut, tut, tut -- there we go. And if you click on a column heading here, the set up that I've got here is showing that these precincts are potential issues with longer wait times whereas the ones down at the bottom here are in better shape. And the in the state, it can be saved and you can work through this with the entire county's data and mess around with the resource allocation based on what you know about potential turnout, et cetera. So I'll wrap with that and pass the baton.

>> Thank you very much. I appreciate it and we'll come back to you with questions. Mr. Davies?

>> I'll let him get a slide up here. There you go. That's the last spot here. One second more. Commissioners, thank you for the opportunity to address you today. My

name is Drew Davies. I'm the owner of Oxide Design Co. and the National Design Director for AIGA Design for Democracy. I believe deeply in the right of every American citizen to clearly and easily cast their ballot as they intend. To that end, I've been working for the last seven years on the usability and design of ballots in the voting process. Much of that work is culminated in what we now call the Anywhere Ballot. The ultimate question regarding accessible elections is, "What if anyone could vote on any device anywhere at any time?" The Anywhere Ballot is our answer to that question. It's a digital ballot-marking interface. It's responsive, accessible and open sourced. Anywhere Ballot is a ballot template using current web standards that voters can use to mark the ballot on their own electronic device using their own familiar assistive technology. A voting system using the Anywhere Ballot template would present a voter with a ballot on their own device when and where they choose up to close of polling on Election Day. My comments today will outline the research and development of the Anywhere Ballot which are rooted in improving the information design and usability of ballots and I'll complete my testimony by outlining how the Anywhere Ballot can be implemented. By starting with the most challenging situations and working towards the center, we've already improved ballot usability across many audience groups by optimizing and clarifying ballot design and implementing plain language standards. Future usability testing with additional groups will allow us to address an even broader range of accessibility needs. Our work on paper ballots lays the foundation for building an Anywhere Ballot interface that's the most clear usable ballot solution for all voters. The Anywhere Ballot is unique and effective because of our development method combining research, best practices design and extensive usability testing. Key team members were involved in seminal ballot design projects over the 10 years that helped us identify what it's like for people to actually use ballots. Our project team also included researchers with experience designing online information and interactions. In combination, the key team members have worked on hundreds of printed forms and digital interfaces with a huge range of user groups which gave us a great head start designing the Anywhere Ballot. We drafted our first ballot prototype based on insights from earlier research. Of particular importance to our work were two reports. The first was the AIGA Design for Democracy's report to the U.S. Election Assistance Commission, "Effective Designs for the Administration of Federal Elections", published in 2007. The second, "Language of Instructions on Ballots", was published by the National Institute of Standards and Technology in 2008. We employed rapid, iterative usability testing to measure the accuracy and performance of our ballot prototypes. In a usability test, the design team observes while a user interacts with a prototype, without training or helping the user. Our design team incorporated design changes at the end of each session in response to observations during that session. Those new design changes were then tested during the next session. Iterative testing of our ballot prototypes revealed flaws in the design that we could modify immediately. The usability testing participants -- some of whom have low literacy, some of whom have cognitive issues -- helped us unlock many of the challenging puzzles of creating a digital ballot. 33 sessions with real people revealed moments of discovery that clarified the language and interaction. Based on this testing, we discovered that the Anywhere Ballot is a meaningful tool for voters with high and low literacy, and voters with mild cognitive issues. Our team also focused on incorporating the concept of plain interaction; that is, paring the ballot design down to only the essential, fewest steps necessary to complete the action of voting. Plain interaction allows maximal focus on the voter's immediate interaction with the ballot. Much of this design project was about taking things away rather than adding them in order to make the ballot easier to use. Our focus on designing plain interaction means that it's much easier for voters to infer what to do from how the design looks and behaves. In other words, it's completely intuitive. When we were able to pare the language, interaction and steps down to the essentials, voters were effective and efficient in marking their ballots. They were satisfied that they had voted the way they intended. The Anywhere Ballot is important because it defines a single best practices ballot interface on which everyone can vote. We envision a time when all voters can use the same voting system when they get to the polling place, no matter the location, or even vote remotely. Currently, election officials and poll workers are trained on at least two different systems. People with disabilities who make it to polling places are segregated, voting on a different voting system than people who don't identify as disabled. Voters living abroad or stationed overseas are often voting on another completely different system, or not

able to vote at all. We believe there will be a time soon when using a ballot like the Anywhere Ballot on touchscreen technology that's readily available and relatively inexpensive will make it possible for almost anyone to vote easily, privately and independently. On the very same system. From a usability standpoint, Anywhere Ballot establishes a "best practices" visual language for digital ballot design and presents an exemplar of plain interaction design. It proposes important interaction conventions to prevent voters from making mistakes and refines what's known about plain language for instructions on ballots. Perhaps most importantly, the Anywhere Ballot is uniquely poised for implementation in real-world elections. The Anywhere Ballot doesn't replace any current systems. It's a ballot-marking interface, not an election management system. Consequently, it could be implemented within the context of many existing systems. This interface is one piece in the development of new options that are taking a different approach to what voting system means. It could and should be the interface for all of those systems. One reason it took so long for the best practice optical scan ballot designs to gain ground was that none of the voting systems actually supported the recommended guidelines. To implement the Anywhere Ballot, we need a voting system that supports best practice digital ballot design. Accessible ballot marking devices in UOCAVA blank ballot delivery systems offer perfect test beds for jurisdictions to try the Anywhere Ballot. Newer commercial systems and systems being designed in places like Los Angeles and Travis counties, we hope, will be the next step for implementation of Anywhere Ballot. The Anywhere Ballot was funded by the Accessible Voting Technology Initiative of ITIF, through a grant from the EAC. The entire template is under a Creative Commons License and we can usually make this CSS and HTML accessible to anyone who'd like to use it. We've also developed a pattern library that describes all of the major elements of the design. My team would be delighted to partner with vendors and jurisdictions to implement Anywhere Ballot to work in real jurisdictions, under real election laws, and pilot it with real voters in real elections. And finally, anyone can try out the Anywhere Ballot prototype on any device with a browser right now at anywhereballot.com. Thank you again to all the Commissioners for your time and consideration today. I very much appreciate it.

>> Thank you very much. And now what we'll do is see whether we have questions here on the Commission. Commissioner Patrick?

>> Thank you. My question is for Mr. Pelczarski. I'm going to mispronounce it. I'm very sorry. I thought I had it and then there was just no way, so my apologies.

>> First initial, my two [inaudible] call me Mark.

>> Okay, I will certainly do that. And because I have just butchered your name, I did want to tell you that when I first received this, I played on it all day long. And one of the things that I thought was so impactful which it would be great if you could speak to it just momentarily or even if we could have a demonstration of it, because it struck me that when you did set up a situation or identify a scenario where there would be lines, so whether it's because of a long ballot, if you add two minutes more in the amount of time it takes to vote that ballot, so you have a couple of extra propositions or some additional local races being added to the ballot, how dramatic that impact was but how you could mitigate it by adding one more voting station? Or you know, doing some other thing so it was a very powerful tool to be able to first identify on the front end how important and how impactful those things are and then how you could potentially help to mitigate that. Now that's all in the caveat that the local administrator, one, has such knowledge and two, has resources to say, "You know what? I still have all sorts of voting equipment. I'll make sure I put one more there or more booths there." That sort of thing but I just thought it was a wonderful tool.

>> Well, thank you.

>> Further questions? Commissioner Lomax?

>> Also for Mark. Have you -- did you have a chance after the election to go back and look at some of these counties that have four- or five-hour lines and see how accurate you would have been predicting it?

>> Not as much time as I would have liked since after the election, the headquarters wound down pretty quickly a couple of days. I did have a lot of anecdotal response. Some of the -- one of the counties with vote centers -- I won't say where -- but we had run this and identified potential vote centers that would have wait times and that indeed happened. We used some GIS technology to predict where what most likely vote if they were voting closest to home. We also had at least one or two places where they used this to sell [inaudible] on Election Day or the wait time had gotten to about an hour-and-a-half in one college location and they quickly -- our person who was down there observing ran it with the current scenario, what they had set up and we were projecting for turnout there and sure enough, it said, "You're going to have an hour-and-a-half waits." And they played around with check-in stations and voting stations found out that if they had one check-in station, wait times go down to 10 minutes. And it did. So that was encouraging to hear. But I don't have a lot of follow-up data. I have spoken to some people in the last two days that were going to look at some of the things that actually happened and try to refine this. I don't have -- I did not name check Charles Stuart. I will now. I didn't have access to his trove of data. So I'd like to take a look at some of that and work with the Commission on some of the other data you're collecting and try to refine this further, if possible.

>> Thank you.

>> This is Professor Persily.

>> Can I just ask following up on that, just to think about how -- if the institution of early voting affects how you might make this more complicated and by that, I mean because this is basically a one-day calculator, right?

>> Right.

>> And so just to think about as jurisdictions extend and contract that the number of days that there might be for voting, whether there's some other variation on this that they might want to think about?

>> One of the rival scenarios we had was a flat line pretty much steady throughout the day of Saturday. I think we were using it for some of the early voting centers trying to predict what the turnout would be. The thing is we didn't have much data as far as what to expect day-by-day early vote. There was a little bit but not enough to be real solid at that point. There were some side research we can do, the impact of early voting and we found that like those 10 days before the election were the most important and the weekends were very important. The weekend voting really mitigates some of that lead and they bumped quite a bit. So I know that question has come up before the Commission prior.

>> Commissioner Grayson?

>> Heather, you were talking about the role that API's play in this and we're seeing one more state swinging online registration. How many of those are building an API that are, I guess, more public face -- public facing in some respect. In other words, somebody like Rock the Vote could have some access or some other group. Are there states that are doing a better job with that or are they open to this?

>> Yeah.

>> Because it's great that we have this [inaudible] online registration but it would be even greater, as you said, if we could have an API that could allow tools like this to make it even more effective.

>> Yeah, it really would be a neat -- you know, as somebody who runs the largest third-party voter registration organization, it's a funny thing to say. But my interest lines up perfectly with those running the elections which is I don't want my volunteers carrying around a bunch of forms and having that liability. Who knows how, you know, and it's a lot of work to you know. So if we could start the process and have that just sent electronically over to the states for the state to finish it, gosh, wouldn't that be better and better for everyone? So I really think it's a win-win for everyone involved. So we've had very little opposition to it. It's just that we just started.

>> Is there a standard API format that you've been pushing or that has been shown to be more effective?

>> I will tell you so in the first three states that tried it, they already had a system set up and they were -- last year, they saw the value and tried it. Washington, California and Nevada, they all did it differently.

>> Okay.

>> And what they did was, I'll give you the general idea. So they started -- well and in fact, anyone can go, if you have your phone, you can go to rockthevote.com, click register and then pick Washington. Don't put in your email. That's just there because if you input one piece of data, you're most likely to finish it. And then you'll see how it works with Washington. You could do that right now. But what it did was we started there and then once we got a little bit in, because we said, "Great, do you have a driver's license in Washington?" And if you do, they click yes and we said, "Would you like to finish with the state online or would you like to stay here and print your form?" And you know, of course, everyone says, "Finish online." And what we did was then just bring, we just sent them and their data to the state's website. It worked and we did that in three different ways with different amounts of data being sent. Sometimes, it was in an iFrame, sometimes they went to a website in a new window. So lots of different little detailed things and from that, we learned that one, the longer they stay on our site, the more likely they are to finish it. Two, a lot of the state sites aren't actually mobile friendly, don't have the language capacity. Like we're in 10 languages.

>> Yeah.

>> Most don't -- don't have some of the disability things in place so just for the user experience, it's better if they stayed with us longer. And then, if we could pull it into an iFrame so it kept a common experience. We just looked at all those things and the highest completion rates were if there was a complete API so they just stayed with us entirely.

>> Yes.

>> That also allows an agency to use it or a university.

>> Right.

>> The next was when you just fill out as much as possible with us and send them over.

>> And you just kind of prepopulate the [inaudible].

>> Prepopulate, review, hit submit with the state. And actually, it is our recommendation that states provide both because there are places like the DMV, for example, isn't going to remake their entry form to add the three additional questions. So just let them send what they have and the user to the Secretary of State's website; prepopulate it as much as possible; finish it there; review; hit submit. Groups like us or you know, anyone who wants to can build their own interface in an experience that works for their own users and send it electronically as a batch. That's better for us. So those two systems or those two kind of technical

solutions are super simple to implement. They don't cost a lot of money. They'll save a ton and we actually -- so the first state to implement the full API will be Virginia. They're building it right now.

>> Okay.

>> California is redoing their system so we've covered too. In May, you'll see a much better process that actually implements that second piece where we get a person 90% through. We send him to the state where it's all prepopulated. They'll review and hit submit on the state site. And we continue to kind of build on these models. So we've seen those two systems work. They kind of accommodate everyone. The API and then the one webpage to land if you send it to the state. We have API code that we've worked out with Virginia that we're testing right now but should be finalized soon that the state will build. We have code for the tools that get people through it that are very simple. You can either use ours which you can just go to rockthevote.com/partner and take it for free right now or you can just take the code and map it to your own server and put it on your own website. And so, the tools exist and the code that worked the best in these 2012 tests, we're in the process of finalizing and we'll be making that publicly available for sure.

>> Thanks.

>> That helped.

>> That was perfect. That was perfect, thanks.

>> Okay, great. Sometimes, it gets a little technical.

>> Maybe not -- it was perfect for me -- maybe not for someone else.

>> [Laughter]. Thank you.

>> Any further questions? Go ahead, Commissioner Thomas.

>> Heather, when you have them print it out and mail it, are you putting a QR form or barcode on those so that clerks could scan it and get the data that way and not have to retype?

>> Yeah, that's a great question. We've done two things that are both -- one is we have a barcode so when the user prints it, signs it, puts it in the mail, we then know that's a USPS barcode. It has a name. I can't remember but that way, when it goes through the mail, we're able to -- you know, we can track that. That way, we follow up with anyone who printed it but didn't mail it in. And so, we call that our chase vote. We spend a ton of time and money following up with those voters. So there's that USPS code on the outside because when they print it, it prints with the address to mail it to so they just fold it over and stick it in the mail. The second thing is right now, it doesn't have a barcode for the elections offices, the counties to scan but that technology is built in. It's just not turned on. And it's not turned on because no one was using it. But it's very easy for us to turn back on. And the one county that we worked with on developing it was LA county so Dean Logan there, because we've sent about a quarter of million forms to their office every presidential cycle [laughter] so he was very eager to not have to rekey something that was already data entered. So they had to work with their system, with the DIM system that they used to allow it to basically it was like a scanner to scan the code, pull the data down from. We set up a parrot database where it doesn't have the personal ID information but it has all the other stuff that they could then pull from. They would just enter any because we destroy the personal information. We don't want to keep it. They just enter that and then can hit submit. So that does exist for the data pull and it's easy to turn it on or off.

>> I have a question for you Mr. Davies if I could. Could you talk a little bit about this sort of -- more [inaudible] a little more specifically what comes next in moving forward your project? How would you like to see this sort of unfold in the best case,

as you try to move this product into this sort of general or some use in distribution?

>> There a lot of different answers to that question. In short, really we're looking for those scenarios that are already implementing some sort of electronic interface for either marking a ballot, or some of the UOCAVA blank ballot delivery systems that we can simply, essentially hand over the assets, the work we've done on interaction design, and plain language work, and have that resource be able to be sort of put as a layer on top of what's going on already. As I mentioned, our best test beds are jurisdictions that already have some sort of electronic ballot interface in place. So a great example of that is a save Oregon. They're vote by mail, but for their UOCAVA voters, they have an HTML ballot right now than exists with the user interface that people go through screens and make choices, and right now they print out a code at the end of that process and mail it back into the state. This an exact interface that can be put in place to the interface that's there now, have those same UOCAVA voters go through the process only with a much easier interface and then submit that same print code, mail back to state, to submit their ballot format. Does that answer your question?

>> It does thank you. I think that concludes the pan -- oh Martin did you [multiple speakers].

>> If I could. I'd like to comment on something Commissioner Patrick mentioned about the wait times and the sensitivity to adding a minute or so to voting time, and that was something that I was very surprised at how sensitive the wait times are to things like that. And if you do play around with it, small changes here and there can take a 15 minute wait time, maximum wait time, and some day you wind up with an hour and half, and the sensitivity to ballot length I think, probably we could do some more research on the time added for ballot initiatives and things like that. The best estimates I got were from Ted Allen at Ohio, and I have to credit him with this, but I also blame me if the numbers aren't exactly accurate because I kind of pushed him into giving me some ballpark figures from some more thorough research he had done. But it's kind of a rough estimate of time it takes to vote, I think the ballpark he came up with was around something like 30 second plus, 4, 5 seconds per race, plus about 25 to 30 seconds per referendum or initiative. And we actually used that little calculation a couple times just to do a quick estimate, absent actually trying it on people. And it was reasonably accurate, and if we get the data, if we can measure things like that, we can actually measure the cost of adding the referendum to a ballot, and how much additional equipment you need to avoid long lines and things like that?

>> Could I add to that? One thing that strikes me as you mentioned that is that I also wonder if that's equipment dependent on whether or not the voter is voting on a DRE, whether it's the full ballot screen, whether they navigate through screens as they the work their way through the ballot, or if its paper ballot and if its paper ballot how many pages are on that ballot. And I think it will also be important to know whether or not there are limited English-proficient voters in a particular area which may increase your time to vote in a certain region, that sort of thing. But one thing that did strike me, if am not mistaken, I think the amount of time that goes up to 10 minutes is all. So perhaps there are some places where it took longer.

>> I know, the 30 minute quote from somebody in Florida, I think it was, [laughing] it is somewhat dependent on the equipment. There has been a lot of research on that, and it seems like the DRE's may add anywhere from 45 seconds to a minute and half to overall voting time. Some of the researches, a little bit conflicting there, but it does in general seem like that does add a little bit to it. The optical scan ballots seem to be, the paper ballots, seem to be fastest by a bit. But the length of the ballot is by far the more important issue there.

>> Thank you.

>> Thank you very much. This panel returned the [inaudible]. The work you're doing is really very, very interesting and has tremendous potential, but thank you very much

for coming and presenting it here today, and we look forward to potentially exploring with you -- having additional information from you as we proceed, thank you.

[Silence]

>> That flight from Kansas City to Cincinnati apparently took Jeff Milyo's promise and Daron Shaw has a family emergency, so we'd like to welcome Barry Burden and Steve Ansolabehere, sorry. [Laughing]. Barry would you care to begin?

>> Yeah, thanks for having me. Slides will be up in a moment. I am a native of Ohioan, so great to be back. Thanks for bringing me back to my home state. Jeff and I were each counting on 8 minutes, and he's not here because of the flight problem, so I fully intend to take 16. [Laughing]. Seriously there is a lot of material, so I'm going to move fairly quickly, but feel free to ask questions afterwards. So I'm going to offer you what we know is academics about poll workers, the recruitment and training of poll-workers. We know that they have the ability to facilitate participation and voter interest and voter competency, the electoral process and we know those experiences may translate into future participation by voters, so they are really the face of the electoral system for most voters and can impact that experience. But the questions for us are what are the best methods for recruiting, training and also evaluating poll workers to produce these positive experiences? So some basic facts in terms of lay at the land. We don't exactly know how many poll workers there are in this country. Best estimate of a series of ballparks is about 1.5 million. That will mean that in a presidential election about 1 out of every 100 voters is a poll worker. They do a variety of things according to surveys we had of both them and their local election officials, from checking in voters to being technicians. We talked about this in some of the discussion yesterday. We also know that they are disproportionately female, older, educated, selected by parties which I'll say more about, and most are experienced, they're repeat poll workers. We also know that the states have a variety of rules about how poll workers are selected; some of this has been documented in EAC reports. For example, 48 states have a minimum number of poll workers per polling place ranging from 2 to 8 per poll. Forty-seven states require the poll workers to be registered to vote, the other three do not. Forty require them to be 18 years old, and so on, lots of variation. At the bottom there, you'll see some mention of pay. There is some variation there. I think it's not as great as indicates from \$15 to \$200 per day. Most poll workers are earning about \$100 a day. But there is variation. The question for us is what are the best practices, what odd states and localities be doing in terms of poll workers. We don't know is the short answer. There really are not studies that do policy evaluations of this type. There aren't experimental studies to see what works and what doesn't in a real field setting. We have a list of best practices. The EAC document from 2007 or so, runs well over 200 pages. So in my view, these are not best practices, they are just practices which work for some people and offer opportunities for learning, but we'd like to know which of these are most effective, both from a cost standpoint, and in terms of improving the voting experience.

>> Local election officials tell us in surveys they think training is important and that about one out of every five poll workers appear to have problems in understanding the job they are doing in the polling place. As I say, we need evaluation studies to know which of these things is right. Poll worker attributes have some impact on how voters experience the voting process, and we know that experience is related to the confidence they have. In some analysis that Jeff has done that he could share with you, he finds that voters report having the worst experience at the polling place at election day, if they don't know the poll worker personally, if the poll worker is over aged 70. That's a three times effect. And if the poll worker has a minority background, and the voter is white. Those things are pretty robustly in multivariate analysis. Let's talk about poll workers shortages. A lot of discussion, a lot of media coverage of there not being enough poll workers and the difficulty of recruiting, and as a result you get a lot of guidance from people testifying before your commission and from others about how to solve the shortage problem. Examples of solutions are that we ought to hire students, we have to select more alternates for the no-shows, there ought to be holidays, there ought to be split shifts, and so on. But let's look at the evidence on shortages. Our best evidence is

from the EAC surveys, the EAVS which asked local election officials how much difficulty they had in obtaining sufficient poll workers. That's the language. It's a five-point scale from very easy to obtain the right number to very difficult. And you'll see that the largest group is that, they say they had somewhat difficult time finding sufficient poll workers. But that is not to say that they didn't find enough poll workers except that they had some difficulty in finding them. But the question is really do you have enough? Nor did it require some effort to do? Why might do we doubt the answers to these questions? What is being difficult as not the same as there being shortage? Another is that in the surveys, you're going to hear about from Steve in a moment, when we ask local election officials what worked best in the 2012 election? A series of 21 items they can select from. The number one thing that worked best in the preliminary data, at least, is they had plenty of availability of poll workers. The number four thing on this list of 21 that they rated, was the training and management of those poll workers went well. What things are they are the most concerned about from the same survey again the same 21 items, the availability of poll workers. Number five, training and management of poll workers. So this may be a story that's not uniform across the states. One other reason to be skeptical, I just pulled out some example states that are at either end of the continuum. So on the left of the states where they say it was easiest to find poll workers, not a single jurisdiction in those states in 2012 said that it was somewhat or very difficult. DC, Michigan, Minnesota, easy states. On the right you have the states where every jurisdiction in the state reported that it was somewhat or very difficult to find poll workers. Based on what we know about election administration performance in those states, it doesn't line up nicely with our stereotypes about which states run elections well, and not well. Does it relate to other factors? Sort of? So as the difficulty becomes greater, you see that there are more registered voters in jurisdictions. So I think this fits with other evidence we've seen that it's harder to find poll workers in urban or more populated places; places with more population density. But in terms of the other metrics, there aren't big differences. In the second column, you'll see the percentage of votes that are cast on Election Day, versus being cast in advance. It's about 75% cast on Election Day for the upper categories, and things have gone black. In the most difficult category, it's slightly higher so it looks as though there's more pressure on those communities that have more Election Day voting as would make sense. We really do need to see the pictures for the next slide.

>> Yeah, well we have somebody looking into it right now.

[Silence]

>> There go your 16 minutes.

>> Minutes are ticking away.

[Silence]

>> Okay. Let's look at some metrics from the states on how poll workers are deployed. It will be a little tough to see given the size of the screen. This is from the EABS. It's the number of poll workers per polling place in the last two federal elections. Number of poll workers per polling place - this is the median number in the state. The typical number in the state is about five or so. Five or six poll workers per polling place. You'll see tremendous variation from the lowest states with just 2 or 3 poll workers at a polling place, to the highest with 10 or 12, or 14, a ratio of two or three times, from the least to the most. They are consistent over time, so the states that have high numbers in one election have high numbers in the next. But tremendous variation across the states, again not in ways that sync up with our stereotypes about which states run elections well or not well. The same is true of voters per poll worker. So how many voters is each poll worker responsible for? Again from the EAVS, tremendous variation with the average being about a 100 voters per poll worker, but from the lowest states to the highest the ratio of about four to one, so tremendous variation. Connecticut is something of an outlier, but even if you remove them, actually the variation would look greater if we zoomed in on the scale a little bit. And then finally from other evidence, we have a ratings of poll workers

by voters. This is the percentage who say their poll worker was, I think, excellent. And you'll see that most are very satisfied with probably 80% on average, rating poll workers quite well. There's some variation, and that seems to have to do with whether the state is rural or urban. So the states with the highest rankings in 2012 are places like Alaska and Idaho and Maine. And states with the lower rankings are places like DC and New York. Finally, let's put all of the measures, the ones I've just showed you and some others into one comparison. Again it's going to be difficult to see on the screen, but hopefully they'll go in your packets. These are just scattered plots of the measures I've shown you along with some others like wait times, the amount of in-person voting that happens, the amount of early voting that happens. And you'll see that the metrics I just showed you -- poll workers per polling place, voters per polling place, difficulty of obtaining poll workers -- are uncorrelated with any of the other measures. Uncorrelated with wait times, uncorrelated with voter satisfaction, and so on. And even if there were correlations we would be concerned about what's causing what. Okay? Now maybe states are the wrong place to look, maybe the interesting variation is really at the local level or even down to the precinct level. But at the state level, it appears that recruitment methods and deployment don't have much connection to how voters experience Election Day. Another concern we hear is that low pay is a problem. That poll workers aren't compensated adequately for their time. I would say we don't know if that's the case. Surveys in fact show when you ask poll workers -- this is in one California study -- What are the things that made you want to be a poll worker, most of them say pay was the last thing on the list. It wasn't about the \$100. It was about the civic duty and it was about seeing your friends, it was a social activity. Right? So even local election officials' rate pay as less of a problem for them, less of a priority than training the poll workers, evaluating them and recruiting them. So let me raise a couple more considerations before I close. Things that we don't tend to talk about as much compared to recruitment and pay. One is the fact that we select poll workers primarily by political party. It's the most common method for selecting poll workers. We see that in surveys of local election officials. Local election officials tell us they don't do much screening of poll workers who are nominated to them, selected by the parties. The only concern they face typically is that there's an imbalance; that one party in the area is good at nominating poll workers than the other because it's not organized or not strong there, has difficulty doing it. So they have trouble finding enough poll workers on one side of the ledger, but that's the only concern we hear. I suspect -- and this is without much evidence -- that selection by parties is something of a double-edged sword. On the one hand it means that you're likely to get poll workers more easily, because the parties are doing the work for you. They're likely to be engaged and pretty informed and experienced. They have done this before and so need less training. But you might sacrifice other things in exchange for those goodies. They may be less objective. They work for a party. After all, that's their interest in politics. And we don't know much about their competence. We know that they're a loyal partisans and are willing to do this. We don't know much about their skill sets. Which means we have to put some emphasis on training. So I want to say a few things from surveys that David Kimble and his collaborators have done of local election officials and poll workers.

>> First of all, training is not always required, especially of repeat poll workers. This startling fact, training not always required. When training happens, there are topics that are commonly covered. Things like the procedures at the polling place. Eighty-four percent of jurisdictions tell us they cover those things. How to use the voting equipment, only two-thirds of jurisdictions tell us that's part of the training. So one-third are not covering how to use the voting equipment in training. And only about half are covering how to deal with provisional ballots in the training of poll workers. All right? So we have to think about the content of training. Only about half are doing what we would call role playing. This is actively pretending to run through a scenario at a polling station, and yet poll workers tell us that's one of the most valuable things they can do is to practice what they'll see on Election Day. There are very few standards, and there are really no widespread methods for evaluating poll workers after the fact. Local election officials tend to move on to the next piece of business after the election. So a few conclusions. One is that I hope the commission in moving forward will think about quality, as well as quantity of poll workers as things to emphasize. Quantity has been emphasized because it's

easy to measure. We can simply count up how many there are or ask election officials how many do you have, do you have enough? And is it more or less than last time? Quality is going to be more difficult to assess because it has multiple pieces. It has to do with recruitment on the front end, where do we get the poll workers, how many are there. It has to do with the training once we've selected them, and then it has to do with evaluating them after the election. I mentioned the EAC best practices. It's a lot of practices. Some of them relate to recruitment, training, and evaluations, so we should look back at those. But we really lack clear evidence on what works, and that's in part because we haven't done the field work, the policy analysis and the experiments we would like. Thank you.

>> Thank you. I should add that Barry, who is with the University of Wisconsin, and his colleague, Jeff Milyo, from the University of Missouri, have prepared a very helpful paper for us on the recruitment and training of poll workers, which is available on the commission's website at supportthevoter.gov, and we urge you to take a look at that for additional insights into this important subject. Next, Steve, along with his colleague, Daron Shaw, have prepared a survey and gotten some initial results under the survey of election administrators, which the commission looks forward to hearing about. And we know it's going to be helpful. Steve?

>> Thank you for having me today. And I'm going to talk about the survey. I'm going to emphasize a part of the survey, not the entire thing and I'll explain where we're going in a second. This is a survey of election administrators that I and Daron Shaw, and Charles Stewart, and others designed. Barry helped, and most of the people involved in the group that we've assembled on in body helped. And we would use the survey for multiple purposes. One idea though was to try to fill in some gaps. The EACs survey is excellent. It covers a lot of domains that we're interested in. But some pieces of information were missing. And we're trying to use the survey to fill in those. For example, how do you split the UOCAVA ballots into military overseas, versus military domestic, and so forth. So some of the information you'll see will come from that. The data behind this are still coming in, and I'm going to give you a preliminary picture of that. Let me talk a little bit about the basics of the design of the survey for starters. So the survey design was pretty straightforward as these things go. The goal was to just survey every election administrator in the United States. We started off thinking we would do a sample, but then we just decided to do everybody on and see what happened. And we broke it into two surveys. A short survey that was designed to capture things like how is your office structured, how much money do you have? What's your budget? What's your staff? And so forth. That was about five minutes long. Once that was done we said, if you'd like to go on, please do. So far from the preliminary data, three quarters decided to go and fill out a half-hour survey. So they were pretty engaged in this survey, I think. The questionnaire design was implemented by - developed by this group, and the survey was implemented by an organization called Census Research. We selected Census after we went out for a competitive bid. They were both high promised and had a record of producing high quality product, and they came in far cheaper. The data and the reports will be available through the Caltech Voting Technology Project website and will be available fully to you. I'm going to talk a lot about the open-ended questions today because I think they're fascinating. And rather than put a bunch of numbers before you that you won't be fully able to digest, they reveal some things and underscore some lessons that I think we should keep in mind. There were two aspects to this survey as I mentioned: One is to measure the operations and the decision-making of the offices. How do you actually allocate poll workers? How do you actually allocate machines? How much money do you have? Things that we don't really have a clear picture of from other data sets such as the EAC's surveys or Charles Stewart's SPA survey. The second was to hear from the election administrators themselves, in their own words about what's happening, what are they doing, where do they think their office is headed? Where did they see needs? And I'm going to focus on number two today. The white paper will delve into both. The data we're going to present today are very preliminary. Right now we look like we're on-target for at least a 40% response rate, which is terrific. And that response rate, I think goes a lot in part to the help that we receive from a number of election officials helping recruit their friends and colleagues to participate, help from the election center from IACREOT and other organizations, and we're very grateful to all the efforts that

went into that. It was a lot of work. People put themselves out there, and it was most appreciated. I'm in particular going to focus on one of the questions. There are three questions that we really went after that to dig into this matter of what's going on in the election offices, and what the election officers see. One we just asked what are the problems that you've had? What's worked well. What hasn't worked well? What have been the specific challenges? Second question which I'm going to talk most about today is, are there technologies or new administrative procedures that you would like to try even if you can't afford them? So where do you want to go? And the third question is, were the things that you did that you'd like to share with other offices? Tell us what they are. Let's put them out there. So we're going to make all that available to you so you can hear what sorts of things people are coming up with. There is more coherence to the second question, so we'll talk a bit about that but just to give you a sense of what happened on the question with problems. There was, I think a theme that came out, which is repeatedly we heard three things were big problems. How do I handle absentees? How do I handle UOCAVA's? And how do I handle early voting? What's distinctive about those three things is they've really grown up in the past decade. And my read on what people are saying is going on, that the election administrator is saying is going on, is we have this system that changed really quickly over the last decade. And it grew up from this unified system in which the precinct was the central part of the model, and then it kind of expanded into this complicated three or four-part system, and the system hasn't quite grown back together yet. And they're looking for how to do that, and I think one thing to think about as commission is how do we help guide that, or how does the commission help give some push in some directions that might help them think through this process. But they're in the middle of a process that's probably going to be another decade before it grows back together into something coherent where there's a central thing. And there's one quote you'll see in a bit that I really think is quite priceless in this regard. But let's turn to what administrators want to implement. Number one, two-thirds of them said this. ePollbook, here are the first. I'm not making this up. Here are the first 10 responses to this open-ended question. First person, electronic poll books, second person, in all capitals, we would like to have [inaudible] ePollbook. Third person, have electronic poll books, all voting locations with precinct workers with the ability to operate them. Fifth, electronic poll books. Sixth, okay, better voting technology. Seven, ePollbooks. Did we mention ePollbooks? Electronic poll books. It goes on. Definitely electronic poll books is the -- I just took the first chunk off the top of the database. This is what they are all talking about. This is what they want. And over two-thirds of the open-ended responses that offered a response to this question of what would you like to have, even if you can't afford it, it was ePollbooks. Number two was new voting technologies. And these quotes - I try to grab quotes that were typical of the answers that there's, the last one is just I had put on their, sorry. There is a sense that the voting equipment that they're using, even if it's just 10 years old, stuff that they bought in 2002 or 2003 is already quite outmoded. And even if it is a DRE, that's operating on a pre-2002 operating system from an electronic machine. If I try to run any software on my computer with a pre-2002 operating system, it would not work. And that's the experience that some of these election administrators are starting to experience. But I just love that last quote. Love to place the, put the brand name in there, machines which I believe are a boat anchor. Number three, big issue, was office technology. One thing I should say about this survey, which is just a characteristic of election administration in the United States, is that there are, I don't know, 300 election offices in the United States that are in big counties. Big staff, a lot of resources. . There are 8,000 election offices that are towns, small counties, and mid-sized counties. And most of that count if we added them up, a large chunk of them would be towns. So there's - a lot of these are very small offices, so some of these responses reflect the experience of small offices. And often times when we have this kind of conversation in a meeting like this, we tend to focus on the 300 largest counties. Their problems, their experiences are very different from almost all other election offices. And comments like this were scattered throughout the open ended. At this point, new computers would be a vast improvement. We have state-owned Dell's from 2002. Yes, we are a [inaudible]. I would like to get a few of my election inspectors trained to be able to use the new SVRS, along with me. This would require a computer and many hours of training. I would love to have more computers at our service counter. I would like to have internet access at the town hall. If we start to think

about things like internet voting, these are the practicalities that are going to confront the implementation of these systems immediately. Fourth. Resources. You've heard a lot about resources. It was striking that resources did not show up that much, but a lot of people did volunteer even though the question said, even if you can't afford it. We just need more resources. Like we just don't have the money. And the third one was a little sad from my perspective. No, not really. Do you need any new technology? No, not really. I'm doing good if I get what I need. I've been in need of a telephone for my office, as well as a computer monitor, and printer, and scanner for some time. So these are the - comments like this showed up repeatedly in the open ended questions. They just want to underscore the resource limitation, especially among the town administrators. Less so among the mid-sized counties. A lot of small counties and the towns are saying this repeatedly. And we rely on them. It's not a huge percentage of the voters, but it's a huge percentage of the offices that deal with election administration. Consolidation. Putting this under one broad category, but there are a lot of comments to that effect. I would like to move toward vote centers. Vote centers showed up repeatedly, it's being experimented with in Colorado, Indiana and other places. But there are also others who see the need for some sort of consolidated voting place. And the last comment here is -- is quite revealing. The comment is, the precinct is outmoded because of -- oh sorry, because redistricting creates ghost precincts extremely population size to small population size precincts. Voters don't relate to the neighborhood precinct anymore. Voters appear more interested in voting sites related to well-travelled areas. And so this idea that -- even in election administrator's mind, there's a realization that the precinct is kind of this concept that's under strain. And that was the old concept back in the '70s and '80s, and it starts falling apart as absentee voting starts to taking off. And absentee voting really took off in the 2000s and early voting, and it's really causing us to rethink things. And that's an opportunity for consolidation. The sixth thing was integration. I think these quotes come from the most sophisticated election offices. And we see them every once in a while, so we'll write a nice, solid paragraph on how they see all the technology pieces integrated together. So even the most sophisticated offices have all these bits of technology that just don't talk to each other. They're not related to each other. They're not integrated, they don't play together, can't use them in a coherent whole. But the election officers see it sure would be good if we can make all the pieces work together. And there's some excellent ideas/thoughts in the open ended questionnaire. It was striking going through this how little emphasis there was on voter education. And I say this in response to one of the closed-ended questions that I'll be interested in seeing how it comes out in the end. But from the preliminary data we had which reflects about 30% of the respondents that we have so far, we have much more data than we've been able to analyze yet. Only about 20% of the election offices said that they actually sent something to the voters pertaining to voter education. Most of them rely on states, in states that have voter pamphlets and don't do anything more than that. So there's not a lot of action from the election offices to communicate to the voters about how to vote, where to vote etcetera, for most of the offices. Now it's not maybe most of the voters because that's going to depend on big counties versus small counties. But a lot of the offices just are not engaged in doing basic things that we consider voter education. And it doesn't show up as one of the practices or technologies that they would like to implement, or they are thinking about implementing. So it probably reflects the fact that maybe the conversation about voter education isn't really happening as deeply, or as widely in the election administration community, as maybe it ought. One of the other questions we asked that I am quite fond of, is have you implemented any innovations that you think would help other jurisdictions like yours, and could you briefly describe them. These were all over the map, and they ranged from little tiny details like, oh I color code everything so that it's very easy to find it quickly. I'm like everybody should color code things. I used posted notes all over - really specific things that are helpful, all the way up to, we need to train the election offices to have better management skills. Like the management skills were missing. So we got down to micro, up to macro management. You've got the range of technologies from little things that they do to optimize things, all the way up to we integrated the entire system with the DMV in the case of Delaware. And really saying that that's a model for other states to pursue. So this particular question, I think, could be quite helpful just sifting through and reading through the Excel spreadsheet, like, look at all these different

ideas that we have to go through. One thing shows up, repeat [fades out] wrong button. Which is the most important thing that I think happens among the counties is that they learn from each other, and these are volunteered answers to our question. What would you like to share with others? I don't want to share anything because I actually learn from others. What I want to share is that our innovations come from other counties. There is the degree of learning that happens. Now I think it happens in a very loose way. One question I think for us is, is there some way that we can help the counties learn better? Some way to improve the way that they learn. And some of that might help with integration and so forth, but some of the comments were - this is from a town administrator, the county clerk gets us all together and we have a conversation after each election and before each election. Okay, it's a great idea. Things like that might be helpful, and just suggesting it might go a long way in helping to improve the extent to which the counties are learning from each other. A few lessons to take away, the main goal I think is to facilitate learning among the election offices. I think here's a good use to measuring activities and experiences like this. I learnt a lot just reading through the commentary and also looking at some the closed-ended results. Woops. We can help local election administrators further their management skills. There might be a very constructive place and role for the election center [inaudible], NACo, IACREOT and other organizations. I think finally there needs to be an [inaudible], some website that's centrally maintained that election officers can share successful innovations, cautionary tales, and other insights in a kind of open, unabashed manner, where they're not advocating for a system. They're just putting out there what they've learned in a way that others can use it. And I look forward to your comments, but finally, thank you, thank you for all the work you've done. I can - I know you guys had a long march to this point through the different meetings and deliberations you've had. Everyone in America, I think, appreciates what you're doing, thanks.

>> Thank you Steve, questions from the commissioners. Commissioner Lomax.

>> Barry.

>> When you look at the polling, there's a lot of huge differences between the states and the way they use polling places. For instance, where some assign one precinct to one polling place and that's a one-to-one relationship, and then like in Nevada, some polling places had one precinct, some had six, and so then looking at, for instance, a number of workers per polling place, it's going to vary enormously, just depending on how many precincts are there. But I guess perhaps I saw by your slide that says number of workers per voter, maybe it averages out that way. Did, the one thing I know -- you gave us a lot of kind of summaries of what you've observed without giving us any recommendations. Last or recently we had a discussion with some people and we were talking about testing poll workers. And I was very surprised to hear a pretty strong opinion in the room that it really doesn't pay to test them because we're not going to fire them, regardless. Everybody's going to the poll, even if they can just sit there and look like they might be able to do the job. Which, of course, I don't buy that, but they did.

>> You have comments on any of that?

>> Yeah so the first point is about combined polling places. It's true that measuring poll workers per polling place is not ideal because some states aren't really using polling places. They're doing all mail or largely mail elections, try to account for that. In some ways by setting Oregon or Washington aside, or correlating it with early voting, but it's true that states combine polling places or precincts into one location, and that poll workers share the duties, I haven't dealt with that at all, we should. It would be difficult to get that information at that level of aggregation, and combine it with the EAVS for example. They just come from different places, but maybe within some states we can do that kind of analysis.

>> Yes you could, you could do polling places per precinct however. There is an economy of scale for instance, if you stand six polling places or precincts to one polling place, so you don't need quite as many workers, as the way it works out, but

I mean it range in where I was from 8,000 voters going to one polling place, you know there are 80 somewhere else.

>> Yeah its fair, and your other point about is about testing. I'm not sure if the testing would done happen before the Election Day when the poll workers are being selected, or what happened after the kind of evaluation.

>> No I'm talking about, you do training, and I'm just going to use what we did. You do training, and then we take them through what we call a performance evaluation. They had to do what they would do with the polling place. And we did not train poll workers to be universal in a polling place. In other words they were trained to be a clerk, which check in a voter. We train them to be a machine operator; we call that they would stand behind the machine and help the voter if they had any questions. We trained the dumbest one to hand out I voted stickers at the end of the day, but everybody had something specifically to do, but then we did test them in the sense that we would act it out, as you said, a performance evaluation. And we actually got rid of 15 to 20% of them, that high.

>> So they say there are no small parts, only small actors. So even the voting sticker person is important. So we know from surveys of local election officials what they do roughly in terms of evaluating or screening. Most are not as thorough or systematic as you were. They tell us that they sort of casually observe the poll workers they recruit during the training period, and if something seems like it's not working at that point they may ask the person to leave. After the fact, most of the evaluations following the election are of the form-- did they observe the poll worker doing something crazy at the polling place? Or do they get complaints from voters about a particular poll worker over and over and those people might be asked to go. But otherwise I think it's who is sent to them by the parties, or who volunteers, or who they recruit end up being poll workers, almost regardless of the testing's not happening in any systematic way as far as I can tell.

>> We were fortunate for what it's worth, we didn't-- the parties were not involve in selecting poll workers so that we didn't have to put up with that. Thank you.

>> This is a question for Professor Burden. In the training did you have any information as it relates to, as Commissioner Lenox referred, where they were trained by position that they were going to be working or a separation of first time workers, all I know is some states also have an advanced training like a certification for their poll workers. Did you capture any data on that or? The one thing that I'm also very curious about, are bilingual poll workers and whether or not there were specific areas of training there or exactly if you looked into any of those individual areas.

>> There are areas we should be looking at. The data don't exist in terms of what local election officials tell us. We know what the state law indicates in terms of minimum requirements. We don't know if local officials are obeying those laws or going beyond them. Most states require training of every new poll worker, but not necessarily of repeat poll workers. And sometimes the chief poll worker will receive extra training. Beyond that we don't know much about languages for specific positions within the polling place or anything like that.

>> One of the things that we've heard from many groups over the course of the summer have to do with some of the curriculum outside of just the function of the poll worker on Election Day, whether its sensitivity to voters or disabilities, or how to effectively provide language assistance that sort of thing, and many jurisdictions put that information or training materials up on their websites. So, I'm thinking that might be something that would be an interesting place to harvest and see what is even in some of these curricula, and if it's something that could be expanded upon.

>> Yeah it's a great suggestion. I had looked at some of those online videos and manuals and things. So those set a kind of floor for what we know is happening, assuming those are being shown and viewed. We don't know what's happening beyond them, and the role playing kinds of activities I mentioned which are not happening as much as we might want have to happen outside the video context. Where you need to

bring somebody into a room and have Chris Thomas walk through or pretend to be a voter and get that. What happens when a voter objects, what happens when the provisional ballot has to be issued? So, I think it's one thing to watch a video about that. It's another to do it, but I agree it's a good place to start.

>> Well we have such a video it is not a theatrically compelling performance. Commissioner Thomas.

>>Now when my mother said - [laughing] so our precinct inspectors, you know we love them dearly. They're valuable, they are like you said; they are not there for the money. They're there to do the job, and then comes the time and this is - I hear this a lot from local clerks in Michigan, is the separation. And I wonder if you picked that up in any of the discussions. So, when they are here they reached a point in time where they are having difficulties performing or just behavioral type things. This idea of saying okay now it's time for you to leave, you've been doing this for 10 years; it's just not working out any longer. That's a tough spot for particularly in smaller towns for these clerks to get into, in terms of letting people go. I wonder if that reflected in anything you've run into?

>> I only have anecdotal evidence on that, probably the way you do that sometimes a poll worker will be encouraged to step aside by being assigned to a different precinct than the one they worked at for many years, or with different people and the purpose for them was to see their friends at the polling place, if you take that away, it's now a discouragement. But, other than those kind of informal nudges I don't know what else is done.

>> Commissioner McGeehan.

>> Yes Dr. Ansolab, no I can't say it, I said it right in my mind it didn't come out. I'll just say Steve, I'll say Steve. Based on the preliminary results it looks like there may be some momentum for the states to take some of the burden off I mean I have seen some of the comments talking about a robust statewide voter registration system. The poll books. Even statewide voting systems. Did you see any comment on when HAVA first passed and the states were having to implement some of these activities that before had all been performed at a local level, you're seeing any territorial kind of things? You know we don't need the state in our business, or is it more of a little consolidation here on certain things might be beneficial.

>> So from the open-ended questions in response to questions, I was very surprised by how thoroughly the county seemed to be embracing the statewide registration lists. They were very happy to have them, those that had managed to integrate them with their other systems were thrilled. Like this is so great, it really sped things up, or it got rid of a bunch of -- it reduced a lot of our costs, got rid of a bunch of staffing needs, and so forth, with the statewide registration systems. I think back in 2002 that was a big question mark and it was hard for the states to really gear up that fast. I mean they only have four years to do that, and that was pretty impressive that they managed to pull it off. I was surprised by how much of an embrace there had been. But generally if you look cross all the things that HAVA did, like new voting technologies and state wide registration lessons and so forth. The counties were really quite happy with it and they were quite happy with the HAVA funding. That came a bunch of times in open ended too like, give us some more HAVA funding, that was good, or the HAVA funding is running out, and I'm really worried, that was another comment that we saw several times. Like I'm really worried how I'm going to afford the next wave because HAVA really helped me in the first wave. So, I think there was a lot of good stuff that came out of HAVA for the wave that we just went through and its now in this new world.

>> Professor Persily.

>> Steve, you mentioned UOCAVA's ballots absentee early voting. Could you give a little more detail on the UOCAVA concerns that the jurisdictions are having, and what one particular, say apart from the generic absentee ballot kinds of issues that they're dealing that the locals are complaining about.

>> So with each of these there was a sense of, oh I have this other system that I have to manage, that I have to manage completely, separately, and differently, and it was as if they had to set up a whole separate election. Whenever they'd isolate one of these, a lot of the concerns and complaints were, this is a real hassle, it is not a lot of ballots and I have to devote a whole staff person to it or this is a hassle, there are a lot of problems handling mail with the absentee and the UOCAVA. There were a lot of problems staffing offices with the early, those seem to be the mail handling, staffing were the two issues that I saw coming up when they expressed their concerns. Certainly something to probe more deeply and be awaited, we've heard a couple of really excellent technology panels at this session, and I think that's one way to think about the role of technology is to help with this reintegration of the system. Where can we go forward.

>> Co-chairman Bauer.

>> Yes, Steve actually concluded with a comment that there is answers a question I thought to ask, which is in this world that you have described where things seemed very fragmented to them, there have been changes in the world and they are being asked again with limited resources to do various things all seemingly simultaneously, some separate from the others. They seemed to believe they have to be separately staffed. The question I was going to ask you was well, in keeping with your view that somehow we have to assist them, they deserve help in pulling everything back together again. It did occur to me the most obvious answer would be enhance the innovative use of technologies. Is there something else, you certainly tease into some of it by saying, well there are better ways to do things and therefore if we have adequate information in sharing around best practices that presumably should help the various election administrative units work together. But, that's also a little bit of the catcher's cash can because of the multiplicity of jurisdictions and information transmission issues, and whether in fact practices wind up being widely adopted, and also whether somebody's actually at best practice, or just a better practice, or as Barry Burden said, just a practice, whereas technology seems to have a much more direct immediate dramatic impact, and a permanent one on their ability to solve somebody's problems. So I'd be curious in your thoughts on that.

>> So I think the greatest strains that we were seeing of these different systems are increasing the lower you go, the less populous the jurisdiction. The bigger jurisdictions are handling these things reasonably well, such as LA County. They've got so much staff that they can figure it out, but if you go down to small town in rural Michigan, handling these three systems is kind of driving them nuts. In that case, technology might further aggravate the situation if we don't think through this, and I think the push for vote centers actually has a little bit of the flavor of we've got to change the system in some fundamental way where we consolidate and capture economies at scale here, because the town level administrations on the states is not capable of capturing it. I think that's where the biggest tension is in these smaller counties and smaller municipalities. One of the things I also saw, I didn't put many of these quotes up, was please don't change any more laws. Please don't do anything. The state shouldn't pass any more laws. I have too many thing to administer. It's gotten so complicated there is so much paperwork, I just don't know if I can handle it anymore. So, keeping it, that's a big caveat. And then you've got the guys who don't have telephones and internet service. So how technology is going to filter down is a big question for those agencies, and I think ultimately there is going to be an enormous pressure to consolidate. That's my guess about where this system is going to go. There is going to be an enormous amount of resistance to that from the very towns and counties, but that's where the pressure is going to come from, and Indiana and Colorado are two examples of the vote centers and how such consolidation happens.

>> If I can just follow up though. Wouldn't the adjustment to the center technology, introduction to technology says that it [inaudible]. Wouldn't that be for the most part more of a short term issue, that is to say as the technology are introduced and election officials have to appreciate how to use it and begin to master it on an

ongoing basis. There will be presumably some disruption but then you would expect benefits over the longer term.

>> So long as you can capture the economies at scale as its local official has to be a technologist. You may not be able to hire someone with sufficient skill to stay in that job for much time, and one of the lessons I put in the slides that I distributed earlier but I didn't show you was, simply in doing the study, we learned something very important. We received two lists from two different sources. Turned out the list had a lot of discrepancies. About 50% of the names were different and I dug a little further, and it turns out they were about three to four years difference, one was older than the other. That suggested to us that there's been about a 50% turnover in election administrators in a three to four year period. So, keeping those - if you get a good technologist in there and they are doing well are they going to stay in that job or are they going to move up the county ladder? So, the administrative concerns that we had about how, from Wendy in particular, about how technology can be really effectively deployed, but really take somebody to dig in and grab the technology by the throat and try to make it behave. It really takes a lot of expertise, and that may be lacking in most of these really local jurisdictions.

>> If I may I have one more follow-up and then a question for Professor Burden. Do we have any data on what's behind the -- sort of how to break down that turnover?

>> No, we'll have data on the extent to which the lists differ and so forth, and what the counties were and the jurisdictions were and we'll take a look at that, and we'll be able to cross that then with what kind of experiences were reported by the counties now. One of the things that did show up repeatedly in some of the questions was, I'm not sure how to answer this question because I've only been on the job for three months, or I'm a new election administrator and I don't know how to answer this question. So it actually creates some incomplete data problems.

>> And Professor Burden, my question for you has to do with your comments about political party recruitment of poll workers. First, well actually, I have one thing I wanted to ask you about. There was a two-year statistic that you had, we have said that 84% of poll worker training includes training in polling place procedures. So then the actual question is, what's in the 16%?

>> I don't know what local officials are thinking when they answered that question. I assume its things like how to open the polling place at the beginning of the day, how to reconcile ballots at the end of the day. What to do with the ballots then in terms of chain of custody, how to sign off when new poll workers arrive. So, it may be if there is specialization in terms of training that if one person is the sticker person, they don't need to know all of those things. So it's possible that's what's going on.

>> Fair enough. The question about political party - do you happen to know whether - and I'm not stating thing is a good thing or a bad thing. It may actually be a complicating factor - whether in the jurisdictions where the political parties play a role in recruiting poll workers, whether the parties are actually conducting their own separate and independent poll worker trainings. Which wouldn't necessarily improve matters, I'm just suggesting -- as I said but I'm just curious to know whether there's an additional layer of training that the parties themselves provide. I believe in some jurisdictions that's true, and I wouldn't suggest that it's an altogether transparent process. I doubt last cycle I would have invited Ben to attend any of our poll worker trainings.

>> I avoid the ones I want to.

>> But he was able to observe them in action, but do you have any information on that?

>> Nothing systematic. I have anecdotes that the parties are being more careful about who they select and preparing them. In some states there are provisions that say local election officials have to consult the parties first for poll workers. If the

parties don't supply them then they can go get their own preferred poll workers. And in many places, the parties were saying we don't want to be involved in this, we don't even know we're allowed to be involved, and so they were in fact not being selected by parties, even though the state law permitted it. But the parties have stepped up in many places, and now I recognize they have the right of first refusal and are sending along names in a way they weren't before.

>> And do we think that that activity is concentrated in what's called ballot ground states so that's where the parties are active and recruited over?

>> In the state I lived in, Wisconsin, it's happening because they feel as though there's more at stake.

>> Thank you.

>> Barry, I'm afraid you're probably not going to say no, but your slides showed that recruiting poll workers is not at least -- well I mean it showed there was a problem and it wasn't a problem, depending which question I guess you were answering. What's your opinion on that? Or do you have one?

>> I think this came up in testimony earlier today, and it shows up in the surveys that David Kimble and his colleagues have done. Recruiting of poll workers is not a problem in rural areas but it is in urban areas. So then part of the reason you see it as number one on the list of both the good and the bad is it really depends on the kind of environment you are in. So these large jurisdictions have the benefit of more staff and more technology and more expertise and more professionalism and less turnover, but they have real difficulty just in getting bodies to show up. So it may be that the solutions that you all want to look at in terms of best practices or recommendations really vary by the size of the jurisdiction. And I hope you're hearing that in other testimony that just the solutions are not going to -- even within a state, with one set of laws and cultures it's not going to be the same set of solutions for all. So it may be the recruitment is really the top issue in a larger urban area in a state than in a smaller community is really having the staff to do the training and evaluation afterwards that's the problem.

>> Okay, thanks.

>> Commissioner Patrick.

>> If I could shift gears just slightly, and my apologies Barry, putting you on a spot here, but earlier this afternoon we had testimony regarding the Eric Project from David Becker and from Shane Hamlin, and they were speaking a lot about kind of the process and some of the efficiencies in list maintenance, but if I'm not mistaken, you've also done some work on some of the other outcomes from the election last year in relation to voter registration turnout, impact on provisional ballot being cast, that sort of thing, and I was wondering if you could maybe share with us some generalities, because I understand that you don't have a presentation or anything in front of you but if you could kind of share with the commission some of the things that you found about the efficiencies of having good list maintenance processes as it turns out on Election Day and some of those outcomes will be appreciated.

>> How much time do we have? So, there are two parts to the Eric Project, I'm involved with evaluating both of those. The first part has already happened, and that's reaching out to eligible voters identified through DMV's through this matching process. With the post cards sent in each of the seven states, about 5 million post cards, and so I have evaluated the effects of those and you'll be seeing that in a report shortly in the coming weeks. But the story is positive that you will see higher numbers of voters registering in Eric states than non-Eric states. You see fewer people reporting problems at the polls or confusion about registration deadlines. That on a variety of metrics, there seems to be a positive impact, and that ought to help with cost and administrative difficulties in those states because they now have smoothed that process. We're still in the midst of the second stage,

which is the list maintenance activities, and so I have only heard snippets from the states about what's happening. The signs are also positive, but we will find out later this fall exactly how that's worked.

>> Barry just to go back to poll workers. We heard today and we've heard earlier that, sort of, as you suggested, the other sort of repositories for recruitment of poll workers then you talked about college students I guess younger poll workers. One other one we've heard about is county employees, teachers in those places which have the in-service days. Are there any sort of--well, the first question is how frequently are county workers used - may be mandated to service poll worker. Is that like a one off type of phenomenon or is that a pretty frequent occurrence?

>> In terms of mandating county or municipal workers, I don't know of a state that requires that. At least in the laws that the EAC has collected data on, then that we have tried to update, I don't see that in the state statute that says, that has to happen. It may be happening informally, there may be pressure from managers in some state agents or county agencies to encourage employees to do that, I don't know that it's required. It is one of the things that comes up in the laundry list of best practices is to ask municipal or county employees to come in and work for the day. Typically younger employees, but I don't know other than that.

>> In terms of what jobs, poll workers -- those who are not retired have, when they are not poll workers is that something anyone studying? No?

>> With that thank you very much Steven Barry, very informative for us. We will now take a short break, probably 10 minutes if we can to reset the room and then we'll begin the public testimony. Thank you.

[Silence]

[Music]

[Silence]

>> Great.

>> Good afternoon and welcome to the public testimony session. We appreciate very much, we've learned at our past hearings from the comments of all of you who want to come before us. There are many of you, so we will ask you to hold your comments to three minutes. We have a handy dandy timing device, there are lights up here that you will see, and when it starts flashing red the three minutes is up and we will be fairly rigorous in enforcing that. For sake of planning, let me read the order in which we'll ask people to come forward. If I leave anybody off, we'll certainly find room for you to testify. But Michael Stinziano, Keith Cunningham, Elaine Herrick, Jim Milliken, Emily Schuler, Matthew Tlachac, Jan Kelly, Camille Wimbish, and then we have a number of people from independent voter who we'd like to come up together if you can consolidate your remarks, we'd certainly approve that. Rick Robol, Mark Redder, Jonathan Lippincott, Sadie Moore Stewart and Mary Rook, Norman Wernet, Bentley Davis, Cody Rizzuto, Karla Herron, Kermit Davis, Danielle Gray, Diana Mairose, Jocelyn Bucaro, Phillip Hascher, Carry Davis, Cheryl Jansen, Cliff Arnebeck, Amy Searcy, Sherry Poland, Mary Siegel, Susan Holzaphel, I may have mispronounced that because I can't quite read the writing, and Lynn Kincaid, and Adele Eisner. So that will be the order we'll go in if you could be aware of that and just be ready so Michael Stinziano if you're here. Off to an auspicious start. Keith Cunningham.

>> Hi, good afternoon. I'll be quick. One of the questions not asked following the 2000 election I believe was, my name is Keith Cunningham, I'm a retired Ohio, recently retired Ohio election official, I'm not going to go into all that and waste time about myself. So, the question I believe not asked following the 2000 election was why were boards of elections using punch cards anyway, it was outdated technology, that it was 80 years old, had been discarded by most people by the '90s. Well the funding for HAVA was greatly appreciated and the equipment was updated, we are kind of back in the same spot we were, where most counties are running outdated

election equipment with 1990 software platforms. So, the first-- and now the money is gone and most jurisdictions are not going to be able to replace this equipment. So the first suggestion I'd like to make today is that the next generation of election equipment is going to require an expenditure of state, federal, and local dollars in Unison in some type of a partnership, and I would propose that we get that formula together sooner than later so counties can begin. We have equipment available; counties need to begin making these purchases. Otherwise we're going to end up in another situation like 2004-2005, where everything just got replaced in mass and it was chaotic. Most boards of elections in my estimation are geared at about 40% to 45% turn out. When we throw another 30% on and run it up to 70%, we begin to stress the system, we have problems. There are additional costs. I believe there should be a system of federal charge backs where a local's charge cost above and beyond the normal operation of an election board back through the state, to the federal government. I think that with something like that in place, local budget authorities are going to be more inclined to fund boards of elections so they're not going to be faced with making decisions about service versus budget. Two minutes isn't a lot of time guys. I would also assert to you that the training that we currently have is too broad and general. We need to develop ideally online training that the states can administer. I'd like to think that the federal government might fund states in these types of projects much like Michigan is doing, Georgia's e-learn, boards of election, officials are dying and starving for information. And I think an investment in this type of knowledge base system, because anybody in higher education knows we no longer need to bring these students to the school, they can take the school to the student. Finally, I think it's time for a -- its time to stabilize the election environments. You've heard here today that it's been chaotic and it has. We've got to quit moving the goal post, constantly changing the laws. We need to get some standards in front us. What is the long line? What is the good voter ID? You tell me what the long line is I can manage to it and meet that goal, but I can't do it if it's a moving target. What is a reasonable identification provision? What is a logical and affordable manageable time for early voting, so on and so forth, thank you.

>> Thank you, we're happy to take any written submission you might have too.

>> Let me emphasize that as [Inaudible], we do have on their website that has for some time the opportunity for extensive remarks to be submitted, and I can assure you the commission reads all of them so that's an opportunity for you to give a sort of short introduction, but if there is more that you want to add we have the mechanism to receive it and we would encourage it. Thank you.

>> Elaine Herrick.

>> Matt, thank you for allowing me to speak today. My name is Eileen Herrick. I serve as a member of the greater date in legal women voters, I'm the military vote coordinator. In January of 2012, I became aware that an important source document used throughout the military to file an absentee ballot request form was wrong and so I began a conversation with the federal voters' assistance office on this issue that continued for nine months until September of 2012 when it was corrected. You see the address, the zip code and the email from the Montgomery County board of elections was wrong. This source document is critical to the process of voting because all sources used this information to process an absentee ballot for the military. It is the source that each base voting officer uses. It is the reference that the military wife uses. It is the document all military members are sent to, to complete their application for an absentee ballot. When this information is wrong, we have to wonder how many requests to for vote were lost and never received. I also ordered forms for voter registration and absentee ballots from the federal voter assistance office, as throughout 2012 I worked with a variety of groups, military moms in Brookville, Ohio, Bluster moms, boys scouts, local churches and they all sent these registration forms and absentee ballot request forms in their care packages. Initially I was able to receive 3,000 to 4,000 at a time, suddenly that stopped. I was told I was not qualified to handle these documents, and would not receive anymore. After many conversations, I was finally deemed qualified and then I was told the printed forms were not necessary. The military could process their request online. Again my request for forms was denied. Finally I was told that the Paperwork Reduction Act had

impacted this, and that I would be restricted to the number of forms I could receive based on the population of my county, and therefore no more than 1,000 forms would be allowed in my county in any month. Not having the forms to mail out in the care packages could have significantly impacted our results. However, the Ohio secretary of state's office had produced a brochure that included not only the standard Form 76, but also answered many questions regarding voting. And because we were able to get that material, we were able to continue with our care package program. I believe we shipped out somewhere between 27,000 and 30,000 requests for absentee ballot request to our military. Towards the end of the cycle, I realized that we had failed to support an entire group of people. Our civilian contractors serving overseas. No one is offering them any assistance and many of them are our former military. So, I'm asking for three things. I'm asking for you to address the federal voting office and ask that the addresses and the emails be reviewed every year to make sure that they are in fact up to date. Am I over?

>> You are. If you could just give us the two other things really quickly.

>> The voter registration forms should not be impacted by paperwork reduction acts. The opportunity to vote should not be restricted. And third, that our overseas civilians -- those companies that are hiring these people, if we could include in their contract their responsibility to get this, the absentee ballot request forms to them, I think that might be helpful, thank you.

>> Thank you very much, Jim Milliken.

>> Thank you, my name is Jim Milliken, I'm currently a regional liaison for secretary stages but prior to that I was a director-- deputy director in Jackson County, Ohio. It has a population of about 33,000 voter registration at the time of the 2012 general election, was about 24,000. So, I'm here today to speak not as a representative with the secretary of state but my experiences as an election official in a rural county in Southeastern Ohio. Normally there are two people working during the year, the director and the deputy director, during the election the funds are available, two more part time people would be added, for about six weeks prior to the election to assist with absentee voting, vote in office and mail out ballots. They will prepare the election equipment for Election Day, conduct poll worker training; answer the numerous public records request and anything else that needs completed to have a successful election. Some counties do contract some of this preparation work, but others, like we did in Jansen County, did everything ourselves to save the county money. While larger counties may contract companies to deliver the voting equipment for Election Day, in some rural counties board members do this. In other words, rural counties do what is necessary and put in the hours needed to make the election successful with the resources evadable and allocated. My concern is unfunded mandates that may arise out of suggestions and the form of laws or future equipment purchases. That being said, I do believe we have the technology evadable to make the voting process more accessible and easier for all people, for instance electronic poll books. I would also like to think before I die that I'll be able to vote online, and I think that would help UOCAVA and military voters and I do believe it would increase voter participation among our younger generation that is growing up with this technology. In closing I thank you and I do wish you the very best in improving the election experience for all voters and all elections, including what is considered off-year elections or being cognizant to the realities of elections in rural America and particularly in rural Ohio, thank you.

>> Emily Schuler.

>> Hello. My name is Emily Schuler and I am a communications major at, and sophomore at the University of Cincinnati. I wanted to thank the presidential commission on election administration for this opportunity to testify. Originally I am from Hilliard, Ohio, but I am a registered to vote on my off-campus address here in Cincinnati. This past November 6th I had the extraordinary opportunity to cast a vote in my first presidential election. I was excited, however leading up to Election Day, I heard horror stories, long lines, ID problems, and being forced to cast a provisional ballot and more and more. Except on Election Day I experienced none of

these problems. My polling place was at a library right off campus very close to me and the lines there were extremely short. I got right through with no problems and voted. In fact, none of my friends who voted at their off-campus polling places had problems, and all had reasons waiting times. I didn't even have to skip class to vote. As well, many of my friends from Columbus who goes to UC were able to take advantage of Secretary John Houston's online voter address change system. This was a quick and easy way for them to change their address to their UC home. So I wanted to thank Secretary Houston for running smooth elections for students and I would encourage the commission to adopt his reforms. Thank you for your time.

>> Thank you, Matthew Tlachac.

>> Thank you co-chairs and to you fellow commissioners - to your fellow commissioners rather for allowing this public testimony time. Like Mr. Lomax, I too am from Clark County, the one in Ohio though, where we don't have the Cesar's Palace, but we are the home of 4-H. I currently serve the Clark County Board of Elections as its director, and with its deputy director and four full time staff members. We serve approximately 87,000 voters, staffing 90 precincts and 63 polling locations with around 400 poll workers being trained each full county election. Absentee voting in Ohio needs some help, and so does provisional voting and I want to touch on those two topics today. Well Ohio legislators in 2006 made, pardon me, lifted the restrictions on absentee voting to no fault or no reason absentee voting. Significant conflict has erupted over the past several years regarding disability and their strong disagreement intentions among the political parties as to what we should do with absentee voting. I can honestly say I am not positive what we should do, but I do think we should listen to one valuable source of information coming from the mouths and the hearts of election officials who deal with this topic day in and day out. Absentee voting needs re-constructions, consistency and re-thinking in Ohio. Election officials worked as a bipartisan team to come up with suggestions that we would bring to the legislatures through our executive director as an association and I hope that they will take these suggestions and implement them into our state law. Since the channel of American politics run through Ohio, it would be difficult for some in the state to stomach the possibilities of introducing same day registration. However it would help the provisional problem that we are faced with each election. I don't think that will happen in Ohio, but I do believe reforms such as online voter registration and using the tools that we talked about today, such as the Eric project and the Kansas State project, would help us to create a more accurate voter role that would in turn help with the amount of provisional votes that we have. If we would simply utilize the time and energy that we use and expend after the election before the election to make our roles as accurate as possible and possibly take our 30 day registration deadline and make it more like 14 days and utilize the federal monies that are going to come as a result of the presidential commission to help states like Ohio introduce electronic poll books, we would be able to stop some of these problems that are occurring from election to election in Ohio. If my dream could come true, I could see some of those realities take place but I do hope that people understand that Ohio is comprised of great election officials who work hard and are dedicated towards the goals of democracy, and I thank the presidential commission here today and election administration for your time.

>> Thank you, Jan Kelly.

>> Good afternoon and welcome to Cincinnati and thank you for being here. My name is Jan Kelly and I'm the new director of Montgomery County Board of Elections. We serve as of this afternoon 372,000 registered voters in our county. One thing that we do that has put us on the front line of technology is that we are a county-wide ePoll book county. What has helped with this is that we don't have long lines. We don't have the bottleneck that you usually have at the table because you could go to any line any time, that's kind of a logo we kind of lifted from MacDonald's and it's worked out tremendously. The poll workers like it, the voters like it, one thing is, I wasn't here for the whole seminar, we have one early vote center in the city of Dayton. Sometimes people will wait up to two and half hours to vote on those days. We move the people mobilize them like Disney does through different floors. I never have heard a complaint from anybody that waited in line at the Board of Elections for two

and half hours. But the complaints have come from areas where people did not have the chance to early vote because there weren't vote centers conveniently located throughout their other counties. So, I think if the commission needs to look at serving not just one constituency, but all of our voters throughout our county and facilitate the early voting process in that manner. So we will need perhaps, certainly we will always need monies to implement these new ideas. Our machines again are about eight and half years old. We are pirating pieces from other pieces of equipment, doing the best we can right now but technology is the key to the future and we try to stay on top of it as much as we can. The statewide voter registration database at the secretary of state has done through Steve which is the deceased roles and the Bureau of Motor Vehicles has been tremendous in helping us clean up our voter rolls and instilling, I think a real sense of pride in our office, as well as voter confidence and that's something we strive for on a daily basis, thank you.

>> Thank you. I'm going to admit the moderator [inaudible] calling up the list. Alicia Reece, please.

>> Good afternoon, I am State Representative Alicia Reece. I want to welcome you to my district in Cincinnati. Thank you for allowing me the opportunity to testify on election administration. I come before you today as a member of the Ohio general assembly representing the 33rd District President Ohio Legislative Black Caucus, national board member of the national action network and a concerned citizen on a crusade to make voting rights permanent in the Ohio constitution and ultimately the Constitution of the United States. Last month I had the distinct honor to serve as one of the keynote speakers at the 50th anniversary of Martin Luther King, where I called for a voter bill of rights to be added to states constitutions around the nation. Although women gained the right to vote in the 1920, and African Americans in 1965, Ohio and many other states have struggled over the years with voter suppression, intimidation, voter disenfranchisement and thousands of uncounted ballots and lawsuits. Commissioner and chairman, there is a great cause for concern, when in Ohio there are almost 50,000 provisional ballots and absentee ballots that have been thrown out and unknown number of votes that have not been counted by machines in November of 2012. In my own district, in Hamilton County alone, 1,900 ballots in 2012 were not counted and then in 2010 it took two years for a judicial race to be decided because of uncounted votes. Ohioans have had to fight for their provisional ballots to be counted. Therefore that's why I'm calling forward today a voter bill of rights to not only be implemented in Ohio, but ultimately to be looked at in our Constitution that would focus on having a constitutional right to vote, identifying what really vote hours we will be able to vote and protect voters from any discriminatory practice like voter ID's. Today I have a longer presentation, but I know we don't have a lot of time but my message to you is please take back to Washington that we need voting rights in our Constitution so that it is not a change by the whim of any political party who happens to be in charge that particular year, thank you.

>> We have five people in the audience from the independent voter movement, and if we could ask you to all come up together, we certainly have heard from your movement at our other hearings, and we appreciate your coming today and if you are all endorsing each other and want to reduce the testimony, that would be great, thank you.

>> My name is Rick Robol. As a member of the electoral forum committee of our national organization independent voting.org, and our state organization, Independent Ohio, I would like to speak to three questions but first I have two overall observations. First, on behalf of the Independence, we would like to thank your staff and you for your public service in addressing barriers to casting ballots such as long voting lines. We independents believe that your country also need your service in addressing barriers to participating in elections and offices. As a second observation, I have been here since early morning, and I have heard from a number of different panels. During the time I've been here, I've heard a lot about political parties and Republicans and Democrats, but I haven't heard a word about the rights of the independents. So who are we? The independent's movement is a civil rights movement of the 21st century. Mr. Chairman, as you have mentioned, you've already heard at various prior hearings about how 40% of Americans self-identify as

independents. In fact, as indicated in exhibit one to my written statement, here in Ohio, nearly 70% of voters are not affiliated with any political party. Present today are independents from the Midwest. We come in all shapes, sizes and colors, all ages, genders and backgrounds, and a rich diversity of viewpoints. But one core tie binds us together. Our belief that our elected officials should be servant leaders to the American people who place loyalty to the people above loyalty to a political party. That meretricious partisanship is tearing our nation apart, and that our nation's founders were in the mark when they aspired to a democratic republic that respects diverse viewpoints. A system that judges ideas not based on the party or politician that proposes them, but on the reason and evidence that support them. As Illustrated in exhibit two, throughout our nation's history, independents have been its conscious. Why are we here? We are here to petition for equal treatment under the law. And Ohio independents are not permitted to vote in primary elections, even though they must pay taxes to support them. There is sometimes benignly called the party primary system, our nation's founders called it taxation without representation. Independents are not permitted to serve on the local boards of elections in Ohio by statute. Compounding this problem, [inaudible] aimed at preventing competitive elections and keeping the two party monopoly of professional politicians in power is ripe in the state of Ohio. You have as exhibit three, my own congressional district which illustrates that. You will hear from other independents the promiscuous effects of these barriers to participation. Final question. What can you do? We ask that your final report recommend that the president permit you to build on your work in the future. Your next task should be to consider and make recommendations on systemic issues that limit participation in the democratic process by addressing barriers to participating in elections and offices. Thank you for your attention.

>> I am the only one from Kentucky in the group so I'll go ahead and speak. Good afternoon ladies and gentlemen of the presidential commission on election administration. My name is Mark Redder; my residence is Frankfurt, Kentucky. I appreciate the opportunity to speak before this commission in support of you chartered, the study, and recommended improvements for election-related issues in our exceptional country. I am one of over 229,018 voters registered as other in Kentucky. Kentucky excludes independent voters like me or anyone registered as a third party to vote in a public funded primary election process. In 2009 I spoke before the Kentucky elections and inner governmental affairs committee in support of the Kentucky house bill 17, and amendment to KRS116.055 qualification for voting in primary elections. I spoke of how this amendment would energize the electoral process and the fairness of access to the voting booth. Unfortunately the bill did not reach the floor of the Kentucky house for a vote. However the pressure to do the right thing was very apparent. The following year, Kentucky senate bill 53 allowing independence to vote in primaries did made it to the senate floor and was passed on February 2nd, 2010 with 25 yea votes and 12 nay. The bill failed in the Kentucky house vote. Why? Fear for change, fear for loss of control, fear that more informed voters will participate in our nation's coveted process to choose our leaders. The reality is, that the two-party control of our electoral system is wrong. Extreme partisan politics is wrong. It does not serve the people and move our nation forward. Our current electoral process only perpetuates this loss of stability among our elected leaders that the congress has become so ineffective; it is unable to produce a federal budget, a most fundamental duty of government. Your charge to improve the electoral system can best be accomplished by allowing access of all registered voters to the primary elections. Our service members have defended this right to vote throughout our history. I have served in Iraq as an officer of the United States Army Reserve. I find it appalling that we continue to restrict access to registered voters, not allowing for the Democrat and Republican parties. My recommendation is the Committee consider access of the independent or none online registered voters to the electoral primary process. We would then be truly exceptional. Thank you.

>> I'm Sadie Stewart, and I'm from Northeast Ohio. Cleveland. I just want to make one statement. You all are here because we have agreed in this country to be governed by the will of the people. And the way that we know the will of the people is through their vote. That's why you all are assembled here, and that's why these people are here. That vote cannot boil down to Democratic and Republican candidates. That vote,

the will of the people, must include people who do not identify themselves with either party. And that's something that, as a Black from Tuskegee, Alabama, that experienced the most extreme case of gerrymandering in order to block people out. We're still blocking people out. So in Ohio, I'm blocked out because I don't affiliate with a particular party. And I know that you know that the will of the people should include and does include all of the people. Thank you.

>> Good afternoon, Chairpersons Bauer and Ginsberg and Commissioners. My name is Jonathan Lippincott and I'm an independent voter from Hamilton County, Ohio. It's an honor for our county to host this commission. I've read your mission statement and, of course, accept that as your focus. Very important issues. But I want to add my voice to those that hope you will also take into consideration the fundamental barriers to full voting participating, faced by millions of independent voters in Ohio and nationally. Yes, independent voters can vote in general elections, but as you know, in close to half the states, independent voters have no voice in selecting the candidates who appear on the general election ballot. Further, we are marginalized by partisan redistricting that, in many districts, predetermines the outcome of the general election. Nationally, according to voter registration statistics cited by USA Today, two-and-a-half million Americans have left the two parties in the past five years. At the same time, the number of independents has grown to all-time highs. And as you may have read in a recent Atlantic Monthly article, the 95 million millennials who are becoming very active are going to accelerate these trends dramatically. Despite these trends, discrimination against full electoral participation by independent voters is prevalent, and this is a voting rights issue. Closed primaries, party-controlled redistricting and party control of electoral machinery are fundamental barriers to independent voters full inclusion and access. Discrimination against independent voters is also a root cause of much of our government gridlock, as the voices of strong partisans are amplified by the electoral process, and those of independents are muffled. It is telling that as the number of independents grows, and party affiliation declines, the partisan divide in Congress is at historic highs, and a trust of the American people in government is at historic lows. This disconnect must be addressed if American democracy is to regain its health. I urge you to include the testimony of independents and the issues they raise in the report that you will produce. Thank you again for the opportunity to speak.

>> Hi. My name is Mary Rook [assumed spelling]. I am a registered voter in Ohio. And I know that I am a part of a sizeable proportion of voters who do care about this country, and are anxious to see candidates who feel the same way. They could care less about party affiliation, but they do care that whoever is elected brings fresh ideas and rigorous transparency to their elected office and to the whole process of entering the political fray. I understand the importance of a smooth electoral process, of making voting procedures credible. But I think it's still neglecting the most vital element of representative government. Open participation by all voters and also involvement by candidates who care about their communities, not just towing a two-party line.

>> Thank you. Tracy Winbush.

>> My name is Camille Wimbish, and I'm with the Ohio Voter Rights Coalition. And we believe that the election administration should be viewed through the eyes of the voter. Our goal should be to make voting as convenient and accessible to all segments of the population. We believe in expansive early voting opportunities that include evenings and weekends, and that is especially true for the last weekend before the election. In Ohio, during the last three days of early voting, we had early voting wait times in large counties between one and four hours, whereas small counties had wait times of much shorter time. So the idea is that we need to be looking to ensure uniformity of access to the ballot for all voters, regardless of where they live. We also need better data to ensure accountability of election officials, and to make sure that we're remedying problems. We need to require counties to have data submitted that talk about the wait times that have election complaint tracking and resolution of the problems. And we also need data knowing on who is voting proficiently and why. We would like to see online voting registration to include not just BMV records, but also to include the Department of Job and Family Services.

About ten percent of Ohioans do not have a drivers license, and we already have the Social Security numbers of people and the data sharing ability with Job and Family Services to be able to get these people registered using those services. So we should be allowing low-income citizens to be able to use the benefits of online voter registration, just as we do for people with licenses. And finally, I'd encourage you to consult the report of Norman Robbins from the Northeast Ohio Voter Advocates. He's already submitted the written testimony, which will show the alarming drop in rates of registrations from the Department of Job and Family Services in Ohio and around the country. And we thank you for your time today.

>> Thank you very much. The real Tracy Winbush. [Laughter]

>> Good afternoon. I'm honored to have this opportunity to speak to the Commission, and it's an honor to yield my voice to such an important process. As I sit here and listen to testimony and as I went through my time to collect my thoughts driving down and to write up my testimony, it still stands the same. Our democracy is built upon education and knowledge and access. And as long as we politicize, under educate, don't inform, we will have what we have. If we really want systemic change, we're going to have to get to the root of the problem. I sit on the Mahoney County Board of Elections, and I'm there because I care and I love this country, as most of us in this room. I want to say early voting here in Ohio is 35 days. During the 2012 election, Secretary Husted, he sent out absentee ballot requests by mail to every registered voter in the state. They came to their house. If you filled it out with your name, your address, your date of birth and some type of form of ID. Your last four of your social. Letting people know that you were there. You did not have to have a photo ID. And if you mailed it back to the Board of Elections, it came to your house. I did that. I went to the Board of Elections to cast my vote, and I walked by hundreds of people standing in line, who received the same form in the mail that I did, that chose not to do it. That's a problem. Is it my fault because the Board of Elections didn't let everyone know that all they had to do was fill it out? Even if they wanted to drop it off, it would have been simple. But something's wrong here, because I walked past hundreds of people in line to get to the [inaudible]. Hand them my ballot. Turn around, and walked out. Because it came to my house, just like my bills, just like everything else. I ask that we use some common sense. You know, we have Amish community here. They don't take frontal photos. I understand that, and we shouldn't step on their religious beliefs to make them have a photo ID. But they should prove who they are by saying, "This is where I live, and this is who I am." But we should not politicize this, because the more we politicize it, the more we leave people like the independent voters and other people on the sidelines. This is about America, and this is about the future. We are a democracy, and we're great. And until we start acting like it, and quit acting like we're kids in a playground, playing, we lose. So I hope you will accept my testimony, and please take it into consideration. We just need to have a good, open honest conversation with education across the board, and just make the right decisions, no matter who we are. Because at the end of the day, when tragedy happens here, across our nation, we are still Americans. And there's no party. There's no race. There's no gender. There's no nothing. It's just us. Thank you.

>> Thank you. Norman Wernet.

>> Good afternoon, ladies and gentlemen. My name is Norman Wernet, and I represent the Ohio Alliance for Retired Americans. Bentley Davis is our state director. We have about 250,000 members, and through our affiliates, we represent about 450,000 retirees and older Americans. We take very seriously the right of the franchise. Many of us actually fought for the right to vote. Some of our members actually were women who enjoyed the first time of a right to vote in this country. You've heard a lot of testimony about Ohio's notorious long lines and issues in our procedure. Many of those barriers actually are issues for older Ohioans who attempt to vote. Things like moving precinct lines, not being able to know which precinct you were in. It took a federal court, actually, to order the Secretary of State and the Boards of Elections to properly direct people to the proper precinct, so they could choose to exercise the right of the franchise. The Ohio Alliance for Retired Americans thinks that you and others can help us develop a new metric and standards, so that we can discourage

these barriers and change the way the voting procedures occur in various states and here in the state of Ohio. Just one incident that might be enlightening. One of our members was [inaudible] for not counting for vote. She took advantage of vote by mail, put her mail in the ballot, and got a postcard back a couple of days before the election. She was ordered to cure her ballot because she did not fully lick the inside of the envelope interiorly. She had tacked it down, like most of us would, just tacking the inside envelope. But they would not touch her ballot and would not count her ballot until the entire ballot was sealed. We think that that's a barrier that could easily be removed by boards of elections. Older Americans understand very well the right of the franchise and why it's very important we take seriously those issues that confront us and the candidates that confront us in those elections. We ask that the barriers be removed and that you help us in this process. Thank you.

>> Thank you. Cody Rizzuto.

>> Commissioners, my name is Cody Rizzuto, and I am a junior at the University of Cincinnati, studying marketing with a minor in political science. I wanted to thank you for coming here today to take testimony on ways to improve our election system. I've always taken an active interest in politics, from the time I grew in Madeira, Ohio, which is not too far from here. I had the great opportunity of going home and voting easily and efficiently at my local polling place in Madeira. However, I wanted to talk to you today about what I saw on campus as a student. Throughout the 2012 election, we heard accusations of voter suppression, that students were being disenfranchised. But this is absolutely not what I observed. Early on in the fall, I received, along with every student, an absentee ballot request from Secretary of State Jon Husted's office. This gave every single student the opportunity to request an absentee ballot without having to worry about missing class on Election Day to vote, or worry about reregistering to vote in Hamilton County, if they were from another county. I can't even tell you the amount of my friends who took advantage of this great service that Secretary Husted provided students. I would request the Commission to take any allegations of voter suppression of students with caution because, in my opinion, because of Secretary Husted, every student had ample opportunity to vote, and I would encourage him to continue sending absentee ballot request forms to students. Thank you.

>> Thank you. Karla Herron.

>> Commissioners, good afternoon. I would like to leave you my written testimony, if that's okay, and I'll just hit the highlights for the time that's allowed. My name is Karla Herron, and I am the Director of Delaware County Board of Elections, here in Ohio, and also the President of our Ohio Association of Election Officials. So I thought my perspective would hopefully add valuable insight to the job that you've undertaken. Some of the highlights. I really wanted to hit four points. And one is new voting equipment, which I'm going to pass, because I think you've heard a lot about that. And also, media scrutiny. Of course, I'm from a battleground state, so need I say more? It's been pretty tough on us, the media. What I would like to talk about a little bit is legislation, legal, legislative and administration changes, which is a challenge for us. The veterans of election administration will tell you that for many years, our jobs were fairly routine and static. Roles were straightforward. They were easy to understand. All the parties in the election system were familiar with them. And right now, it's just really the exact opposite. Probably a good way to put it is the only thing that's constant is change. You know, with losses came directives. With directives came legislation. And the cycle continue over and over. So that's one thing I'd like for you to consider when you're, you know, looking at changes and how that would affect us. I believe that both political parties seek to gain an advantage by manipulating the election system, which we have to deal with at a local level. I noticed that one of our representatives were here today, and it makes me sad that at the State House, they look at the way we handle provisionals. And her comment was so many of them didn't count. I can tell you, from a Board of Elections standpoint, most of ours just weren't registered in the state of Ohio. So I just hope there's different perspective, and I hope you'll just look at them, you know, more simply. And speaking of looking at things simple, you know, one thing to look at when we talk about lines and algorithms and all the things that

could be throw into it. One thing in Ohio, we have four poll workers for each of the precincts, and we have a cap on how many can be in each line when they walk through the door. It's almost impossible to have four to five hours wait time. So if you could, I mean, I know that there's all kinds of fancy things, but I hope you just look at it simply. Do simple math, and I think that's one thing that would be helpful. And I guess with that, like I said, I have quite a bit to say, but I'll leave that with you. And I just hope that you take the time to read through it. Thank you very much.

>> Thank you. Kermit Davis.

>> Good afternoon. I am Kermit Davis, the Secretary Treasurer of Human Factors and Ergonomic Society and Associate Professor at the University of Cincinnati. I am here today to explain the value of human factors to improving the voter experience. The field of human factors in ergonomics works to develop safe, effective and practical human use of technology, known as human systems integration. Human factors research can help improve easibility [assumed spelling], accessibility in the voting system by contributing to greater understanding of how the devices we use, such as voting machines and the environment in which we interact, such as polling place, interact to affect human decision-making. Application of human factors and development of new systems and processes will enable and enhance voting experience, one that can ensure access for all Americans seeking to cast their vote. This is not a new challenge for the scientific community. Researchers have been addressing voting technology, accessibility and usability issues for decades. Work at the National Institute of Standards in Technology has highlighted the importance of clear ballot instructions, developing a style guide for systems documentation, created guidelines for writing clear instructions for voters and poll workers, and propose human performance metrics for voting equipment. Applying these human factors and usability considerations to design to promote human understanding of voting technology, as well as how do you use voting materials and technology more easily and comfortably, making the process more effective. Some work has previously been to translate human factors research findings into voting practices. In 2003, the Institute of Electrical Electronics Engineers developed a standard for the equipment used by voters and precinct workers. Despite these advances, though, more work is needed to ensure that the voters are able to reliably cast their vote for the intended candidate in a reasonable amount of time in a manner that does not lead to stress or confusion. Therefore, human factors in ergonomic society urges the Commission to consider the following principles. Research findings from human factors, including system integration, must be considered when setting standards and guidelines for improving voter experience, especially with respect to usability and accessibility. Research findings suggest that designs that are helpful for older workers or older voters and voters with disabilities are also useful to younger and more able-bodied voters. Human factors research findings must consider all relevant points of voting process. This includes design and layout of voting machines at the polling place. The design of the voting technology themselves. The design of the ballots, and the role of the poll workers. Human factors must be considered with respect to management and poll workers, processes, materials and technologies. Although the proper training is important, effective design and implementation of technologies seen in systems increase efficiency, usability and ultimately reduces long lines and confusion. Thank you for this opportunity to express these views on behalf of the Human Factors and Ergonomic Society. We are happy to serve as a resource for further research and data. Thank you again.

>> Thank you. Danielle Gray.

>> Hello, I'm Danielle Gray from Disability Rights Ohio. Disability Rights Ohio is the system designated by Ohio's governor under federal and state law to protect and advocate for the rights of people with disabilities in the state of Ohio. Our mission is to advocate for the human, civil and legal rights of people with disabilities in Ohio. We are committed to ensuring that all people have access to the election process, without regard to any physical or mental disabilities that they may have. The right to vote is one of the most important ways an individual can participate in society and government. In an effort to ensure that individuals with disabilities have access to the electoral process, Disability Rights Ohio educates and informs

individuals, local boards of elections and policymakers about the voting rights of people with disabilities, investigates complaints about polling place accessibilities and other barriers, and represents individuals with disabilities when seeking to participate in the electoral process. We also operate a toll-free hotline on Election Day that allows voters to bring denial of access to polling places or equal opportunity to cast a ballot issues to our attention. Based on our experience of representing individual clients and monitoring these issues from a policy perspective, Disability Rights Ohio offers the following as best practices to the Commission. First, we recommend that the state and local election boards establish and maintain open lines of communication with the Protection and Advocacy or PNA system in their state at all times, but particularly on Election Day and in the weeks and months before. Issues affecting voters with disabilities can arise quickly and unexpectedly, and resolution of these issues must occur promptly so that no one is unlawfully disenfranchised. I have enclosed a report with my written testimony, detailing important issues, which we observed during the November 2012 election. One issue required the filing of a lawsuit in federal court. Even as the matter could have been resolved informally, if there had been better communication with election officials. PNA organizations are often the best equipped to help educate elections officials about compliance with the Americans with Disabilities Act and Help America Vote Act. And to provide recommendations on how to make the elections process more accessible for voters with disabilities. Second, we recommend the operation of toll-free hotlines dedicated to voting rights called, staffed by trained professionals on Election Day. We recommend that advocacy organizations be prepared to address and/or investigate voting rights questions throughout the election season. I've also enclosed a report that we have our hotline in 2012 in my written testimony. Finally, we recommend that all information about elections be provided on accessible Websites. As more individuals use Websites to perform functions related to voting, it's becoming more and more important that these Websites be accessible to all voters. Disability Rights Ohio appreciates the opportunity to share these recommendations with the Commission, and we respectfully request that the Commission take into consideration the disability community suggestions as you craft your report. Thank you.

>> Thank you. Diana Mairose.

>> Hello. My name is Diana Mairose from Cincinnati, Ohio. I work at the Hamilton County Development Disabilities Services as an advocate for people with disabilities. I have been a faithful voter since the year 2000. For the 2012 election, I worked with the National Self Advocacy Organization for people with developmental disabilities, self-advocates for [inaudible] to interview people with disabilities about the voting experience. What we learned from voters was that having a disability is not a problem in voting. It's having accessible equipment, accessible locations and the respect to do so. Best practices for voters with a disability should be the same as any other voter in the country. [Inaudible] accessible equipment. It would become universal equipment. All voters across the United States would use the same type of equipment that every voter in the country would use at the voting precinct. Why? Poll workers would be able to easily support voters because only one type of equipment would be used. Right now, many of the poll workers do not know how to use accessible equipment. Voters who require accessible equipment would not have to be singled out and taken to a special area to use a piece of equipment that even most poll workers do not know how to use. Most universal [inaudible] in housing, workplaces, et cetera, have benefited people both with and without disabilities. Therefore, the best practice I recommend is to use the prime three voting system developed by Hamson [phonetic] University. I have used this system and I love it. It is easier to read and understand. Secondly, the accessible voter locations scattered all over the country, but there are just not enough of them. Here in Hamilton County, we have worked closely with Amy Searcy, Director of the Hamilton County Board of Elections, to make sure voting locations meet the Department of Justice regulations for accessibility. When a voting location is identified, it must be an accessibility [inaudible] outlined by the Department of Justice. Assistant locations should be bought up to meet these standards as stated in the Help America Vote Act. Type of equipment. I'm sorry. In my opinion, if a location is not 100 percent accessible and in the process of improvement, voters should be told where the accessible entrance

locations might be, parking, et cetera, when they arrive at the voting location. Therefore, the best practice I recommend is have a worker outside the location who can direct and assist voters who require additional and/or different supports, to make sure their experience is a positive one. These workers would be paid and work three to four hour shifts, and at the poll will also work the entire day. Most poll workers respect and care about the voting experiences of all voters, but there are some who are not comfortable, thus seem disrespectful to the voter when assisting a voter with a disability to vote. Poll worker training must be reviewed to ensure that all poll workers receive at least one hour of training on how to effectively work with voters who have a disability. The training should be done by people with disabilities in [inaudible] role-playing and hands-on use of the accessible equipment. Therefore, the best practice I recommend is that every precinct has an assigned poll worker to assist people using accessible equipment. This would not be needed if the same type of equipment is used by everyone, thus being a more effective use of funding. [Inaudible] why make voting different for different people? Why not make voting the same for every citizen? In this way, we can answer my opinion statement. Having a disability is not the problem with voting. It is having accessible equipment, accessible location and the respect to do so. Thank you for your time and for giving me the opportunity to speak to you today.

>> Thank you for that very helpful testimony. Jocelyn Bucaro and Lynn Edward Kinkaid.

>> Good afternoon. Welcome to Southwest Ohio, and thank you for this opportunity to provide public testimony. My name is Jocelyn Bucaro and I serve as the Deputy Director of the Butler County Board of Elections. Butler County is the neighboring county to the north of Hamilton County. Like the state of Ohio, Butler is home to a mixture of older industrial cities, like Hamilton and Middletown, fast-growing suburbs, and rural towns and villages. We're also home to Miami University of Oxford, and our representative in Congress is the House Speaker John Boehner, whose home is in Butler County. In the 2012 presidential election, we had over 241,000 registered voters, of whom 71 percent or 171,000 voted. We had 299 precincts voting in 101 polling locations, staffed with more than 1300 precinct election officials. We share with our colleagues across the state and country a deep pride and humility about the work we do as election officials. We hold ourselves to the highest standard of professionalism and integrity, recognizing that we are the front lines of democracy. To that end, we're constantly seeking ways to improve election administration and define ways to make it easier for our voters to vote. More likely, their votes will be counted and to run our elections in the most efficient manner possible. 2012 was a year of great scrutiny, and at times, uncertainty and change for election administrators in the state of Ohio. Intense media scrutiny, coupled by court decisions and last-minute changes kept us all on our toes, right up to Election Day. But we worked through it, serving our voters first and foremost. In recognition of the important issues and concerns you all hope to address through your work, I wanted to share an observation or a couple of observations with you about our front line experiences and how we hope to be able to make elections better for voters. Ohio's provisional voting laws have been the subject of national scrutiny and litigation in state and federal courts since the 2004 presidential election. In practice, provisional voting or second chance voting in Ohio works for the vast majority of voters. But for the minority of voters whose votes are rejected due to voter or poll worker errors, there are clearly problems that we would like to address. Provisional ballots under Ohio law are rejected for several reasons, three of whom include if the voter's not registered to vote in Ohio, didn't provide a permissible form of identification, or already cast a ballot in the election. Their ballot would be rejected, and no one disputes that any of those ballots should be rejected. However, voters also have their provisional ballots rejected if they're cast in the wrong polling place or did not complete the form properly. And those are the ballots that we find most concerning, because they're often due to errors either on the part of the voter or precinct election officials. In Butler County, we had 6800 provisional ballots cast in 2012. That was down from 7800 cast in 2008. The decrease, we believe, was due in large part to the decrease in the number of wrong precinct provisional ballots cast. In 2008, we had 403 of those ballots rejected. In 2012, we had 135. I see my time is up, and I'd like to ask that the testimony that I submitted to the Commission be entered into the record. And thank you so much for your time.

>> We'd be happy to do that, thank you. Phillip Hascher.

>> Good afternoon, and thank you for having me here to speak and share a story with you. As you just said, my name is Lieutenant Hascher from the U.S. Army Reserves, and I just returned from a nine-month stint in Kuwait this March. As many of you may already know, Kuwait is probably one of the better locations to be deployed, in that there's plenty of infrastructure, well-established means of communication. And there's a very low threat level. However, during the 2012 election season, it was an additional duty of mine, as the Unit Commander, to ensure that my soldiers had the ability to cast their ballots for their elected officials back home. While the military tries to convey the importance of voting, it is neither easy to do, nor is it an efficient system that we currently operate on. The Army utilizes additional duty appointment assigned to leaders throughout the region, region being where you're operating in, to ensure that our soldiers are aware of the process of how to cast their ballots. Unfortunately, these additional duties only last for a three to four month period and are not that soldier's primary duty. And in fact, many times, it's one of their eighth or ninth additional duties, so it often gets pushed to the wayside. I'm certainly not here to place blame on anyone that I worked with overseas. In fact, I worked with many outstanding soldiers. I'd like to tell you that that these duties get placed in hands that are of people who are extremely busy. My point is is that voting is said to be very important, but continues to be very difficult, even in a place where the military has spent the last 11 years. However, in all our struggles to receive our ballots in time to be counted, there was a saving grace after I contacted the Secretary of State's office in Ohio. Not only did I hear directed from Jon Husted, but also members of his staff reached out to me and my family to see what they could do to ensure all of my soldiers received their ballots. We only saw a part of what they did, and I'm sure there were dozens of phone calls made to local districts, including my own, to inform them that we needed help overseas. We were able to cast our ballots specifically because of the work done by Jon Husted's office, his team and their dedication to serve the people of Ohio. As a member of the military, it is especially heart-warming to know that the people we elected truly care about the military's ability to exercise their right to vote. I have continued to work with the Secretary of State's office in the future. I'm sorry. Continue to work with the Secretary of State's office in ways to improve the system and look forward to working with them in the future. If you'll honor that they have included me in that opportunity. Thanks for all your time today, and I appreciate the opportunity to speak with you.

>> Thank you. Carrie Davis.

>> Good afternoon. Thank you very much for the opportunity to speak with you today. My name is Carrie Davis. I am the Executive Director for the League of Women Voters of Ohio. And prior to that, I was voting rights litigator in Ohio, which certainly keeps you busy in this state. I will, in the interest of time, direct you to written testimony that includes really a discussion of our lessons learned. Certainly, Ohio has had its election challenges over the years, many of which have been well documented because, as prior speakers have mentioned, as a battleground state, we're constantly under the microscope. And anytime you look at something closely, you see the flaws in clear detail. We won't doubt we certainly have had those challenges over the years, but we've also learned several lessons from those challenges of what works and what doesn't. And my written testimony goes into this in constantly more detail than I can in three minutes. One of those is something that doesn't work that a couple of prior speakers mentioned, and that is the rapid-fire change of rules. This was especially problematic in 2011 and 2012, where we like to joke that if you didn't like the voting rules, wait five minutes, and they'll change again. Because that's how it was. And that was difficult all around. It was difficult for election administrators, for poll workers to stay up to speed. For voters. For voter advocates. That's a challenge. Having clear rules that stay the same, at least through that election cycle, makes a huge difference. All the data shows that it takes voters and poll workers about two years to adapt to changes, so we want to make sure that we have that time in place so that everybody can be educated and comfortable about the process. Also, looking at the different issue areas that this

commission is charged with addressing, one possible solution we'd like to direct you towards is something that came out of the mess we had in the 2004 elections. The Ohio League, along with a number of voters, filed suit against the state, alleging a range of problems, from long lines to not having enough poll workers, to not having enough voting machines. Lots of problems that came down to planning. Through the course of this litigation, it eventually settled. And the settlement agreement, which is in the written materials I'll give you, requires all the county board of elections to draft a written election administration plan that has details and makes them think out and plan how they're going to account for all those what-if situations. What if there's a flood? Where if there's a power outage? What if a poll worker doesn't show up? What if we have long lines? A whole range of problems. And this way, they have a document to turn to. And we'll tell you, in doing our review of these EAPs, as we call them, initially, they left some room for improvement. [Inaudible] a lot. Over the years, they have improved. One thing that helped last year, there was a directive issued by the Secretary's office that had a list of guidelines, and that's included in your materials too. It's basically a template of fill-in-the-blanks, and that helped improve considerably the quality of these plans, the preparation, the planning. And I see my time is out, but I'd be happy to speak with any of you more about that. And you'll have the written testimony as well with more details. Thank you.

>> Thank you. Cheryl Jansen.

>> Good afternoon, members of the Commission, and thank you for this opportunity to be before you today. My name is Cheryl Jansen. I'm with Equip for Equality. We are the organization that is designated by the governor to implement the federally mandated protection and advocacy system for people with disabilities in Illinois. Historically, people with disabilities have been underrepresented at the polls. And I regret to say that based upon statistics from the 2012 election, that that disparity continues to exist. And that's even with the passage of HAVA in 2002 and many advances in state law that make registration and voting easier as a general matter. When the 2008 election was held, only one-third of polling places were barrier-free. That is unacceptable. I'm not aware of any national data that is more recent than that, but I can tell you that, based upon our own experience in terms of doing polling place accessibility surveys and conducting consumer surveys, as well as conducting an Election Day helpline, that there's no question that physical access continues to be a problem for people with disabilities at the polls. As was alluded to during the course of this hearing, that's true, even though many of the problems could be remedied by very simple measures at very low or no cost. You know, providing a parking area that has clear signage exhibiting the international symbol for disability access. Or positioning the machine in such a way that there's unimpeded access and privacy. Those physical barriers not only for fort voting by people with disabilities, but they also send a very strong message that people with disabilities aren't equal or welcome participants in the electoral process. One of the second major barriers, I think this is really key, is inadequate election authority and/or election judge training. We have had voter with disabilities tell us that the so-called accessible machine doesn't work, might not be plugged in. that election judges don't know how to start or operate the machine. That it's not positioned in a way that's easily accessed or provides privacy. We've heard about voters who have been asked to wait for half an hour while an election judge tries to troubleshoot the machine or get a technician. And in some cases, people are asked to go home and come back later, in the hopes that the machine will then be working. We've encountered election judges who failed to display or offer aid, such as magnifying glasses to voters with visual disabilities. Who challenge the right or competence of individuals with disabilities to vote. And who question the right of a voter with a disability to be assisted by a person of his or her choice. All of these factors contribute to lower levels of participation and a less satisfying voter experience. And all of them point to the need for an improvement in the quality and content of election judge training. My final point, a very commonly cited reason for people with disabilities not voting is a lack of transportation to the polls. Although absentee voting is now an option for all qualified voters in Illinois, many find it a poor substitute for engaging in the voting process along with their fellow citizens. The community voter, as it was alluded to yesterday. While early voting provides people with some flexibility as to when they vote, it still requires transportation. And the lack of

accessible transportation that's affordable and reliable is not an issue addressed by HAVA or state law. However, for voters with disabilities, to become full and equal participants in the electoral process, it really is a problem that needs to be recognized and addressed.

>> Thank you. If you could summarize.

>> Yes. And so, in closing, I would just say that as you move forward to develop your recommendations and issue your final report to President Obama, we hope that you will give these continuing barriers for people with disabilities your careful consideration. Thank you.

>> Thank you. Ngozi Ndulue.

>> Good afternoon, and thank you for allowing me to speak before the Commission. My name is Ngozi Ndulue, and I am the Race and Justice Project Director at the Ohio Justice and Policy Center. I'm coming before the Commission today to talk about another set of barriers, and that's barriers to voting for people in jail. My particular interest in this matter is, as Race and Justice Project Director, I recognize that any barriers to voting in jail fall more heavily on minority populations, in particular the African-American population, because of the disproportionate number of African-American people who are arrested and incarcerated. For example, in Hamilton County, African-Americans make up only 25 percent of the total population. And they made this up in 2010, but they comprise 49.6 of the persons arrested in the county. On an average day in Ohio, over 700 people are arrested and 20,000 are jailed. The vast majority of these individuals are pre-trial detainees, as well as persons serving misdemeanor sentences. Technically, Ohio law only strips voting rights from those who are incarcerated for felonies or for violation of felony community control probation. However, in practice, there are a number of barriers to voting for individuals who are jailed on Election Day. I think three areas of barriers I'd like to address. Two are about education. One is about equity. The first area of education is educating the people that are in the best position to facilitate voters for those in jail, and that's jail administrators and local boards of elections. When we became aware of some of the issues with voting from jail, when we became aware of that at the Ohio Justice and Policy Center, we sent out some public records requests to various boards of elections. And some boards of elections had a great understanding of the rights of jailed inmates to vote. However, not everybody had that same knowledge, and even one board of elections said, "Well, people in jail can't vote." You know, [laughter] so clearly they're not doing anything to facilitate voting for people in jail. Now, educating those on the board of elections and educating those who are administering jails and can actually facilitate voting is important, but we also need to be reaching out to the people who are in jail with education campaigns. Many people that we have talked to thought that they couldn't vote because they were in jail and didn't realize the very limited number of people in Ohio who are unable to vote because of a conviction. A third point is about equity. Our organization represents a number of community organizations interested in the criminal justice system and voting, and we filed suit because of some issues of inequity for jailed voters. In particular, for people who find themselves unable to vote for other unforeseen circumstances. Being hospitalized for an emergency. They're able to vote up till 3:00 pm on Election Day. However, for people who find themselves in jail at the same time, there is no practical way, even though, technically, they have the right to vote. And we ask that the Commission consider these issues in making sure that all people have the ability to exercise the right to vote, as they should. Thank you.

>> Thank you. Cliff Arnebeck.

>> Thank you. I'm here on behalf of Election Protection Action. I have an extensive background as an election lawyer. I served as counsel to the Ohio Senate Republican Campaign Committee during Paul Gillmor's tenure as the Senate Republican leader here in Ohio. I served as counsel for the legal committee of the Coalition to End the Permanent Congress, which is a bipartisan group, which sued the Congress successfully in the D.C. Circuit Court of Appeals. I filed the challenge to the 2004

presidential election before the Ohio Supreme Court. I was asked, at the time we filed it, "How does it feel to do what you just did?" I said I felt honored to be in the company of Reverend Jesse Jackson, the man who had walked with Martin Luther King. Reverend Jackson said, "If Martin Luther King were alive today, he would be here." I continued to litigate the election of 2004, in an attempt to do so before the federal court. Then we subsequently filed a separate action in federal court, where we were successful in getting the ballots to be retained by the 22-month mandatory retention period. And we were successful in getting a full accounting of all of the ballots that had been illegally destroyed in violation of the retention period and the court order. I have recently represented the Tea Party, one faction of the Tea Party litigating against another. The President of the United States drew a red line in regard to our election process in the State of the Union Address. It was in regard to the disgrace of an African-American elderly woman having to wait in line for a very long time. You seem to be addressing this problem as a problem of poor administration. I'd like to suggest the possibility that voter suppression and vote switching is not a problem of poor administration, but rather the function of a highly sophisticated, well-organized, institutionalized part of our American election process. I urge that you have one more public meeting, perhaps in Chattanooga, Tennessee, where much of this activity has been coordinated. And ask Jill Simpson to appear before you as an expert and address the subject of intentional vote switching and vote suppression. The Election Protection Action Corporation began out of a series of three serendipitous events on June 20th of 2012. The three events--

>> I'm afraid we're going to have to ask you to summarize, but we're happy to take any written testimony that you have.

>> Well, there was a letter to Bob Bauer, sent to Karl Rove. There was a campaign, a march on the American crossroads. And Karl Rove interpreted this as a coordinated attack upon him. Jill then got involved in this and she affected the 2012 election. She--

>> We look forward to reading how. Thank you.

>> All right. Thank you. We now have, I believe, four people who would like to give a joint presentation. Amy Searcy, Sherry Poland, Mary Siegel [assumed spelling], Susan Holzaphel. Or maybe two.

>> [Laughter] Good afternoon, and Commissioners, thank you for your service. My name is Amy Searcy, I'm the Director of the Hamilton County, Ohio Board of Elections. Welcome to Cincinnati, and welcome to Hamilton County. We are the third largest county in the state of Ohio, and we currently serve 551,000 registered voters. In the 2012 presidential election, we saw a 75 percent voter turnout, with 422,000 ballots cast. This committee has a strong interest in seeing improved accessibility to the ballot for voters. We share that interest with you. In the summer of 2012, the Hamilton County Board of Elections spent approximately 75,000 dollars in ADA improvements to our polling locations. And as we speak here today, the lobby in our building, just a few blocks down the road here, is being remodeled to accommodate a wheelchair lift. All of this work has been done with one goal in mind. Better accessibility for everyone in Hamilton County to the Board of Elections to conduct their business with us, and better access to the polling locations. As you know, Ohio conducts absentee voting for 35 days for Election Day. In Hamilton County, we had 113,000 absentee voters in the 2012 election, with 24,000 of those voters voting their ballots in person at our BOARD OF ELECTIONS office. The remaining 96,364 chose to conduct their absentee voting by mail. There was a total of 170 hours of absentee in-person early voting in the November 2012 election. We are the first county in Ohio, if I can brag for just one second, to install a voter drop box on the exterior wall of our building. Voters can deposit seven days a week, 24 hours a day, their voter registration forms, their absentee ballot applications, and even their voted absentee ballots into our drop box. The interior receptacle for that drop box is an interior double-locked room. Again, we continually seek options for increased accessibility for all voters in Hamilton County. We continually review our processes and constantly evaluate all of our procedures following each election, trying to constantly strive to do better. However, as all of you understand here too well, the

economic downturn of the last few years has resulted in the need to do more with less, and we've done exactly that. Boards of Elections need to continue to do even more, and sometimes that more is at least last-minute alterations to our processes, which are a strain on our budget. These last-minute alterations are often the result of the need to accommodate a court order. In administering elections, we have found that the road to Election Day isn't always a straight nor a smooth path. Think of a board of elections in a large county as a train that's been proceeding steadily on its track, slowly gaining momentum and speed as it reaches Election Day. And then, sometimes a week or two before the Election Day, and sometimes even in the 11th hour, our track has been detoured, even if slightly, which results in us conducting special accommodations to our processes. These are our "workarounds" that provide us with challenges. Staff must develop plans and procedures to satisfy the requirements of these impactful decisions. But, by always remembering to follow Ohio law and look to our Secretary of State for his uniform guidance and direction, we continue to administer fair, open, efficient and secure elections for Hamilton County voters. This is good for Hamilton County. This is good for Ohio. And thank you for allowing me to address you here today.

>> Thank you.

>> Good afternoon. My name is Sherry Poland, and I serve as the operations administrator for the Hamilton County, Ohio Board of Elections. During my tenure, I have administered over 35 elections, including three presidential elections. I thank you for the opportunity to speak a little about the practical side of administering elections. Prior to Election Day, we must secure 392 ADA compliant polling locations to house 545 precincts. We recruit and train over 3,000 poll workers, test and prepare over 2,000 pieces of voting equipment. Create and print over 600,000 ballots, with hundreds of different ballot styles. Manage a voter registration database with 550,000 registered voters. In the 2012 president election, Hamilton County alone managed over one million pieces of paper, for one election. Bipartisan teams worked together to conduct all of these processes with a common goal. To conduct fair, secure and efficient elections. These processes are also conducted under very strict time constraints. As you all are well aware, there's no delaying Election Day. That then brings us to the height of the election cycle, Election Day. Election officials spend the day ensuring voters have access to the ballot, providing support and guidance to poll workers, and finally, counting the ballots and reporting the results. But the election does not end on Election Day. Boards now must retrieve and inspect the election equipment and supplies. Reconcile ballots cast. Record voter credit. And verify the validity of provisional ballots, the safety net for voters. I was going to take this opportunity to walk you through that complicated process of verifying, but due to time constraints, I'll just summarize that it is a complicated process, and it has become more complicated through court involvement and 11th hour litigation. I would just like to reiterate the statements of my fellow elections officials. It's very difficult to hit a moving target. We need uniform, consistent and common sense rules. I believe if we do that, it will lead to an improved voting process for all. Thank you.

>> Thank you.

>> Hello. My name is Mary Siegel, and I'm one of the founders and leaders of Ohio Voter Integrity Project. We are a non-partisan, non-profit group of voters who care about elections. Our organization has researched Ohio voter rolls and have presented over 1,000 voter challenges statewide. These voters were challenges based on fraudulent voter registrations and absentee ballots. Fraud voters registered at fictitious addresses or vacant lots. People voting in the wrong county, in the wrong state. And voters registered at business addresses. Sounds unbelievable. It's true. These irregularities can be attributed to a variety of issues with our electoral process, but for the sake of time, I'd like to focus on one of our greater concerns. The processing of new registrations. In order to effectively clean up the voter rolls, there needs to be a system in place that ensures that new registrations are legitimate, accurate and complete before they ever are entered onto the voter rolls. Presently, our system does not provide this protection. I recently challenged the registration of "The God Devine Refinement Allah," who is registered in downtown

Cincinnati and entered on the voter rolls in October of 2012. Based on my research and verified by the Hamilton County Board of Elections, every single aspect of Mr. Allah's registration was fraudulent. But Mr. Allah was still entered onto the voter rolls. Why, I asked. The application was considered complete because all required boxes were filled in. Mr. Allah has not voted to date, but his name will be listed, by law, in his precinct signature poll book as a potential voter for a minimum of four years in two federal election cycles. The processing of complete but fictitious voter registrations is not specifically addressed by NVRA, HAVA or the Ohio Revised Code. In all three laws, there is an assumption that the information provided by the registrant is truthful. For example, in NVRA, administration of voter registration procedure discusses "any eligible applicant." In HAVA, statewide voter registration requirements make provisions for the legally registered voter. And in the Ohio Revised Code, the Board is instructed to be satisfied, as to this truth of the statements in the registration. So what happens if the applicant is not eligible, the voter is illegally registered, or the Board is not satisfied? As shown by the case of Mr. Allah, they're added to the voter rolls anyway. In 2012, studies show that counties in many states had more registered voters than eligible voters. And Ohio is one of those states. As a matter of fact, as Jon Husted said earlier today, Ohio has three counties with more registered voters than 100 percent of the eligible voters. The reason, we believe, is largely due to fictitious voter registrations. Fictitious registrations not only vote the voter rolls, they cost the taxpayers hundreds of thousands of dollars in printing, postage and manned hours, and open the door to voter fraud. Maintaining the accuracy of voter rolls is the chief duty or the duty of every state's chief election official. I applaud Secretary of State Husted for his online voter registration changes and his proposed online registration. However, we need more. And to sum up, we believe that these examples testify to the fact that the system, as it exists, is too easily corrupted and clearly demonstrates a need for election reform. And I'm out of time. And I thank you again. And I do have my--I didn't get the memo on the three minutes, so I have my five minute written testimony to submit. Thank you very much.

>> Thank you.

>> Good afternoon. My name is Susan Holzaphel, and I am representing Women for Liberty. Every day, during early voting last year, members of our group stood outside the Hamilton County Board of Elections. We were there to hand out our sample conservative ballot, a Frederick Douglass Republican sample ballot and a booklet on Frederick Douglass. We were polite and respectful to the voters and cooperate with the Board of Elections officials and guidelines for working outside the Board of Elections. We were cognizant of the required distance that must be kept between ourselves and the voter and that we were not to engage in conversation with them while they were waiting in line. We told them that we were there to offer a choice with our sample ballot. We were confronted daily by workers who were handing out the sample Democratic ballots and campaign pieces. They attempted to block our access to the voter. They told the voter that he or she did not want our ballot, that it was a pack of lies. Even a Democratic candidate behaved in the same manner. Some voters appeared to be intimidated by the rudeness that they were witnessing. Some who were interested in seeing our information were hesitant to show their interest. As the weeks progressed, the scene in front of the Board of Elections took on the appearance of a circus, complete with a donkey, a man on a Segway with a bullhorn, visiting celebrities. Pizza, water, hot chocolate and donuts were served to the voters waiting in line. We watched as Job Corp buses pulled up daily. As students exited buses, they were handed Democrat ballots. We could not close enough to them to give them our information. Cars blocked the street and would not move. It was assumed that all African-American voters were going to vote for Obama, an inappropriate judgment to be made and an intimidation of the voter. One of our members was spat upon. An African-American volunteering for a Republican candidate was harassed and called Uncle Tom. It was disappointing and discouraging demonstration of a lack of civility, as well as a lack of respect for individuals and a disregard for the law. I would ask that those who work outside polling locations during early voting and on Election Day receive some training and civility by required. A lack of such behavior should result in dismissal from the location. Thank you for my opportunity to address you.

>> Thank you. Adele Eisner.

>> Good afternoon. I really appreciate this opportunity. I've seen this panel since yesterday morning. I was thrilled with hearing the panel yesterday about the machines, about election technology in the future of, because my main reason for coming here from Cuyahoga County was to speak about the need for the EAC. And I've heard it over and over and over. Our bottom line standards that are absolutely necessary. I'm a member of an organization called C.A.S.E. Ohio Citizen Alliance for Secure Elections. I have been an election observer since 2004, constantly. I have been inside the counting and the polls, et cetera. Legally inside. Watching election administration. And I have lived in Cuyahoga County. I want to say that a large county. We're about the size of Cook County. We're smaller than LA County, but about the size of Cook County or Orange County. About 1100 precincts and about 900,000 registered voters. There have been many fabulous best practices happening in Cuyahoga County, and I was one of the great original detractors. But with the new administration, firm management and real transparency with voters, so much has been improved. Transparency with voters. As I've listened here, and you can hear that my thoughts are kind of all over the place, and I can imagine what you folks are going through. There are so many viewpoints. There are so many conflicting goals. There are even conflicting values. So I'll go back to the Cuyahoga County example in one second, but with my time almost running out, the biggest thing that I've gotten from here is I pray that as you begin your harrowing task of putting together some sort of report, that you start by agreeing on values, goals, and perspectives would come from that. But you start with what is north here. And I hope that as everyone has come before you. Everyone feels a little bit disabled, and I'm not putting down the disability community, but everyone is saying, you know, "I work so hard. We do all this at the end," and I realize that. But independent voters need more. Everybody needs more. And everybody comes and says, "Give me more," you know. "Cut the pie my way." Well, that's kind of like what's happening in our election setting. But we are serving voters not just as customer service, but keep a broad outlook that this whole thing is about electing our decision-makers for the next two years. The people who will be making our decisions for the next four years, the next six years, depending upon the office. It's not just about being nice to voters. It's about making sure the process is completely accurate and transparent to voters. And that's one reason that Cuyahoga County has--

>> Thank you, but could you summarize, please?

>> I am summarizing right now. Thank you. It's late and it's Friday, and everybody's getting hungry. [Laughter] But Cuyahoga brought in voters. Don't treat voters like guests, and be kind to guests. Really include voters, as was spoken about by Mr. Bennett from LA County. Bring them in. Voters are the most important stakeholders in the entire thing because we live with the results. Thank you.

>> Thank you. Is there anyone else who would like to address the Commission? If not, we thank you all for coming. Again, it's been a very helpful session for all the Commissioners. Thanks.

[Music]