



Presidential Commission on Election Administration

Public Meeting

General Services Administration
1800 F St. NW
Washington, DC 20006

Friday, June 21, 2013

>> Good morning and thank you for coming to this first organizational meeting of the Presidential Commission on Election Administration. And also thanks to those who are joining this by webcast which is available through our site at www.supportthevoter.com. Our order of business .gov actually -- support the voter.gov. Our first order of business or our order of business today begins with the swearing in of the commissioners. We were all sworn in previously by phone. But we are resuming that here today more formally and in public. And we'll also talk a little bit more about the balance of the agenda here before the swearing in takes place. So let me turn this to my co-chair Ben Ginsberg.

>> Thank you, Bob, and welcome everyone. What we'd like to do today is to talk a bit about our charge from the President for this Commission, as well as our goals and objectives. We'll go over the dates, locations, and format for our future public meetings -- which we'll hear from election officials, from academicians and experts in the field and from the public. Then we will hear a presentation from Nate Persily, our research director, on the issues that we'll be looking at and the research in the area now. Then we'll talk some more about the Commission's website which we hope to make a very integral part of our process. And lastly, we'll describe the next steps from the Commission.

>> So with that, and here to swear us in is the acting administrator of the General Services Administration Dan Tangherlini. Thank you, sir.

>> Good morning.

>> Morning.

>> I want to thank Co-chairs Ben Ginsberg and Robert Bauer for agreeing to lead this important Commission. I want to thank all of the commissioners for volunteering of your own personal time -- giving your time to this important issue. I want to thank Mark and Monique of the GSA staff and the entire GSA staff that will be supporting the Commission. The general services administration gets to support activities such as this under the title general. It is among the things that we do is providing the opportunities and the systems and the support for important work such as this to be done. And this little work that's as important as what you're doing to help us explore reforms in the way we engage in the fundamental activity of our representative democracy and that is running our elections. So with that charge, I'd ask you all to please stand and raise your right hand. And when I say "insert name here" please insert your name rather than repeating insert name here. You'd be surprised how many people do that. I, insert you name.

>> [inaudible comments].

>> Do solemnly swear.

>> Do solemnly swear.

>> That I'll support and defend the Constitution.

>> That I will support and defend the Constitution.

>> Of the United States.

>> Of the United States.

>> Against all enemies foreign and domestic.

>> Against all enemies foreign and domestic.

>> I'll bear true faith and allegiance to the same.

>> I'll bear true faith and allegiance to the same.

>> That I take this obligation freely.

>> That I take this obligation freely.

>> Without any mental reservation.

>> Without any mental reservation.

>> Or purpose of evasion.

>> Or purpose of evasion.

>> And that I will well and faithfully discharge.

>> And that I will well and faithfully discharge.

>> The duties of the office.

>> The duties of the office.

>> On which I am about to enter.

>> On which I'm about to enter.

>> So help me God.

>> So help me God.

>> Thank you very much. Good luck.

>> We thought we would begin before proceeding straight to the business to have each of the commissioners introduce themselves briefly. I'll begin. I'm Bob Bauer. I've been involved with election law, mostly in private practice at the law firm of Perkins Coie for over 30 years. And have represented a wide range of clients, political party organizations, candidates, tax exempt groups, and current representations include the General Counsel of the Democratic National Committee. And I'll now turnover to Ginsberg the responsibility to identify himself.

>> Why thank you, Bob.

>> I'm Ben Ginsberg. I've been practicing mostly on the -- or exclusively on the Republican side of the ledger for slightly less than Bob being slightly less youthful or more youthful than he. I practice at the [inaudible] firm. And we look forward to working. Brian.

>> [inaudible] Good morning. Better? My name is Brian Britton I'm an executive of 15 years at Disney, specifically the parks and resort segment. We know a thing or two about lines down there. Prior to that, I was a naval flight officer in the back seat of the mighty P-3 Orion. And I just wanted to say I'm extremely proud to serve.

>> Joe Echevarria is the chief executive officer of Deloitte. He could not be with us today. But Joe has joined -- been with Deloitte for 30 years. He is currently basically the Chief U.S. Executive Officer of that firm. And he will be joining us for future meetings. He is also a graduate of the University of Miami and trustee there. And that will become relevant in just a moment. Trey

>> I'm Trey Grayson. I'm the director of the Institute of Politics At Harvard University. Prior to that I served two terms as Secretary State of Kentucky. And during that time, I was the President of the National Association of Secretary of States. And also the chair of the Republican Association of Secretary of States. And like Brian, it's a real honor to serve.

>> Morning. Larry Lomax. Someone on the committee has to have actually put on elections. And I'm the grunt of the group. I'm from Las Vegas. Been putting on the elections there for the last 15 years. Prior to that I was an Air Force officer and pilot for 30 years. Enlisted in the Air Force from the day I graduated from Stanford.

>> Michele Coleman Mayes. In my role as general counsel in several institutions, I know what it means to try to influence public behavior in a positive way. Particularly at the New York Public Library now when dealing with folks that are new to this country you understand how important the right to vote is. And anything we can do to get more people to vote is in the right direction.

>> Good morning. I'm Ann McGeehan. And for 22 years I worked in the Texas Secretary of States Office. Sixteen of those years as State Election Director. Saw lots of changes implemented in VRA HAVA and other interesting federal changes and state changes. Last year, I left to go to the Texas County and District Retirement System, which has been a really pleasant change and a new challenge. But I'm very honored to serve on this committee, Commission. And I'm looking forward to the work.

>> Good morning I'm Tammy Patrick. I'm the Federal Compliance Officer for Maricopa County in Arizona. It's the greater Phoenix Metropolitan Area. Everyone always wants to know what exactly a federal compliance officer is and does. And my job is to ensure that voters have an access to the ballot and overcome any obstacles that they foresee. And that means basically providing information and alternative formats, minority languages. And ensuring that our military and overseas voters are well-served. And it is truly an honor to be here this morning.

>> Good morning, my name is Chris Thomas. I'm from the state of Michigan. I'm the director of elections there. I've served in that capacity since 1981. I cut my teeth here in Washington in 1974 in Campaign Finance Administration with both the clerk of the House and with the Federal Election Commission. It's an honor to be here. And honor to be appointed. And look forward to making a very positive impact on the conduct of elections in this nation.

>> I'm Nate Persily. I'm the research director of the Commission. And I'm currently a professor of law in political science at Columbia Law School, at least for the next ten days. And then I'll be at Stanford. And I've been working in the area of election law and administration for the last 15 years or so as a political scientist, a law professor, lawyer with many other hats on.

>> Thank you everyone. We'd also like to introduce Mark [inaudible] from the general administration who is our designated federal law officer for this Commission. Let me tell you a bit about our charge goals and objectives of the Commission. As you know, the President introduced the creation of this Commission in his State of the Union Address. The objective he set out was to improve the voting experience for all qualified American voters. And for this Commission to offer a series of best practices to improve specific areas where barriers have been experienced. The executive order signed by the President on March 28th of this year, and that's included on the Commission's website, sets out the topics the Commission will consider. The issues spelled out in the executive order -- the ones that the Commission will consider -- are first the number, location, management, operation, and design of polling places. Secondly, voting accessibility for uniformed and overseas voters. Third, the training, recruitment, and number of poll workers. Fourth is the efficient management of voter roles and poll books. Fifth is voting machine capacity and technology. Sixth is ballot simplicity and voter education. Seven, is voting accessibility for individuals with disabilities, limited English proficiency, and other special needs. Eight is the management of issuing and processing provisional ballots in the polling place on election day. Nine are the issues presented by the administration of absentee ballot programs. Tenth is the adequacies of contingency plans for natural disasters and other emergencies that may disrupt elections. And lastly are other issues related to efficient administration that we see in the course of our deliberations. In developing this list, we recognized that a number of issues are best left to elected officials. The Commission's charge and our

goal is presenting a series of best practices in these areas. We will not be producing legislative recommendations. Bob.

>> In the crux of what we're going to be attempting to do here is to take the best information available -- the best research, the experience and testimony of those who have been involved with elections, the best data -- and fashion them into best practices that really treat election law in the terms that Ben has described. That the issues that have been laid out for us in this mandate as matters for public administration. By no means a partisan exercise, in fact, to the contrary. A public administrative exercise where it will be possible for anyone of any party, or those not affiliated with any party, to agree fundamentally on the importance of opening up the franchise. And assuring that unnecessary impediments in no way limit access to the polling place. So we're going to be looking to find common ground. And find common ground on the basis of the best possible analysis reached in a thorough going analytic fashion. Our further business here this morning is to talk about at least one aspect by which we are going to be one mechanism -- by which we're going to be collecting this information. And that is through public meetings process. A public meetings process around the country that enables us to hear from election officials, from experts, and from citizens of affected communities about the voting experience. And their perspective on the issues that we should be covering. We have already announced a first public hearing on June 28th in Miami at the University of Miami in Coral Gables. And I wanted to on behalf of the Commission also identify the other dates and locations for additional public meetings around the country. On August 8th, we'll have a public hearing in Denver, Colorado. On September 4th, we'll have a public hearing in Philadelphia, Pennsylvania. And on September 20th, we will have a public hearing in the state of Ohio at a location still to be determined. Final arrangements are being made. And we will announce that somewhat later.

>> Let me reiterate what Bob said about this being a nonpartisan exercise and one really designed to improve the ability of qualified Americans to cast their votes. The public sessions that Bob mentioned we are structuring to try and maximize that goal. So we see it really in three parts. First, we'll be hearing from those who do the actual hard work of administering elections on the local, county, and state level. We'll then blend that with the work of those conducting research in this area including academicians and members of the think tanks. And lastly, but certainly not least, we'll spend the afternoon of the public meetings hearing from groups all cross the spectrum from citizens who wish to tell us about the work that we're undertaking. That's the format. It really is designed to reflect the merging of the practical people who put on elections with the best research in the area with what citizens have to tell us about their voting experiences. We certainly want to encourage everyone who wishes to address us to come to the meetings that Bob outlined. And we also want to encourage people, recognizing that not everyone can get to those four cities, to use our website. We see that as in essence an additional hearing for us. And we urge submissions of information that the members of the Commission should be reviewing. We see that every bit as valuable to us as in person statements.

>> Beyond some of the key procedural points that we wanted to make that the Commission wanted to present publicly today about how it's going to perceive. We also thought it would be useful to have a threshold discussion of the state of research currently into the various issues that we've been asked to examine through the President's executive order. That presentation is going to be made by our Senior Research Director Nate Persily, who introduced himself just a few minutes ago. We feel exceptionally fortunate, particularly at a time in transition in his life where he's moving from New York to California from Columbia to Stanford, that in the middle of that chaos Nate has been willing to take upon himself this very -- and on behalf of the Commission this exceptionally important responsibility to direct research for the Commission. And ensure that we have the information available to inform our deliberations. Nate is going to present that research overview now. Because of the layout of the room, the screen being behind us, the Commissioners are going to step down for a minute and take seats in the front row so that we can see it the same way that you're seeing it. I should mention that the PowerPoint presentation that Nate is about to deliver is going to be available posted also for review either

by those who haven't seen it or others later. Who would look to review it one more time on the website at www.supportthevoters.gov. Thank you. Nate.

[Background Sounds]

>> Thank you. I should say it's also good to have the Commission in front because now I can give this PowerPoint by way of Socratic method. I thought that that would be useful. I often say that I'm -- depending on the day -- I'm either a law professor or a political scientist. You can tell which one I am because when I'm a law professor I have opinions without data. When I'm political scientist, I have data without opinions. And for the most part, this is going to be my role as a political scientist. As Bob and Ben mentioned, I am the research director, which means that I'm directing research effort that includes many, many other people who are around the country. And who are experts in election law and election administration. And you will see many of them in the hearings throughout the summer. You can view this presentation as a bit of the trailer to the summer movie. Hopefully a little bit different than say World War Z or something like that. But it'll give you a sense of the kinds of research that our experts will be presenting throughout the summer and other -- that group is continuing evolving and growing. So in a half hour or less, I'm going to give you a primer on election administration, a review of the literature, and a strategy for further research. Let me start with the good news, which is that we have come a long way since the watershed moment of the 2000 election. And the debate over the Help America Vote Act that is subsequent to that. The immediate focus after the 2000 election was on -- particularly on ballot machines, on voting technology, and on the problem of residual votes. Most glamorized by the punch card ballots in the Florida race in 2000. And the issue that many people spent a lot of time on originally was the issue of residual votes. Meaning ballots that are cast but that are not counted. And the good story over the last 13 years or so is that we have really done a good job as a country in reducing through technology the number of residual votes, the numbers of ballots that are cast that do not end up registering a vote. So that in the 2008 election we've pretty much pushed residual votes down to around 1 percent. Which is about as -- it's probably approaching the lower bound of what is possible with technology. However, problems remain. New problems have developed; old problems remain. So despite these technological improvements, votes have gotten lost in the system at other points in the process. Whether it's because of registration problems that prevent voters from voting, wait times that we've heard a lot about in the 2012 and earlier elections that burden voters and discourage turnout. Military, overseas, absentee ballots that are never received -- that are not correctly or timely cast, that are not counted. And provisional ballots which also have grown over the -- since of course the Help America Vote Act that would fail to be counted. In addition, we haven't done away with the ballot design problems that often cause voters to miss vote or under vote. And language difficulties and unaccommodated disabilities also lead to many voters not being able to vote at the polls. In the executive order, in trying to think of the multiple areas of law and administration that Bob and Ben mentioned in the introductory remarks, the executive order does set forth two goals to ensure that -- to promote the efficient administration of elections. To ensure that eligible voters have the opportunity to cast their ballots without undue delay. And to improve the experience of voters facing other obstacles in casting their ballots such as members of the military, overseas voters, voters with disabilities, and voters with limited English proficiency. So you could think of these goals as looking at accessibility by the general population on the one hand and then dealing with accessibility issues of particular populations on the other. And if you plug in some of the other topics from the executive order that were listed to further that first goal to ensure that eligible voters have the opportunity to cast their ballots without undue delay we look at the issues of management of polling places, poll workers, and voter rolls. Voting machine capacity and technology, ballot simplicity, and voter education, provisional ballots. And then for discrete populations we're looking at the members of the military and overseas voters, voters with disabilities, voters with limited English proficiency, absentee voters, and victims of natural disasters and emergencies. So that's one way to bring some coherence to the topics that are in the executive order. But I want to begin by talking about the data and research challenges in this area because we don't have the data set that we would all want.

Which is we don't have a census of the election experience of all eligible voters in the U.S., okay? We have a highly decentralized and spotty data provision system at the local level on even the most basic questions of American elections. There isn't a national repository or a national standard even for basic questions of election data. And, in fact, it's sometimes difficult even to define and assess the effect of a single factor in what are geographically variant ecosystems. That the polling place in Nevada might be different than a polling place in Maricopa County than in Miami than in New York City. That how we describe the categories of things like provisional ballots or absentee ballots really will depend on location and how the local administrators are collecting that information. So since we don't have that census of the election experience, we rely on sample surveys of the population, such as the Census Current Population Survey. Or the Corporative Congressional Election Survey. Or the Survey of the Performance the American Elections -- Performance of American Elections which all of these I'll have charts from in the presentation. But these are naturally going to be samples of the general population of thousands of people, but not millions of people. And so the ability to make inferences about local specific problems will be hampered by, of course, the size of the population that is being sampled. So in addition to those sample surveys, we have surveys of election administrators. The indispensable surveys from the Election Assistance Commission, such as their Election Administration and Voting Survey. And their survey dealing with uniformed and overseas voters with and with compliance for the National Voter Registration Act. That is which, I mean, that survey which has been around for ten years is really the only source of information on the national level for so many of the questions that we're dealing with as a Commission. And then we have some state specific data sets. And some data that will be provided to us and has been provided to us by National Associations of Election Administrators. Which have -- it's an alphabet soup of organizations IACREOT, NAS, NSAID, Election Center all of those organizations do some kinds of survey research and data collection. In addition to that, we will have some data concerning incident reports that groups tally election day or their campaigns do. And I don't want to knock this last research category. We tend to focus on the numbers. But we're going to be spending a lot of time dealing with interviews with election administrators, the hearing process, and getting a lot of feedback from individuals who have been administering these elections. But in many respects, the triggering event for our research were the wait times that voters have been experiencing in recent elections. And there is here also a good news bad news story. Which is that most voters do not need to [inaudible] vote. They do not need -- most voters do not need to wait in order to vote. But rather that in for a subsection of the population, which is to say millions of people, they need to vote -- they need to wait to vote for some times two or more hours -- sometimes extending into eight hours or more. And so as Charles Stewart and his survey the Performance of the American Election showed there's great state variation in wait times. You can see in the chart on the left. But focusing on the average wait time of voters will obscure the severe instances that we all saw on the television that had been reported since then. Although roughly 4 percent of Americans are waiting more than one hour. Of that group that's waiting more than one hour half of them are waiting for over two hours. Which translates into millions of people who will be waiting -- who have been waiting in elections for extensive periods of time. Now who waits longer to vote? And we have some idea based on the survey performance of American elections as to who waits longer to vote. As it turns out, early voters have to wait longer to vote. Those in urban jurisdictions, racial minorities, as well as people who live in jurisdictions where the wait times were long four years earlier. And the reason it's important to emphasize that point because one of the questions will be wrestling with is to what extent is the incidents of wait times a function of lightning strikes, right? Which is sort of random events that simply are going to be crippling polling places that, you know, lead to problems. Or are they systemic issues which plague the same areas of geography time and again? Now if you look to [inaudible] theory outside the area of election administration, those management experts will often talk about three causes for long lines. That either large numbers of people are arriving to vote at the same time, there are too few points of service. And then the length of time it takes to commit the transaction, in this case to vote, is excessive. In looking at the factors that -- in the executive order that bear on those three categories, with respect to the first, the large number of people arrive to vote at the same time. It may depend on the length of the voting period. It may depend on the length and

schedule for voting on elections days. On alternative ways that Americans can vote. And with respect too few points of service the polling places, poll workers, poll books, and voting machines and ballots. If the resources are not there in order to commit to the large number of people that show up, then you'll have long lines. And then finally, the factors that determine the length of time it takes to vote are the time of course it takes to check someone in, confirm registration status, print, distribute a ballot, vote the ballot, and confirm the vote. And all of that can be affected by the length, complexity, and usability of the ballot. The inaccuracies in the poll books and the registration lists. And any other voter and poll worker confusion. So Charles Stewart in the Survey Performance of the American Election asked was when do people attribute -- when do they wait? Is it at the front end of the process before they get to vote? Or is it while they're waiting to vote, okay? And so for the most part, whether you're talking about people who don't have to wait all that long or those who have to wait over an hour, most of the waiting happens before you actually get the ballot. So it's people who are waiting in line in order to check in and to have their -- waiting to get the ballot. It is true as I'll mention later that some technologies are going to cause longer wait times than others once you do get the ballot, right? So naturally if there are certain technologies that are limited in capacity like electronic voting machines, all other things being equal it might -- a scarcity of voting machines will of course lead to longer wait times once you've gotten the ballot. But for the most part, people are waiting in order to get into the -- have the opportunity to vote. And that's going to be a function of several things. The poll workers in the polling place. We have over 878,000 poll workers in the U.S. and 43 reporting states in the EAC surveys. 132,000 polling places. They vary considerably in their training. It is harder to recruit poll workers in some jurisdictions than others. There are roughly 45 percent of jurisdictions report difficulty in recruiting sufficient poll workers. And jurisdictions vary considerably in all of the resource allocation decisions that are coming poll workers way whether you're talking about pay, how much time they're on the job, etc. But one of the critical factors in moving voters through the process is the accuracy of the poll books and the registration lists. And so Steven Ansolabehere and Eitan Hersh have done an analysis of the registration lists across the country. And they find roughly 10 percent or so of the registration lists have names that are inaccurate for one reason or another. Whether it's the missing address information, whether dead voters, voters who have moved -- that on average you will have about 10 percent of the roles are inaccurate. But that varies considerably. It varies considerably across time and space. So that different states depending on the year could have much higher rates of what we call dead wood on the registration lists. And then after a series of measures made reduce that dead wood considerably. But depending on the usability and accuracy of the registration lists and poll books that is what feeds into polling place management. Because if the registration lists are inaccurate, you have longer waits as poll workers struggle to match names. You may have more provisional ballots if names don't match the lists. And you could have a greater likelihood of later unmailed absentee ballots if the addresses are inaccurate. And they're going to be returned back and forth. So once you get through the check-in process, you then confront the voting machine or the voting process. And as I said at the beginning, we have made great strides in transforming the election system from one that was primarily dealing with say nineteenth century technology to ones that are at least in the twentieth century. And the graph that I have up here shows the shift from the 1980s, [inaudible] from election data services. That the shift in the elimination of punch card ballots from the 1980s and 2000 and for the most part now of the elimination of lever machines, which my current state of New York just got rid of. And the shift toward electronic voting machines which is the second bar up on the top, the gray bar. And optical scan technology. And so as I said at the outset, this did lead to a decrease in the number of residual votes. But it has been a mixed blessing because it also shows that there are certain longer wait times with other more advance technologies. Again, if there's a scarce number of machines, then of course more people will have to wait in order to get an individual machine. But, again, that will also be contingent on all kinds of other factors in the election ecosystems. Now while we've made great strides in ballot technology, I said not without all kinds of other mixed blessings whether you're talking about security or the issues that I just mentioned and wait times. That these advances can also be offset not just in the types of technology that you're using but in the

design of the ballot. And we famously remember the Palm Beach Butterfly Ballot. But that's just one extreme case of a more ubiquitous problem of confusing and otherwise difficult ballot designs that are going to lead to lost votes or lead to people to miss vote or over vote. The NIST National Institute of Standards Technology 2006 looked at ballot length. The average general election ballots has 14 contests plus referenda. Typical ballots have between 11 and 90 contests including referenda. Most items on the ballot are local. The word count and reading level on average each referendum is about 100 to 150 words long. And written without regard to reading level they find. And as some have noted particularly in the context of absentee ballots, we have ballot design problems that lead to lost votes. Where people don't put the signature in the right place. They don't fold it the correct way. There's information that's missing that leads to lost votes. As [inaudible] a usability expert who we've been talking to has emphasized, when there are certain problems on the ballot then there are certain problems in the vote. Where if you have split costs across columns there will be an over vote. Responses on both sides of the ballot names you'll lead to over voting. Problems with the formatting, the instructions. Or having multiple contests on the same screen if you're using an electronic voting machine. Each one of these flaws in the design will lead to voters making mistakes that could be corrected. One way to try to combat some of these mistakes is through additional efforts at voter education whether it's mailing out sample ballots, or other types of education. I will say that this is one area where I think we as political scientists have not done enough research. Which is to look really at the question of what types of voter education materials work. We have good data on what the state websites look like. And so I'll just put that up here. Where -- so if you look at your state's election website you'll be able to find in 22 percent of them you'll be able to vote online. Actually probably more now. And not vote online, that you'll be able to register online and manage your registration. Almost all of them you'll be able to find your polling place. But on other questions, such as confirming whether your absentee ballot is counted or provisional vote is counted, only a minority of states provide that service. So states vary. And localities very considerably in the kind of information that they transmit to voters through the Internet or through mail. So now once you've gone through -- you've showed up to vote, and you meet the person who is -- the poll workers who is registering you. If there is a problem in your registration status, the Help America Vote Act says that you still have the opportunity to cast a provisional ballot. These provisional ballots are both a solution and highlight other problems. As I said, they ensure that if there is a registration difficulty that they -- you'll still be able to vote. But high rates of casting and rejection may signify something that's awry in the system. We had 2.1 million provisional ballots that were cast in 2008. 62 percent of them were counted, which was 1.7 percent of all votes that are counted. But four states account for about two thirds of the provisional ballots -- Arizona, California, New York and Ohio. And by singling those out I don't mean -- I mean to emphasize the first point which is that it doesn't -- that the idea for provisional ballots does not necessarily translate into a problem. And that the problem of provisional ballots is geographically contingent. And by that I mean that different states give out provisional ballots for different reasons. And what is a provisional ballot in each state really depends on the reasons that voters cast provisional ballots. So for example, in states that allow for permanent absentee voters such as Arizona and California, you may get a higher rate of provisional ballots because when voters show up at the polls when they are registered as permanent absentee voters, they will often end up casting provisional ballots. Similarly, states that had provisional ballots long before the Help America Vote Act and therefore have all kinds of reasons why people might cast provisional ballots, those states have about four times as many provisional ballots cast as others. So why are provisional ballots rejected? For the most part it's because of the voter not being registered in the state. Sometimes it's because ballots are cast in the wrong precinct. Sometimes it's because of other problems in ballot administration. Now moving from the issue of general accessibility and the factors that feed into long lines on election day -- now I'll talk a little bit about the discreet groups of voters that face obstacles in casting their ballots. Focusing as the executive order does, members of the military overseas voters, absentee ballots, voters with disabilities, and limited language proficiency and then victims of natural disasters and emergencies. When it comes to the military, there are heightened problems that also afflict absentee voters in general. They have

difficulty registering at the correct address. They are twice as likely to experience registration problems as the general population. Many of them -- a high share of the military are registered, but because they move so frequently they're often registered at the wrong address. And because of that, it historically has been the case, it has been difficult for them to receive ballots on time. So in 2008, before what's known as the Move Act, 17 percent of registered active duty military said they requested an absentee ballot but didn't receive it. In addition to difficulty getting the ballots historically, there's been difficulty in casting them. And so turnout among the military varies depending on the estimate that you look at. Whether you look at the military that are overseas or whether you're looking at domestic military. And depending on which denominator you use. But it's safe to say that the turnout rate among the military is lower than the general population. So in addition to having difficulty receiving the ballots, in getting registered, and receiving ballots and casting the ballots because they're often stationed overseas it's difficult to get the ballot returned on time. So while 91 percent of the general population, this again is before the Move Act, returned absentee ballots only 62 percent of the military personnel were able to return it on time. And because of all of the issues dealing with registration and absentee votes generally military votes are going to have higher rates where they are not going to be counted. As I mentioned though, the Move Act, which Congress passed after the 2008 election, did a lot to get the states to get ballots to the military on time. And so while if you look at the 2008 election of those who were unable to vote, almost 50 percent of military or UOCAVA voters, which is uniformed and overseas voters, said they had not received the ballot on time or they missed the deadline. That number dropped by 14 percentage points by 2010. And so we've made great strides in that front end of the process of getting military voters to vote. It is still the case than that we have, you know, quite a few ballots that are mailed out to military voters that end up not being returned. So that in 2010 of uniformed services you had 335,000 roughly votes that were mailed out; 107,000 that were cast. And so despite some of these great strides, again, this is there is a good news-bad news story here as well. There remains significant obstacles. First, that there's confusion among election officials even after the Move Act as to whether voters must reregister after each election. The Installation Voting Assistance Offices the IVAOs -- in the Inspector General's Report they were unable to contact about half of those installations when they tried to. The Federal Write-in Absentee Ballot which is sort of a fail safe for these overseas and military voters. States are inconsistent as to whether this constitutes a application for registration in addition to a fail safe for voting. And there's still low awareness among the military and overseas population of the existence of this Federal Write-in Absentee Ballot. The issue of overseas and military voters some of the problems that plague them is a subset of the issues that deal with absentee ballots. And I should say by way of introduction to the topic of absentee ballots that simultaneous to the great strides that we've been making in the area of voting technology, there's also been as I'll show you, this parallel increase in the rates of absentee balloting. And as a result of that, for example, in California where they have eliminated punch card ballots and moved to more advanced machinery for voting. The loss votes that were eliminated through the advances in technology have now been regained through the absentee ballot process. This is according to Charles Stewart and Mike Alvarez. Because of the susceptibility of absentee ballots to all kinds of errors. And just to give you a sense of what that is I have this chart from Charles Stewart upon the screen. That you can lose an absentee ballot at the request stage, at the validation stage, when you're receiving a ballot in order to vote, how you mark the ballot, how it's returned, and how it is then validated at the end. So there's greater number of opportunities for absentee ballots to slip through the system has been a trend that has been increasing while at the same time lost votes through advances through technology have been decreasing. And so as everyone who's been paying attention to American elections in recent years realizes there has been a steady uptick in the number of absentee and early voting. So that roughly a quarter to -- over 30 percent of votes that were cast in the 2008 election were cast absentee. Or I should say cast absentee or early that absentee voting is roughly a quarter of the population if you look at the 2012 as well. But as Charles Stewart estimates in the 2008 election about 700 -- 7.6 million votes, absentee votes, were lost somewhere in the process. People who wanted to vote absentee but ended up not being able to do so. And why is that? Well, because there's greater potential for design errors as I mentioned with

absentee ballots. And in addition, absentee voting doesn't just affect the absentee voters because of the problems dealing with permanent absentee voters. People who are permanently registered to be absentee voters. That could also affect polling place lines and the number of provisional ballots that we have on election day. One other -- the other two groups that are discretely recognized in the executive order are voters with disabilities and voters with limited language proficiency. It is true that among voters with disabilities they would all things -- as compared to the general population they would prefer to vote by mail. And of course the disability community is a diverse and varied group. But it is still the case that a majority of them -- a substantial majority would like to vote in the polling place. There is a gap in turnout among disabled voters depending on who you look at and what study between 4 and 21 percentage points in the surveys over the last 20 years. In 2008, according to [inaudible] there are 3 million disabled nonvoters. Some of that is explained by the standard features that we use to predict turnout. But others are explained by barriers to voting by the disabled community. 73.7 percent of polling places had some barrier accessibility for voters with disabilities in 2008. 50 percent of polling places had one or more potential impediments in the path from the parking area to the building entrance. In surveys that were done over the last year, in all areas of -- sort of accessibility the difficulties reported by disabled voters is much greater than those with no disability. The final discreet group of voters that are covered in the executive order were those with limited English proficiency. Here to while we have some general information about voters who face language difficulties in the polling place. Voters who speak -- whose English is not their first language. This is also an area where we need further research. We know that somewhere between 1.4 and 1.7 percent of voters cite difficulties with English as the reason for failing to register to vote. We also know that voters whose first language is not English have higher rates of provisional ballots for one reason or another. And on average officials in jurisdictions with high shares of language minorities underestimate the number of people in their jurisdictions who need language assistance. So I've covered the general issues, general accessibility, and the discreet populations. One area that I haven't covered is natural disasters. And in part that's because we really have very little political science research on preparation for natural disasters. And so with that topic as well as the others, let me just outline the strategy for further research that we'll be doing with the Commission. So as the Commission cochairs mentioned, we'll be having four hearings around the country starting next week in Miami, my home city I should mention. Which is why you can figure out how I became an election law professor. Four hearings around the country to gather input from the public with particular need concerning areas about which little research exists, such as natural disasters as well as the other areas that were covered. We'll be going to meetings around the country. The IACREOT, NASS, NASED, Election Center meetings in order to meet with election officials, as well as meeting with interest groups, stakeholders, and experts outside of those formal meetings. There will be new survey data that will come up over the summer. The election Assistance Commissions NVRA report will be coming out in a week or so. And we will be gathering more data over the summer. And this is also a plea for those of you on the web who have access to additional data sets that are not publicly available or which we may not know about, please send those. Or make us aware of those data sets so that we can analyze them as well. And that is by way of conclusion highlighting the role of the website in general. Because as the cochairs mentioned, that is going to be one of the main ways that we interact with the public, get information and feedback, plug in the data holes that we don't -- in areas that we currently don't have research. And a way for us to continually vet the kind of research that we're putting out there. And so we have six months or so to do this research. And so we'll be examining all the existing data that is out there. But we look to you to help us in this research effort as well.

[Background Sounds]

>> Thank you very much, Nate. Excellent presentation. Let me reiterate what Nate just said about the website. And what an important component of the Commission's work that we plan on it being. We hope it to be a robust presence. It currently lists all the issues that Nate discussed. And we mentioned that the Commission will be considering. We'd urge all interested persons to take a close look at that. We do want to include

postings of all the statements submitted to us either at the public meetings we'll be having. Or as people want to submit them to us. We see it really as a place for continued discussion of the Commission and its work. All our meeting notices will be published there. All comments and submissions to us will be posted there as well. So again, we really do see it as an additional hearing to what we'll be conducted around the country.

>> So we'll conclude this morning with a following brief comment about next steps. The Commission's going to be in Florida next week. We'll begin the public hearing process. I think what you've heard today is a very strong appeal to all those who are following the work of the Commission. And who've been doing this kind of work over the years. Voters, experts, election officials to please help us ferret out the information that we need. It is unfortunately always the case that between elections or the attention that's paid to these issues tends to lag. And then elections come along, problems develop, and attention is renewed. But again, only sometimes for a short period of time. Our goal is for the period of time in which we're going to be working on this project to keep attention very active on this issue. And to take advantage of the moment to draw the best information, the best advice, the best testimony we can from members of the public across the country. And from those who have been deeply involved in looking at the administration of elections or assisting with the administration of elections. The time table is as you know a short one in some sense. Which is we have months, but not that many months. And we're expected to produce recommendations to the President before the end of the year. And that is what we're going to do. Because that's our charge. So your help -- those of you who are watching on the web, those of you who were from the work of the Commission, those of you who came today, we welcome all of you. And ask you to be active participants in what we're trying to accomplish. I want to close my remarks that way. See if there's -- any commissioners have any further comments they would like to make. We will have a long session in Florida next week. It's going to start early in the morning and go late into the day. And hope you can follow that as well. But I'll pause here to see if there's any further comments. Ben?

>> No, just many thanks for attending. And we look forward to all of your suggestions, input, and studies.

>> Thank you very much.