



## Presidential Commission on Election Administration

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Public Conference Call

Thursday, November 14, 2013

>> Welcome, and thank you for standing by. All participants will be on a listen only mode for the duration of today's conference. This conference is being recorded. If you have any objections, you may disconnect at this time. And I would now turn the conference over to Bob Bauer. Sir, please begin.

>> Co-Chair Bauer: Thank you very much. We'll open now our public meeting for today, Thursday, November 14th. Our purpose today is to review the various opportunities we've had at the invitation of organizations that have an interest in the subject matters specified in the president's executive order, and that has assisted our fact finding in our collection of expert views. And so for that purpose we wanted to have a call and make sure that we supplemented the already ample record that we have on our website, [www.supportthevoter.gov](http://www.supportthevoter.gov), with an account of those discussions, and the points that were raised for the commission's benefit by the organizations and individuals that we heard from. For this purpose, in order for us to make this orderly, we have asked Commissioner Patrick to open and to begin to walk through with a discussion of these various contacts of organizational events. And Commissioner Patrick will break from time to time to keep the chronology going, and ask other commissioners to participate in the discussion. Co-chair Ginsberg, is there anything you want to add to the housekeeping here?

>> Co-Chair Ginsberg: No, Bob. Thank you. Just to add that you'll hear about over 2 dozen individual sessions that we do not have as a full commission, but which various subcommittees of the commission heard. And so this is our report to complete the record on what we heard and who we heard it from.

>> Co-Chair Bauer: Very good; and with that Commissioner Patrick, please proceed.

>> Commissioner Patrick: Great; well thank you, co-chairmen, and the rest of the commissioners. What I wanted to do was kind of go through some of the notes that I had taken, either on the phone or being present at the meetings, and at the end of each summary invite if there are any additional comments to add to it prior to going onto the next meeting. So the first meeting was May 30th. It was with the Lawyers Committee for Civil Rights under the Law. And the meeting itself was conducted in Washington, DC. There were commissioners both in attendance personally and as well as on the phone. And we did receive written testimony from the organization. The meeting covered a couple of main topics, the first one being effective election administration planning, and then technology use, and some other additional issues. For effective election administration planning, the Lawyers Committee discussed preplanning, polling place management, in terms of locations, the parking available, the voters signage, the number of voters allocated, layout of the polling place, the number of workers being utilized, and issues that also arose in their observance when multiple precincts are in the same location, which many election administrators will call "co-located facilities," and some of the issues that arise with that. They felt that contingency planning, which is one of our tasks to always include poll worker replacement, and how to handle that. When it comes to the training of workers at the polls on Election Day, they had some very positive suggestions that they thought as positive practices. In Miami they said that the administrators there have a secret shopper who attends their training classes to provide assessments and feedback on the training that's being done. They felt that hands-on training is very necessary in order to get a skilled workforce on Election Day. They felt that offering online continuation training was a very good idea to augment the in-person training, but not necessarily to completely replace it. They also felt that it was important to distribute in experienced workers around the jurisdiction when an election administrator was able to do so. And they felt that it was to be mandatory for all poll workers to attend some sort of training, and they felt that the state of Virginia has a good model. They felt, however, that sometimes workers are overloaded training class with far too much information because things are getting ever complicated. And they felt that some training, which was as much as 3 months before the election was too long from the actual Election Day and workers tend to forget. They also discussed resource allocation, that there would be -- prefer to have some sort of a standard or consensus even across the jurisdiction, and that a method for assisting first responders and others impacted by disasters would be very beneficial like some states have currently in place. For the use of technology voter

registration they saw a lot of issues with papers, when not delivered to the polling place, as far as signature rosters, registers, that sort of thing. They felt that the portability of voter registration across county line within a state only made sense with state wide voter registration lists, and that is not the practice in every state. They also felt that social media was a very critical part of their work on Election Day. They had I believe somewhere around 170,000 calls with 90,000 of them on Election Day to their call center, and the majority of the individuals the voters calling in were just seeking basic information, where to vote, ID requirements, the logistics. They said they had 2.3 million hits on their social media via Twitter, Facebook and their website, and felt really that online availability of information for voter is critical to success on Election Day. They had a couple of other issues that they wanted to bring to the attention of the commission. One had to do with deceptive practices of mailings of misinformation in some jurisdictions. They felt that the length of the ballot is certainly something that contributes to issues on Election Day, as well as weather conditions. They mentioned specifically in Florida that the humidity can have an impact on voting equipment. So those are my notes for the first meeting. I don't know if anyone has anything else to add, or I'll continue to the next meeting.

>> Co-Chair Bauer: Any other comments or additions from the other commissioners? Okay; Commissioner Patrick proceed.

>> Commissioner Patrick: Okay. So we'll go the next day on May 31st, there was a meeting with the Military Vote Project. It was also in DC, and there were commissioners in attendance and on the phone. We also received written testimony from the individuals who were present that day. Some of the topics that were discussed had to do with the challenges with all of the changes in primary date. It can create a real issue for the accuracy of information going out to service members by the various groups and organizations that service that population. There was a question that was raised. The question that was asked of the individuals present was whether or not email and electronic distribution can help to mitigate this information with the military, their dot.mil emails being relatively consistent throughout the course of their service. And the answer was that actually many of our [inaudible] and military and overseas voters use their own Gmail, Yahoo, those personal type of accounts because the dot.mil emails have such high filters and there's difficulty sometimes in obtaining attachments to their military addresses. They also saw that there's conflict and friction between how the various agencies are interpreting the assistance and what exactly the NVRA specifies whether or not it includes offering or promotion of the assistance. They felt that that was lacking, that there didn't seem to be much requirement for the offering of voter registration on check-in at new bases and new locations, and that not all of the offices seemed to be functioning, or at least functioning at the same level. They also felt that it was important that although you [inaudible] voters are seen as a partisan issue, that it really isn't, and that that can be a problem sometimes; that many of their voters, 40% are our youngest voters, which is 18 to 25 years old, and that can traditionally also impede participation, because they're newly participating. Existing laws they felt were sufficient, but only if they're enforced. They felt that there need to be a top-down emphasis from within the authority structure of the military on the importance of voting and registering and keeping all of the processes in place. They said that this was a leadership opportunity, but unless uniformity of the application is in place it's not going to be very effective. They felt it also needed to be included in all of the annual training that gets done. There was a question posed about the Wounded Warrior Program, and if the challenges are being met, and if not what is lacking for that particular population? And the answer was there are some pilot programs, again, Virginia was mentioned as having some work in this area, but they felt that more still needed to be done, because these are voters with multiple challenges. Some of the ongoing challenges that they saw had to do with access to printers, scanners, faxes. The paper size when you're in another country can be difficult, mail service issues including the military mail, lack of a postmark, and delay with military postal service, and the lack of importance given to ballots. Some have said in the past this is referred as the emphasis on whether or not bullets, bandages, beams or ballots space for transport, and that can be a challenge. And they also felt that

options are really critical to success for any program to service this population. Those are the notes that I had. Did anyone have anything else to add?

>> Co-Chair Bauer: If no other comments from commissioners, we'll keep going.

>> Commissioner Patrick: Okay. So a couple of days later on June 7th, there was another meeting that was convened in Washington. These were with current staff members at the Election Assistance Commission and former commissioners. There again were commissioners from the PCEA, present both in person as well as on the phone. The previous commissioners from the EAC had a couple of things that they wanted to raise to this commission's attention. And I'll just go through the list of some of the points that they raised. One question -- it seemed to be more questions being asked in some cases than answers being given. But one of the big questions had to do with what would happen if a disaster actually happened on Election Day, that if Hurricane Sandy, if it had been any closer to Election Day, would have certainly forced the issue, and that it's better to be discussing these things before we're in the midst of it. So that was certainly a topic of concern. They also felt -- some of the former commissioners felt that the NVRA needed to be fully implemented and enforced. And of course the future of the EAC was certainly on the former commissioner's minds. Other commissioners also had questions about the future of EAC, the use of technology to improve the voting process, and how do we move forward investing in our local election administrators and officials? They felt that local education of federal and state laws is important, that voters need options in casting their votes, and voter lists need improvement because of the antiquated way that many of our voter registration systems are currently gathered and maintained via paper. There was also one of the commissioners had been an observer in Florida during the last election, and raised concerns about the length of the ballot, how the various language attributed to some of the length of the ballot. Translation was a problem for some voters. And early voting in some areas there was, you know, a 15-minute wait on a Wednesday, but on Saturday it was over 4 hours long, so trying to equalize the access to when voters are actually coming to vote. There was some overall themes that came out of that conversation I felt. One was that the media certainly need to partner with the voters, or partner with us for voter education, particularly on early voting, and not add to confusion of false reporting that early ballots are not counted and that sort of thing. And also that voter education materials should mail up a nonprofit standard rate to enable local election officials to use them more frequently. So some concern about postal issues are raised throughout the course of the conversation, and we'll address those kind of as they come up; but it was raised during that meeting as well. Any other comments on that one, otherwise --

>> Tammy, I was just at the 2 additional sessions we had that day if -- unless you want to cover them as well, so [overlapping] --

>> Commissioner Patrick: I have them as well. I just listed them separately.

>> Okay, great.

>> Commissioner Patrick: So on that same day there were meetings with the Overseas Vote Foundation, and the Federal Voting Assistance Program. I kind of put those 2 together into 1 specifically relating to military and overseas voters. That was also in DC, and similarly there were commissioners in attendance and on the phone. So the Overseas Vote Foundation had issued a report on the 2012 election. And according to their surveys and their information, 22% of voters did not receive their ballot for that election. They attributed it to some specific reasons. The reasons they felt were one that the Federal Post Card Application that voters had a false expectation, that timeliness was not an issue because the FPCA was previously acceptable for a longer period of time, and perhaps some of the voters thought that they were still going to automatically receive a ballot. They also felt that there were issues with the technology because of spam filters on the dot.mil email addresses. And again, we've heard about the lack of printers, scanners, faxes. The timing of the FPCA was another issue that they felt was a problem. And on the Federal Write-in Absentee Ballot, the [inaudible] that they had never -- that the voter had not submitted -- that the voter had submitted a request but they had never received the ballot, was a

problem. So in certain jurisdictions you submit the FWAB, and you're swearing that you already requested a ballot, and many jurisdictions will accept that as one as a registration if the voter is not already registered, and two as a request for the ballot and the ballot being cast there on the FWAB. What they were saying at this meeting is that there are problems because not all jurisdictions view it that way. Some jurisdictions will reject the Federal Write-in Absentee Ballot if they don't have on record that they received a request from the voter. So they saw that as putting -- that the FWAB isn't really as helpful to those voters because maybe they did send it, they were testing that they sent it, and if it's contingent upon the actual elections officials actually having received it, and noted it, that that can be problematic. So that came up in their discussion. They also felt that being online meant participation. They partnered -- the Overseas Vote Foundation partnered with Fed-Ex to get ballots back from 94 different countries, and the cost ranged anywhere from \$20 a ballot to \$150 a ballot. And they have also been assisting 7 different states with some of the ease grants that have been issued by the Federal Voting Assistance Program. The Federal Voting Assistance Program discussed some of their findings. They have submitted their report, which is rather extensive. A few of the highlights was that Unuva [phonetic], which is the Uniform Law Commission Bill, has now adopted in 13 states, as well as DC, the District of Columbia. They recommend a single point of contact for each state to assist military and overseas voters. They showed that the Military Postal Service their average delivery time during the 2012 general election they were saying was 5.6 days. There was some discussion about postmark issues and validation, and whether or not being able to ascertain electronically that the ballot was put into the system in a timely manner would be sufficient to allow for that ballot to be cast. There was also the issue of domiciles that came up in that discussion, and how that could be perhaps addressed moving forward. So those were the notes that I had for that particular meeting.

>> Co-Chair Bauer: Were there additions from the commission?

>> Commissioner Patrick: All right; so the next meeting that I had was the Brennan Center, and that took place on June 13th in New York City. Again, there were both commissioners in attendance or on the phone, and they submitted lengthy written testimony that's part of the record. The main issues that they brought up fell into 4 basic categories: voter registration, usability, early voting, and voting equipment. Under voter registration, they felt the biggest issue is the paper base system, that we need technology, mobility; they recommended Election Day registration as a failsafe. For usability, they felt a better design means better elections. A question arose on what is better or required for provisional ballot forms, who to fill them out, whether it's the voter or the poll worker, and the implications of intuitiveness of the forms if it's being expected for a voter to fill it out, as opposed to someone who's gone through training on what the various questions are and what's actually necessary to ensure that a provisional ballot is counted. There were changes to stats. They felt the changes to statute are necessary to allow for the implementation of some of the design for democracy as best practices, because there are so many that are rooted in statutory requirements that are contrary to known scientific good design. Some of the design resources that they referred to were information that's currently available on the EAC's website, and from the EAC the field guides, and some of the checklists at the polls as being a beneficial way to accommodate some of the usability questions. For early voting there was discussion about the mandatory uniformity of hours, and whether or not there's a tradeoff or between the benefit of a single message being articulated, or inflicted limitations on facilities when they are available. And so, for instance, many local government buildings are going to a 4 by 10 schedule, and is it better to lose those as an early voting site or as a location because they're not open 5 days a week, or 6 days a week? And there was discussion about allowing for some flexibility that can provide some more geographic saturation, but the expense of homogenous, you know, message going out. And perhaps maybe a uniformity in the total number of hours, or minimum number of hours in a day would be an additional approach that could be taken. For voting equipment they felt that the vendors should have an obligation to notify the jurisdiction users if issues arise and are known to the vendors. And part of what came out of that is that that can always be addressed by the purchasers and including that as part of the RSP

contracts that the election officials require when getting a new system. Any other comments on that particular meeting?

>> Co-Chair Bauer: Okay, commissioners? Very good.

>> Commissioner Patrick: Then what I would like to do it turn it over. We're at the June 18th meeting, so with some of the technologists, so I'll turn that over, I believe, you, Nate?

>> Nate Persily: Yes. So on June 18th we met, Bob Barrow, Ben Ginsberg and I were in San Francisco and met with a group of technologists. And the technologists had I'd say 4 large themes that they wanted to talk about. One was on issues of ballots design and accessibility. And so the discussion there focused on a lot of the work from the Design for Democracy folks, people like Daniel Chisholm [phonetic] with the [inaudible], and people who are experts on how -- what machines can be made more accessible. Another topic that was discussed there was on the use of audit to make sure that voting machines are accurately capturing the numbers of votes. So there were speakers who discussed different types of audits, you know, full-on audits of machines, as well as risk limiting audits to make sure that based on a sample of ballots that are examined that the actual winner of the election was one that the machine captured. The third topic I'd say were concerns about security of machines, as well as the internet. And so many in this group had been involved in battles over voter verified paper trails, et cetera. And so I think that topic came up very briefly. The final topic I think was really a larger discussion that some of the technologists had about the election machine and the vendor industry, and how that this is sort of a government procurement problem associated with the certification process but more generally that there were not enough players in the field, that this is not a competitive marketplace, that there are relationships that are built up between vendors and jurisdiction, that it's not healthy and that this is really not just a technological breakdown but also an economic one. Those are my notes from that meeting.

>> Commissioner Patrick: Thank you. During that same timeframe there was a PEW Center on the States [phonetic] Voter Information Project meeting in San Francisco, and that occurred June 17th through 18th. And there were commissioners in attendance for that. That particular meeting was kind of a recap of the Voter Information Project in the general election that they had 25 million hits to their various seeds across more than 600 website. Google did a presentation on some of the geo coding that they're going to be implementing to tie into the Voter Information Project. And then there were a variety of states that were available at that meeting and there was a general discussion with the commission. There were -- the individuals from South Dakota were mentioning that they don't have such an issue with lines there because their ballot is much shorter, that the time to vote is not an issue because it doesn't contain as many races or questions, that more than a 30-minute wait in an election requires a mandatory precinct adjustment. Additionally, the state of Colorado mentioned that in their early voting in some of their waits that their -- I'm sorry, their central voting locations on Election Day that some locations would have a wait time of an hour and a half, and when voters were instructed that there was another location just 2 blocks away, voters were hesitant to leave a line once they got into a line, and that that could be a challenge in trying to direct voters to locations that didn't see as high a traffic, and that modeling of what the lines can be, can be very difficult because you have ever-changing facilities. Colorado did a YouTube video regarding their online voter registration using HAVA funds that was very successful. And they felt that some of the overall issues stemmed basically from some poor data that's being used to make decisions. So having better data in voter registration and other metrics really can inform the discussion, and that additionally the other piece of it is that problematic personalities can usually result in pretty poor performance, and trying to identify and address those sorts of concerns amongst poll workers and staff. Now, the state of Wisconsin talked a little bit about Election Day registration, and of their Election Day registration, which they've had for quite a long time, only about 17% of their EDR is actually new registration. 83% is actually voters who are modifying their existing registration with updates, which many other states use the provisional ballot. They also offer split shift for poll workers.

They've done that since the mid-'80s, and they have very strict chain of custody laws. There were other states there, namely Indiana, Colorado, and Virginia, who also offer some sort of split shift options in some of their jurisdictions. A question was asked about the locations where the secretaries of state had some sort of a plan, or a pre-working with each of the counties. North Carolina has a requirement that the counties submit a plan to the secretary of state's office. And again, that was reiterated by Indiana, Colorado and Ohio as having something similar to that so that they can see that the counties -- where the counties currently stand. Washington, DC mentioned that the timing and training of poll workers is very important for retention, and that the quality of the training class is contingent on the quality or the quantity of people being trained at any given time, and also the duration of the class; so smaller classes, shorter classes, with more concentrated messages. In Oregon they mentioned that, you know, traditionally we had a voter registration cutoff in order to be able to print rosters and that sort of thing, which currently many places are using e-poll books and electronic mechanisms, which is negating the longer periods of time they felt for having those types of voter registration cutoffs. In Michigan, as Commissioner Thomas has told us before that of course it's statutory that voters have a single address for both their voter registration and their vehicle registrations, and other states have also articulated that that's very, very helpful to them in maintaining their roles and being able to cross-reference information with other government agencies. In Nevada, as Commissioner Lomax [assumed spelling] would know as well, there were some comments about that they see actually a consistent voting period or level of voters across the entire early voting period, rather than many places it spikes towards the end, although the state of Indiana did say that they have a big spike at the very beginning. The first day everyone kind of rushes out and votes during the early vote the first day of early voting. And other jurisdictions have a more consistent flow across the entire period. Los Angeles County really felt that voter options were the key to success, being able to service voters in a variety of ways, and that providing information, both via a poll mechanism where the voter has to go out and get the information, like they have to go to your website, they can receive it there, as well as a push of information, so sending out mailings, roll book [phonetic] calls, that both ways are necessary, particularly if there are any polling place changes. Then some just general questions were asked to the group as a whole. One had to do with training. Many states are doing youth or college workers in the polling place, which they felt was very successful. But in many places those individuals are not considered eligible electors so they have a more limited role than a full poll worker. And that allocation is statutory in some states based on the ratio of workers to registered voters. Some have a minimum number per polling place. There was also some question about Election Day in the field, and a suggestion that jurisdictions provide regional distribution sites of extra resources that have rovers or troubleshooters assigned to a certain series of polling places that they supervise and attend to throughout the day. And also having additional field rapid responders or deployable specialists who can go out should issues arise within their level of expertise. Those are the notes that I have for the EP [phonetic] meeting. If there were none other, I will go onto IACREOT [phonetic].

>> Co-Chair Bauer: Comments? Very good.

>> Commissioner Patrick: Excellent. So on June 29th some of the commission attended the IACREOT Conference in Louisville, Kentucky. There was a main panel session, and then some additional side sessions that I attended and took some notes on behalf of the commission, so I will cover all of that currently. So the main panel session, for those of you who were there will remember, it was an open mike, and election officials from all over the counties, state, national, as well as international and territories were able to just come up and address the commission. Some of the items that were mentioned is that one election official wanted to make sure that election officials still have control over the verification of voter eligibility. They were having difficulty obtaining jury lists when jurors were saying that they were not a citizen. The next person in line said that they should be able to do -- to obtain that information without any problem, and that many jurisdictions use that information on an ongoing basis. And many of us know that 99.9% of the time it's someone who doesn't want to be on a jury, and they checked that off not thinking

anyone is going to follow up on it; at least that has been our experience. In another state they saw that the elections are really seen as a cost without any sort of revenue source by the people who hold the purse strings, that we need to utilize lists -- utilize technology and list maintenance, and be able to streamline our processes that way, that funding is needed for improvement, that there is an importance of outreach and website development with the usability being into consideration for all of it. Some individuals who had received some of the former HHS grants and monies felt that any that was not already in use should be turned back over and allowed to have other jurisdictions have access to that, that contingency plans are more and more frequent, and it would be nice to have some sort of a national protocol when it overlaps state and jurisdictions. Having a process for displaced voters is very important, because many times it can be in a jurisdiction that has not had a declared emergency, but yet has hundreds and in some cases thousands of individuals who are going to that location and are not covered under many state laws. Other individuals articulated that they wanted to make sure that when in the small instances that there already instances of fraud or [inaudible], that individuals are prosecuted who are caught, and made an example of. There was great concern being voiced about voting equipment life cycles because many of them are nearing their end. The 10 years will be up in 2016. Again, it was articulated that having the use poll worker program was very helpful. At that point throughout the course of the main panel conference we did a kind of show of hands regarding different questions that the commission posed to the room as a whole, and there were a couple of hundred people there. There was a show of hands regarding sample ballots asking who used sample ballots and how they used them. Most people raised their hands that they have them posted or available at the polling place. So the first time that a voter may see them may actually be when they entered into the room where they will be casting their ballot. Some have them on their website so voters will be able to view them before Election Day. Many post -- some post them in a newspaper. And there were some jurisdictions who mailed them to their voters. As I mentioned, there was -- some of the territories were present. The Virgin Islands articulated that they post their sample ballots in their office, and that they have a very elderly limited English proficient population that they service, and they felt that civics education is really part of the foundation for civic engagement, and part of why they have a vibrant voting population on the island. They did raise the issue about state fighters losing their voting rights, and also had a question about the future of the EAC. Some jurisdictions, like Yellowstone County in Colorado, wanted to remind the commission to keep in mind rural counties in any of the recommendations that we're making. Others had questions about the future of voting equipment, certification, funding, standards, and whether or not early voting is necessary, and if so, both by mail or in person. And then some of the inconsistencies in vote by mail with the United States Postal Service as being an issue in application from one post office to the next, one processing center to the next; to have a statewide list, encourage the Kansas consortium and the Eric [phonetic] Project, and that was articulated that many jurisdictions would like to participate in those projects. Some, however, are confined by lack of resources. They felt that effective poll worker training is a must, and website usability is very important. Some jurisdictions, however, stated that they don't have resources available to provide that necessary service. There was also conversation regarding plain language and the usability of the ballot being critical, and again, articulation about bad design like all caps and font requirements that are currently held in statute as being problematic. We heard throughout the last few months from Travis County, Texas about their project. In IACREOT they were talking about certifications are the heart of the issue in enabling you to offer some better technology, and perhaps the use of risk limiting audits and homographic cryptography could be explored. There was concern voiced about internet security, the importance of audit trails. Other jurisdictions were mentioning that no excuse absentee nationwide would be preferable so that it wasn't a question from one state to the next. And that lines can form at replacement sites also for all mail elections, that one particular jurisdiction in Oregon had a line of 45 minutes and they were generating a ballot every 2 minutes. So there were -- had a lot of people to accommodate. There was also the post office was raised throughout the course of the day having a good relationship many locations felt was the key, particularly if you have a high rate of voters voting by mail. A hundred percent of Jackson County, Oregon their office is 100% self-sustained [inaudible] from the recorder's office.



But they did question the future of voting technology and whether or not we'll be on pace to keep up with voters' expectations. And I just have a couple more notes from that particular day. There were poll worker issues, and when they arrived how their address is very important for a jurisdiction, keeping track of it and documenting and then following through with any sort of disciplinary measures or non-hiring of that individual is very key. In Kansas they also felt that it was important to offer civic duty pay, having corporate sponsorship of polling places, that those were all very effective ways of getting higher efficacy poll workers, that federal workers should have election leave to work the polls on federal elections. And then in Ohio there was some questions raised about the funding for new equipment, and that there are some limited options, and vendors in the current marketplace, that technology is somewhat stagnant. And again, postmarking issues were raised by some of the individuals from Illinois, and the reliance on the vendor can be problematic, and that's something that we heard that Nate mentioned from the technologists as well. And the balance -- the need to strike a balance between elections and other departments within your jurisdiction can be a real challenge. Again, there were some questions about the postal service issues with uniformity, with cost, and then how that could escalate when you are unable to maintain good roles, that it can escalate your cost because you're mailing out to old addresses and old information. Another cost impact one jurisdiction felt was having the multilingual requirements can affect voter usability, and the cost depending on how you're complying with those requirements. I don't know if anyone had any other comments about that particular IACREOT session, otherwise I'll just quickly go through a couple of other points that happened through the rest of that conference.

>> Co-Chair Bauer: Any other comments? Okay.

>> Commissioner Patrick: Okay. Give me a chance to catch my breath. [Laughter] On June 30th there was a disaster recovery session at IACREOT, and there were some very good suggestions made by a number of officials who had been impacted by Sandy. Individuals in New Jersey said to make sure you know who your FEMA contact is, and let them know when your elections are, to get a FEMA card that allows you to actually be on the road in an evacuation situation, otherwise you're not able to even get into your -- potentially get into your office; to consider the scope of the impact. You might have voters that have no power, versus voters or staff that have no home. Messaging is incredibly important after a disaster hits. When it's expected, it's good to be able to encourage voters to get their voting done early, if you have that option. And it's also, they felt, important to document your daily efforts, because with everything going on sometimes you can forget some of the subtleties, and depending on how close the race is, you'll want to make sure that you have everything duly noted. The overlapping of media markets was certainly an issue, and messaging being different in New York, New Jersey and Pennsylvania, because many of them have the same media market, but each state was addressing things slightly differently, and that led to some voter confusion. In Louisiana there they have -- every employee in their office have the designated tasks and duties in an emergency situation, and they know what that is beforehand, so having a good plan in place is critical. And in storm season they said they could be affected by multiple storms, one right after the other. So, you know, it's best not to let your guard down. They have a set protocol for delay, and/or for cancelation of elections. One of the counties in New Jersey complimented the state and said that having a text messaging campaign post-Sandy was critical, as well as having a daily call, to be able to make sure everyone was onboard with what was going on. They used roll book calls, texting, social media to connect with their voters. One question that came up had to do with when social media is being used to get with Facebook and Twitter -- not so much Twitter, but mainly with Facebook, because they do have ads that run on social media, to make sure that if there's an official election site, office site, that campaign and political content is not run on those sites, because we want them to be neutral. So that was the follow-up from that particular meeting. Later on that day there was a meeting on reaching voters online. Wayne [phonetic] County, North Carolina had some very interesting innovations. They're using a Google blogger to recruit and train poll workers. They also use SurveyMonkey as applications for people who want to work the polls, and do a texting push of information of updates out to all of their workers to keep them organized and on track of what's going on. Cook County, Illinois mentioned

that there's -- as a large urban jurisdiction, they have access to technology in high speed, but many of the rural areas have money lacking for those sorts of things. Some offices don't have email, some are limited strictly to dial-up. There was another meeting that same day on the future of voting system technology. Earl King did a presentation that have him laid out and reminded us all about the intricate system that we have of hardware, software, data, people, and process; and that the relationships between all voting systems and administrative performances is really critical. Connecticut was also there and mentioned that it was, again, the auditing of everything is really key. There was also some discussion about the lack of vendor communication when issues arise in one jurisdiction and is not shared with other jurisdictions using the same equipment and the same software. The last day of IACREOT on July 1st there was an election sub-session that was hosted with Douglas of the Election Center and myself. And because the hand-raising of the main panel was I thought some of the most interesting things that we'd heard, I chose to use my time asking those -- my colleagues in the audience to weigh in on a few things. So this is by no means scientific, but just kind of a general witness test [phonetic] on the temperature of what that room was on that particular day. But I asked the individuals there how many of them use a field rover or troubleshooter type individual on Election Day to visit the polling place, and more than 2/3 -- or more 3/4 of the room raised their hand, about 85% have somebody out in the field touching all of their precincts. Everybody there said that they have a method of communicating with their polling places on Election Day. And I asked if they considered lines, based on the number of people that are standing in line, or how long it takes to vote, and most of them, 100% actually, said it was the time that someone had to wait that gave them concern, not necessarily how many individuals were there. So I then asked them, "If you hear that there's a wait time, at what point do you react?" And the time period that gathered the most response was, "About an hour." So at an hour is when most election officials that were there on that day, you know, took concern; although there were some people who said, you know, "15 minutes." Another -- there was also a question about how many individuals are evaluating their polling place facility for the size of the room, the parking, and that sort of thing. It was about 70% or so; and only about a quarter of the room said that they do like an ADA compliance using the DOJ checklist. And, again, this is just who was present in the room at that day. 80% of them said they'd trained their poll workers for every election. And very few of them, however, said that they conduct online training. Only about 1/5, about 20% of them said that they conduct online training, and most of them said they would really love it, or that they do love it, and many others said they would do it if they could. Many of them are using youth poll workers, again, about 20%. About 1/3 of our attendees that day said that they use e-poll books, and another third of the people in the room said they would if they could afford it. There were about 20% said they received [inaudible] ballots after the deadline for their state. And more than half of them said they would be getting new equipment or would need to get new equipment in the next 2 years. I asked them then also how many early voting locations they offer, and the majority of people who have early voting it was more than half of them offer 5 or more locations. Some are restricted by the type of facilities that are being used, or a number that's in statute. I asked how many of the individuals there have all the poll workers that they need, and the only ones to answer were Oregon and because they're all by mail, and a couple of other jurisdictions that are very small, and they said it's the same people that come back every year. More than half of them said they lack sufficient polling places or facilities. And I asked how many of them actually test to see how long it takes to vote a ballot, and factor that into their resource allocations, and there's only about 1/3 of the jurisdictions that factor in the length of time it takes to vote in how many resources they're sending out. And 80% of them said that they had had a budget cut in the last 2 years. That's the notes that I have from IACREOT, and I have that the next meeting then was the Brookings meeting.

>> Co-Chair Bauer: Okay, go ahead.

>> Nate Persily: I'm Nate Persily [assumed spelling]. Bob Bauer, Ben Ginsberg and I were there, and the folks in attendance were mainly academics and I think some civil rights folks and some media I think were there as well. And almost the entire discussion or things we heard were about format and procedure of the commissions we

had just really started. People just wanted I think information about how the commission was going to go about its work, what meetings we had done or would do, and most of all I think what the end product would look like. And so different people proposed different models for what the end product of the report should look like. I remember one even describes -- suggested looking at it as a model to the Space Shuttle Columbia accident investigation. Another pointed out in the elections fare thought about the Cal-Tech MIT project ball [phonetic] in 2000 dealing with lost votes. Another person even described a New York study of the jury pool. So the different models that were thrown out there, but people -- some speakers emphasized the risk of having a kind of laundry list approach that would then get ignored, and that it was important to have broad statements and goals that clearly specified what were sort of the boundaries of acceptable practices in election administration. There was some discussion, as there is in almost every meeting, about the one-size-fits-all problem, and whether the diversity of election practices undermines the ability to articulate best practices, and so that there was, you know, concern about potential resistance by local officials when there's any description of a nationally applicable best practice. And one of those points of resistance is the persistent concern about resources and how do you articulate best practices when some jurisdictions have more resources than others? And then related to that was the question of how to get by-in from jurisdictions after the report is released, and how do you sort of make the -- you know, what kind of public relations one needs to do, what does it take to get local officials to change practices based on report coming from the commission? There really wasn't much in the way of substantive discussion there. I'd say there were maybe 2 points. One was I'd say some encourage us to kind of do a reevaluation of the Help America Vote Act, and to specifically think about the cost and benefits of the approaches that are in that piece of legislation. And that led to the second topical issue, which is particularly on the issue of provisional ballots, you know, how does one analyze that problem, and how does one even describe the problems and say what is a provisional ballot in different jurisdictions is very different, and how you might even point out what -- the nature of the problem depends on whether you think the number of provisional ballots is itself an indicator of something gone awry, or whether it might also -- some other people might think of it as a number that suggests the number of votes that were saved. And so when there's fundamental disputes about even with the nature of regional ballot is and what the nature of the problem might be as suggested by the data, this is an area where it's gonna be difficult they said to make recommendations. But like I said, most of the discussion I think was also looking at the commission and that there was some actually praise that was heaped [phonetic] on the commission for having customer service as one of its goals, and having business people as well as election officials with a broad array of experience on the commission. That's what I've got.

>> Co-Chair Bauer: Okay; any further comments on that?

>> Commissioner Patrick: Okay; then the next meeting that I had was July 2nd at the Bipartisan Policy Center there in Washington, and there were commissioners in attendance. We also received written testimony from many of the election officials that were present that day. There were both state and local. From Virginia we had state and local administrators. There was discussion about the impact of inactive voters being on the rolls, and challenges and the lines that that can create, and the issues that arose that it was correlated in one jurisdiction to the minority community, and it also correlated to where there were lines, so having inactive voters contributed to the length of the lines in those areas. There was also discussion about polling place allocations being revised and revisited after the close of registration to react to any rise in registration numbers after many jurisdictions get that dump of last-minute registrations on the deadline. Virginia, they mentioned, had a relatively short ballot, which they felt helped them. Had their ballot been longer, they seemed to believe that that would have been, you know, much more problematic. They also articulated that many of their polling places, a very high percentage are either education or school related, but most of them are closed on Election Day to allow for sufficient parking and then you don't have the same kind of security issues that many states are using as reasons to not be a polling place any longer. Maryland articulated that also schools are closed there. Redistricting as an issue that caused lines was raised by some of the state administrators, that some

counties also maybe didn't allocate enough e-poll books or used paper in some polling places, and e-poll books and others, and that may have created some confusion or some lack of efficiencies; and that some of their precincts had more than 5,000 voters, and lots of inactive on top of that. Ohio administrators mentioned that in Ohio there's a cap of 1100 of registered voters in a precinct. Virginia also mentioned that they use government agencies and third-party groups as sources for bilingual workers, and that that's been very helpful for them. In Maryland they said, you know, the population shift analysis is needed, because they do see a lot of voters moving in their jurisdictions. And the problems that they had in 2012 were not the same problems that they had in 2008, that it seems like each election has its own unique characteristics, and it's trying to figure out what that's going to be before the election hits that can be a problem. But one of the quotes that I particularly liked was that after the election they do a presentation to their board and, "What gets measures gets done." So being able to use data in an effective way is critical for that jurisdiction. From the state level they felt that there was some challenges in having uniformity in processing, particularly provisional and some of the other processes that impact turnout and ballots cast, and that they're working with the University of Baltimore on a wait time prevention study, and what it takes to not exceed 15, to not exceed 30 minutes, and they're including both voters and poll workers in that particular survey. The Bipartisan Policy Center did a survey and asked people who were basically -- had already articulated they were very civically engaged how interested they would be -- and this was a survey question that was embedded in a number of other questions related to civic engagement and volunteerism sort of things, and the question was how interested this high efficacy population or pool would be in working -- interested in working the polls on Election Day. And of that, 17% said that they would be very or extremely interested, and 83% said [inaudible]. So half of the people said not at all, and these are people that you might think would be inclined to assist us. In Ohio they mentioned that they use an algorithm that was developed by -- along with OSU on length of ballot and demographic data to determine the amount of time it takes to vote, and incorporate that into some of their resource allocations, and also usability testing and focus group analysis. In Kansas, the local official there said that going to the wrong polling place was the number one reason for provisional ballots in these jurisdictions. Those are the notes that I have for that particular meeting. Any other comments, or I'll go onto the National Council on Disabilities.

>> Co-Chair Bauer: Okay.

>> Commissioner Patrick: Okay. So on July 11th we had a meeting with the National Council on Disabilities, and there were commissioners both in attendance and on the phone. Some of the organizations that were present were organizations like The National Association of the Deaf, Deaf, Paralyzed Veterans of America, the ACLU, Abridged Independent Living, Autistic Self Advocacy, NFB, et cetera, and they provided us with some written testimony as well. Prior to the round table discussion with the members of the council, we had a discussion and a presentation by Dana Chisnell on usability, and the commission was lucky enough to speak with Dana throughout the summer and have her testify for us. But she was mentioning about design that should take an intuitive path, where presently it seems to be an after-thought with a lot of systems and a lot of things that we do, that the voluntary voting system guidelines only covers the voting equipment, not the ballot itself. Cross-jurisdictional design issues can potentially raise equal protection problems in close races. And then voters are more likely to go to the local jurisdiction, not to the secretary of state's website, so making sure that local jurisdictions have websites that present information the voter can't find easily in a good format. She demonstrated some research that I thought to be one of the most fascinating things we saw all summer. And as an election administrator, we think we know what the voter's coming to our website for, but what their research showed is that it's kind of the exact opposite. So the number one thing that a voter is looking for on our website is what's on the ballot, which is to look and see if they even care basically. And then what are the voting options? Can I vote early? Can I vote by mail? What's necessary to vote; for instance, do I need ID? And then the very last thing that they're considering is whether or not they're registered. Any election official I think is going to probably tell you think that's the first thing that they put on their

website is that people are seeking out to find out first are they registered, and are they able to participate? So that I thought was very interesting. They saw the optical message for delivering minority language that the design for democracy in AIGA format had 2 languages per ballot with one being in the English language. Then we had a roundtable discussion with many leaders from the National Council on Disabilities. Voter competency issues came up, some of them being statutory where in other places poll workers are challenging voters to making their own determinations on whether or not that voters should be allowed to vote, even when there's no legal justification or basis for them to do so. One individual articulated that clarification is really needed on guardianship issues, and the rightful assistance to voters, because many polling places, board workers or pole workers were not allowing voters to come in with an assistant of their choice. A voter registration form submitted with the address of an institution requires notarization was -- we were advised in one state. And they felt the NVRA enforcement and assistant agencies was desperately needed. They thought that vigilance on the ground is necessary to ensure compliance, and they like to see programs that allow monitoring, sufficient poll worker training on the equipment that voters with disabilities are utilizing, as well as sensitivity to the voters. And a number of them felt that DOJ enforcement of existing laws, such as NVRA Section 7 would be very preferable. There were jurisdictions that were touted as having very good and exemplary programs like Missouri and Ohio, by some of the members who were there for the panel. There was additional poll worker training necessary, they felt, on how to deal with voters with cognitive disabilities, and that that can be a challenge sometimes for our poll workers. One of the organizations did a phone survey of their constituents, and 90% said that they didn't have any issues at all at the poll, so they were quite pleased that those voters didn't have any problems. Of those that did, it was predominantly that the poll worker could not get the audio to function on the [inaudible] required equipment. A gentleman from the Veterans Association reminded us, though, that issues with paper-based systems are particularly problematic for quads and paraplegics. The deaf and voters who are hard of hearing have issues with the check-in process, and the communication with poll workers, and so that the debates between presidential candidates should be close-captioned. There were some support by some of the members there for Election Day registration. Another individual articulated issues with voters being required to provide proof of competency when going into vote, and many times again that came out that that was a poll worker taking it upon themselves to challenge whether or not the voter had the right or the ability to do so. There was an impact on their community they felt with the ID laws, as a serious barrier to access because there are so few who currently drive, and many don't have photo identification. There were issues with maintaining voter privacy, and mobility issues, not only getting to the polls, but once there getting in, and once in navigating the room itself. And they advocated for no excuse absentee, again, NVRA enforcement, that the issues of standing in line for long periods of time can certainly be a barrier, and it would be nice to have accommodations to sit when a line does form. I'm not sure, Ben, if you have any additions to that, or anyone who was on the phone that day.

>> Co-Chair Ginsberg: No; I think that was a great summary, Tammy.

>> Commissioner Patrick: Okay. The next one that I have then, the PEW Center on the States did a voter registration modernization meeting in Seattle, and this was only by attendance. There were no phone -- no commissioners on the telephone. There were about 85 attendees representing 35 states, and they presented some preliminary presentations on the efficiencies of the ERIC [phonetic] Program, and the cross-state data matching and list maintenance project that is ERIC. The data I believe is being released formally, either has been released formally or is in the process of doing that, and it relates to the cost savings identification of unregistered voters who registered and voted, identification of movers in the state and out of state, deceased voters duplicates, provisional ballots turnout, that sort of thing. Also, Delaware and Washington are doing studies on the effective notification designs and formats and timings of mailings, so that will be something to certainly look to for some best practices. One thing that they did share was that when you put a yellow sticky note or something that looks like a yellow Post-It note with your reminder on it, that that is a more effective way to get someone's attention than just putting

the information as it stands. Then many of the states that were present there was some discussion, Colorado discussed that they passed legislation to update moves automatically, which they felt was very, very helpful. Washington State shared their efforts with Facebook, and using that as an API data capture mechanism. And then their online voter registration system adds additional URLs for the various NVRA agencies, and also any third-party group doing voter outreach and registration can still use their online system to get a vanity URL for their group, and then it's able to be tracked and the state have the efficiencies of the online registration. For Delaware when they implemented their system, their goal at their Department of Motor Vehicles was to have a 90-second transaction time, and the new system actually had cut down by 2/3 to only 30 seconds. They used HAVA funding to implement their system, and it's really a model that many states are looking to. In Minnesota although they don't have some of the same requirements of NVRA, they found that their Election Day registration, 75% of them were updating addresses that the Department of Motor Vehicle already had. So if they had the ability or were able to have good data translating between the two, it could potentially drop down their Election Day registrations by 75%. In New Jersey they mentioned that when they knew the storm was coming, that they provided the grid of their polling places actually to the power company so that they would know where the polling places were located. And they had a plan B contingency resource allocation in addition to their standard Election Day plan. So I know that we're all looking at resource allocation, but it's something to consider on what you do for your standard election, and then also your contingency. They did allow first responders to vote provisionally, and sent the ballots back to the applicable states to determine how they're going to handle it according to their own rules. And they felt that there needed to be better definition of a displaced voter, because they did have college students that were, you know, articulating that they wanted to participate in the online ballot distribution and that sort of thing as well when it wasn't necessarily that they were affected by the storm. So those are my notes from the voter registration modernization meeting. Were there any additions?

>> Co-Chair Bauer: Commissioners, we can take a second here just to get Tammy an opportunity to take a -- catch her breath. Is there anything anybody wants to add?

[ Silence ]

>> Commissioner Patrick: Okay. From there we traveled to Anchorage. On July 19th we had a meeting with the Federation of Alaskan Natives. There were some of the -- some commissioners present. We also received written testimony from many of the leaders who we talked to that day. It's very important to know I think that Native Alaskans currently comprise about 20% of the population of Alaska. They were the majority until World War II. And they faced a number of issues that they advised us about regarding enforcement of the Voting Rights Act. They were concerned about the reestablishment of Section 4 to allow for coverage of Section 5, and then redistricting issues, the impact on the representation at the state and federal levels. There are great challenges for election administrators in the state of Alaska based on not only distance and geography, cultural challenges, that need to be overcome and both sides really have a challenge to get this I think ironed out and make a good system for all involved. The individuals who were present that day talked about some of those challenges. One of the things that they mentioned was remote voting locations, having a single precinct, voting precinct, that covered multiple villages. And those villages are only accessible from one village to the next by plane. So when there is a polling place for that voting precinct in one village, any villagers from surrounding villages would actually have to fly in on Election Day in order to vote, and they saw that as a real problem. There are a lot of villages that are not connected to each other in any other way. They thought that perhaps voting by fax or some other method would be beneficial; that 80% of the population also is assistance living. And elections hit at harvest time, and then they also hit at a time when additional weather impediments can be very problematic. So in one instance they talked about a village that is divided by a river, and when the river is frozen over it's not a problem to go back and forth, but when the river's not, then it can be a little bit more of an issue. The state law requires ballot language to be at an 8th grade level. They had a linguistic analysis done showing the 14th grade level or a PhD level, and I think that's something that many of us have challenges with is the

plain language. We heard about that a lot this summer. Poll workers, according to the individual we spoke to that there were 64% of them were trained statewide, and they felt the scope of what is translated and the quality of the translation was an issue. They did suggest mandatory poll worker training, having more early voting availability and language assistance provided throughout the entire process of voter registration through actually assistance in casting the ballot, not just on Election Day. Another individual who was there interviewed poll workers in Bethel -- that's Upick [phonetic] area, and there the training is done once a year. The state pays for the travel of the individual to come in for training, and that was very beneficial. But when they talked to those poll workers, they didn't know anything about any sort of contingency plan. They said that that wasn't in their training. There were questions about whether or not in the villages if workers can leave the polling place and go to their homes if -- to help someone in voting if the individual's elderly and can't come to the polls and they said yes they're able to do that, they usually can go on snowmobile or an ATV, and if they can do that on Election Day that they do all have tribal identifications, and that it is an acceptable form of ID according to Alaska state law. There were some concerns voiced about postal issues in the remote areas, and in some locations there's a mistrust of early voting by the tribal communities. They said that there were 38,000 ballots mailed out that didn't have postage on them that were never delivered, and that there can be these difficulties with traveling between connecting villages, and that in the villages gas can be anywhere from 6 to 10 dollars a gallon. Some of the other challenges they felt was that having -- because there are no roads connecting the villages, and most villages are small enough that they don't have a lot of roads within them, that many people don't have a driver's license, because they don't have cars. And so that that can be a challenge as far as ID. They said that the United States Postal Service subcontracts for rural Alaska, and that it can take upwards of 30 days to reach some of the more remote areas; that the digital divide is alive and well in rural Alaska. But they did say that many of the schools have Wi-Fi, so if you go by one of the schools in the fishing villages after school everyone's sitting on the steps using their laptops and their smart phone -- not everyone, but people are using laptops, smart phones, that sort of thing to be able to access information. They said -- they talked a little bit about the right-in campaign that happened in Alaska, and that they had such high turnout when they had good voter outreach and education, that when that was done the voters do want to participate, and that that was an example of just that, that given the opportunity that they will turn out and vote; that accessibility to polling places can be an issue in urban areas, not just in rural locations, and that voter education is an ongoing process, and should kind of focus also on the how-to, not just on the content; and that [inaudible] can be an additional challenge for the Native population. Well, any other comments on the meeting with the Federation?

[ Silence ]

>> Co-Chair Bauer: Okay.

>> Commissioner Patrick: Okay. The main reason that we went to Anchorage was for the NAS NACED [phonetic] Annual Conference. NAS -- this was July 20th to the 21st. So there was a taskforce that was formed on emergency preparedness, and they do have some -- a report that's I believe on their website, and we have available on our website as well, if I'm not mistaken. Some of the main topics that were covered during that discussion had to do with the importance of determining statutory authority for the postponement of an election, the consolidation of polling places or locations. Any changes to a paper-based system is necessary at all levels of the elections process, from federal, state and local; and that the cascading issue of the first responders filling in an area for those who have gone to a disaster location so that that area isn't left uncovered. So first responders from Ohio go to Pennsylvania to cover for Pennsylvania workers who went to New Jersey. So statutory language needs to be able to be broad enough in scope to not be limited to just the declared area, otherwise there will be a lot of individuals who will be left out. There was a joint session within NACED, and there was discussion about how many of the times lines will form because of unflexible line management, so some personality conflicts can add to issues. But some small jurisdictions don't have any poll workers; it could be just the clerk in their office. And that they length of time for early voting can change

dramatically across the country. Areas may have as many as 45 days, whereas others, as we know, don't have any in-person early voting. And the changes to the early voting period can certainly have an impact on Election Day and on the turnout during the election period, in one instance where it was cut from 6 weeks down to 3 weeks. New Hampshire articulated that their standard for a wait is 10 minutes or less. So when Commissioner Thomas would ask people what constitutes a wait, what is a line, that was certainly an answer that we had a lot of variety in. At the NACED Conference there was presentations online specifically by South Carolina, and some of the issues that arose in some of their jurisdictions, that social media had an impact on the line, and that there were jurisdictions where not all of the equipment was deployed, some of it was still in the warehouse, and that basically lines are caused by everything, and they vary from one area to another. And it can change even within a single jurisdiction. In their location the average number of voters is about 1500 registered voters. And there were many, many large precincts with no lines at all. They're in the process -- or have done a full analysis of e-poll books data for time and motion studies. There was also kind of an open session with many of the state elections directors identifying some of the challenges that they feel, and as well as some of the best practices that they'd like to recommend. So there was some articulation that a process of unifying and the universal approach where certain functions would be helpful in terms of voter registration, the timing of conventions and primaries, so that there is a little more consistency. The lack of a loss of polling places in schools is a huge issue now post Sandy Hook. Many jurisdictions said anywhere from a third to 2/3 of their polling locations are currently schools, and that that's going to be an ongoing challenge. Where voters have to wait is also an issue, because weather can certainly be unfavorable. We heard in Florida about the humidity and the heat. In Colorado it can be very cold in November. And one county in Colorado, Jefferson County, requires that there -- that voters are not waiting outside at all, that there has to be indoor places for the voters to wait until the line forms. Administration of the polling place is really the key. Colorado offered some information that they have an online state official training, which identifies their area of job responsibility of the local election official that they have that specified training online in order to be certified, and they have to master that training. So they have some general training for everyone, and then depending on whether you're a voter registration clerk, or you deal with provisional ballots, or you're an IT manager, or a GIS manager, there's additional training that you take which was a great program to highlight. In West Virginia they mentioned that they have a state law that Election Day is a state holiday for all government employees. In Maryland and about 11 states present have that, and that that gives them a good resource for poll workers. One of the officials in Ohio discussed how he felt that there should be core competencies of election administrators, rather than best practices. So as a profession highlighting some of the core skill sets that could be exemplified and pushed moving forward within the profession of an election administrator as well. They also look at election plans that they've required the counties to do post-election to see if in fact how they were projected well and if the plans laid forth were in fact executed. So it's one thing to ask for what your plan's going to be, but if you don't go back and review how well that was projected, it's not as effective. Ballot simplicity was discussed by the state elections directors and voter fatigue issues that arise, the universities and colleges that are voting on Election Day and not at early voting sites, and some of the issues with reaching out to that population and making sure that they're casting effective ballots where they want to be voting. There's also issues with co-located precincts in a single facility, the high percentage of inactives. They did a survey in one state about the long lines, and found that mainly the reasons had to do with the ballot lengths, a hybrid voting system was seen as an issue, curbside voting, diverted resources, aging technology, and that some of the solutions are online voter registration, voter check-in efficiencies, such as things like e-poll books, and then improving voting equipment, but many places everyone agreed that if their HAVA money is gone, and that's a very big price tag. There was also articulation that many of the state legislatures do not listen to election officials as experts, that they're not necessarily seen as that. And so when they try and discuss changes in legislation that that's not necessarily always listened to; and that it would be helpful to have experts articulate some of this so that it could be used by the state election officials. Again, issues were raised about redistricting and equipment failures in



some places. Rolling out of new technology in a big election was an issue for many jurisdictions that didn't pretest it or pilot it in smaller elections, or in an off-cycle. The lesser of 2 evils, though, is really do you have new lines of a district, versus precincts that are too long, and problems securing the polling place that are able to accommodate the volume of voters who anticipate. Others talked about expanded hours or days that voters can request a ballot, and that that's being done via petition in some locations. They encourage the relationships with the Department of Motor Vehicles and NVRA compliance. Again, challenges in rural areas were brought up, and many states support allowing early voting and no-excuse absentee, but it's currently against their legislation. In Nevada they encourage, as Commission Lovaks [phonetic] knows, of taking it to the voters, so going to where the voters go, to grocery stores, traveling sites. So that can be a challenge if uniformity of hours and locations is a requirement, because it's still better for the voter to have more options. And those are the notes I have from Alaska.

[ Silence ]

>> Co-Chair Bauer: Okay.

>> Commissioner Patrick: Are you all still there? [Laughs]

>> Co-Chair Bauer: Yes; the commissioner is still there. Whether we've managed to leave anybody off, we don't know. But --

>> Commissioner Patrick: Now you all know what my voters feel like when I send them the CD of the propositions and the publicity pamphlet. Yes.

>> Co-Chair Bauer: Well, it did not feel --

>> Commissioner Patrick: Hours of reading -- of listening pleasure; so my apologies. [Laughs]

>> Co-Chair Bauer: Well, at a minimum they don't feel under-informed.

>> Commissioner Patrick: Well, we do what we can. Okay. So the next meeting that I have was August the 6th, which was the Future of California Elections, sponsored at the Irvine Foundation. And there is also written testimony on this. There were -- it was in San Francisco, and there were commissioners in attendance. There was discussion about contingency planning, that the ability to be independent is critical, because in a true disaster situation the election department usually is not high on the chain of importance, so as much as you can do to be self-reliant in those situations the better off you're going to be. One location had their GIS Department map the stack [phonetic] homes and the distance to the office, along with evacuation plans, which was very good. They passed legislation to include displaced voters, along with first responders in California, and that was SB362. There were also discussion -- there was discussion about the distinction between a contingency plan versus disaster recovery plans, and how that interacts. Then we had a presentation on limited English proficiency and usability by some of the voter advocacy groups and some of the election officials who were present there. They felt that voter information and usability is still an issue coming from the official original source, that it's confusing and complicated, and too full of legalees [phonetic], and is plain language is really the best possible way to go? There was a discussion that in Marin County it impacted turnout, and the success rate dropped in the residual vote rates. So when they used plain language they actually had a better turnout. California code has the minority language is posted as a sample ballot, and everyone gets a single English ballot. [Inaudible] said that the preference, though, for them would be for 2 languages, with one being English, and the ability for a voter, however, to select the alternative format on voter registration or on an early ballot request is really beneficial if they are to receive it in a single language. The integration, they felt, is really the goal so that it's not seen as an offset from the standard voting practice. One of the election officials noted that it's very difficult even getting replacing parts for their aging machines, particularly after in light of vendor mergers and equipment that's no longer being supported by the new

company. There was a voter registration discussion, the tracking of NVRA agencies with new online systems. They're discussing doing something similar to Washington State's DURL, and voter registration integration with agencies' preexisting infrastructure as being really critical. And there was discussion about how this also includes websites. So many of the NVRA agencies may be doing it if you come into their office, but they're shifting many of their services to online services, and whether or not that mechanism is actually being NVRA compliant or not; and how that could be streamlined with online voter registration. And they also mentioned that the Federal Exchange they saw it as a victory that they were able to get voter registration incorporated into that in California. We heard from Heather Smith, Rock The Vote, about how critical it is that online voter registration is mobile ready and friendly, because so many people are doing their registration and all of their conduction of online business via smart phones or smart devices. And that 1 in 8 in California registered via the Rock The Vote, and that a third of their online users were 18 to 29 years of age. Local election officials talked about how having a permanent really voting list was a big source of Election Day issues for individuals who didn't vote the election -- or the ballot that was mailed to them, and showed up to vote and how to better educate them. Orange County also uses third-party data. We talked a lot about intergovernmental data list maintenance, but they did address validation and list maintenance from Experian, which is one of the credit companies. Address collection outreach directed voters all to online. So anything that they send out directed voters to the online voter registration, and they felt that maybe Election Day registration in the future would help. Did anyone else have anything about the Irvine Foundation?

[ Silence ]

>> Co-Chair Bauer: Okay.

>> Commissioner Patrick: Okay. From there on August 15th and 16th we went to the Election Center National Conference. If I'm not mistaken, or did I miss NCSL?

>> There was a Republican National Lawyers Association meeting on August 9th. And one of the great joys I've had as a member of the commission was taking Bob to the Republican Lawyers Association in Chicago [overlapping] --

>> Co-Chair Bauer: And your reporter will surely show that I won them over.  
[Laughter]

>> I have the pictures, Bob. And Bob did win them over. He was utterly charming. There were no switcher cards signed at the time, and I'm really not sure there will be in the future. But personality wise you certainly won them over. The meeting was really a chance for us to update the 150 or so Republican lawyers from around the country who were there on the commission's activities, which we did briefly, and really turned it into an open mike session to get their views. Not surprising for a national membership organization, which has not taken an official position on these issues, we heard a variety of views on a number of the subjects that we're looking at. There was -- you know, Election Day voting there were a number of people from the New England states, from the Northeast. We thought that Election Day voting was a crucial part of the fabric of the community, and any number from the southern and western states and parts of the Midwest too thought that early voting was an essential ingredient. And so we did get to listen to a variety of views on that. A number of the people in the room had been observers on Election Day in polling places, and had observations on the training of coworkers and the importance of observers at the polling place. A number have worked with electronic poll books for example, and thought they were an excellent improvement. A number expressed the view that if the system crashes that's a bigger problem than not having electronic poll books. There was a great deal of support for both the Kansas compact and for the ERIC Program, although more of the states represented at this meeting I think were participating in the Kansas Project than in ERIC, with the idea of cross-checking the voter registration rules to keep them clean was generally very much supported by the group. Views on early voting split very much according to the states represented, as did online registration. I think there was a general acknowledgement in the room that

online registration was a plus, especially from those who were there. So there's a good deal of concern about military and overseas voting and being sure that the barriers to those individuals voting were dealt with as much as possible. And lastly the idea of in-person absentee voting I think generally had more support in the rooms from the experience of people who had used it than mail absentee voting. And I think that about summarizes what we heard, unless you have anything to add to it, Bob.

>> Co-Chair Bauer: No; that covers it well. Thank you.

>> Sorry, Tammy, back to you.

>> Commissioner Patrick: Okay. From there I think we actually go to Nate for the NCSL?

>> Nate Persily: Yes; so then NCSL meeting in Atlanta there wasn't a whole lot of participation, but we briefed the folks in attendance on what the commission had done up to that point, and what sort of the hearings had suggested up to that point. And then we had a few comments from the audience, not many of which stick out for me, but maybe my other colleagues on the phone can jump in. There was some -- I remember there was some talk about preparation for natural disasters, some discussion of how Delaware deals with its voter registration list. And there was some discussion about things that -- like voter identification and vote fraud. But if there are other commissioners who where other things stand out for them I'd be eager to hear it.

Commissioner Thomas, were you -- are you still there?

>> Commissioner Thomas: Yes, I am. You pretty much hit it. There was a lot of fraud talk, a lot of voter ID talk. There was concern about the next generation of voting systems and how the money having all been spent. There was some concern about there being mandates put on the states as a result of this dealing with lines and things like that. Those were the main other issues. Some concern about postal services and the loss of Saturday mail delivery was an issue that was raised; some comment about e-poll books being positive. And I think the last one I had that came from Tennessee was is that voters lack a lot of information about civics, and that civics ought to be put back in the schools.

>> Co-Chair Bauer: Yes. Okay, Tammy, back to you.

>> Commissioner Patrick: Okay. We're on the home stretch. Now we're up to August. August 15th and 16th we attended the -- some commissioners attended the Election Center National Conference in Savannah, Georgia. There was a panel session, and again, it was election officials coming up to the mike, just giving their thoughts and their recommendations, their concerns. There was discussion in Delaware they mentioned that resource allocation is actually set in state and standards and set in state code; that 96% of their ballots are all cast on Election Day there; that they don't have many cast absentee. But they mentioned that they do have a very short ballot, so that certainly they felt aided in having that be efficient. There were others that talked about turnout, early voting, voter registration, the type of the election, the ballot length, the ballot printing, if it's a ballot on demand, that those are all things that they had to take into consideration when calculating the estimation of peak times and how many staff will they need, and then the outputs being the number of poll workers, the booth allotment, that sort of thing. One recommendation that was I thought very [inaudible] was one of the jurisdictions mentioned that they do their logic and accuracy test by public volunteers, because it gives a more realistic time that it takes to vote, rather than having staff do it that are familiar with equipment and the methods. But it does take them longer to complete their LNA testing, but it gives them a little bit of an insight as to what could possibly occur on Election Day. Some use a number of hours of early voting across the state, but can be allocated as necessary by the local jurisdictions. One state articulated that they had a week of their early voting removed in 2012, and that in previous years they had 100,000 voters use that first week. So it was very problematic that the mail-out of early ballots sometimes it can be too early to be helpful, and that having the mailing of the ballot be -- there be some sort of sweet

spot where you get the best return, and you don't have as many people showing up at the polls because they no longer have their ballot. Resource allocation based on the facility or the location, and how much space it will allow is another element that election officials use. And they're actually seeing a denial from other government agencies being on a rise. So in the past they've been able to use government agency buildings, and they're seeing more and more denials of that. One jurisdiction saw a 20% loss of their polling places due to a loss of schools. That same jurisdiction, however, had their poll workers follow the department on social media, and they used that as a mechanism for advising their poll workers of last minute changes, that sort of thing. Again, we heard that they didn't -- in one jurisdiction they didn't have lines because they have a short ballot, so the length of the ballot was certainly brought up repeatedly over the course of summer. There was request not to restrict equipment purchases by inflicting an artificial deadline, which one official saw was one of the issues with HAVA. There's a general lack of resources like polling places, and a push to increase early voting for line reduction can be exacerbated one jurisdiction felt; and that a high percentage of retention in poll worker training they feel is because they do roundtables in off-cycle times to keep their poll workers engaged in the process. In another area they said that it took 25 minutes to just read the ballot without making any determination, and that that really was taken into consideration when they did their allocations for Election Day, and that was an administrator in Florida; that the voters having options with paper ballot and the use of a privacy booth was very helpful, and it allows more voters to vote at once than when all they have is the DRE option if you're limited in the number of DRE's that you can in fact provide. They also decided this last year to send out sample ballots through the mail, and they felt it was money well spent; that their voters seem to have made their -- a lot of their choices and selections and brought them to the polls to help them in casting their ballots in a more efficient manner. There was additional concerns with certification and the voluntary voting system guidelines. One local official discussed how their states had a statewide prohibition on buying additional equipment, but that they had population growth, and that that was very problematic for them, that estimations in forecasting failed, and particularly for polling places near the university where they had based it on unregistered voters, as well, knowing that they would turn out. But by working with the political parties they issued additional polls and some additional resources. Another jurisdiction talked about how they had an electricity outage in large areas of their city which impacted lots of polling places on Election Day. So having that sort of Election Day contingency plan that affects multiple polling places, not just a single one was critical. There was additional issues with the postal service with the intelligent mail barcode and tracking of ballots; and that policymakers and resource purse string holders are the key to a lot of these issues, that on the one hand you can't just throw money at it, but it's very difficult sometimes to address concerns when there's no resources. The definition of what constitutes a line is very different and can be impacted by the age of a voter, is what one election official said; that the checking in point is where a line occurs for them. They said they needed money for e-poll books. They felt that because that's where their bottleneck was that that would certainly help. And that intense maintenance issues of the voting equipment is an ongoing issue, and they're not satisfied with the technology options that are currently out there. Postal issues were also a problem in general delivery areas where for NVRA list maintenance that could be a problem because voters were being moved to an active status when they had not moved. And there was one official who said, "You know, we need to either stop the EAC so we can get a new voluntary voting system guideline, or move onto some other solution." There was also best practice from one California official, and that was to make sure that you have your ballots being returned to a post office box, and that you're at the post office at your PO Box at the deadline for pickup so that you aren't delayed or have ballots not come in that were sent in a timely manner based on some sort of a delivery issue with the post office. Also, one location said that they put their equipment in libraries and in the community for hands-on practice during off-cycle times. So that's what I have for the election center meeting. Were there any additional comments? Okay; the next one that I had was the PEW Election Performance Index Meeting, and that was held on August 19th through the 20th. That particular meeting was mostly a discussion on existing indicators that are part of the Election Performance Index, and some preliminary data from 2012 that is still in the process of being configured, and the

new EPI is not yet out on the PEW website, but that will be coming sometime later on this year, if I'm not mistaken. So there wasn't -- I didn't take many notes for that particular meeting. The only other thing that I had noted is there was some discussion about Woodrow Wilson's Short Ballot Commission, which I went, and it's a relatively short -- and read. It's a relatively short [inaudible], but certainly informative and entertaining. The next meeting that I have was with the United States Post Office at Postal Headquarters in Washington, DC. And there were a couple of commissioners in attendance. That took place on August 27th. We went through 5 basic areas: operations, tracking and addressing, mail piece content, acceptance, and marketing. Just a couple of real quick notes on this is that there -- we did discuss the rationalization impact, which rationalization is the closing of the processing plant, and how that can impact real jurisdictions and vote by mail jurisdictions. One of the things that they did last year and they did commit that they would do it again next year should they have any additional rationalizations, is that they stopped all of them early in the year so that it would not have an impact as the election cycle gears up. We also talked about issues of quality of cancellation or postmarks, and some of the potential options, and we'll continue to have that conversation with the Post Office. Many of the election administrators work with them on an ongoing basis. We also discussed 5-day deliveries and some of those concerns, and also the discussion that was raised in Alaska regarding the length of time that it takes to get to some of the remote locations. They wanted to know exact examples because they said that it should not have any sort of impact because it takes 30 days to go from Anchorage to anywhere in Alaska; that the only place that there are issues that take that long would be Hawaii where some mail actually does go by boat. So that's important to know for anybody mailing out to military and overseas voters stationed in Hawaii. There was another discussion surrounding cluster boxes, which many large developments are using, so you no longer have a mailbox on your house. They're all at a central location; but many of the cluster boxes do not have the ability accept outbound mail so voters who receive their ballots at home cannot necessarily mail them back at their own mailing station. And there was discussion surrounding that, and then also to make sure that in those outbound drop-boxes that they of course are large enough to accommodate a ballot. We talked about tracking and the implementation of the intelligent mail barcode, and how that can be used to improve the tracking of ballots, and full service to the elections community, and some of the other issues that arose last year had to do with move updates and legal restraint issues for the addressing of mail going out from election offices. There was also a change or a proposed change for PO Box formats to look like a standard street address and how problematic that can be for voter registration, because you would not know by looking at it immediately that it's a mailing address. You would only know it at the point of data entry, and that that can also be a problem for petition processing on provisional ballot intake. That's an opt-in program so hopefully it will be limiting to election administrators. Mail piece content; this is something that really hit a lot of election administrators in the last year. It has to do with whether or not you can get a discounted rate for information that you're mailing out to your voters, including voter ID cards, ballots, that sort of thing; and the post office's interpretation of whether or not the mailing contains multiple or duplicitous information on it. So there's been an ongoing discussion on how to best get the discounted rate for educational materials going out to our voters. There was also a change in the Federal Registry for election officials, that they need to know that if you're mailing out a ballot that you have to advise the voter of the exact amount of postage to be on the ballot upon its return, unless you pay for the return of it, and then there are some other exceptions as well; or if you have an overage account, that sort of thing. The Post Office committed that they're going to do this as what they're calling "a soft rollout" through the midterm election cycle. So it will not be impacted in 2014, but they will continue to deliver voted ballots that are being returned to the election administrators even if they have not complied with this part of it. But it's something that the field is going to need to work on moving forward. Then there was discussion with the vice president of Acceptance about uniformity across jurisdictions and across states from one post office to the next, and some of the challenges that they see and how that impacts the election world. There was a question made to marketing about whether or not the single election mail rate is still alive, and if that's even a possibility. And the discussion was in relation to the GAO study with a bit of a setback. They don't see it as completely dead, but it's

certainly something that would be beneficial to many election administrators moving forward. And they will continue to have monthly taskforce meetings all the way through next year's election. It starts out with a monthly meeting they started the fall of -- this fall of 2013, and then they moved to weekly meetings with upper management as it approaches. So any concerns with the post office can be sent through and addressed with those weekly meetings. And unless [inaudible] have anything else you want to add to the postal meeting, I have the very last meeting on my desk right here. And that was the September 3rd meeting with the various civil rights groups in New York City. And this was all in person. There weren't any commissioners on the phone. There was extensive monitoring being done by a number of the advocacy groups in urban areas. They particularly monitored in New York, New Jersey, in Pennsylvania in light of Hurricane Sandy. They had a national hotline, where they said only about 18 to 20 percent of the calls were real issues. Most of the calls coming in were voter logistics. In New York they've mentioned that they thought -- or that the poll worker training is mandatory, and they thought that that's a good process to undertake, but they wanted to make sure that poll worker training -- sometimes they question the efficiency and efficacy of it, and they'd like to see testing of poll workers, as well as ensuring that bilingual poll worker assistants are present where they need to be, particularly in the larger cities. They recommend using ESL instructors as good sources of bilingual assistance, and they encourage empowering the state and local officials to have some control over who staffs the poll, not leaving it entirely up to the parties that they can contribute names, but making sure that the local election officials have the ability to determine who works and has the final say in who can continue to work when they do have disciplinary issues. They mentioned that jurisdictions using name verification software sometimes results some issues with multiple surnames within some of the language minority communities. There were a couple of questions asked. One of them had to do with nationally whether or not these organizations found jurisdictions providing additional training to bilingual workers, and they saw that as a somewhat limited practice, but they would possibly be helpful. In areas where they found a lack of bilingual assistance they were asked if these were locations designated as needing staffing, and then whether or not these organizations provided any help in determining -- in the determinations of where assistance was needed, or in the recruitment of the bilingual workers. And it came back -- there was kind of a full spectrum. In some jurisdictions they were contacted by the local election official and wanted their organization to provide all the poll workers. And in others they weren't part of the process and they were unable to find any form of determinations for staffing as a public record. They were asked about bi-languages, and language or languages, and that they said that they support bilingual, not necessarily a monolingual or multilingual ballot. And then asked if they agreed that the usage of transliteration being used by the media is a good source of translation for some of the Asian languages, because we had heard that in California. And the other coast counterparts agreed as well. So we seem to have consensus on that from both sides of the country. And with that, my friends, I [overlapping].

>> Co-Chair Bauer: Well, that was beyond heroic, and also a very detailed account. And the [inaudible] well-served by a commissioner who can turn in the performance that Commissioner Patrick did today. In any event, do any of the commissioners have any further comments they want to add? Our purpose here was to make sure that we gave a full accounting of our subcommittees, and other opportunities to take advantage of the offers, the invitations that we've had to hear people with thoughts about the electoral process and ways it could be improved consistent with our charge. And Commissioner Ginsberg, do you have any additional thoughts; any other commissioners?

>> Co-Chair Ginsberg: No; just add my thanks to Tammy for that thorough, in-depth briefing in conjunction with the Federal Advisory Commission Act.

>> Co-Chair Bauer: Very good. Well, with that we'll close out this public meeting by phone, and we'll be posting shortly the date of the public meeting early in December. But I thank all the commissioners and I thank all of those who have been on the phone to hear the report. Thank you very much.