Presidential Commission on Election Administration

Public Meeting

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>> Welcome to our second Presidential, our second hearing of the Presidential Commission on Election Administration. My name is Ben Ginsberg. I'm the Co-Chairman along with Bob Bauer of this group. We very much appreciate your attendance and your comments today. As you know the President propounded an Executive Order with 10 topics, which we are seeking your input on. And on behalf of the commission we have many questions that we would like to ask you, so we will be a little brutal in enforcing the five to eight minute time remarks for all of you. We do want a dialogue because we've found that's really what is most helpful to us in trying to get to the bottom of the problems that exist and to propound the best practices, which is the goal of our commission. So, thank you again for joining us and let me turn it over to Bob.

>> Yes. Thank you. We appreciate also the written submissions we've received so we have come armed with questions [audio cuts out] We have a eight minute segment here for each of our witnesses this morning and the yellow light comes on when there are three minutes remaining and the time has come to sum up. And then we really will open it up to the commissioners and we look forward to having a very robust discussion with you. The information that's been made available to the commission through your testimony and the opportunity you've given us to ask questions is absolutely central to the work that we are trying to accomplish here. So, let me join Ben in thanking you very much for coming and appreciate very much the help that you are providing us here today. Thank you.

>> [Inaudible] let's begin with Secretary Gessler, welcome.

>> Thank you very much and thank you very much for coming to Colorado, particularly Mr. Ginsberg and Bauer. We do appreciate your time here. So, I'll talk a little bit about the Colorado experience and some of the things that we did that worked well and hopefully some of the things we learned as well. After the 2012 election we, we in Colorado we think we did a fairly good job and have some things to talk about. Initially we bucked the national trend in 2012. We actually saw voter increase here in the state of Colorado unlike you know most other states including many of the battleground states as well. Our voter registration is at an all-time high and our voter rolls were cleaner than they've ever been before. And we also implemented several programs, improved access and convenience for the voters and election administrators alike. Some of the things I'll be talking about we've published in a 12 page white paper as well. It's available on our website. I'm happy to provide paper copies and other information for the commission. I am not going to even dare read off the URL for that, so happy to give that to you in writing. Let me talk a little bit about voter accessibility for our uniformed and overseas voters. So, in 2012 Colorado we issued almost 20 percent more ballots to UACAVA, uniformed and overseas voters than four years prior. We had substantial increases in the return rates, substantial increases in the count rates, the number that, the percentage that we counted. And as a result we witnessed a 65 percent increase in the number of ballots for uniformed and overseas military voters. So, that's almost a two thirds increase in that number. So, that was a big change and I think a real contrast with us, with a trend of slumping participation by overseas and military voters. So, the 45 day requirement as far as getting ballots out and in advance of the election plus Colorado has eight days to count them after, if they are received eight days after the election, but postmarked before the election. So, that played some role. But, I think we took additional steps that probably made a big difference. First of all, for 2012 we deployed a statewide electronic ballot delivery system. So, we allowed voters to log in and electronically download their ballots beginning right at the 45 day mark before the election so that dramatically increased the time for voters to return ballots. That's particularly important because you know oftentimes the, well I will say this, oftentimes U.S. Postal Service is slow overseas and sometimes foreign postal services are even slower. So, we had more than 9000 Colorado voters use that particular system in 2012. And 2012 was also the first year that military and overseas voters could sign up for UACAVA designation online, which bypassed the paper form and again, some of the unreliable mail systems. So, that was one thing we did. The second thing is we deployed high speed ballot on demand printers to every single county in the state. So, in Colorado ballots were certified 57 days before the general election, so 57 days before the general election certification, 45 day

mailing deadline, that's a very tight timeframe so this helped. Now, we received a grant from the military to be able to do that. It came in pretty late to be honest with you. So, although we deployed those printers not all of our counties were able to use them. But, nonetheless those counties produced about 15,000 ballots, 14,987 to be exact and sent over 4300 ballots to military voters, 5600 ballots to non-military overseas voters and we also duplicated about 3600 military and overseas ballots using that particular resource. So, that was very important as well. The other thing that we did, and this applied both to military and also non-military, you know online voter registration. So, in Colorado you do have to have a, both a, either a drivers' license or state I.D. and well over 99 percent of our voters have one of those based on our analysis of the voting rolls. But, you know military voters were able to use that as well when they're overseas as long as they had an internet connection. So, that happened as well. A couple of the things we did, we did a voter registration outreach campaign in which we educated voters in two ways. One was educating them how to register to vote using our online system as well as the deadlines and the requirements to be able to vote. But, and part of that too though as we also explain to voters and we used TV, internet, print and radio on this, with this campaign, that about one in eight registrations was incorrect. And so, we asked people to come and either register to vote if they wanted to and gave them the information or to correct their information so that we would have more accurate voter rolls. So, from September first to the October ninth deadline, a little over a month, not quite a month and a half we had 230,000 almost a quarter million people use the online voter registration system for the first time. And of those 43,000 were new registrations and 187,000 of them were updates. So, that really helped us in two ways, you know voter accessibility as well as election integrity as well. We did a lot with our online system and along those lines we mobile optimized the system for tablets and smart phones as well. We didn't use an application. Although we continue to analyze that our sense was that applications are used by people more to, for recurring transactions over the internet. This was a one-time, for most people, a one-time transaction, once every two years or so they check their voter information. So, we used a mobile app, mobile optimized instead and we thought that was very successful, our approach there. And then the other thing that we've done and this is a consortium, there's two consortia in the country right now, one run out of Kansas. It started as a four state Midwestern consortium. And the ERIC project, which is pushed by the Pew Foundation and that's basic, they're both in slightly different forms data matching. I'm sure you've probably heard of those. We, I think we're one of the few states, we actually participate in both and it helps us identify people who vote in two states at once, helps us identify people who are eligible but may not have registered yet, helps us identify people who are registered in more than one state as well. So, it's really, I think both of those have helped us substantially. You know they're really sort of just taking off. So, in 2010 we had a few states that we were able to match with, 2012 this last election was more and you know it's expected to grow. So, for example, the Kansas project I think is expected to increase to 27 states in the next election cycle. And I know that ERIC project has added a few more states as well. So, those are both very good trends as well. Overall, I mean I think what we saw in Colorado is we saw a big increase in voter participation. I think we saw real improvements in our election integrity here as well on both sides of that equation. And you know when it comes to the election administration as well. You know I know long lines was a big issue. For the most part we did a very good job in the state of Colorado. I've been involved in election either in a public or a private capacity for over a dozen and this was probably the smoothest election in my memory. That comports with the memories of folks and my staff as well. We don't have specific metrics on that that we were able to compare over time. We did have a few long lines in one of our counties. You know what we found though, the challenge was that you know we had what are called vote centers. So, basically anyone in that county could vote at any vote center. And so, even though there was an-- there were an adequate number of vote centers to reduce lines what happened is private groups and you know including you know political parties basically through their education campaigns directed everyone to one of the main vote centers. And so, that created congestion there, sort of if you think you've got you know four highways that all head in the same direction and everyone chooses to use one highway you're going to get congestion there. And so, you know sometimes a day we had a long wait at a particular vote center you know maybe an hour to an hour and half. Whereas another vote center, which

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was two miles away, had just a few minutes of a waiting line. You know so, over the course of the day we were able to, over the course of the day we were able to sort of direct people to that. So, that was the one thing that I think we've got to think a little bit more about in the future on how private groups, political parties as well are going to respond to those choices when they have those levels of choices. And so, I think that's one thing we need to work on a little bit because we had a few glitches. Overall though, you know we think Colorado did a pretty good job. We always have more to learn. We always have ways to do a better job. But, compared to prior Presidential elections every, just about every metric that one can imagine we far exceeded what we had seen in the past. So, I'm hopeful this is somewhat helpful to the commission and I'm happy to answer questions.

>> Thank you.

>> We'll--

[Inaudible background comments]

>> Good morning Mr. Chairman and members of the commission. Thank you for the opportunity to appear before you today. My name is Dean Logan. I'm the Registrar of Voters for Los Angeles County. Los Angeles is the country's largest county election jurisdiction covering an area of more than 4000 square miles, serving 4.8 million registered voters. Our electorate is larger than that of the electorate in 42 of the 50 states. In November 2012 we staffed and supported more than 4800 polling locations, recruited and trained more than 25,000 poll workers, issued nearly 2,000,000 vote by mail ballots and centrally tabulated 2.8 million ballots on election night. The size of our county is rivaled only be the complexity and diversity. Currently we provide language assistance in more than a dozen languages and serve multiple communities representing a broad spectrum of socioeconomic conditions, high rates of mobility and residential status. I firmly believe that good governance begins with good elections. The way an election is conducted in terms of voter access, process transparency and systems accuracy and integrity affects the voter trust in government and sets the tone for the perceived legitimacy of incoming administrations and more importantly the legitimacy of our participatory democratic process. More than 10 years after the 2000 Presidential election the biggest lesson learned in that is that elections ought to be recognized as a profession of constant innovation. No single policy is absolute and no best practice stays fresh. Moving forward election officials and policymakers must adopt new models that take a balanced voter-centered approach and that consider the voter needs and habits, plausible technologies and data as the prime factors to elections, innovation and improvement. In my 20 years as an election official I'm the first to admit that as a profession and as a government we have often failed to put the voter experience at the center of our consideration and acted with little data, instead driven primarily by political pressure and operational convenience. If we hope to improve the experience of voting of our current and future voters it's imperative that we avoid reacting solely to remedy inefficiencies and inadequacies of current processes. But, instead seek to create the conditions and garner the resources to continuously improve the voter experience and therefore begin to remedy the broader issues of declining voter participation, a cumbersome voter registration system and inadequate voter education. This will only be possible if the election official in the 21st century manages election through a voter centric lens and data driven management and modernization initiatives. To put that into context let me suggest three priorities and some practical examples where we've experienced some success, first in the area of data driven management. The richness and availability of data to help analyze and manage our processes is at an all-time high. Building the skills and tools to integrate the utilization of data into the organizational structure of elections administration is critical. In Los Angeles County doing so has assisted us in prioritizing and targeting multilingual services, developing formulas for the allocation of voting devices and poll workers and meeting the demands of increasing vote by mail activity. Second is a collaborative model of elections administration. Elections are a public process that does not belong to the election administrator. Fair, accessible, transparent and effective elections require citizen participation, not just at the ballot box on Election Day, but throughout the process. Los Angeles

County has experienced great success in building partnerships with advocacy organizations, the elections integrity community and other governmental agencies to increase transparency in the elections process through a poll monitoring program, initiatives to increase and maximize voter outreach and education and most recently to envision the future of our voting systems. Los Angeles County strives to be a model for voter centered innovation can look like. Plagued by a stalled voting system market and an aging voting system, in 2009 we launched a voting system project that set out to transform the market as we know it by implementing a process that seeks to redesign the voting experience through voter input and stakeholder participation and that envisions development and implementation of an open voting system that elicits public trust and encourages greater participation. The third priority, convergence of technology and process, voter registration, modernization is the most common denominator in looking at improving the voter experience. It drives the resource needs for elections and is vital to facilitating participation. Online voter registration has been a game changer, but it is not the end of modernization. We need to move ahead with efforts to securely match data across jurisdictions and agencies to improve the accuracy of our voting rolls, to identify eligible unregistered citizens and to provide a seamless process for voters to ensure their eligibility and participation. Finally, I believe it is important in any discussion about the voting experience that we reflect on the sustainability and flexibility of our systems and processes. Much time and many resources have been devoted in recent years to looking back at past voting experiences to identify lessons and to make improvement, while little has been explored in terms of perspective the issue identification and proactive development for the future. It is incumbent upon us to look forward and to anticipate the impacts of evolving changes in demographics, technology and voter expectation. Any investment of time and resources in responding to the experiences of voting in 2012 must allow the flexibility to anticipate the voting experience and expectations in 2014, 2016 and beyond. Based on 2010 census data the two fastest growing populations in Los Angeles County are those over the age of 65 and those between the ages of 18 and 29. Recognizing that dynamic, we must be mindful of both the experiences and images of the senior waiting in line to vote in 2012 and of the young teen sitting in classroom today who will be a first time voter in 2016. Good governance begins with good elections and good elections begin with the stability and governance and innovation and process and a commitment to the voter experience. That is the 21st century challenge to voter, to election officials and to voters. I thank you again for the opportunity to be here and I thank you for your service to the President and to our country.

>> Thank you very much Mr. Logan. Next is Steve Trout, the Elections Director in Oregon.

>> Thank you. Good morning Mr. Chairman, members of the commission. Steve Trout State Election Director in Oregon and I really appreciate the opportunity to come and testify before you this morning. It'll come as no surprise that I'm here to advocate to the merit of vote by mail that we've had in Oregon exclusively for over 13 years now. And I think when you look at the charge that's been given to this commission, vote by mail solves over half of the-- solves half of those problems jus through the vote by mail process. Obviously there's no lines with the vote by mail process. I think that we've proven that the system is more secure because we're checking every single signature of every voter that returns a ballot. And you know that helps us to know that they are eligible and registered. And one of the things that we've just recently learned looking at, as we've done the cross-state check that Secretary Gessler was talking about, is that oftentimes and this was my experience in not vote by mail states where we had polling places that when you go to issue voter history after the election where people sign into the log books, a lot of times the barcodes they'll shoot the wrong barcode and voter history will get put to the wrong person. And that can you know adjust the rolls and have a negative impact there. But, you know with vote by mail we know every person that votes. We verify every signature and so I think we have a lot better data for each individual as Dean was talking about. It's convenient and easy for the voters. They can go at their own pace and it's much more forgiving. So, you know one of your charges is you know is contingency plans for natural disasters. You know if we-- if there's you know a wildfire or you know earthquake or tsunami or any of the various natural disasters that we could have in

Oregon or just power outages or you know a wreck on the interstate, we can always go and take our ballot the next day and it gives us flexibility. You know if you know storm's coming that you can go and drop your ballot off beforehand and it's not one day that all the election activities have to happen. We spread it out over two weeks. And so, you know that gives us more flexibility. But, you know it's also more forgiving and in the instance where the wrong ballot gets delivered to someone. I mean we've been doing elections, all of us for a long time and know that we're not perfect in printing out ballots and getting them to the right place. And so, with vote by mail and being able to spread that out over a 14 day period, if by some chance a certain precinct got a ballot with a wrong contest on it there's time to go back and correct that and issue a new ballot. Void the old one and be able to have procedures in place to make sure that no one's going to be able to have more than one ballot count, but to be able to have that flexibility to make sure that we get the right ballot to the right person and that they have time to return and deliver their ballots. One of the great benefits, I think, for vote by mail is increased turnout, especially in the non-even numbered November elections. So, for example, for our Presidential primary last May we were-- our election was the same day as both Idaho and I believe Kansas. Both of which had a contentious or in Kansas, I think, had a contentious Senate contest. And we were 15 points higher in turnout than either of those. We had you know 40 percent return, which still isn't the greatest, but a lot better than 25. In some of my times in California I can remember having a nine percent turnout. And so, I think you know having increased turnout really helps especially with you know talking about ballot simplicity. I think we've seen a trend over the last decade especially with cost increasing that more and more local jurisdictions and small jurisdictions try to consolidate their elections with the statewide because it's cheaper for them, which is causing our November even year ballots to be longer and longer, which take, you know it's more and more complex. Longer for the voters to go through and study the issues. And then just even if they've studied it beforehand, longer to go through in a polling place or at home and actually mark the ballots. You know, I think, the greatest concern for election administrators is that there's so many things on the ballot that it goes to a second card, which in effect you know causes twice as much work because it's just like doubling the turnout. So, I think with the increased turnout in vote by mail elections that it's allowing, you know we're not having as much movement to those November even numbered years and it's helped trying to spread the elections out over time. Clearly there are many concerned about the future of vote by mail and issues with the post office. And you know we have developed a wonderful working relationship with the postal officials in our state and continue to work with them in anticipation of whatever changes may happen. But, you know honestly you know, I think, the next big step in vote by mail elections is for voters to be able to download their ballot from home or have it emailed to them. And then to print that out, mark it out and send it home. I'm not talking about internet voting. I'm talking about voters going someplace else to receive their ballots. You know some people say well, what if it gets tampered with and the wrong ballot comes to them? You know we have that same problem now with paper that's being mailed, so I really don't see that there's a lot of risk there and that the risks are manageable. And that you know whether its three years down the road, five years down the road, 20 years down the road I think that's the next logical step for vote by mail. So, you know one of the other big ones and I mentioned it earlier is our voter rolls are very clean relative to others that we've worked with when we did this cross check. Over 90 percent of the duplicates, you know the active voter was Oregon and the cleanup needed to happen in the other state. And I attribute that to the fact that we're mailing a ballot to every registered voter, every active registered voter you know at least twice a year. And so, we're getting that information back from the post office when they move so we can inactivate people, use current technology to try and track them down and learn where they have moved and be able to manage those lists effectively. So, I think in a vote by mail state that there is a definite incentive to have your rolls clean because you're spending money for every ballot you mail out. And you don't want to mail a ballot out to somebody that doesn't live there anymore because in effect that ends up costing you three times, the first mailing out to the wrong address, the return postage coming back to you to say they don't live there anymore and then a third mailing to the correct address. And so, we really have an incentive to do that and have, you know, I think that's another big value of vote by mail. And finally, you know looking

to the future we need to change the way that we select and have voting systems. Technology is changing too fast. The public demands current tools and services and we need to be able to keep up with the advances of technology. That's one of the things that led us to our implementation of using tablets for accessible voting in Oregon and knowing that those tablets have the most state of the art accessibility tools and that they are continually updated through that system. And that we're able to use the most current technology and our use of accessible, of these accessible tools cause a 2000 percent increase in the number of voters with accessibility needs that would, that utilize the system. So, we really feel like we're taking the ballots to the people and helping them to be able to cast a ballot. I look forward to your questions and again, thank you for the opportunity to testify this morning.

>> Thank you very much. Next is Maggie Oliver, the County Clerk and Chief Election Officer from Bernalillo County, New Mexico.

>> Good morning honorable Chairman and members of the commission. My name is Maggie Toulouse Oliver. I'm the elected County Clerk and Chief Election Officer of Bernalillo County, New Mexico. It's my honor to be here today on a panel with my fellow election administrators. Bernalillo County is located in the north central region of New Mexico. It encompasses the Albuquerque metropolitan area. It's a majority and minority ethnically and culturally diverse area with both urban and rural populations. It is home to 662,000 individuals and approximately 432,000 registered voters. Among the state's 33 total counties Bernalillo County alone accounts for approximately one third of the state's voting populous. I've been the Country Clerk in Bernalillo County for six and a half years now and I am proud to say that we have made enormous strides in election administration during that time. So, I'd like to speak on a number of topics today, but given the time constraints I'm going to focus my testimony on what I think was a great success in the 2012 election cycle in which my staff and I implemented vote centers to improve efficiency, streamline costs and vastly improve the overall voting experience for voters in my community. In short, we were able to consolidate over 400 individual precincts into 69 locations countywide. Each one was open to every voter of the county. We reduced our Election Day poll worker needs by two thirds. We saved 1,000,000 dollars over the course of election year. And when your total budget is around 5,000,000, 1,000,000 dollars is hugely significant. And we received immense positive feedback that well over 90 percent of the voters were happy and satisfied with the new voting experience. So, before I get into some detail on the vote center process I want to briefly discuss the path that we traveled to arrive at this new way of implementing elections. With each election cycle since I came into office we've worked to improve the process. With the advent of paper ballots in New Mexico in late 2006 came great challenges and opportunities. And so, after trying one election cycle using preprinted ballots for early voting in 2010 in Bernalillo County we implemented ballot on demand at our early voting sites and that's the use of electronic poll books combined with the printing of ballots right on site. Let me briefly touch on early voting in New Mexico and Bernalillo County. The success of our election process is heavily dependent on early voting. Beginning 28 days before the election a voter can cast an in person ballot at a county clerk's office across the state. And beginning three Saturdays before the election they can vote in person at satellite sites across the county. In Bernalillo we use 17 total sites, which is two more than is required by statute because it works. And we keep our early voting sites open 12 hours a day Monday through Saturday. And while this is challenging in terms of staffing, we find it invaluable in providing a great convenience to the public in addition to improving our ability to successfully administer the voting processes. In 2012 over 70 percent of our ballots in Bernalillo County were cast before Election Day. And so, with the use of ballot on demand at our early voting locations and the knowledge that we could potentially successfully implement such a system on Election Day, I and my fellow county clerks advocated for the passage of legislation in 2011 that would allow for bringing the convenience of countywide early voting to Election Day itself. Immediately after that legislation took effect my team and I undertook rigorous research. We traveled to neighboring states to observe smaller scale vote center elections. We engaged in widespread community outreach including stakeholder meetings and public forums and we drafted an extensive background and implementation plan. So, I'll briefly walk you through how vote centers have been implemented in

Bernalillo. As a statutory basis, we are required to locate on vote center with each 10, within each 10 contiguous geographic precincts. We may then overlay our early voting locations. And further after soliciting feedback my staff and I added additional sites based on geographic and voter turnout considerations. Essentially we didn't want any voter to have to travel more than two miles to any polling location within the county. We utilized primarily public schools especially high schools as Election Day vote centers for a number of reasons including their proximity to major thoroughfares, their geographic distribution, ADA compliance and the availability of space and parking. This, of course, brings the additional challenge of coordinating with the schools, but the Albuquerque Public School Administration and staff have been willing and cooperative partners in this effort. And they've gone above and beyond to accommodate our needs. In addition to having conveniently located and a geographically widespread coverage of polling locations, it was necessary to implement the ballot on demand technology that I mentioned earlier at every polling location on Election Day. This required a detailed and coordinated effort among IT staffs. There was extensive evaluation and testing, planning and implementation done to ensure that all sites would be operational on Election Day, that backup systems were in place in case of a loss of internet connectivity and that sites could continue to process voters in the event of a backup failure. The sites were all securely interconnected preventing double voting and ensuring that voter records were flagged when the voter was issued a ballot. Despite our extensive planning, the system could not have worked without a robust voter education campaign and some key voting information tools. Our office utilized some of the 1,000,000 in cost savings to implement an award winning voter education campaign, which included TV, radio, internet ads, billboards and direct mail to every registered voter in the county. Further we implemented our my voter information, my voter information internet tool, which allows voters to log in to receive customized voting information including detailed personal voter registration data, representative districts and links, a sample ballot and information about how and where to cast a ballot closest to the voter either by absentee, early or Election Day. For in person voters we also offered the my vote center app for mobile devices, which provides maps and directions to the polling location nearest the voter at any point in time. Additionally, both my voter information and the my vote center app listed wait times for both early and Election Day polling locations allowing voters to plan ahead of time which location they wanted to visit. And I should mention the wait time feature was also crucial to the implementation of Election Day vote centers because it allowed us as administrators to help direct traffic and it also gave voters the tool, the information in advance to be able to determine where they could go to avoid long lines on Election Day. As in past years, in 2012 my office also once again partnered with the University of New Mexico Political Science Department to conduct a 360 degree assessment of the election and its administration. And I believe you've been provided a link to that report. Professor Alana Akison's [assumed spelling] report on the implementation of the election provided my office with both anecdotal as well as data driven feedback with which to continue our fine tuning of the vote center process. And I am hopeful that this report can help guide other jurisdictions in New Mexico as well as elsewhere in the country as they attempt to implement streamlined and convenient voting processes in their communities. Among other things, the report assessed voter feedback through a random survey. Some highlights of the report showed that voters in Bernalillo County experienced on average a 5.2 minute wait before receiving their ballot. Ninety two percent knew that they could vote at any polling location on Election Day. Ninety seven percent stated that voting at a vote center was better than voting at their traditional Election Day precinct and 82 percent of voters called voting at a vote center easy. I feel confident by the wide variety of measure obtainable that we made the right move in Bernalillo County by shifting to vote centers on Election Day. While I caution that vote centers may not be right for every community I also think that by extensive planning and coordination many of the locations that may have experienced problems with traditional election management or vote centers in the past could realize successful implementations moving forward. Further, many of the tools and planning processes that my staff and I utilized in 2012 can be replicated just about anywhere. So, once again Mr. Chairman, members of the commission, I humbly thank you for the opportunity to speak with you today and I will gladly stand for any questions you may have. Thank you.

>> Thank you very much. We would like to turn now to questioning by the members of the commission. Those were all excellent presentations that have given us a lot of material to think about, so we thank you for that. Who would like the first question?

[Silence]

>> Ms. Patrick, Commissioner Patrick.

>> Thank you and thank you all for being here today. It's nice to see old friends. Maggie I have one question about how you captured the wait time because that is of course, something that we've heard a lot of different ideas on how to do it best. Do you do it for the amount of time that the voter has to stand in line before they first get to an election person and first sign in? You know what exactly is the wait time? Is it the entire process of casting the ballot? So, I'd like to hear just a little bit about how you captured that information and how you kept it current so that the voter had the most recent information when they were trying to make the determination of where they wanted to go.

>> Thank you Commissioner Patrick for that question. So, we had a couple of different measures. In terms of the UNM study the measure was a self-determined measure. So, that in the survey the voter was asked you know how, about how long did you stand in line. And so, they made a self-determination about how long it felt to them. I'm sure not every voter that answered the survey you know timed themselves. In terms of how we implemented the wait time app however, we had a feature implemented with our ballot on demand vendor. And so, we had a designated individual at each polling location that basically was required to when they, a timer would begin and when they saw a person at the back of the line when that person came up to the front of the line they would hit the timer again. So, we would know how long it was taking to process X number of individuals. We, in vote centers, at least in my experience, our bottleneck was in the issuance of the ballot, checking in the voter. You know looking them up in the system, issuing them the ballot. We did not have bottleneck in terms of voting booths. We did not have bottleneck in terms of feeding the ballot into the machine. So, that was our determinant and then we converted that data to the online app.

>> And so, when you determined that the person had been waiting for 10 minutes how did that-- did you have and input mechanism there at each of the vote centers then where the information was put in?

>> Right. That's correct.

>> Okay.

>> So, basically yes, yes.

>> Thank you.

[Silence]

>> Commissioner Thomas.

>> Thank you all for coming to join us today. Miss Oliver I'd like to follow up on your comment. As I understand it you said about 70 percent of your voters voted before Election Day. So, that would leave 30 percent that were coming to your vote centers on Election Day. What's your sense of a state that does not have early voting? So, with AVs they may have 70 to 80 percent of their voters coming to some polling place on Election Day. How do you think vote centers would work in that environment?

[Silence]

>> Thank you for the question Commissioner. I specifically mentioned early voting and how we do it in New Mexico and in Bernalillo County because I think that is so

crucial to how Election Day, whether it's via vote centers or via traditional precincts, how Election Day voting is implemented. I think that when you have every voter or most of the voters casting a ballot on Election Day that creates pressure on the Election Day system, no question. That doesn't exist when you have a situation like we do where most of our voters are voting before Election Day. I think with the vote centers in a state or in an area where you don't have extensive early voting I'm not sure you get the bang for your buck. And that's why I think you know I made the comment that I don't think vote centers maybe are necessarily right everywhere. Vote centers are great when you can consolidate and you can realize that that streamlining effect and that cost savings. But, in a situation like you're describing you may have to have and I don't know what size a jurisdiction we're talking or you may have to have 100 vote centers. And that may not make more sense than just having 150 precincts. So, I really think it's got to be situational. Thank you.

>> Commissioner Grayson.

[Silence]

>> Dean you talked about a formula for distributing voting systems in precincts. Could you talk a little bit more about that? That's something that we've been hearing a little bit about and we're just curious you know what were the elements of that? How well did it work or not work? And maybe advice you'd have based upon that for other jurisdictions to implement something like that?

>> Sure. Thank you for the question. In L.A. County sadly some of the technology we're still using is rather old. So, we have a, what's essentially a mainframe system that's been built by own tech team that has a script that we run too and it has a number of variables involved. And it depends on the nature of the election. A partisan primary is different than a general election and that helps us to determine based on voter registration data how many booths we need for each political party in a particular precinct. If it's, rather than just doing a uniform allocation that's equal for each party we base it on the voter registration population. We also build into that formula information about if it's a polling place near or on a college campus because we know that there's the potential especially in an even year election for higher turnout there. And we base it on the voter turnout trends in the particular geographic area too. So, it's a number of factors and it can be manually changed. So, we run the formula for 4800 polling places, but if we know specific data in a particular area we can go in and manually adjust that as well.

>> [inaudible comments]

>> If, let's assume that you didn't have the mainframe and you're just designing a new, a formula. Would you do it differently if you were to be able to from a technological standpoint would you add different criteria to it? For example, do you do a ballot length and how long you anticipate it might take each voter to cast the full ballot when you do the calculation?

>> We don't include ballot length in our current configuration. I guess to answer your root question, if I was building a formula for our current voting system I would do it very similar to the way we're doing it today. But, I think that's the other key is that the voting equipment and the nature of that equipment is another factor that has to be included in that. There are limitations to our current voting system. So, the length of the ballot because we're still on vote recorder devices isn't going to change the allocation of a voting device because you know the devices themselves are all the same.

>> Commissioner McGeehan.

[Silence]

[Inaudible background comments]

[Laughter]

[Adjusting mic]

>> Good morning. The question that I had is for Secretary Gessler concerning the high speed printers that you deployed statewide. Were those operable with all voting systems in use? Just curious how the counties were able to all use that system.

>> So, the answer is yes, they are. Colorado had very complex, a very complex system because we use just about every single vendor and so we have a lot of complexity statewide because of the variability. But, they did work with every single one of the vendors to be able to print ballots from those systems. I mean the challenge we had this last cycle is they were just because the way the federal grant process worked they were deployed pretty late in the cycle. So, some counties were able to use them very effectively. Some counties didn't have the resources to, even though they had training to fully integrate them into their operations on the fly. But, we were very happy with them. Every county has them and they worked very well.

>> Were you able then to come up with a template or some kind of process so that each county could convert their ballot to be you know, could function with printer? I was just curious. I know sometimes there are issues between the private, and this may be getting too into the technical side. But, I was wondering if you came up with sort of a common data format so that all the counties could sort of put their ballots in that format so that then the printer would print it out in a consistent way and it could be recognized by the voting system.

>> Yea, so the answer to that, right now Colorado is incapable of coming up with a common data format just because we have so many different vendors--

>> Okay.

>> Across the state. So, it's on a county by county basis. But, the answer is I mean we were able to come up with that. Every county was able to from a technological standpoint use it. But, you know a lot of counties, most counties, I mean they will, for example, contract out their printing. And that contracting process is negotiated months in advance with substantial planning, lead times and things like that. So, there was already a very you know robust process in place to service voters and then the ballot on demand printers were deployed. So, some counties were able to fit those into their existing processes and some weren't able to. I anticipate for the 2004, well 2013 election, we have one coming up in November an odd year coordinated election. And then of course, the 2014 we'll be able to make far better use of that physical asset than we were last time just because we have to integrate it into our processes.

>> Right, okay. Thank you.

[Silence]

>> I think we just figured out in a display of technological savvy that we cannot have two microphones on at the same time. So, the error lies with the commission and not with the technicians. I want to absolve them of any responsibility. Commissioner Mayes.

>> My questions, I have a few for Mr. Trout. We've heard that voters seem to like choice and yet your testimony here this morning is about vote by mail. And in particular, I'm interested in how you've been able to accommodate voters with disabilities, let's say visual impairment if that is indeed their desire to vote privately? So, what have you done to accommodate those voters?

>> Thank you for the question. And that's you know something that we've worked on since the implementation of HAVA and even before that. And so, you know initially after HAVA we developed you know a laptop based system with all of the screen readers and different functionality for visually impaired and other accessibility needs voters and had very little use of that especially in our rural areas. I think we've

got 36 counties and I think in 30 of those 36 counties they've never had a voter use that accessible tool. And so, as those were beginning to end of life and we were having to go out before every election and upgrade the screen readers and the different tools that caused us to look at what other options were out there and what the people in those affected communities were desiring. And what we found at the time was that you know the iPads were what most of them were using in their day to day life to conduct business, to perform their daily activities for, as an accessibility tool and those were constantly being upgraded. And so, we looked at that and said well, this is something that we won't have to go out and train people on. It will be easy for voters. It will be easy for election officials and something that will continually be kept upgraded with the most state of the art operating system and accessibility features. And so, we made the decision then to go forward and utilize those tablets. And what we found is that you know there's not a one size fits all solution for accessibility needs. And you know in previous experience you know this was the accessible voting tool. This is what you'll use. You know whether that was, you know whether that was an auto mark, whether that was a DRE, whatever it was. And through using this, through using these tablets we were able to enable people to use the tools that they were used to using at home, you know. Whether it was joystick or paddles, a sip and puff, whatever they were comfortable using you could plug into these tablets to be able to mark your ballot. And so, we you know we tested that with a number of groups with you know the visually impaired, with the, you know cognitive disabilities, all of the different accessibility groups that we could find. And you know it's as I said, it really increased the use over 2000 percent here in November and it's enabled and encouraged our county election folks to take these tablets out into the community where the people with these, with accessibility needs are and they're not afraid to do it anymore. Before they had to either have you know two huge suitcases and a bunch of complex templates that laid over the keyboard. Now, they can go out with the tablet with a couple of you know accessibility tools or let the person use their own and plug it in and be able to mark their ballot and they have a lot more comfort and it goes a lot quicker. And you know it's kind of feeding on itself the county election officials saying wow, this is neat to be able to see people vote independently. And we're starting to get the word out to more people. We've tried to-- you know our biggest problem is finding the people that need the service. And so, you know obviously through the advocacy groups we're working, but now we've started working with those companies that build and sell the assistive devices figuring well, if the people are going there to buy these devices those, you know that's our market. And so, those are the people that we want to be able to vote independently. We know there's some people that never you know that are always going to want somebody to help them and that's okay. But, what we've tried to do is provide as many ways for as many different disabilities and opportunities for people to be able to mark a ballot as they can.

>> And I just have one other question, which is on a different area of this vote by mail. When you look at your remark about voting by mail is more forgiving, that is if you need to communicate with the voter. Do you have a consistent procedure or policy that determines when you communicate with a voter and when you simply void a ballot?

>> Yes. I mean we have, I think it's a 98 page vote by mail manual that is adopted. It's an administrative rule that we update every couple of years when the laws change to go through it because we want to have uniformity. That's probably my biggest role is to try to achieve uniformity in administration election rules throughout the state. And so, you know we have you know, if a ballot comes in to, that hasn't been signed then we notify, the county notifies the voter and they have until 10 now 14 days after the election to come in and cure that whether that's a ballot with no signature, whether that's a signature that didn't match. So, that's really our failsafe for any of the ballots that wouldn't be counted otherwise. We reach out to the voters and there's you know a specific letter that goes out and there are specific timelines for their return. And so, we try and anticipate all of those contingencies. You know we do a pretty good job, but as we know in elections there's always something that pops up that you could have never anticipated or expected. And you know that's part of the fun of it. But, we try to document and have in written procedure as many of those processes as we can to make sure that it's uniform and that if someone were to challenge it we could go forward and say that. For instance,

we had, our statute says that ballots need to be mailed during a four day window, 18 to 14 days before Election Day. Some people interpreted that to be that the post office couldn't deliver them until beginning on the 18th day. Some people interpreted that as you can't deliver them to the possession of the post office until the 18th day. So, you know the issue there is if you give it to the post office and they accidently mail them out early people in one county end up with two or three extra days to cast their ballots as opposed to their neighbors. And so, we've been trying to eliminate any of those distinctions and make sure that we've got a uniform application and uniform understanding. And so, those are the kind of things that we issue in that manual or by directive.

>> Thank you. Commissioner Thomas then Commissioner McGeehan and then Professor Persily.

>> Mr. Trout I thank you for you innovations. Can you just explain a little bit how the disability voting works? Are they driving to a location? Are they doing it from home? And what plans do you have down the road for further innovations with that population?

>> So, yes. And we've had the ability for people to be able to mark their ballots on their home computers or home systems, whatever they have and then mail those back in. So, we mail every voter in the state a ballot, including those with accessibility needs, but we do have those flagged so that we can help them. We can either email them a ballot, send them a link to where that ballot is so that they can get it, mark it and return it just like every other voter does and we have that paper trail. Others we have will have some voter assistance teams. Some of the counties call them, go out to assisted living centers or places where we know there are people with needs to use these accessible tools. And they will take the equipment there on different schedules to the different locations. And you know we're going to be at this center from one to four on the 13th and anybody that wants to come there can do that. Again, I think our emphasis right now is trying to identify those voters that can utilize these tools. I think we've gotten the ones that have used them historically with whatever tool we've put out. But, now that we've made it easier and have more tools available it's about finding those voters that need that assistance. You know going forward I think you know my objective has been to have one ballot that works for accessible voters, that works for military and overseas voters, any voter so that we're only proofing one ballot. Everybody gets the same ballot and it's always accessible. We were able to utilize that technology here with super storm Sandy. We had about 40 voters that were stuck on the East Coast that couldn't get back to Oregon to cast their ballots the weekend before the election. We were able to allow them to go online, download and mark their ballot and then overnight mail it back to us. As long as we received it by the close of the polls on election night. They were able to cast a ballot that they otherwise wouldn't have been because we were able to provide this ballot to anybody anywhere. And I think that's the wave of the future. I think that we have enough tools and technology there to be able to make sure that people are not going to be able to cast more than one vote. I think that's a lot of times the concern. You know if there's a ballot printing error and so the county ends up sending out replacement ballots in the mail. It's like well, how do we know that they're not going to be able to count twice? We track all of that. Everything's tracked through that and we need to do a better job at educating the public that we have all of these procedures and processes in place to make sure that no one can cast more than one ballot. I mean really it shouldn't matter if I could go out and print 6,000,000 copies of my ballot. I have confidence that the procedures in place are going to make sure that only one ballot that I cast is going to be counted.

>> Okay Commissioner, go ahead please.

>> So, when the voter is voting from home they're printing a ballot off or they mark it on their system, print it off and mail that to you. Is that what you're counting or are they sending back an electronic? And if you are counting the paper do you then have to duplicate that onto a regular Opscan ballot or whatever?

>> Yes. So, they're printing it out on their own printer. When we go out into the field we've got a little portable 60 dollar printer that we take with it that just prints it out. It's not a machine readable ballot. So, it does have to be duplicated. One of the things that I think the next step is as we move to digital vote tally systems is that we shouldn't need to duplicate that. Any of these ballots should be able to be printed out and be able to be scanned with a digital scanner. And, no longer need duplication because you know I really think that will really change the way ballots are counted. Because you know as I see it you could print out an eight and a half by 11 piece of paper with a barcode on it with all of your, that captures all of your choices. But, then also a printout by name or yes-no on a measure so that you can see what the contents of that barcode are so that you could go back and check that in a recount or in an audit, a post-election audit to make sure that what's contained in that barcode is actually what's printed on those papers. So, that would guarantee you would never have another two card ballot. And would reduce the, you know there would be very few ballots then that would ever have to be duplicated. And I think that would be a huge innovation and move forward for elections administration.

>> Thank you.

>> Ms. McGeehan.

>> Dean Logan I had a question for you about the-- your poll monitoring program. It sounded very interesting as far as you know having poll watchers or election monitors work with the county and help you all as sources of information. I was curious if you could tell us a little bit about is the county-- you know do you require folks to register with you before they can monitor the polls and what kind of education you do for that group?

>> Great. Thank you very much for that question. That's a program that we're particularly proud of. The history of that program dates back to the 2004 election cycle where we discovered that there was this pattern of different groups going out and doing poll monitoring in L.A. County. They would gather a lot of data, so it goes back to my bias towards data driven information. And then they would write reports and they would come and present those to the County Board of Supervisors sometimes two or three months after the election. And it was really good data, really good information. But, what we kind of sat back and looked at it and said look, we have 4800 polling locations spread out over you know 4000 square miles in L.A. County. I can only put so many people out there to visit those polling places. So, if there's this army of other people out there that are visiting our polling places then we ought to put partnering with them. And so, we brought them together. We incentivized that by providing training for them to give them information about, they were able to go through the poll worker training so they had all the same information the poll workers did. We did a demonstration of the voting equipment. We set up a separate phone line and email system that was exclusive to the poll monitoring program so they didn't have to go through the main switchboard to get in touch with us. We told them we were fine with them collecting their data and going to the board to present that at whatever time in the future they wanted. All we ask for in exchange is when you see something, this is going to sound familiar to those of you who travel, but when you see something say something. That if you will call us the earlier we know about something on Election Day that's happening, the quicker we can respond and hopefully correct that from occurring. So, California has a very open and transparent election process. We do not require people to participate in that program. We try and incentivize them by, through the training and through the direct access on Election Day. It's been incredibly helpful. I mean it really has helped us in terms of early identification of issues. And again, it doesn't change the fact that some of these groups have very specific things that they're looking for and that they want to report on. But, they're now kind of, have a broader perspective and if they see something that's unusual they call us and we're able to respond to it.

>> Thank you. It sounds like a great program.

>> Thank you.

>> Commissioner Lomax and then Professor Persily.

>> Dean, you mentioned that the voter experience is kind of where you focus your attention. A large part of the voter experience is the equipment on which they vote and I know you've got some really innovative ideas in this area especially since a large part of our country's going to have to go out and buy some new stuff here shortly. Could you just talk to us a little bit about what you're doing and your thoughts in that area?

>> Sure. Thanks for that question as well. That's the biggest thing, the biggest priority of my office right now. And we're in a very unusual position in L.A. County in that we have a very outdated voting system. By and large the voting system that we use today is a modification of the voting system that we used in 1968 when it was groundbreaking in L.A. to go to punch card voting. So, the equipment literally looks and feels the same as it did then. It just uses ink instead of punching a hole. We know that we're at the end of that lifecycle of that voting system, both the voting devices and the vote tabulation system, which is something that was built in-house in L.A. County. The reality is the market today in terms of available systems on the market that are certified at the state and federal level, there is nothing that has the capacity to meet the needs of L.A. County given our demographics. So, we stepped back from that in 2009 and said if that's our reality and we know we're going to have to make an investment of public money in a new voting system, let's try to do this right. Let's try to go back and not have a voting system that is designed to the desires and the needs of us as election administrators, but to go out and again gather data from voters through surveys, focus groups and anticipate what the future needs of voters are going to be. So, we did that. We spent two years gathering a lot of data. And we talked to current voters. We asked them, what do they like about their current voting experience? What do they wish would be better? We talked to young people who are not yet voters and said what are your expectations going to be when you become a voter? And again, we struggle with this dynamic of trying to serve two very fast growing populations, the 18 to 29 year olds and the voters over the age of 65. We've now taken all of that data along with a set of 14 guiding principles that were adopted in collaboration with a vast stakeholder group and that's included, I believe, in the material that I submitted to you. And we've gone to a human centered design firm idea in the bay area and said take all this data, take all this input and these principles and come back and show us a picture of what a voting experience could look like in that. We didn't ask them to design a voting system. We just asked them to show us what the configuration of voting could look like in L.A. County in a way that would meet current needs, but also would have the flexibility to meet future needs as well. And we said that it can't just be a pretty picture. It has to be a picture backed up with feasibility studies that says this is something that can be built and can be designed. We're midway through that process right now. We just got the first preliminary concepts from that design process here in the last couple weeks and we're moving forward to refine that. But, it's-- there's a lot of clear patterns that are developing in that. It's clear that, and I think one of the other speakers referenced it, it's clear that the voters today and certainly in the future are going to expect options. Voters are, the voters want to be able to cast a ballot when, where and how they're ready to do that. That doesn't necessarily mean that it's on a Tuesday between seven in the morning and eight o'clock at night. It doesn't necessarily mean that it's some place within a two block radius of their house. For some voters it might mean that. But, there's a wide range of needs and desires and we're seeing changing patterns in terms of behavior and in terms, and this goes to some of what you've heard about vote centers and vote by mail. Vote by mail in my experience evolved through voter behavior on the West Coast in Washington, Oregon and California. It was made available and it grew as voters started to adopt it. I think that's going to be true of innovations like vote centers and changes in the timeframes in which we vote. It's going to start slow. We may have to in a large jurisdiction if we're going to go to vote centers. We may have to have vote centers while we still have the neighborhood polling places until the voter behavior shifts to a point where it makes more sense to shift to the vote centers. So, all of those things are being considered. I guess the main emphasis of our project is that we want the focus to be on the voter. And we want technology and process to respond to the

needs and the behaviors of voters rather than the opposite, which I think has been the past trend.

>> Thank you.

>> [inaudible comments]

>> Certainly.

>> Dean, the concitron that you have is that publically available or is it to, or at what point maybe a better way to say it. At what point could you share with us sort of a schematic of what this voting system of the future might look like? Should it be-- I'd be fascinated to see it and I think the rest of the commissioners would be as well.

>> Sure. It's absolutely available. Again, it's fresh. We just had it in the last couple of weeks. And we just presented to our stakeholder, our CEO and to our technical advisory committee. So, I can get it into a format and send it to you. We have, we've been very clear in this project that we want it to be transparent. So, everything related to the project is available on our website. The main thing that I want to couch that in is that these are concepts. They aren't going to be the final product and they're beautiful pictures, but these things have never been built. So, they look like something that's real, but they're not real yet. So--

>> Was the initial feedback at least positive when somebody saw that they're like yea, that's sort of what we were hoping or was it negative or was it uncertain?

>> I'm encouraged by the feedback we're getting. To be blunt honest when we presented it to our stakeholder committee and our technical advisory committee I had a lot of anxiety the night before those meetings because I didn't know what to expect. And I was very pleased to see that again, that the things that are coming out of the design process are things that relate to the principles and to the data. And I do think that we're starting to narrow in and see where things should be headed so I'm encouraged.

>> Great. Professor Persily.

>> As long as we're on data requests let me throw a few out there, which is, so if you could provide the survey also. If that's on the website, the survey data that you--

>> It is.

>> Used. That would be great. And the other is the algorithm that you're using to-- that we talked about before with respect to resources if that, or even if it's just the variables since we're getting a lot of discussion about that, if you could provide that to us that would be very helpful.

>> Sure. And I anticipated that question and actually talked to my staff. Right now it's a bunch of lines of code that would not make sense. So, we need to put that into a narrative form and we'll do that.

>> Great.

>> And get it to you. I did want to, since you brought that up I did want to go back to Commissioner Grayson's question because you had asked about the length of the ballot. And while that's not a factor the nature of the ballot is. So, if we know that there is a very high profile contest in a particular area that's a factor that we put into it compared to an area where we have an unopposed candidates or something of that nature.

>> I've still got some other data requests if we can, which is if, for Secretary Gessler one of the hardest things we've found to study is the effectiveness of voter education. It sounds like you did a big job in terms of educating people about online

voter registration and some of the other features. If there's any studies available that you've done, sort of analyze the effectiveness of any of those tools I think it would be really useful to have them. For Steve Trout, if-- we didn't talk a little bit, we didn't really talk about signature matching and if you have data on the lost votes due to signature mismatches as well as how you follow up with that and whether you allow the voters to cure those problems that would be useful to have. For Maggie Oliver, if the-- and this I guess might require a response now, which is there was a five minute average vote, average wait time. What was the longest time that someone had to wait in the county? And do you know what distinguished those polling places from the others? And related to that if we could also have the wait time data that would be great too.

>> Sure. Was that a question?

>> Yea, yea.

>> Okay. To be honest with you, I don't know off the top of my head what the longest wait time was. I know that we did have a couple of sites in the county that did get very heavy turnout on Election Day that despite our best efforts to guide people different directions. You know they just would rather stay there. So, you know we'll have a couple of you know outliers. You know maybe be even an hour long kind of outliers. But, we can definitely provide you with that data. We have all of that data. We collected it through this app that I was describing to Commissioner Patrick. And so, we know how long you know and then X minute timeframe how many people we've processed and that's how we know what the wait time was. So, we can provide that to you.

>> Commissioner Britton and then Commissioner Thomas.

>> First thing I have to say is how extremely impressed I have been in listening to not only your testimony, but the responses to the questions from the commission. I feel that if you four were indicative of the voting process across our country we probably wouldn't have this commission. But, let me ask a question directed mostly to Secretary Gessler and anybody else can chime in, sort of a more philosophical question. We have seen throughout you know the time since the commission's been formed some various levels of involvement, engagement in governments from the state office level. From you know a hands off more decentralized approach to a somewhat more directive approach. And so, I'm just wondering Mr. Secretary, do you have a philosophy that you think works the best or something you might recommend to the commission on an approach on how the state should be engaged in voter administration?

>> Certainly, had to turn on my mic there. Of course, I think you know different conditions exist in different states. But, the way, the trend that I see is that elections have become far more complex. Over the last decade we've seen an immense increase in the complexity. Whether you're talking about the Move Act, some of its imposed by the Federal Government, the Move Act, HAVA, you know UACAVA requirements, things along those lines. And some of it is you know imposed, states imposing it upon themselves. When you have more complex systems the greater complexity, the more specialization you need in that. And so, one of the things is if you look at traditionally you know how elections work in our country you know they're built upon either, well in the west, certainly on the county system and on some of the East Coast jurisdictions, municipality system. But, you know I'll have counties in the state of Colorado that have maybe 1000 residents, okay, maybe several thousand residents and very small election staff. Yet they have to interpret and apply a whole array of you know federal statutes, state statutes, complexity, have to provide a lot of stuff, which requires a lot of specialization with a very small staff. You know other counties, which will have much larger staffs are able to build that expertise over time, but many counties aren't. And so, I think what you're seeing and where we're moving towards in Colorado as well is more towards uniform systems. And we're very much pushing that approach in Colorado. We have four different vendors and those vendor systems are implemented in different ways and counties. And what winds up happening is we have a lot of increasing complexity. It's a lot difficult, it's a lot more difficult to measure and compare and create baselines for performance. And then,

if there's a problem in one county it's very, very difficult to move resources to have another county assist them or to have the expertise at the state level to deploy you know because we can't know everything about every system and the way they're done. So, I think just sort of that trend creates for better or worse a, you know an impulse or drive towards more uniformity and oftentimes towards more centralization. You know some states like Georgia, for example, they in a centralized fashion design all of their own ballots. And there's strengths in that, because then you can have one or two people who spend all of their time thinking the most efficient types of ballot design as opposed to in my instance having to disperse that knowledge across 64 counties including many people who have to wear a lot of different hats within that county. So, I think that's what you're seeing nationwide. That's certainly what we're seeing here in the state of Colorado. You know of course, we want to be, allow local officials to be responsive to local needs. But, ultimately you know the complexity is just driving a requirement of specialization to thoroughly understand the legal framework, understand the technological framework and be able to apply that in an effective consistent manner.

>> Let me just add you know some of my experience too. I started out as the election lawyer for the California Secretary of State. You know did that for about four years and you know felt like I had a pretty good grasp on how elections were administered. Then I went to the county level and realized how much I didn't know and how much it had to be integrated. And then, when I went back to the state level it, I've been much more effective and better now knowing those county specific moods. On the same hand, there's people at the county levels that don't understand the state perspective and the things that have to go on at the state. So, there has to be a partnership. We can't succeed without each other. And you know I've been in situations where the counties and the state were at war and that's a lose-lose. I've been in situations where the counties and the state were hand in hand. And obviously that's the best scenario. But, I think we have to continue to look at you know the impacts that a state policy may have on the day to day operations of a county. But, I also think as we incorporate more technology and there's more legal challenges and legal considerations and challenges to uniformity that we you know that we really have to take a look at how those responsibilities are balanced. We're still working on the model from 40 and 50 years ago. But, I think especially as costs are allocated amongst state, counties, districts, localities I think it's time to open that back up and see how that should best be distributed. Because it is much more cost effective for me at the state to administer a UACAVA solution than it is for each one of my 36 counties to develop a solution to serve those voters. But, right now the cost models don't favor that. And so, that's just one example I think that as we use more technology and have more legal attacks, that's sort of a too strong word, legal issues to address that, I'm a lawyer. And you know that we need to relook at how those intergovernmental operations are working. You know we all know that if one of my counties doesn't get their UACAVA ballots out before 45 days it's not going to be them that gets sued. It's going to be me rightly or wrongly and VRA issues. And so, all of those are out there that you know I think we need to relook at the balance of responsibilities and costs at all levels of election administration, state, county, local and district.

>> Thank you. You weren't looking at Mr. Ginsberg and me when you were talking about legal attacks were you? Okay, good. I was just checking.

>> [inaudible] more business.

>> Yea, yea. Commissioner McGeehan please.

>> Yea, go ahead.

>> Okay. I had a question for Maggie Oliver. I was very interested to hear about your vote center experience and there have been some Texas counties that have also had real positive experiences with that. And I was wondering if in addition to obviously being helpful to voters giving that convenience, does it also bring some administrative advantages you know so that you can maybe better concentrate on your poll workers, concentrate on getting accessible locations since you'll have fewer

locations? So, I was really interested to see how does it raise the caliber of polling place officials? Does it increase ability to get accessible polling places? And does it also help with minority language issues, trying to focus those resources in fewer locations?

>> Yes. No. Yes to all of that. In fact, selfishly one of the reasons that my staff and I began looking initially at implementing vote centers was from the administration perspective and looking to streamline our administrative process. I think Dean was talking about how you know with all of, you know with several thousand polling locations you can't you know have a person everywhere. And so, working with these groups that are doing observation helps him to do that. We do a little bit of that too, but with 69 locations I can actually-- I can have a staff person at every location if I need to. We're interconnected with data and so we know immediately if there's a problem at a polling location. If we're not getting data back from that polling location we know right away that we're having issues. We can dispatch somebody out there. We used to have 172 individual locations for our over 400 precincts. Now, we're down to 69. So, we can address them a lot more quickly. We only use a third of the poll workers that we used in the past so we can be pickier. We actually, we were able to implement screening. And you know we hate to do that because we don't want to exclude people especially who have been very committed public servants who come work the polls year after year. We still have rolls for people who maybe aren't you know computer savvy or what have you. But, we didn't, you know we didn't have to be completely stressing out you know the week or the days before the election. How are we going to find enough people, pulling our hair out because we, you know we had enough people. And so, we were able to do screening, test people for computer skills. Say you would be well situated to you know be checking in voters. The training we were able to really streamline. We were able to you know, it's sort of this you know debate. Do we cross train everybody or do we silo everybody? And so, we kind of, we go back and forth quite a bit. Poll worker training is something I've been working on also quite a bit since I came into office. But, this last cycle we did sort of a siloing training. We had people really focused on their roles, training them to their roles. That worked well. We've developed a training curriculum. We've created a training coordinator position. But, these are all things we're able to do utilizing this system that didn't necessarily make sense for us to do in the previous systems. So, we as administrators we love it. We love the data. We love the streamlining.

>> Okay, we're gradually approaching the conclusion of the panel, but we have Commissioner Thomas and then Commissioners Ginsberg and myself.

>> This is a real short answer. So, what's a long line? So, when you do your planning for putting resources out what should the voter expect as a long line that they should not be seeing? So, what you plan to? And Steve, I already know your answer and you can answer from your local experience.

>> Two.

[Silence]

>> So, I mean you know it-- you know in previous lifes its, there-- what's the expectation of the voter I think is really what it's going to come down to. You know a 10 minute line may be too long depending on what those expectations are. But, you know I think this gets back you know to some philosophical roots of you know it's an important thing to cast a ballot and there needs to be some commitment to do that. But, from the election administrators perspective you want to be able to anticipate and make that as quick of a time as possible. And I think as we gather more data and are able to track more data at polling places that that will help us to be able to know better what an acceptable amount of time is. And you know I think you know honestly between you know between you know five and eight P.M. you know it could be over an hour. And you know I know I've waiting in line you know to ride Space Mountain at Disneyland for an hour and a half. And you know and the--

>> But, it was well worth it.

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>> It was well worth it. Just you know as long as it doesn't close right when I get to the front of the line. But, you know, it's well worth it to be able to cast a ballot too. And you know that's, we all hold that pressure and that's we're here and that's why we're so committed to this process and making it better. And as we you know continue to look for ways to improve the processes the more data we can collect and the more technology we can use, I think the better.

>> Yea. I think that's actually a great question. I don't think a lot of people have studied that and there's much, many metrics on that. I mean my guess in Colorado would be how it's a function of how recently someone visited the department of motor vehicles. So, they've just visited them they'll be used to a two hour line, but if it's been a while a shorter line. So, you know I do think, I mean I think that's a valuable inquiry and I think you know from sort of the answer you heard it's something that we haven't really looked at I think collectively as a nation very closely. You know, we've looked at it more from an input standpoint. And you know there's you know obviously different-- in my instance different counties have different approaches. I know we try to keep it to minutes not hours, of course. And we had some real problems back in 2006 in Colorado along those lines so we're very sensitive to that. But, it would be good to see some more analysis and studies. Should it be the length of a long wait at a grocery store? Is that the standard? I don't know.

>> As an administrator you have to draw the line somewhere literally. So, we've just chosen 15 minutes because 15 minutes seems like a reasonable amount of time to wait, but not too long. I do think that it's for, you know from each individual voters perspective it's going to be different, how long is too long to wait. And I know I personally experienced something very interesting in 08. We opened our first ever early voting site at the University of New Mexico. And our first day of early voting I went there to do a press conference. I ended up staying the whole day to help manage traffic personally because it was overwhelmed. And we never would have believed it, but the enthusiasm was so great and everyone that I talked to in line was like, isn't this wonderful. So many people are here to vote. I'm like, you've just been standing in line for an hour and you're super happy. So really, it really depends on the experience of the voter. I do think it depends on whether the individual thinks it's a function of this overwhelming excitement of voter turnout or whether they think it's because the sites being managed poorly. That has a lot to do with it.

>> And I'm sorry, just real quick you know in follow up. We can, we could make anything happen. I mean we could make the lines two minutes if we want to. We can make them two hours. But, I don't think as election officials we're the ones that make those decisions. I think what we have to do is to provide the data to say with these resources this is what the lines we anticipate they would be during this range. And then leave it to the policymakers to decide what the acceptable wait time is so that then they can determine how many, you know what resources they want to allocate to allow us to serve the voters. I think that, I think it's a great question, but I think it's probably one that goes to policymakers as opposed to election administrators because I have faith in my peers that we can make anything happen with the given resources.

>> So, let me just jump in real quick and say that again I think this is something where data's really important and I think it's important that we talk to the voters to find out what their expectations are. I do think its contingent. I think its contingent if you have a system where voters choosing from among options for when, where and how they vote then I think there's a different level of patience and a different level of expectation about the time of the whole voting experience. And I think, again, I think maybe we should be measuring the whole voting experience rather than the line waiting to vote. If you're limited to only one option on one day and one time period then I think the impatience for that wait time period grows exponentially.

>> We're going to conclude with here a bit of a lighting round, Commissioner Ginsberg.

>> Thank you Bob. I wonder if you could all peer into the future. You've all got great systems now. But, look out 5, 10, 20 years and one of the sort of elephants in the room we've been told about repeatedly is the postal service. You rely entirely on the postal service. Secretary Gessler, you're going to be relying more on the postal service. You have a lot of mail in votes in both of your counties. So, the postal service is from what we've heard from election officials around the country vary in qualities. It is also an institution that is cutting back its service locations, cutting back its hours. It is not a business model that is particularly vibrant in the future. So, what do you do in light of having, relying heavily on the post office for voting and the delivery of votes for an institution that's going to look pretty different a decade from now?

>> Well and you know that's a question that we continue to challenge. We've got a great relationship with our local postal officials. But, yea things are changing and we are going to have to change with them. You know in the future, well right now already a majority of ballots returned are not returned through the post office. They're dropped off at a drop box somewhere within their community. So, I think we're over 60 percent now. So, that you know so that already exists and continues to grow. But, I really think the next step as I talked about a little bit earlier are voters choosing to opt-in to download or have their ballot emailed to them, mark it out and mail it back. So, that will take care of half, you know the outbound delivery of ballots and then you know would rely on the dropping them off at the drop boxes if the post office were to entirely go away. But, I think that's going to be something that's going to happen over time. It's not going to be you know August 14, 2018 that the post office closes forever. I think there will be gradual reductions in service as we're already experiencing and that will help kind of, as Dean was talking about, how my mail was accepted over a period of time as more people gain confidence and trust in that process, you know. I don't know what the number is if I were to go out today and say okay, everybody that wants to just download their ballot and not receive it through the mail. You know it could be half the population easily. But, there's a core out there that aren't going to want that and it's going to take time for that to develop over time. So, I think you know over the period we're going to have a transition to having more ballot delivery online whether that ends up leading you know to pure online voting I don't know yet. That's going to be up to the public on what they will accept.

>> Basically why, I think what we've done in various areas we've, I mean we're rapidly moving towards a single point of failure in our election systems. And we're building our systems and we're designing our processes around the U.S. Postal Service. And frankly we've already seen some of those failures from that single point of failure. I mean I honestly think in my view that the most disenfranchised group we have in our country are military voters particularly our overseas voters. And one of the main reasons for that is because of the U.S. Postal Service and the Military Postal Service as well. And you know and we saw in this last election in the large majority of states, nationwide a drop in our military turnout. And I think in part because we have servicemen and servicewomen who are overseas and they rely on exclusively on the postal service either to receive their ballot and return them or at least to return their ballots. And so, those systems there don't work and we're moving towards a single point of failure here in the state and our country for our nonmilitary, not overseas voters. I think we have to be very mindful of that and very careful particularly if we invest heavily in systems that rely entirely upon postal service delivery and then postal service delivery suddenly the cost skyrockets or the service degrades over time. And we can hope that we'll be able to find additional technology or additional approaches to quickly solve that. But, if we standardize on that, on the single point, a critical point and one that is unstable I would say from a business model going forward we have to be very mindful of that.

>> So, two things I would say. First of all, I don't think we do have great systems today. I think maybe we have great programs that help us mitigate some systems that have severe limitations. So, thank you for that and I just want to say how much I

appreciate that question because I think that is the example of the kind of future focus that has not existed in this dialogue for the last couple of decades. And that's an issue I talk about a lot because I was a big proponent of vote by mail and championed it when I was in the state of Washington. I don't think it's sustainable over time. I think voter behavior has changed. Young people couldn't tell you the cost of a postage stamp and they couldn't tell you their mailing address. So, it's not going to be a viable option for them moving forward. So, I think a combination of the things that you're hearing here I think a voting period versus a single voting day, voting locations that are, that can service all voters within a jurisdiction rather than voters being tied to a specific location and the ability for voters, who want to, to be able to obtain their blank ballot through electronic means and to mark that and drop it off at any number of locations. Those are the kind of things that at least the data in our project are showing. But, I would also say that I think there hasn't been a lot of discussion around that question. I think people bury their heads in the sand around that question. And the final point is that the other piece to vote by mail that I think is vulnerable is that the means of authenticating the voter is exclusively through a signature match. And they're not teaching penmanship anymore and you look at the quality of signatures and that's also not sustainable. And again, it's a question that I think people just haven't wanted to look at.

>> And I would just echo what Dean said. And I would just also add two things. I think as election administrators we're feeling an intense amount of pressure to use the online tools that are being developed, to use the internet more. I-- and not a day goes by that I don't get asked when we're going to have online voting. Aren't we going to have online voting? And you know my hair kind of stands on end. But, we do need to be using those tools and I think you know the fact that you know the postal service is having issues and things like that we need to, we need to figure out ways to use those tools better, more effectively. We can be serving our overseas voters better utilizing those tools, etc. But, I just, I personally come from the philosophy that you know voting is fundamentally a human and human interactive process at the end of the day. I think it's really important to always maintain that core piece. And there may be voters that we always have to interact with electronically. But, I think at the end of the day you know I personally would never want to see us move entirely away from interpersonal interaction in voting. I just think it's too important to the integrity of the election process. So, that's my two cents, thank you.

>> I have two very quick questions to bring up the end and thank you for your patience. I know we've kept you somewhat longer than originally scheduled. Secretary Gessler, just a quick question for you, actually two quick questions for you. One has to do with the improvement that you saw in UACAVA participation. How did that break out between military and nonmilitary overseas voters?

>> I don't have the exact numbers offhand, in my fingertips. We can get those for the commission.

>> That would be very helpful.

>> They both saw substantial increases.

>> Okay.

>> So it's--

>> So, there's not a significant difference between the two that you would--

>> I can't exactly answer that without the numbers, but I do know we saw significant increases in both categories.

>> Second question, you mentioned that you were having some difficulty with private groups that were pushing to locations that were becoming clogged and one of the questions was is this something you anticipate trying to address or you would like local officials to be addressed who dialogues with private organizations to help work with the localities to avoid congestion based on those turnout practices?

>> I think the answer there is absolutely yes. You know in that instance it was a new implementation of a vote center program so there wasn't a substantial amount of historical data to be able to better anticipate what the traffic, at least enough of that data. I think we were caught a little bit surprised and frankly the private groups I think were caught by surprise by this sort of congestion issue that we had. So we've learned a lot. Of course public outreach and working with groups that themselves mobilize voters to help increase that efficiency is paramount, you know, better understanding in hopefully anticipation of those traffic patterns that's something we've got to look at more closely and I've heard a couple of good ideas here too as part of that education process. So the answer is we communicate with folks all the time and we'll continue to do that and this is going to be one of the areas of focus. Thankfully in Colorado it wasn't very widespread, it was just a few pinpoints here and there.

>> Okay.

>> But there are ones we have to address.

>> Very good. Thank you. Ms. Oliver you mentioned the strong support that you received from the Albuquerque school system. We've heard in other jurisdictions some issues that have been encountered and working with school systems to locate facilities within the school system itself. Is this a, do you have any thoughts for us about why it worked as well as it did? This cooperative effort with the school system?

>> Well, I think first and foremost there was political role [phonetic] in the administration to work together with us. They viewed this as a partnership, they understood the importance of utilizing the schools as polling locations, that it's been done historically, you know, the members of the community are used to going into the schools. It's also an opportunity for the schools to integrate and interact with members of the community and sort of, you know, not intentionally but maybe demonstrate the things that they're doing in the schools and in the neighborhoods. So I think just that knowledge among the administration helped and, fortunately we also have a member of the Albuquerque City Council who is high up in the APS administration and so he's very politically attuned and, you know, understands the importance of interacting with the voters and the community. It wasn't perfect, you know, we definitely encountered some issues. It was a great learning experience, but we're meeting and we all had a meeting earlier this year, okay, are we up for doing this again next year? Yes, we're up for it, okay, how are going to make it better and easier and more improved next time? I think just having that will and that dialogue is really important.

>> Thank you. I'm done with my questions, Mr. Co-Chair.

>> We'd like to thank this panel. They've been remarkably helpful insights to us and we will probably be contacting you in the future for more input. Thank you.

>> Thank you very much.

>> Thank you very much.

>> We'll take about a 10-minute break and start again at 5 of 11.

[Music]

>> If you could all take your seats, please, we'd like to get going.

[Music]

[Silence]

Thank you very much. We're now going to proceed to the next panel, also a very distinguished panel and we're hearing forward to hearing the testimony and because we are running a little behind we're going to be crisp here. All of you are aware that we have a time clock and we're just trying to keep everybody within a frame that will permit the commissioners to ask questions and so we're going to be fitting some important testimony into a very tight timeframe. So thank you very much for your cooperation there. Without further to do, I'd like to begin by introducing Donna Davidson and ask you to speak, Donna, is the Colorado County Clerk's Association's Executive Director and we look forward to hearing from you.

>> Thank you. It's an honor to be here. Thank you the co-chairs and then also the commission I really appreciate it. I'm going to do a slide presentation today and in the beginning after the 2012 Election Colorado became a single party legislator. So we obviously the county clerk knew that radar was always on party's minds and that we sent a letter to both parties and the Secretary of State's Office indicating that we really wanted to work with the legislature on upcoming legislation. We mentioned mail ballots delivery in our letter and voter registration deadlines and initiatives on mail to vote and referendum and knowing that voting systems. When we left there that day at our meeting, we knew that same-day registration was definitely on the radar, that we needed to sit down and start figuring out how we could best do it and make it as, you know, compressed as we possibly could and making sure that we built in security and making sure that our voters had every option that they could have. Expanding on our opportunities we went to work trying to find the integrity of the process as I said and when we go through we had months later a couple of our country clerks were invited to the table to start discussing it and then a couple of weeks before the legislation came out the rest of our executive committee and legislative committee were invited to the table. At the time we really looked at the bill as it went through the process and it changed. They really listened to our concerns in a great deal of area. It changes our voter registration deadlines as you can see from 29 days to 22 days before the election, to cut offs, and the main reason for that is because we have third party registrants that they really like on the last day to bring in 5,000, 10,000 registrations and obviously you've got to run those through the process before you can get them registered and a lot of those individuals also applied for permanent absentee ballot to be mailed to them so they had to mail ballots out. So that process takes a great length of time but people could continue registering online up to 8 days before the selection and in the bill we also created the voting centers and they open up 15 days before a general election and then they open up 15 days before a general election and 8 days before a primary or a special election that we have or odd year election. So, in these sites, we're much different. We have a mail ballot election that is mailed to every voter, every active voter I should say, but we're not the same as Washington and Oregon because we give them option to, our voters to drop off that ballot, mail the ballot back in or they can go to these voting centers that open up the 8 days before primary or 15 days before a general they could go there and they can cast a live ballot and that is because we developed in our system, we already really had it because we were doing early voting they can look up every, each and every voter online to see if they've cast a ballot anyplace else because they also can register up to Election Day. So we can see if that voter has voted someplace else within the State of Colorado, they can change their address, they can cast a ballot if they decided they didn't want to vote that absentee ballot or mail ballot that was mailed to them. They can make any changes that they need to to the registrations. In a primary, they can even, they can change their party affiliation or they can't change it they can if they're [inaudible] they can declare a party. Excuse me. So, it really brings integrity into our process by having the same day capability of looking up whether they have registered before someplace else or if they're changing an address we can take care of that voter, we try to make sure that we are as friendly to the voter as possible. They have any option they really want to do. Setting up these centers I guess I really didn't go through click it fast enough but establishing these centers there is a formula set out by law of what the counties, how many they have to have. So, a small county they can handle it real small counties as the secretary said we have some that doesn't have a thousand voters and in the past we have noticed that our people are voting, have already applied for a permit absentee ballot. We have about 75% that was voting before election with a permit absentee ballot and out county clerks were finding they

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were voting around 80% and some of them even up to as high as 90% of their voters prior to Election Day. So, our voting with early voting and we've gone to early voting a long time ago and then it was back in the late 80s I believe that we went to early voting. Colorado has a very lengthy ballot is one of the reasons why we have started adding as many options on for the voter to cast their ballot as possible because the length of our ballot. We have initiatives and referendums on our ballot like California and some of the obviously western area. So it takes our county electors about 25 to 30 minutes to vote a ballot. So you see we cannot get many people through a precinct in that amount of time. So, eliminating our lines we went to early voting, we went to no reason absentee, then we developed and moved forward and extended to absentee ballots that they wanted. We call them permanent mail in ballot if they applied for that. So our state has always tried to move to try to take care of our voters before Election Day because the length it takes to vote their ballot. The counties we feel this will save money especially in our provisional voting and buying equipment in the long run, future equipment, because these sites that can look up and have live connectivity to the state to checking every voter whether they have cast a ballot before or changing information so every county can see it and every polling site can see it. So making sure that we have all of that done we feel we can save money in several ways in the future of our election. Now if a county hadn't move to a precinct center, voting sites in the past and have gone from precinct, they actually their precinct voting, they will not really see a savings upfront in this new legislation. So, some counties are seeing a savings others are not. So in the long run though we know it will save because the voting equipment plus we feel that taking the ability and having the option of serving all of our citizens in every way we possibly can is a plus. I handed out a synopsis that was done by Denver the last, gosh, right before the bill was presented and some of the committees showing the savings and provisionals. Colorado in our provisional voting in 2012 we had 62,847 provisionals; that's right for Colorado. We had 2 million 594 voters and in rejection of those we only had 9,870 rejections, which is less than 15%. So as you notice as we go along, our provisional voters are very high. This new legislation will take care of of most of those provisionals because we had the live connectivity and we can move forward. So by saving money we even, that synopsis even shows same day registration taking an estimate so even for Denver they feel they can save between $25,000 and $29,000 just in the provisional area of our elections. So I really feel in closing that this is a win-win for the association felt like it was a win-win in the process giving ballot delivery system to our voters, giving them their choice how they wanted to vote and making it a simplified process, making it a process that's the same throughout our state because some was doing the voting centers, some was doing precincts. So advertising throughout the state was much different and early voting was set up at different times opening and closing and so this makes a process that is the same throughout the state. We feel like that will minimize problems within counties and it will definitely ensure security in our election process by being able to check every vote that is cast. So I appreciate this opportunity and I'll be more than happy to answer any questions you might have. Thank you.

>> Thank you very much. Our next witness is Dana Debeauvoir from Travis County in Austin, Texas, the clerk. Please.

>> Thank you, Mr. Co-Chair and Mr. Co-Chair, members of the commission. It is an honor to be here today. Thank you very much. I would also like to address some specific comments about vote centers, but let me make sure that we're clear when we say vote center that we don't mean two or three different things. When I'm talking about the Texas example of vote center, this is in addition to early voting and let me describe the difference. Early voting is a program prior to Election Day. That is a 12-day long program opens up 17 days before Election Day, closes down 4 days before Election Day so that all of that information can be gathered up and then presented to Election Day polling places so that you can tell who already voted. Vote centers are neither. Vote centers are a replacement for a traditional Election Day. Vote centers are, in fact, you could call them county-wide Election Day polling places. Like early voting anybody anywhere in the county jurisdiction or whatever jurisdiction they're working in, can go to an early voting location. On Election Day similarly anybody no matter what precinct they belong to can go to a vote center and cast a ballot there.

In other words, all of the ballot formats that are available throughout the jurisdiction are available at each and every one of the vote centers and it matters not where the voter goes. So, this is a program that is all about making it convenient for the voters and that was part of our reason for implementing it. We hoped to offer some benefits by being able to put together this voter centered program to offer to them. The first thing was giving voters more voter options on Election Day. They no longer had to deal with the commuter's dilemma. There they are stuck at their workplace, they left too early from home to go vote or didn't have the time and they're not going to get back home to their home precinct in time to vote before the polls close. So is there some other opportunity and with vote centers what they can do is take time out of their day at any point in time and visit a polling place close to their job, close to some meeting they're attending, close to some lunch place, whatever they want. The other was eliminating confusion to voters about where they go vote on Election Day. From time to time we have measured how many of our incoming telephone calls on Election Day are simply voters asking the question where do I go vote? Pretty consistently that has been 80% of all telephone calls that come in are where do I go vote. Also we were wanting to try to by using vote centers we were going to try to get out of some of our less than ideal facilities. We could move away from an Election Day polling place that wasn't really great. I'm going to come back to this and another idea of could we get out of some of our elementary schools? I'm going to come back to these two points in just a few minutes. We were able to be successful with part of that and not with some other parts of that. We also were very hopeful that we could rid of provisional ballots. In Texas, if you are standing in the wrong precinct on Election Day, you are allowed to vote a provisional ballot and it will do you no good whatsoever because it will not count. So, it is very heartbreaking to be able to offer somebody a provisional ballot under those circumstances knowing it's not going to do them any good. So we had hoped to completely eliminate provisional ballots by offering vote centers. The main thing I agree with Dean Logan about is that we were trying to make things easier for the voter because we wanted to cut down that 80% telephone call that sucked up a lot of our resources trying to answer people's questions and directing them to the correct place, but mostly we wanted to increase voter turnout if we could. We weren't trying to be spotty about it, we wanted to see a general overall increase in participation. A handful of other Texas counties had gone through using vote centers and in virtually every case prior to Travis County doing this it had been a budget cutting device. The idea was that the county went in and significantly cut their budgets and reduced their Election Day polling places to not half of what they had normally had and they went to more of a big box concept. They would try to find a warehouse or an empty department store or, you know, some other large facility that was vacant that they could move into that had good ADA accessibility, lots of parking, it was on a main road, big box concept. Those big box concepts were great as long as you had nice turnout evenly all during the day but what happened even with the big boxes is that from 5 o'clock on they would jam up because everybody would flop to the big box thinking it would be the best facility and in some places that really backfired. The, what we felt was that it didn't necessarily need to be done that way. We did not need to reduce the number of polling places in order to be able to offer vote centers. So what we did is we said, all right, when we asked the members of our community how might we implement vote centers one of the things that we ran up against was a bit of opposition about undoing a neighborhood polling place. It was a lot of not in my backyard. Everybody wanted to keep their own neighborhood polling place but you could rid of somebody else's if budget cutting was what you were interested in. So, we very quickly decided that we did not want to be bogged down in what might be a lengthy political, neighborhood resolution of which polling places would people be willing to give up and which ones we had to keep rather than get all of that, you know, get caught in all of that we just said, no, we're going to honor every single neighborhood polling place there's no reason not to and keep them all and we're going to turn each and every neighborhood polling place into a vote center. Now the beauty of that is in most places your typical, your traditional voting center already has some kind of a hook up with the voter registration database so that you can clear the voters. Well, when you convert to a vote center the first thing you're going to need is conductivity to the voter registration database so that you can prevent the voter from going to the next day polling place and voting again just as Donna Davidson was just describing. Well, if you've already got that connectivity, that infrastructure

set up, 0 installation costs and we were already there with all of our polling places. So, 0 cost for connectivity to get them started. The other thing is that when, and these polling places were already established with ADA accessibility, on bus lines and transportation lines, they were already, the citizens were already familiar with them so we really didn't have to go through any kind of an education program. The only education program that we had to go through was vote wherever you see a vote here sign. That was our public outreach program. Now the, there is an extra piece of the cost savings that were available to Travis County because of certain circumstances and because we are all living in a political environment I want to take the chance of sharing a story with you that is a political story that ended up having Travis County in its adoption of vote centers $500,000. Now, you may know the story of redistricting in Texas; it's rather well written about story. You may also know that Travis County is blue and with little exception Texas is red. In the course of that lengthy unpleasantness over redistricting, Travis County got carved up pretty badly and there were a whole lot of new lines and new precincts to try to explain to voters so much so that 96% of voters had new lines and new representatives; that's a lot to educate voters about. In addition to that, there were 49 new precincts that were created out of this. in order to have equipment, people, you know, any kind of rental or ADA preparation, anything you would need to make those 49 extra precincts up and running for Election Day that total bill was $500,000. So by going with the existing neighborhood precincts the voters never really knew how bad redistricting was for them. They never ended up being in the wrong place and my jurisdiction, Austin, Texas, never had to pay for the political attack, I will use that one word, of having to foot the bill of $500,000 to pay for all of that redistricting unpleasantness. Now there was very heavy use of the vote center program. They typically in Travis County a minimum of 50 to 60% of voters will take use, will make use of the early voting program, which leaves us roughly a little lesson than half of the people who are going to take advantage of Election Day. Roughly 1/3 of the voters on Election Day with a point or two variance in each of the precincts, roughly 1/3 voted outside their home precinct. So clearly the program was taken advantage of. We know that they took advantage of it because Robert Stine from Rice University done an entire study of this and so we know what their behavior was and we have lots of statistics on it if you would like to see it. It's a little off your subject, but we did study it. Voters reported back but they loved, you could feel the love when you walked out into this area. They were very, very happy with vote centers mostly because they could go anywhere and they didn't have to worry about making a wrong decision ending up in the wrong place or running out of time.

>> I apologize, Ms. Debeauvoir. Could you begin to sum up? We'll come back to some of these issues in the questioning, but I want to make sure I also get the other witnesses in.

>> Okay. I'm just looking at this clock here.

>> Is that clock not working?

>> It's working. It's not working?

>> It is [inaudible].

>> No, it's not.

>> I'm sorry.

>> We've managed to talk a lot about technology today and we've already had our second consecutive episode of technological --

>> -- all right. Well, then if you will, I will jump straight to wait times because I know that's one of the things that people [inaudible] about.

>> Please do.

>> The wait times the way we handled it and we've gotten better. Our first time was kind of a quick show we had to put on. We didn't have a lot of time to mess around. We had redistricting, we had problems, we had a $500,000 bill hanging over our head, we had to go. Since then we've figured out a way to have a prompt on the poll book screen that the election judges used for voter registration sign in that prompts the election judge every hour to give us an estimate of what the line is. So, and we put it on the website and people can look and every hour it gets updated. We had an addition to that established two big box megacenters. Oneway North, Oneway South, they're positioned to catch quite a bit of heavy traffic that comes off our main highway I35. So, we have done two big boxes. We have found that the neighborhoods actually worked better and we are expanding that effort. In summary, what I would like to say is this. There are 2 big ifs about vote centers. One of them is that they, well, several points. First off vote centers really fit any size jurisdiction. It doesn't have to be really large although really large is very helpful. And it will fit any method of voting whether you're talking about pre-printed ballots, ballot on demand or electronic inventory, but the ifs are this, if the precincts that you're talking about on Election Day are already pre-connected either through a T1 line, which is less often, or cell phone then you've already got your infrastructure there for vote centers so there's nothing to catch up with and if your jurisdiction uses the same Election Day polling places, then you also have no infrastructure to build up to. For the most part if you've got that then you've got a politically easy and cost neutral way to bring vote centers into your jurisdiction. That's all I have for right now.

>> Thank you very much.

>> You're quite welcome. Our next witness is Clerk and Recorder from the Arapaho County, Matt Crane.

>> Mr. Chair, Members of the commission, good morning. My name is Matt Crane. I am the Clerk and Recorder for Arapaho County, Colorado. Thank you for providing me the opportunity to speak with you this morning. Arapaho County borders Denver County to the south and to the east. We have approximately 375,000 total voters. Our county includes both urban and rural farming communities. The party affiliation breakdown in Arapaho County is basically a 1/3 Democrat, 1/3 Republican and 1/3 unaffiliated. Because of our voter registration numbers the national media and many political campaigns made Arapaho County one of the top swing counties in a swing state. Arapaho County conducted the 2012 general election as a vote center election. We had 32 vote centers. This was the first time that he had used a vote center model for a general election and the reason for the change to vote centers was very simple. In 2008, approximately 72% of our voters cast a ballot by mail and 2010 that jumped up to about 80%. So it didn't make sense for us to continue operating 200 polling places with 1,500 election judges when 80% of our voters were casting a ballot by mail. Now as we've heard before as Dana just said, one of the benefits of transitioning to a vote center election model was the anticipated decline in provisions. Other Colorado counties had reported that once they transitioned to vote centers the number of provisional ballots dropped significantly. The main reason for that is because there was no such thing as voting around polling places around precinct anymore. However, in 2012 in Arapaho County, that wasn't the case. The number of provisional ballots that we processed actually increased. In 2008, we had just over 6,600 provisional ballots cast. We 2010, we had 6,900 provisional ballots cast and last year in 2012 when we switched to vote centers we had 7,485 provisional ballots cast. Now there were 3 major reasons for people casting a provisional ballot in 2012. The top reason we had just over 4,000 people request a mail ballot but they still appeared on Election Day. Speaking with the mail ballot voters at vote centers on Election Day there were many reasons for this. One, they didn't realize they signed up for a mail ballot when they filled out their voter registration application. Two, they forgot to cast their ballot before Election Day and didn't have time to go home and get it. Three, they made mistakes on their ballot and they needed a new one. Four, the voters moved and did not update their voter registration record and most alarmingly many voters said they received calls instructing them to disregard their mail ballot and to go to specific vote centers on Election Day to cast a provisional ballot. While some of these issues will always be present, I do anticipate that some will be

mitigated in the future by recent legislative changes here in Colorado that Danetta spoke to mandating that all active voters receive a mail ballot. The second biggest reason for issuing of provisional ballots we had just over 1,500 people move to a new address and failed to update their registration record. The recent legislation that I've already mentioned should allow for a cleaner voter registration list by allowing counties to better utilize national change of address data. Arapaho County is also focusing on more voter engagement including expanding our use of social media to interact with our citizens. It is my hope that through greater voter engagement and education that citizens will better understand the voting process and the importance of keeping their voter registration record accurate. The third biggest reason for provisional ballots we had just over 1,000 voters who are not registered in Arapaho County. People attempted to vote in our county when they were registered in another county or they weren't registered in the State of Colorado at all. Voters may not have understood that they can only vote in the county in which they are registered. Again, under the new legislation Colorado County will have to be very careful to ensure that their voters know that they have to go to a location in the county in which they are registered and one of the, as Dana said, one of the things about, one of the great things about vote centers is you say you can go to any location and vote and we think that some voters didn't realize Adams County just to the north of us was vote centers as well and we had a lot of Adams County voters come down to Arapaho County. So, even though we tried to make that distinction in our marketing we're not sure that that took. The increased number of provisional ballots also affected the wait times at some vote centers especially during the peak hours. Sixty percent of our vote centers had a wait time of 30 minutes or less. At these locations the percentage of provisional ballots cast was less than 12%. Where the locations had a wait time of an hour or more at some point during the day the number of provisional ballots cast was 12% or greater. At the location with the longest wait time of two and a half hours the number of provisional ballots cast was approximately 28% of the total ballots cast at that location. So there's no question of the increased number of provisional ballots cast had a direct correlation on the time voters had to wait. Because of the new legislation with Colorado sending out mail ballots to all active voters I am hopeful that the number of provisional ballots will decrease. To help improve our vote center operations we're doing some other things as well. We're going to expand our election judge training especially our registration training, the judges who worked on the computers from three hours to forty hours. We're also going to work with political, excuse me, political parties in our county to recruit election judges who are better able to utilize the technology now required to conduct elections here in Colorado. Now there are a few other issues I would like to discuss that impacted our Election Day operations. One was watchers. Watchers play an important role in our election's process. However, the behavior of some watchers continues to be an issue on Election Day. I'm concerned that watchers do not receive adequate training to understand what is acceptable in a polling location and what is not. Watchers are not supposed to interfere with the process at all, however, it is all too common that they attempt to interact with the election judges, which in turn slows down and confuses the process in our voting locations. Two, and this was something that we saw in Arapaho County last year, elected officials or party dignitaries interacting with people waiting in line to vote. I wanted to be clear this was not people who were on the ballot. So, while they were not technically electioneering I think you can make a very strong case that by their mere presence and interaction with voters in line that it had the same effect as electioneering. This generated many complaints from voters to which election judges had to respond taking them away from their primary duty of processing voters. The third issue I'd like to address is the impact of political parties and outside groups creating confusion in election administration. Wait times are increased at some locations because as our Colorado Governor John Hickenlooper noted in the Denver Post after the election campaigns were directing voters to a select few locations in Arapaho County. This was particularly frustrating for us as election administrators in Arapaho County because we worked with the parties in advanced and told them that we would be posting the wait times online and to consider that data before when they were working on their get out the vote efforts. Our busiest vote centers often had other locations within two to three miles with little to no wait time. Also as I mentioned earlier, a very troubling aspect during the election was dis-information. Many voters were encourage to ignore their mail ballot and go to a specific vote center to cast a

provisional ballot. On Election Day, I helped issue provisional ballots at Center Point Plaza which was our busiest location. A voter came up to my station and said that she needed a voter provisional ballot. When she filled out the provisional ballot envelop, I noticed that her address was quite a distance from that vote center. When I asked if she worked near that location, she said no. When I asked her why she decided to come to Center Point Plaza to vote she stated that she had received a phone call from someone telling her to disregard her mail ballot and to go specifically to Center Point to cast the provisional ballot. When I told her that she could have voted her mail ballot and dropped it off at any one of 12 vote centers between where she lived and that location, she broke down in tears. She drove approximately 15 miles past 12 vote centers and waited in line for over an hour for no reason. Unfortunately, it was not uncommon to hear voters say this to us on Election Day that they had received calls telling them to disregard their mail ballot and come vote a provisional ballot. Now I'm not sure how this kind of disinformation can be stopped but it seems to be coming more and more prevalent. Thank you again for providing me the opportunity to address you today. I hope you find this information valuable and I'd be happy to answer any questions you may have.

>> Thank you very much. Our next witness is Sarah [inaudible] Johnson, the City Clerk in Colorado Springs. Thank you for being here.

>> Hello. I know you've had a long morning so I will try to be succinct although my election peeps [phonetic] up there kind of know that's not necessarily easy for me. So, I do want to say thank you very much for the opportunity. It's been great to speak with you all and thank you for serving and to see all of my election friends. I have a fairly unique issue here and that is that I spent 17 years in Kentucky working at the state board of elections so I've worked extensively with a state that does 100% polling place with absentee ballots. They don't do early voting in the vote centers yet at this point. Now I've been a year in the State of Colorado, it's a great state, and a year as city clerk in Colorado Springs. In that year, I have had the pleasure of conducting two all mail ballot municipal elections and also conducting municipal redistricting. So I've had a busy year and been enmeshed in the election process. We are a home rule city so we do have some unique rules as far as elections are conducted for municipalities but we also do follow the state law and, of course, federal law. So I do want to thank you on behalf of city clerks for also the ability to have us because a lot of cities are conducting their own elections as far as municipal elections. So thank you on behalf of that. So I thought I would focus on two topics that perhaps you haven't heard a lot about or you've heard illusions to and I do agree with all of the first panel's comments and all of my predecessors on this panel on all of the issues that they struggle with having implemented NVRA and HAVA [phonetic] and move and whatever comes next as far as federal legislation alone with their own state legislation. So one of the areas that I would like to kind of talk a little bit about is ballot simplicity and voter education, which is one of your all's mission statements. One of the most important aspects is what is on the ballot for that election. You can have all types of formulas that tell you how much voting equipment goes where, how many voters in a polling place you have voting centers, you can vote by mail, you can have all of these things in place but what absolutely trips you up every time is the length of the ballot that the voter is being asked to vote on. So that is one of those decisions that as an election official you don't have a say in what goes on your ballot. Most of that is done through your city council or your legislators. So that is what I would like to focus on is just an example in the presidential election this past year, you know, Hillsboro County, Florida, I have a friend that lives there. Her ballot was a 14-inch ballot. It was double sided, 3 distinct pages so 6 pages total and the font was about a 10 point font. Jam packed with 3 columns on each side full of things to vote on. So obviously that person timed themselves voting and it took her, you know, she's a fairly educated voter she thought but it took her 35 minutes to vote that particular ballot because of what was on the ballot and the complexity of it. Versus my municipal election not really necessarily a great correlation but my municipal election had 2 questions and one council race on it that we had in April. So those are extremes but there are some ways that we can take a look at that. So I would urge legislatures and councils and particularly you all when you're factoring in do you recommend vote centers, do you recommend this, address the issue and urge

legislators and everyone to look at what are they asking the people to vote on. Those are political decisions, those are tough calls that are going to have to be made. I totally respect that but it is necessary to take a look at what are we asking that voter in a short amount of time with little education to vote on. The other issue is funding for voter education and understandable easily read forums. There have been a lot of studies out there on how we can design our ballots and our voting materials so that citizens can understand them and do them on a, you know, a 6th grade level versus a high level we're trying to get the legalese in there because in most cases statutes are telling us exactly how we have to print on a ballot or how we have to say things. So it's not only just designing the forms but it's taking a look at your laws to make sure that you don't need to make some law changes to take that legalese out of there and to make it more understandable for the voter. There's a lot of great examples out there, a lot of great guidelines that have come out since the 2000 election. I know design for democracy was one of the first groups that came out there with guidelines on how you draft your information and some visuals, what point font, how you say certain things, those are great. The field guides that Dana [inaudible] has put together are very helpful. The postal system is great with their design analyst and also what I would definitely if you haven't heard from someone with IFIS [phonetic] or some of the international election groups out there that I would suggest you hear from them because they have spent years looking at this working with US and predominately emerging democracies. I've done a lot of election observation missions and they have some great materials out there on how to define a vote to aid them in counting their ballots, how to put your materials together and I urge you to please try to get them to speak before you because it's very helpful to you on that. There are a lot of other issues. The other issue I want to talk about is the contingency planning, which I know is one of your mission statements and you may not have had too much information on that. It's really important post 9-11 in most jurisdictions out there did put together a contingency plan, but those contingency plans in some cases if you've not used them have not been reviewed or really looked at since that time period and I'll give you an example in Kentucky. We had some flooding down in the western part of our state and we thought we had a top notch [inaudible] working with our counties and we were just so proud of ourselves on that and they still should be, but what we came to be we had worked it out to where because of the flooding we had the state police that were going to go out to the polling places and gather all the voting materials, rescue the poll workers if they were involved and transmit everything back down to the county election officials that was in charge of the election. The problem was the written plan didn't take into account that the county election office itself was flooded and there were no mechanisms put in place to have another central location that had access to the voter registration, the computer access, the phone access, thankfully the flood waters receded the day before the election and we did not have to actually go to that extreme, but those are just some examples of what you should consider. Also people need to consider what if you have voting machine failures? Everyone tries to have spare machines if you're going to do polling places but what is the problem if you're in point A of your county. For example, Colorado Springs is 118 square miles, huge city. So it's 30 minutes from tip to tip in most cases with no traffic. So, if I have an extra machine and it's clear on the other side of the county, it may be an hour or two before I can get that machine over there. So the contingency planning would be have some satellite offices with your spare machines. What happens if your poll workers die? We did have. That happens if their oxygen tanks go out in the middle of the day? These kind of things along with electricity and other things that maybe people haven't thought of in their contingency plans because they're focusing on the flooding or the hurricane or the bomb threat so those ideas are something that you should definitely consider and ask people about as you're talking about that topic because it's really important to think of the unexpected because as any election official can tell you whatever you think can't happen, very well could happen and voters are always surprising you

>> It's like Matt said, somebody outside of your county that may come in, and they say, I don't have time. I want to vote. And they just insist that they vote there. So you'll have that type. So we think we'll have some provisional ballots, but we feel that they will be cut down considerably.

>> Yeah, I meant -- yeah, it sounds like a lot of your problems are going to be solved. My other question is when you mail out to quote, "all your voters" a mail ballot, are we talking about all your registered voters? Just the ones you know where they live?

>> No.

>> The ones that voted in the last election? Who are you talking about?

>> We're talking about anybody that is active, and our active voters in the future will be those that are on the roles, but we haven't received any mail back that their addresses have changed. Or -- that's the main thing. I think I've covered it.

>> Correct. Okay. That answered my question. Thank you.

>> And I will just add in since our elections, my two elections have been all mail ballots, we are mailing out to active registered voters. And yes, you're taking the address that was on file with the county clerk and recorder. In our case, we get the data from them their address that was file at the time your books closed. So it's what they provided. And then we do have mechanisms and tracking systems in place, not tracking the ballot. We don't know how someone votes. But we can track the envelope. And if Bob was mailed an envelope, but he comes in saying he didn't received it, we can cancel the original, issue a second one with another unique ID and track that through the system. So I'm positive that's what their system will also have in place. And it's similar to what Oregon uses. We all track every document that's mailed to that voter and cancel the ones if they get a new one. So even if they try to vote twice, we're going to know.

>> You're going to get them.

>> All right, thank you.

>> Commissioner McGeehan.

>> Building on a comment that Sara Johnson about keeping in mind the complexity of the ballot, you know, and how that can impact the -- how long it takes a voter to vote a ballot -- and there was some commentary in the first panel as well. I'm curious what you all think of -- you know, we've seen a real trend to having joint elections and piling on that November of even-numbered years in an effort to make it easier for the voter. They only have to show up once to vote. But I'm wondering have we piled that on too high, and what you all think about making November of an even-numbered year restricted to just the, you know, federal and state, county levels, and keep the local elections on other dates. Just curious what your thoughts are.

>> I will jump in on that one. Since cities -- you know, there always is the cry, sometimes, out there for municipal elections to be -- not be separate, to be added onto a county ballot for whatever reason. Sometimes it's cost, which has been proven over time not to really be a saver. But I will say that I agree with you. I think there's so many studies out there that talk about ballot drop off, that when a person starts at the top, they're gung ho. They're eager. They know, in last year's case, the president. They want to vote for a president, and they know who. And the longer you go down a ballot -- and you can imagine, you know, my friend in Florida that had the, you know, three -- six pages front and back ballot, by the time, after 35 minutes, they're exhausted by the bottom that they get there. So I do think that's an issue. I am personally not a fan. I wasn't before. I'm even more, now, actually having conducted elections, a fan of just jumping, lumping everything together to make it because I think that's overload for the voter. I don't think they get a good education on those issue because those people are -- you know, my council candidates, for example, are fighting for air time and attention with the presidential candidate that is 50 times funded more, that has more attention. So I do think that lessens the importance of those down ballot races. So I'm not, personally, a big fan of lumping it all together. And I will mention -- I'm sure Miss Patrick knows about it -- the issue going on in Arizona right now where there was actually a law passed, and the

Arizona legislature moving those city and municipal elections onto even numbered years with the county races, et cetera, et cetera. And so they are in litigation now. Two of the biggest cities, I know for sure, are fighting that issue in court. I believe it's in front of the Arizona Supreme Court, or it's somewhere in the court system. So Miss Patrick knows far more than I do, so think there's an issue where you're going to see fights on that. And I do know in Kentucky that what they did try to do is every other -- or once every four years, there's an off election year. They move the county elections to a federal year, not the presidential, but the two years after a presidential, and we ended up with the longest ballot in the history of Kentucky, and we really struggled to get all of that on the system, the ballots. Because at that time we used electronic voting, not stand voting. And there was a noticeable difference, if you looked at those numbers, in the attention span of the voter. A noticeable difference in the country races versus the US Senate race that was at the top of the ballot, and your state Reps and state Senators. So it is just personally not a good idea.

>> I agree with Sara on that, also, other unintended consequences, and this is something that we're finding out with the recent legislation here in Colorado where we find, now, that special districts have to coordinate with the counties. And that's driving up the cost for the special districts when a lot of them don't have the money to be able to pay for the cost to be able to coordinate. And it's much cheaper for them to be able to conduct their own election. So that I think that cost is a significant factor in that as well.

>> Thank you, Commissioner Grayson [assumed spelling].

>> Matt, I wanted to explore a little further the --

>> Oh, sorry, Dana, go ahead. I'll hold.

>> Oh, pardon me.

>> If I may offer an opposing viewpoint. I do think it is probably not in anyone's best interest to put a joint election with the entire community glommed onto an even year November ballot where you've got president and governor running. That has proven to be simply too crowded. However, I'm not ready to throw the baby out with the bath, and I'm hoping that none of us are, either, because voter fatigue is, I think, what should really drive what we're talking about here. The low turnouts are the reason why we tried moving these municipal and some of the smaller entities elections to November. I think that we that we need to give it another chance, focusing on an odd-numbered year election, when it's off that, you know, you don't have the big statewide campaigns and all of that that. Typically, it's going to be Constitutional amendments or other kinds of things like that. Then it does make sense, and it not so much -- I think the money could be worked out. But I think we ought to be thinking about the voter. The main idea behind this is that voters don't have to keep going back to the polls six and seven times a year if we consolidate and have joint elections. I would prefer to see a little more common sense paid to the November off-year times instead of the big, even-numbered years. And if we do that, then I think we're looking at a lot shorter ballot. And there is the possibility for a sliding scale. Why not? And those are all plans that can be brought forward to assist the voter instead shoving everything away and saying oh, well, I don't like it. It's too costly. Thank you.

>> Matt, I wanted to explore a little further the parties, or other groups, driving people to certain vote centers. Was this -- or telling people, you know, don't mail your ballot in. you got to go to a vote centers or some variation of that. Was this done in, like, with a, I guess, a positive motivation in the sense of trying to drive people to certain places so it would be easier to keep track of who voted and didn't vote? Or was it sort of malicious and hope that by driving them to the vote center, you create longer lines or maybe cause them to not go? Or have you been able to tell? Or maybe another explanation because those are the two that I thought of that was either a positive or negative sort of motivation. And I guess you would -- depending on which it is, you have to adjust your reaction to it accordingly.

>> Sure. We spoke with the parties after the election and tried to drill down to what happened and what was going on. And the parties said, you know, we weren't doing that kind of thing. And so, you know, we want to be able to take that at face value and say, okay. But sometimes it is a little hard not to be cynical. I also find it hard to believe that if people were really concerned somebody casting their vote and getting it in on time, that they would -- as with the example with this woman that I spoke with, that they would tell her to go 15 miles away and wait in line for over an hour when it had been well publicized that day both on our website and on our local news that there was a backup at that location. I find it difficult to think that the person is calling with that voter's best interest in mind.

>> You know what? If I could add to that, I think our job in the future is trying to educate our voters better to where they know if they've mailed in a ballot, do not take a phone call, you know, and things like that. The county clerks are -- with the new legislation that we have, we're trying to develop our website and educate our voters. We're really working at trying to educate and making sure that we have them aware of, you know, like others have talked in other panels, making our voters wise of what Election Day is going to be like or the election is like. Because that's very important. If our voters know the process and know when to expect their -- I still say absentee, but their mail ballot to be received to them, the 18 to 22 days before an election. If they don't get it, they can contact the clerk's office. You know, all types of information that should be out there to the voters so they're educated. And if we can do a better job educating our voters, I think that will take down some of the problems that our counties have been experiencing with voters not being aware.

>> Thank you. Did you --

>> I was just going to comment, from an election, you know, whether you're state or local, the most frustrating in the world, which we saw a lot of that in the last two presidential elections were these outside groups who are doing mailings -- the Voter Participation Center is a big one. They had several different monikers they were mailing things out of. And they were doing targeted mailings to voters. And they were using magazine subscriptions. You know, it was just a giant conglomeration of data they were getting, and they may or not have matched that to an actual voter registration list from the state. And they were sending out these packets to voters telling them that if you don't fill this card out, you will be removed from the voter registration roll, or you are not registered, in a sense, almost scare tactics. I mean, I don't say that word lightly. But what it does happen is misinformation is out there. The voter gets that. It official looking mail. They tend to trust that a little bit more, sometimes, than our voter education because we don't have lot of funding for voter education out there because everyone's budgets are begin are cut. And that's the largest percentage of time that we, as election officials, spend so much time on the phone combating these mailers and these phone calls that are out there. And if the groups would just work with us on what is the law, you know, is this person not registered to vote, it helps everybody. It helps that group. It helps the voter who is being torn, you know, 50 different ways to Sunday. And what it does is the phone calls that we're taking trying to calm that voter down, yes, you are registered, and they don't believe us because they have mailer saying no I'm not, that the person who really -- the other voters can 't get through the lines to answer another legitimate question. So that is something that I hope this commission perhaps looks at or delves into is some of these groups out there are doing these get out the vote activates that really are not getting out the vote. They're actually harming the vote, I would throw out there.

>> Thank you. We have four commissioners who would like to ask questions and not so much time, so if you could your answers to these really short, we'll do a bit of a lightening round. Commissioner Thomas.

>> Just real quick, I'm going to ask this a different way. At what point does a line become unacceptably long?

>> When we did our planning for the election, our goal was to not have a line longer than 30 minutes during our peak hours.

>> If the voter complains, it's too long.

>> The interesting part is they don't complain at early voting sites. They complain on Election Day, so it's Election Day that you really have to be concerned with.

>> Commissioner Mayes.

>> Sara Johnson, I wanted to ask you about the contingency planning. You mentioned that some folks will have a plan that's in place, but it's never been tested, and I'm wondering if there has been an attempt to outreach to folks that have their own contingency plannings that they have battle tested, such as power companies, insurance companies, so that your learning doesn't have to always come from what you do directly? So is there that effort?

>> I will say in our standpoint from the Kentucky plan, no, we did not reach out to non-election officials. It's an absolutely wonderful idea. Almost a duh moment, why didn't you do that? But what we did reach out to were fellow election officials, usually the National Associations of the Secretaries of State or state election directors and some of the other groups. We always have panels on individuals that have been through 9/11 or hurricane Sandy with New Jersey and those kind of things. And you hear what they've tested and tried. But I have to admit, at least from our standpoint, we did not, and it's something that we definitely should have done. And it would have probably made a world of difference in how we approached it. We just did not.

>> Can I quickly interject for a little bit from my military background? While I agree with you, but there's an old saying, it's not the plan, it's the planning that's important because almost invariably, your plan will not occur the way you envisioned it. And it's sitting down and trying to brainstorm and think of all those things that might happen is equally as valuable as what you put down there on paper.

>> It's important that you bring in even your local county officials to help, your sheriff, your -- you know, all of your emergency control areas along with your utility companies, anybody, because they can start drilling or digging a hole that will cut a line on Election Day, and if you tell them stay away from a precinct, they're always willing. So there's information, also, out on the web with elections -- I mean EAC that did a great study on contingency planning and had election officials come in and talk about it, so there's information there that you might want to look at.

>> Thank you. Commissioner Bauer.

>> Ms. Debeauvoir, in your written statement, you talked about how originally in assessing wait times, you relied on citizen Twitter reports. Now, you've moved to a system of obtaining electronically information from the polling places and posting online wait times. Can you say a little bit about the mechanisms by which -- the uniformity of the practice by which the polling places determine what their wait times are, sort of how you prepare for that to make sure that you're getting reliable information back that you're then making available to the public.

>> Yes, Mr. Co-Chair, the way it is done in most polling places is a sticker and a time gets slapped on the last voter standing in line, and then it's measured again once they get up to the sign-in table. And so we have a pretty clear idea of once you're at -- I don't know, the, you know, what are the -- at the curb and make it up, we can tell from that point it takes 25 minutes. Those markers have been established and double checked, now, over three elections. So the judges are getting better at making, you know, guesses about how far, you know -- or if you're just 10 minutes. Actually, it's harder to judge a five minute line than a thirty minute line. And we have not discouraged people to continue their Twitter. So it's really both. So we get a really nice blend of citizens saying, you know, oh, I drove past one of the

locations, and it looks like all the people just walked in the door and it's clear. Well, that actually may be a 10-minute line, but to somebody who is out driving around thinking, oh, gee, I could run by there and vote now, that makes a big difference. And because we are a university, high-tech town, we do have a -- our digital divide is a little bit less which helps a lot of our citizens. So over three elections of using it, we've come to make better judgments.

>> And so are you -- how often do you update the site?

>> Once an hour. Once an hour.

>> Once a hour, and how do you integrate the Twitter drive-by reports with the reports from the election judge? Let's assume somebody is saying location A looks like it's completely clear, and the judges are saying we're overwhelmed.

>> Right.

>> Right.

>> I have not had that happen yet. They jive pretty closely.

>> They do? Okay.

>> Yes. The -- we have somebody watching Twitter feeds, and we do have our own hash Twitter account. So I have somebody watching that, and we post that on our website right alongside the official times from the election judges. So when they phone it in to us, it goes on the website and then gets published.

>> Both?

>> Both of them.

>> Very good. Thank you.

>> Just as a follow-up, if you could -- if any of that data is available that we could look, we'd be --

>> All of it is available, and we would be happy to share it.

>> Great. Thanks.

>> I think you can tell by now if you come with data to this commission, you'll be leaving without data.

>> I love data.

>> Let me conclude with one question that -- to take advantage of your expertise, and it probably requires a longer answer than we have time for, but we'll follow up with this. So not talking about your current election equipment, the machines that people vote on, but looking into the future, are you satisfied with the choices that you have available to you, and do you have a sort of innovative way that you're all trying to deal with that that you might recommend to us?

>> Well, I guess I should probably start off. Travis County is working on the STAR-Vote system, like a lot of people. And Dean Logan is probably my closest compadre in this. We're extremely unhappy with what the market has offered us. Over the last 10 years, we've seen no improvement in security whatsoever. And the activists and the academics have criticized for years the level of security that is in electronic voting. If you are a large jurisdiction with many ballot formats, in my case, 800 or so, and you are trying to offer your voters early voting and vote centers, then paper ballots are not possible. You must have an electronic inventory, and you must be able to deliver to your voters some sort of DRE interface. Paper is not reasonable. So we're going to continue with some kind of electronic voting, and yet we have no way

to offer a secure system. We also have no way to develop new systems through certification. Mr. Co-Chairs, we are in a terrible situation here. You know, please help with this. What we are trying to do is design a system that will meet the test of people who do understand cryptography and who do understand election security so that we can build a system that will answer those questions and that also includes a paper element for the voter so that it can be included in an audit. I have brought copies of the academic paper that has been published on the design of the STAR-Vote system with me, and I've got it on my website, and it's all available. Like Dean, I'm attempting to get this system developed, written, certified. I have to start at the very beginning because nothing is on the market.

>> Thank you.

>> I think one of the other problems that we are facing is there is no new certification that has been completed on the -- for the federal guidelines. So that's one of the issues. I mean, we're -- if you look back, and we're certifying to 2005, that's not good enough security or for the disability accessibility issues. So we are in a real problem area, all election officials. And in Colorado, the Secretary of State is trying to move forward pretty fast on doing a uniform voting system and certifying that system is really very scary for a lot of us that sat in on that panel.

>> I agree with what Danette [assumed spelling] and Dana have said, and also with what Mr. Trout said on the first panel with where we're going now to a more mail-based model. I'd love to see more of an opportunity for email ballot delivery to all voters, and the ability to print and tabulate ballots that come to us on regular paper stock and not the regular -- not the ballot stock that we have to be able to run through our tabulation system now. So if we could have that kind of flexibility, we'd be much better off.

>> Sara.

>> Yes, it is a big concern as an all-mail ballot municipality. Yes, very concerned about the postal service and the cuts in service, and very much interested looking, as Matt and Steve both had said, at some type of electronic delivery of a ballot or access that a person could go out and get that ballot. And then not really Internet voting at this time. I'm not sure we're there yet, but it's certainly something that we need to look at. I know Canada and some of the European countries are doing that. But we must look at some alternative. And no, I can tell you from Kentucky's standpoint, the voting equipment that out there, the optical scan systems are nice, but they haven't been upgraded in years as has been said. Here's the biggest concern I see out there is the Help America Vote Act was -- you know, whether you liked it or not, whatever, it doesn't matter. The point is they provided funding to the states to meet their priorities.

[Music]

>> Thank you again for your participation this afternoon. We have a panel of very distinguished experts in the field, and we'll get underway immediately. We are going to run the clock again only because, and it's not a terribly comfortable exercise here, but we do want to make sure that in the time allotted, we have both the benefit of your testimony and also the opportunity for the commission to engage you in a discussion and ask appropriate questions, so we will begin with Professor Charles Stewart at MIT, and proceed, please.

>> Yeah, it works. Thank you, Co-chair Bauer, and thanks again to the commission for inviting me again to -- to appear before you all. What I'm going to be talking about today is focusing on the -- on the Election Administration and Voting Survey, which is a product of the Election Assistance Commission, and I will be talking about the -- the survey. I just want to make it very clear right at the beginning that -- that all of this is a product of the EAC. I am not associated with the EAC at all. I don't play an EAC Commissioner on television. I am a user of the EAVS data and quite a -- quite a -- intimately involved in using it, and so my comments will be from the

perspective of someone who's used this data a lot, someone who's part of the community that uses the data. And -- and this is from -- from my -- my perspective and I -- I hope our perspective as well. What I'm -- what I do in the white paper is I take a look at the -- the -- the newly released data in the Election Administration and Voting Survey that documents the 2012 election. But what I do at the very beginning, I just want to say just a word about this because I think it's important to put this project in -- in context, is that historically whenever the nation is engaged in a reform effort of a large-scale, it usually comes with some sort of data component. And during the Progressive Era, for instance, in the 1880s with the Australian ballot reforms who began to get states releasing things like election returns and registration figures at the precinct level, which was never done before. And many of the election officials are on -- in the -- the commission are intimately involved with this. Political campaigns are intimately involved with this. I think it's important to remember that publishing the data by the states came about as a reform effort to try to stop stuffing ballots. Fifty years ago, there was another presidential commission looking at elections, and one of the things it did, it was chaired by the -- by the Director of the Census Bureau. And one of the consequences of that was a project that continues to today called the Registration and -- and the Voting and Registration Supplement of the current population survey, which is the primary source of information nowadays about voting and turnout broken down by race and civilities and other demographics factors. Again, we know 50 years ago there was fervent in the air and it came with a new data project. Likewise in 2000, there was yet more concern about elections, around the 2000 election, and this gave rise to a number of things. One of the things it gave rise to was the Help America Vote Act, the EAC, and the EAC became responsible for the -- this project called the Election Administration and Voting Survey, which was responsive to the various reform issues that had come up in the 2000 election. And it gave rise to the EAVS, which is quite something, and really quite different from all the other data projects that we've seen before in -- in -- at reform moments. It's a unique data source that's national in scope, and allows us to look at both states and local data, and it allows us for the first time really to compare between counties and how they perform in running elections along a large number of -- of -- of -- of categories. I -- I mention them here. The six sections of the EAVS focus on voter registration, UOCAVA implementation, absentee ballots by civilians, the election administration, things like the number of precincts and poll workers, provisional ballots, implementation, and things that happen on election day, like how many people turnout, etcetera. So what I first want to do in -- I'm talking very fast because I have -- I -- I'm -- I'm trying not to filibuster against my colleagues, but I did want to just note some high-level findings from the -- from the survey because they by and large have not been released to the public. I should say there have been two reports released by the EAC thus far from this project. The first was an NVRA report, which came out a couple of months ago, and recently released was a report about the implementation of UOCAVA, and so that report is on the EAC's website, as well as final data. But the data that pertained to the rest of the survey has only been released in draft form, and according to the EAC's announcement in past practices, it probably will not be released in final form until the end of the year. So please take this as a draft presentation from draft data. The first thing -- let's just talk about some very high level things that we find in the EAVS that tell us about the 2012 election. The first set of data has to do with voter registration, and here we discover that in 20 -- in the last election cycle, we had nearly 60 million registration forms that were processed by local election officials. Now, of these, about 24 million were new registrations. The rest were forms processed for other administrative purposes. The largest number of those were changes of address, so if you look at all these pieces of information, nearly 60 million forms that were processed by -- by localities over the last two years, only a third of those were new registrations. Roughly half, actually about 44%, were people changing their address. To give you a sense again about the -- about how the high mobility of our country's voting population effects what it is that election officials do, and why keeping track of that mobility is a really important thing in an election administration. Now, the first substantive major topic in the EAVS has to do with UOCAVA: overseas and military voting. There's a lot of data in there. I -- I point to the very high level statistics that again give us a sense about how much business is being done in this space. In the 2012 presidential election, roughly 861,000 UOCAVA ballots were mailed out, and a bit over

600,000 were returned. This is a 70% return rate. The number of UOCAVA ballots was down a bit. It was 960,000 mailed out in 2008, with more return proportionately and slightly more -- slightly more return, but roughly the same amount as in 2008, 2012. Of those returned to be -- to be counted, 3 1/2% of those ballots were rejected, down from 4.2% four years ago. Now, the great bulk of those when -- among the states that do break it down, 42% of those rejections were due to ballots being too late to be counted, and that's down a little bit from 2008, but I -- but -- but it is not dramatically down. About 14%, one in seven of the rejections, were due to signature problems. Now, in contrast, this is about UOCAVA, we have the civilian absentee statistics. You'll see that, you know, there were a million UOCAVA, whereas there's roughly 32.8 million civilian absentee ballots mailed out. 27 million were -- were returned for counting, and so this is an 83% return rate, so civilian absentee ballots are returned at about 13 percentage point rate greater than UOCAVA ballots. This is up from 2008, and we've heard earlier and we'll hear later on, about the rise of early in -- in absentee voting, and this is reflective of that. Now, 2.9% of civilian absentee ballots rejected in 2012, which is down a little bit, but basically let's call it the same from 2008. The reasons for rejection of civilian ballots are slightly different for the rejection of the UOCAVA ballots. About a third of the civilian ballots are rejected due to lateness, okay, so a little less than UOCAVA, and a little more than a third are rejected because of signature problems, which is more than UOCAVA, okay? By the way, you'll notice there's a big residual there, a third, a third. The other third is kind of everything else plus the great unwashed other category, which is a great mystery, okay? So we can talk about that. Another topic that -- that is -- is -- is untreated in the EAVS has to do with election day logistics, so we've already heard information about the consolidation of precincts and voting centers and voting places, and there's evidence of that in the EAVS. So in the 2012 election, there were 171,000 precincts, so this is the vote -- basically the vote tabulation districts where votes are aggregated. About 171,000 precincts, down from 189,000 in 2008. At the same time, there were roughly 99,000 individual places where people could go to vote on election day, and this is also down from 2008, and there were roughly 2500 early voting sites in 2012, which is about the same as 20 -- 2008. There were three quarters of a million people working those polls on election day in 2012, which again was down a bit from 2008, probably a consequence both of precinct consolidation, and also the desire for localities to economize on -- on their election administration. The number of voting -- voters -- so when you kind of put all this together, what we discover is there's slightly more voters on election day per polling place than there used to be, which may or may not be one -- one -- one cause of some of the congestion in the polls. Another statistic that we can glean from the EAVS is that on every day of early voting, the typical early voting site processed around 1100 voters, so early voting sites are larger than they were than -- than the election day sites. We can't get a comparison yet with 2008, but I'm pretty certain that when we do the comparison on a per day basis, the load on early voting centers in -- in 2012 was significantly higher than it was in 2008, but I've been unable to do that analysis yet. And then finally, the last national set of findings from 2012 has to do with provisional ballots, and again that -- that's been a topic that the commission has talked about quite a bit, including today. In 2012, about 2.6 million provisional ballots were given out, which represents about 2% of all of the in-person voters, so about 2% get a provisional ballot. About a 74% of those ballots were counted, okay? So the number given out in 2012 was higher than it was in 2008, and the counting rate was slightly higher. And I -- it seems -- it seems most likely that the -- what's going on here is that more states are using the provisional ballot method as essentially a -- an address change mechanism. And so we're seeing that, more of them, but more of those people should be voting since they're being counted, okay? But there is more business on the provisional ballot front. Now, this [inaudible] the national level, I wanted to just say a few words about interstate variability, and I know my colleagues will -- will have a lot to say about interstate variability. The neat thing about the EAVS is that we can look at and compare states one to the other and compare them across time. When we do that, what we discover, and I speak at length about this in the paper, that by and large the data when, we compare to states, say, 2008, 2010, 2012, etcetera, is that there's a great deal of stability among states from year-to-year, which suggests that states are very stable in the -- in the policies that they implement. So as an example, I show in the white paper, and I don't expect you to look at this graph right now, is that for instance,

these are graphs about the use of provisional ballots, 2012 plotted against 2008. Each of the data tokens are states, and you can see that both the use, the number given out, and the number rejected is very consistent across time with provisional ballots. And we find that generally the case with most of the areas in the EAVS. The one exception is UOCAVA, so here's a -- here's a scatterplot that looks a whole lot less regular than the one before, and it suggests that -- that -- and we could talk about this more later, that UOCAVA policy from these data appear to be much more unsettled with states still trying to figure out a wide variety of policies in their implementation and mailing out and -- and accepting things. So I'm getting close to being done before the lasso comes in. We are in Colorado. Interstate variability. So we can do things like make pretty maps, quasi-pretty maps, that show for instance which states had more UOCAVA ballots returned, and so, you know, we can do a lot of things like this. We can also within states, and it is a -- it is a -- a tool within states to also show variability among counties, and this is the return rate among the different counties in Colorado. The -- the darker the county, the -- the higher proportion of the ballots are returned, so this is also a -- a tool that's of value to states. It's a tool that's been used most notably recently by the Pew Center on the States, the Pew Charitable Trust and their Elections Performance Index. About half of -- of the indicators in that index come from the EAVS. So to conclude, and I mean here are the -- here are my take away points from the paper. The use of metrics to guide election administration is growing, with the EAVS now really being, I would say, the crown jewel of all the -- of all the data sources available to help us to do careful analysis of elections. And I know in the commission's work, you'll be able to rely on this data to -- to quantify things, which is -- is your want. The EAVS, I haven't talked about the EAVS quality. It had some growing pains, but it is -- is getting better over time in terms of reliability, and the response from the local officials to it. And then finally, and not surprisingly, the one dark cloud on the horizon is the future of the EAC, and -- and what happens to the EAVS in the future. But a lot of us love the instrument, and we're hoping that it -- it -- it sticks around one way or the other. So thank you.

>> Thank you very much, and we're going to return to all the witnesses after their testimony with questions, but in the case of our next witness, Professor Lisa Schur from Rutgers who has a plane to catch and has very graciously agreed to testify, what we'd like to do is go to you next. And then actually we'll open this up to questions for you so that you're not detained.

>> Okay.

>> Thank you very much.

>> I'll -- I'll speak quickly, too -- too, in the interest of time. So thank you for inviting me. I'm really thrilled to be here. I'm going to review recent evidence on disability and voting, including results of our national household survey on voting experiences after the 2012 elections, as reported by people both with and without disabilities. In addition, I will just briefly discuss best practices to address voting difficulties. So to give some quick context, there are at least 35 million people of voting age with -- with disabilities in the United States, and that represents one out of seven people of voting age, and the number and proportion is likely to grow as the population ages. Almost everyone -- actually I should go here, almost everyone will have an activity limiting disability at some point in your life, so improvements on accessibility have broad benefits. My colleagues and I have done a fair amount of research on disability and voter turnout over the past 15 years. And the findings are always that people with disabilities have lower voter turnout than people without disabilities, and 13 surveys have found this over the 1992 to 2012 period. In 2012, the turnout gap was 5.7 percentage points. Political scientists have identified three main categories of factors that affect voting. First is resources, especially income and education. The second one is recruitment. Did anybody ask you to vote? And the third is psychological -- psychological feelings of political efficacy. These factors help explain, but they don't completely explain the disability turnout gap. There's still an unexplained gap. Inaccessible polling places may play a role here both in making voting more difficult, and possibly by sending the message that people with disabilities are not fully welcome in the political

sphere. The Government Accountability Office found that most polling places have potential impediments to voting for people with disabilities, so in the year 2000, only 16% of polling places did not have such a potential impediment. That has improved somewhat to 27% in 2008. Using a different approach, my colleagues and I coordinated a national household survey following the 2012 elections. In this survey, we contacted representative samples of people both with and without disabilities and asked them about their voting experiences. We surveyed 3022 people in total, and we oversampled people with disabilities so that they represent 2000 of the respondents, and people without disabilities make up the remaining 1022. Now we oversaw -- oversampled people with disabilities to get a clear understanding of their experiences, and also to be able to make comparisons among people with different types of disabilities. And we have good representation of people with different types of impairments. They include people with hearing, visual, cognitive, and mobility impairments, and we provide breakdowns of this in the full report. We used basic voting questions and disability measures from the Census Bureau, supplemented by questions on voting difficulties and voting preferences used by other surveys. So among people who voted at a polling place, we asked a series of questions starting with, "When you voted in polling place, did you have any difficulty in...?" And this slide shows the basic results. Overall, almost one third, 30% of voters with disabilities, reported that they experienced one or more difficulties, and that's compared to 8% of people without disabilities. People with disabilities were more likely to experience each type of -- I'm sorry, difficulty that we asked about. The most common problems were reading or seeing the ballot, 13% of people with disabilities, followed by understanding how to vote or use the voting machine. That was 10% of people with disabilities, followed by difficulty waiting in line, and that was 8% of the people with disabilities. Now, of course you might be thinking this just reflects voters, and some people may not have voted at a polling place because it would have been too difficult. I want to come back to that in just a second, but before that, I just want to say a little bit more about the experiences of those who did vote at a polling place. For those who experienced difficulties, we asked them to describe their difficulties in their own words, and then we recorded them verbatim, so here's some examples of common responses. Among those who had difficulty finding or getting to the polling place, common problems were that it was hard to get a ride, the polling place was not well marked, or the polling place had moved. Among those who said they had difficulty getting inside the polling place, the most common problems were that there were steps, or that there was a long walking distance. And among people who said they had difficulty operating the voting machinery, some of the problems were that it was hard to pull the handle; it was hard to see the machine, or the machine -- it was hard to see, the machine was placed too high, such as for someone in a wheelchair; or the machines malfunctioned; and the voter didn't know how to operate the machines. We asked about use of accessible voting technology and found that 7% of voters with disabilities use some type of extra feature or device to help them vote. The most common were large display followed by a magnifier or visual aid, and we found that 75% of people who use such features or devices said they were set up and ready to use, and 97% said that election officials knew how to set them up and use them. So we wanted to know not just about physical difficulties, but also about whether voters felt that they were treated in a respectful way. So we're glad to report that a large majority of voters felt that election officials were very respectful towards them, and there were no differences between voters with and without disabilities on this. Only 3% of each group felt that they were treated disrespectfully. And so after all these detailed questions, we asked a summary question of the overall ease or difficulty in -- in -- in voting at a polling place. Exactly three quarters of people with disabilities said it was very easy, which is a good result. But two concerns are that this figure is lower than for voters without disabilities, and that 6% of voters with disabilities said that it was somewhat or very difficult to vote, which is larger than the 2% of people without disabilities who said so. Now, that 6% figure might not look that large, but given the size of the disability population, that represents over 1.5 million people. Okay, so so far we've looked at voting at a polling place, and of course it's possible to avoid polling place difficulties by voting by mail. As shown on this slide, among voters in 2012, over one quarter of voters with disabilities voted by mail compared to one sixth of voters without disabilities. Now, voting by mail does not solve all voting difficulties. Aside from problems mentioned earlier about the Postal Service,

absentee -- I mean, voting by mail, the ballots can still be hard to read, understand and fill out. Among those who voted by mail, 13% of voters with disabilities said that they had difficulty reading or filling out the ballot, and 11% said that they needed assistance. Among those who did not vote at a polling place in 2012, either because they voted by mail or because they did not vote at all, we asked when they had last voted at a polling place. Those who did so in the past 10 years reported very similar experiences to those who voted at a polling place in 2012. For those who had not voted in a polling place in the past 10 years, we asked a hypothetical question to measure their expectations. And as shown on the bottom of this slide, 40% of people with disabilities said they would expect to encounter some type of difficulty if they wanted to vote at a polling place, compared to 1% of people without disabilities. Finally, we asked everyone, both voters and nonvoters, if you wanted to vote in the next election, how would you prefer to cast your vote? And a striking finding is that a majority of people, with and without disabilities, want to vote at a polling place, and this suggests that there's a powerful meaning and a symbolic importance to being able to vote at a polling place. At the same time, people with disabilities are less likely than those without disabilities to prefer voting at a polling place, or on the Internet, and they're more likely to prefer voting by mail. So what are potential solutions to the voting difficulties experienced by people with disabilities? What are some of the best practices, and can they be implemented more widely? In the white paper, I have five categories of best practices. I'm just going to briefly touch on these here. We have more detailed information in the white paper. The first category includes efforts to increase accessibility of polling places and polling equipment, and many states have taken steps to monitor accessibility and correct problems, often with HAVA funds. Direct involvement of the disability community helps ensure effective technologies and practices are used. For example, people with disabilities have worked with election officials in finding potential locations for polling places, and in doing usability studies of voting equipment. Second, some jurisdictions have had success with mobile voting, where ballots or voting equipment are brought to more convenient locations, such as shopping malls, inaccessible routes, or long-term care facilities where a lot of people with disabilities reside. And this can help voters who find it hard to get to conventional polling places. Third, a number of states have provided disability training for election officials, and poll workers and methods include videos, conferences, and programs on accessibility issues. And I mentioned at lunch, the state of New Jersey had a two-year study that found that interactive training methods were more effective than just having poll workers look at lectures or, you know, go online. And that the use of checklists and visual aids on-site on election day were very helpful as well. Fourth, several states have provided outreach and education for people with disabilities on voting issues through videos, audio files, booklets, PSA's, and educational events. And again, this is often done in partnership with disability organizations. Okay, the final category is best -- best practices concerns voting by mail. As noted earlier, people with disabilities have a higher rate of voting by mail. We found people with disabilities are especially likely to vote in states where everybody votes by mail, that is Oregon and Washington, and in states with no-excuse mail ballots, where you can get a ballot without having to declare that you have a disability. The turnout among people with disabilities is lower in the 21 states that require an excuse when asking for a mail ballot, indicating that some people are reluctant to disclose that they have a disability on a public form. The evidence also indicates turnout is higher among people with disabilities in states where you can request a permanent no-excuse mail ballot, as opposed to a temporary one that has to be renewed for each election. All right, to conclude, people with disabilities continue to have lower voter turnout and are more likely to report difficulties in voting at a polling place. However, many jurisdictions have successfully implemented best practices that help remove voting obstacles and make elections more fully accessible. They may be models that should be implemented more widely, and you can find more detail and information in these two documents, our report on voter turnout and voting difficulties, and the white paper I wrote for the commission. Thank you again. I look forward to hearing your questions and comments. That's kind of a rush.

>> Thank you very much.

>> Sure.

>> Commissioner McGeehan.

>> One topic that is still puzzling to me is that we've had the ADA on the books for many, many years, but yet we're still running into public buildings that are not accessible. And apparently there was a meeting in California earlier this week that I did not attend, but I heard that there were schools, public schools built recently that were not built to be accessible. And some of the -- can -- do you have any comments on that? I mean is it up to the election community to ensure that these public buildings that they just use once or twice a year are accessible, or is there enforcement at other levels, rather than just at the voting level on accessibility of polling places?

>> Well, certainly if there are schools or public schools being -- being built that violates, you know, Title 2 as well of -- of the ADA, and Title 3 might also be used. It seems to me that partnerships with election commission officials and disability advocacy groups might be very helpful in this area. But it's very -- honestly, it's very frustrating to see that it's 2013, the ADA was passed in 1990, and we are still facing these problems. I don't have a magic solution.

>> You mentioned in your last slide that a number of jurisdictions have developed best practices and, you know, had -- had some success with their implementation to remove some of these impediments. Is there, and would you be able to supply the commission, is -- is there a gold standard out there? Or is there -- is there a standard to which a number of these jurisdictions that have been successful repair, because they believe that there are components of that program that have proved consistently the most successful?

>> I can't think of them off the top of my head. I can certainly send you the information. I don't think there's one that's sort of like this is, you know, we've achieved it. But there are elements from different jurisdictions that I think could be implemented.

>> That would be very helpful...

>> Okay, yes.

>> ...if you could supply that to the commission.

>> Certainly.

>> Thank you.

>> Yeah.

>> Have you looked at the voting equipment out there that's available for disabled voters, and what do you think of it?

>> We could spend hours talking about that. Some work better than others. There's been a whole debate about in -- in people with visual impairments who don't like the idea of a paper trail because they feel that they can compromise confidentiality and the privacy of the vote. But on the other hand, there are certainly arguments to have a paper trail if you're using some kind of electronic voting equipment. I think some of the new developments, like what's going on in Clemson in terms of this iPad kind of voting we mentioned at lunch, holds a lot of promise, but honestly, I'm not an expert in this area of particular voting equipment.

>> Okay, thank you.

>> What I like about that, though, is it's very portable, so it could be brought to voter -- voting centers or other locations, shopping malls, whatever. It's low cost. It seems to be pretty secure.

>> Just a comment.

>> Yeah.

>> I mean, just from my own experience, I know that one of the difficulties you have is you're wedded to your vendor.

>> Right.

>> You can't really bring in other solutions, and so you're stuck with whatever their solution is, and then...

>> Yes.

>> ...they're not always the best.

>> And I mean, we did not really go into this, but the -- the problems faced by the Election Assistance Commission don't speed up the process of implementing and developing new voting technologies.

>> Commissioner Mayes?

>> When you think about folks that would say that they're disabled, they've probably self-identified.

>> That's right.

>> And what I'm trying to figure out is what about folks that just get old?

>> Yes.

>> And how do you think the system and elected officials need to look at that category as you look at the aging of baby boomers?

>> I think that's a great question, and the way we got our sample and figured out who was in our sample, it wasn't just a question of do you identify as - as having a disability. We asked a bunch of questions. Do you have difficulty, you know, with mobility, those kinds of things. Doing tasks outside the home, so we could catch people who didn't necessarily say that they had a disability, but we would say, yeah, they -- they have activity limitations, they have impairments. I think to the extent that polling places meet ADA standards, that's going to help a whole range of people, whether you identify as having a disability or not. You know, my mother is 88. She would vehemently deny that she has a disability. She has a great deal of difficulty walking, and she's hard of hearing. She would certainly benefit from going to vote at a place that doesn't have impediments. I think there are going to be a lot of people that fall in that category.

>> Thank you. Any other commissioners? If not, Professor Schur, thank you...

>> Thank you.

>> ...very much for coming, and we hope you get your flight.

>> Thank -- I -- I hate to run, but I think I have to do that. Sorry.

>> I understand. Thank you.

>> Thank you. Next is Professor Daron Shaw from the University of Texas at Austin.

>> Professor Schur is leaving at exactly the right time.

>> Oh [laughter], [inaudible].

>> No. You haven't seen me present. I'd like to thank co-chairs Bauer and Ginsberg, as well as the rest of the commission, for the opportunity to address you all here this afternoon. I'm going to focus on the particular issue of provisional ballots, relying on some of the election administration voting survey data that Professor Stewart described earlier. The big picture question is how provisional ballots should be viewed when appraising the American election system. Are they a good thing? Are they a bad thing? Are they something kind of in between? I'm not so presumptuous as to -- to claim to offer an answer, but I can offer some data, data that I think shed light on their use and might help inform the commission's deliberations on possible reforms. Initially, I think it's useful to see how much provisional balloting has been used in recent elections, so towards that end, just some basic numbers again from the EAVS, and a couple of things to point out here. You see some of the -- the basic numbers in the last election cycle, as --as Professor Stewart pointed, out 2.6 million cast, 1.9 million accepted. Some patterns. Provisional ballots are much more prominent in presidential than in midterm elections, and provisional ballots are in a rough sense increasing over time, and I think here what you need to look at is there's a little bit of a soft tooth pattern where the balloting goes down in midterms and goes up in presidential. But if you look simply presidential to presidential, you see from the bar graph that the number of provisional is actually increasing over time. And I think that's kind of important as we think about this because there's been some skepticism about the use of provisional ballots noted in some of the earlier testimony. State-by-state analysis, which you can do at the EAVS, reveals some interesting facts. There are a small handful of states that account for most provisional voting. In 2008, for example, four states, California, New York, Ohio, and Arizona, accounted for two thirds of all provisional ballots. This slide here shows the top few states with respect to provisional balloting in the past two presidential election cycles, and you see District of Columbia, Arizona, Alaska, California, and then for, in order to create hometown favorite, I put Colorado in. So I bumped Ohio from the list. Ohio's actually slightly higher usage rates, about 3.7, but nobody from Ohio is here as far as I know, so. A few things to note as you look at the -- the state-by-state patterns, there are not a lot of change over time. D.C.'s a bit of the exception here. It's one of the very few states that's sort of bumped up, but 2008 looks like 2010 looks like 2012, state-by-state, all right? They don't change very much over time. That will be evident in the -- in a third slide here, which is actually a repeat of what Professor Stewart what up. So the fact that most of these states essentially load on a diagonal line indicates that they're basically consistent year to year. You see a slight displacement upwards, that is, towards the Y axis, indicating that it's simply more common in presidential elections. But on the whole, states look pretty consistent over time. Another point is if the acceptance rates are correlated with the usage rates, that is to say, states that use provisional ballots after the fact basically accept most of them. Now, it's not a perfect correlation, but it's a very powerful correlation, and this gives rise to something you guys have heard or probably even used, and that is the notion of provisional balloting as a failsafe. You simply accept a bunch of provisional ballots, you know, because you don't want to deal with them on election day. This is obviously a stylized version of it, and then after the election, you go ahead and you validate most of them, so it's in some sense could be seen as an -- as a -- a -- a excuse not to engage in adjudicating those ballots before or on Election Day. You also see substantial local variations, so not just the across-state variation, but the within-state variation. So for instance, in -- in Florida, you had an acceptance rate of provisional ballots in Duval county of 80%. In Hillsboro, 60%. In Miami-Dade, 33%. In Broward, 6%. So there's enormous variation within jurisdictions, and this is something I think is sort of worthy of our attention. What factors influence provisional balloting? Well, a couple things to note here. States that have provisional balloting before HAVA tend to have higher usage rates, so a history of provisional balloting, there seems to be a carryover effect. States that have trigger mechanisms, especially the issuance of a provisional ballot to those voters who have requested an absentee ballot, or who are on the permanent absentee voter list but show up on election day expecting to vote. This is, as was noted earlier, a significant issue with respect to the issuing of provisional ballots, and then states that issue provisional ballots, if you show up at the wrong precinct, there's 20 or 21 states that do that. That's -- that's a major factor in provisional

ballots. Why are provisional ballots cast? Oh, I just need to go back one -- 45% of the provisional ballots were because people were unregistered; 11% registered but were at the wrong precinct, registered at the wrong jurisdiction, 11, about 7% respectively; no identification; illegible ballot, about 4%. And then as Professor Stewart pointed out, the mysterious other category, 32%. And then finally, who is it that has a problem with respect to provisional ballots? Are there certain populations that are more likely to cast provisional ballots? The answer is yes. There seems to be an age effect, and to a slightly lesser degree, a race and ethnicity effect. However, we ran some multi-varied analyses. That is, the populations that cast higher rates of provisional ballots, African-Americans and Latinos in particular, also have younger -- they skew younger. Their age profiles are, you know, more likely to be 30 and under than those of their Anglo and white counterparts. If you control for the age differences, the race and ethnicity differences largely disappear, so it seems to be largely a function of age as opposed to race or ethnicity. However, as an objective matter, those age -- the race and ethnicity differences exist. So, you know, what are we to take from this? Just a couple things in closing, there is a some evidence that variation provisional processes within states might be ameliorated by standardization processes. And that's a fancy way of saying the differences in places like Florida might be a function of lack of clear guidelines and standards, as well as lack of consistency and training, or variation, I should say, and training across different jurisdictions. Second point, younger voters seem to be most -- those that would be most profitably targeted, so improved databases could be used to locate and reach out to this -- this particular cohort. Another thing to note, it's -- it's -- make -- I would suggest that we make sure that those casting a provisional ballot are permanently noted on the voter list. Now, this is standard practice in many states, but not across all states, and not in all jurisdictions. That is to say, people who cast provisional ballots in one election are likely to be showing up in need of a provisional ballot in the next election, and noting these people and perhaps targeting them for additional outreach is something that makes a lot of sense. Now, it is being done in a lot of places, but not everywhere, and there's variation in how aggressive those efforts are. And then finally, this issue that was raised earlier. Permanent absentee voters need to be better apprised. You know, if you're on that list and you show up on election day, you're going to be asked to cast a provisional ballot. That's something we need to think about. It's come up repeatedly in testimony, and it's clearly contributing to the provisional ballot usage rates. And that's it.

>> Thank you very much, Professor Shaw. Next is Professor Paul Gronke from Reed College.

>> Thanks to the co-chairs Bauer and Ginsberg, and the members of the commission for inviting me to be here today. My name is Paul Gronke. I am Professor of Political Science at Reed College in Portland, Oregon. I'm founder and director of the Early Voting Information Center, a nonpartisan academic center dedicated to conducting research, disseminating information, and helping craft policy solutions regarding early and convenience voting. A number of years ago, my good friend John Lindback, who was then State Director of Elections in Oregon, referred to me as frustratingly evenhanded. I don't think Steve Trout has told me anything yet in public, but I've always valued John's description. It's in that spirit of frustrating evenhandedness that I come to the commission today. I study early voting, but I don't necessarily advocate for it. I agree with the commission's charge to search for common sense nonpartisan. I know it's not bipartisan, but nonpartisan solutions to identify problems with election administration, including administering early voting, solutions that are backed by solid, empirical evidence and tailored to the conditions of the time and jurisdiction. I'm honored to have been asked here to help with the commission's work. In one word I would say diversity characterizes the state of elections in the United States. The U.S. electoral map, which has always, always been one of the most diverse and complex worldwide, has only been made more so by the advance of early voting. The irregular implementation usage of early voting has created a complex quilt of administrative regimes and electoral calendars. Much of my presentation today is going to illustrate this diversity. My comments and the recommendations to follow are an attempt to bring some coherence to this diversity, and to retain the advantages of early in-person and no-excuse absentee balloting,

while ameliorating some of the disadvantages. I'm going to start with a basic observation familiar probably to everyone on the panel. Early voting is a catchall term that refers to two separate modes of balloting: early in-person, and absentee or by-mail voting, whose differences are summarized briefly in this slide. These two systems require different laws, statutes and rules making, very often require different administrative systems and voting technologies, and engage voters in different ways. Research and recommendations that are generically about early voting without distinguishing between the two modes can often be not helpful and sometimes misleading. In every election cycle from 1986 to 2010, early voting options -- 2012 -- 2010, excuse me. Early voting options were added to states across the nation without much debate, primarily as a means to increase accessibility and convenience. Other than high profile adoptions at the election cycles in 2000 and 2004, this truly has been a quiet revolution, dramatic yet bipartisan. Only after 2010 did this trend change as some states reduced the length of time and accessibility, primarily to in-person voting. These changes have unfortunately generally split state legislatures along partisan lines. Voters, like water, flow through these new pipes added by election administrators. In the 2000 election, approximately 15% of ballots came in early. At the time national surveys were not even asking about early voting behavior. Early voting rates climbed rapidly, growing by approximately 50% in each cycle from 2000 until 2008, somewhat leveling off in 2012, when approximately one third of all ballots cast, and more than 40 million nationwide, were cast early. One important consequence of this growth is there's not one type of election being administered in the U.S. There's at least five different regimes, as this map from the NCSL website shows, maintained by my friend down there at the end, Wendy Underhill. In some places, such as Colorado, voters can choose from a veritable smorgasbord of options. In other states, nothing is available but the thin gruel of excuse required absentee voting and Election Day balloting. Voters have responded. In some state -- places, primarily the South, but also in other areas, 30% or more of the votes come in early in person. In the West, we cast our ballots by mail. More than half of the ballots in Western states are ostensibly transmitted and returned by the U.S. Postal Service, and again Steve Trout pointed out, ostensibly many people actually hand to deliver them. Oregon and Washington, of course, are fully vote-by-mail, but a number of states, such as Colorado and New Mexico we've heard already, have 60% to 75% no-excuse absentee voting. The result is a prettier map, a highly complicated quilt of early voting in the U.S. These data are drawn again from the EAC's EAVS study. I've not put on 2012 data because the data are incomplete, and there'd be lots of paint. As -- as has already -- Professor Stewart has -- I'll -- I'll leave -- I'll leave the lauding about the EAVS. Please keep it. What I want to show you now is that this -- that this map disguises diversity beneath, so if you look at the levels of voting by mail, and compare these to levels of early in-person voting, and I'll just go back and forth here, you can see that there's substantial variation not only within -- across regions, but within individual states. Early voting has complicated the electoral calendar as well. This calendar's more fully available at the website earlyvoting.net, but it shows the opening and closing dates of early no-excuse and early in-person voting nationwide. What's striking here is how long our elections actually take now. The first voters in North Carolina and Kentucky receive their absentee ballots by the third week of September, more than six weeks before Election Day. Tens of millions of more absentee ballots are mailed approximately 45 days before the election, with the majority of states mailing out absentee ballots by the first of October. Most states begin early in-person voting 10 to 20 days before Election Day, and most end the Friday, Saturday, and some even the Monday before election day. More than one third of the states require early voting on at least one Saturday or Sunday, while others give county official discretion about weekend voting. So this -- is where we are but the -- the role of the commission as I understand it is not to review the road we had just passed, but to lay out a path for the future. For my remaining time, I'd like to provide three warnings and five recommendations based on my research in the early voting and experience working with state and local election officials as the commission maps out this path. First, beware of the law of unintended consequences. Professor Stewart at the end of the dais here, has described voting as a chain. Chain -- change one link in the chain of voting, and the change can reverberate backwards and forwards in ways that are unintended, but can be predicted. The best example here is the MOVE Act of 2010, which helped standardize and improve a number of procedures related to military and

overseas ballots. One of the main elements of MOVE was to require a 45-day transmittal period for UOCAVA ballots. An unintended consequence of the Act was that states and local jurisdictions changed the mailing date of their domestic ballots. According to data that EVIC has collected, only 12 states mailed the absentee ballots 45 or more days prior to Election Day in 2008. By 2012, the figure had nearly doubled to 23, with another six mailing them two days later on a Friday. Second, not all elections are federal elections. What we know about election administration drawn from presidential and congressional contests may not apply elsewhere. I, for example, among others, have shown small but statistically significant effects of voting systems on -- on -- of early voting on turnout. All results to date, however, are based on federal elections. While I can't site systematic evidence, anecdotal record is strong that there are substantial increases in turnout associated with the use of by-mail in local and special elections. I make this point only to impress upon the commission that federal, and especially presidential, elections are quite unique in our system, and every election, no matter how small, should be run as best as possible with the appropriate systems in place. Third, there's no perfect election system, at least not one that I know of. The best example -- and I'll involve tradeoffs. The best example for me is no-excuse absentee balloting. It's true. I tell reporters ever election cycle, where vote fraud occurs is most often associated with absentee voting, but it's also true that the frequency of vote fraud is miniscule. It's true, as scholars such as Professor Stewart and myself have shown, absentee ballots have higher residual vote rates, but it's also true that the residual vote rates are overall quite low. So I close with a set of modest recommendations. I'll be brief in the interest of time. I think I have two minutes left. The first is early in-person voting for 10 to 14 days. Data from early voting states that we've collected over a number of cycles show that few citizens cast an early ballot more than two weeks before Election Day. There's a surge, of course, in the first day, but then generally a slow climb up to and including the last day, Sunday or Monday. Early voting -- so right, two weeks. Early voting should include weekends and the final Sunday. There are distinct patterns in usage during these times. Election technologies which you've heard about already from Dean Logan and Steve Trout among others, they are now available that allow 11 states to end early in-person voting as late as Monday in many places, in 11 states. Others offer early in-person voting through the last Sunday. These efforts should be encouraged. Second, mail domestic ballots 15 to 20 days before Election Day. Given the concerns over chain of custody and less than -- voters who may be less than fully informed, is there any good reason to mail domestic absentee ballots 45 days before election day, or earlier? Gratefully to UOCAVA ballots that have much more of a transit times. Mailing a ballot across a county, no matter what Postal Service you are and what part of the country, does not take as long as mailing a ballot across the globe. Third, encourage equitable formulas for satellite early voting. Scholarship has consistently shown that more early voting locations lead to higher turn out. Too many states prohibit satellite early voting or limit early voting to county election offices only that may be located in locations inconvenient to disabled voters, or voters who wish to rely on mass transit, bikes, or even their own two feet. I've no magic formula here, but some states establish floors or formulas based on population size, or have language that assure that siting of early voting locations can be then equitably. Research commissioned by the Pew Center of the states, and work actually done here in the state of Colorado, have demonstrated how GIS system can be used to efficiently site satellite and early voting centers. Fourth, develop best practices for by-mail ballots. We can learn much from those states and jurisdictions that process large numbers of ballots. L.A. County, such run by Dean Logan or the state of Oregon, with Steve Trout, are but two examples. The commission should encourage the development of best practices for designing, issuing, returning, and validating by-mail ballots, and investigate how new technologies may improve ballot access to lower costs and increase security. Many people have already stolen many of my talking points earlier today. Most importantly, any set of best practices should consider how the strong chain of custody arrangements can ensure public confidence in no-excuse voting. Finally, reconsider the postmark -- postmark deadline so that all ballots arrive by election day. Let me close by sharing with the commission my nightmare scenario. Early voting where control of the presidency or the control of the U.S. House or Senate is turning on the results from a postmark state, Washington or Alaska, or -- or possibly California. As unrealistic as this may seem, the 60th seat in the Senate

could have turned on the 2010 Alaska Senate election in 2010, and essentially this did occur in 2000 in Washington. I have no evidence that anything will happen to ballots moving through the postal system when the balance of power hangs in the balance, but I worry about the possibility. I understand the Postal Service is not perfect. I understand that voters should not be penalized for delivery errors. At the same time, there are costs and benefits, and you can install many drop boxes. You can work closely with your local Postal Service, and you could try to make sure by every means necessary that by-mail ballots are delivered on time. But my own view, which may be a minority view, is that all ballots should arrive by the close of polls on election day. Thank you for your time and attention.

>> Thank you, Professor Gronke. Next is Brian Gaines from the University of Illinois.

>> Thank you very much. I'm pleased to be here as well. I'm going to present work that was co-authored with Barry Burden from the University of Wisconsin. He was unable to attend. Our analysis concerns absentee of voting. There will be some repetition. I'll try to skip over things that you've just heard. I will mention at the outset that we focused on administration of absentee ballots, excluding military and overseas, and also didn't pay attention to what the [inaudible] of this special case populations that might require absentee -- absentee voting, disabled voters, and those living in very sparsely populated or remote areas. So we're focusing by and large on absentee ballots, the implementation of absentee voting for the domestic population for ordinary populations. An observation that we've heard in some form from a number of people is the terminology is -- is frustratingly nonstandard, so the term absentee voting doesn't have as sharp a definition as we might like. For our purposes, vote by mail is essentially a variety of absentee mail, absentee voting. The distinction we're drawing is particularly where's the vote cast, and -- and how's the best ballots submitted, and the distinction we draw then is early voting, at least as we'll use the term, refers to secret ballots cast in an official polling place prior to the official election day. Absentee ballots are cast at the setting of the -- of the voters choosing, not necessarily secret, and generally in advance election day, although frankly it -- it could be completed on election day and then postmarked that day, depending on the deadlines. And what we'll call precinct or election day voting is [inaudible] ballots cast in an official polling place, and -- and for our purposes, we disregarded the question of whether this is a voting center or a precinct. All the other distinctions that would be quite important in some context for distinguishing the costs and benefits of different kinds of voting. And the observation that Professor Gronke just made, there's an enormous diversity across the -- the country, but the general trend has been an increase in convenience voting, partly premised on the promise that we would increase turnout or increase voting. That's a subtle distinction, but one of the promises is that even if turnout doesn't rise, it might be that ballot fatigue is less dramatic for absentee voters. So there'll be less down ballot extension [phonetic] and you might get as many people casting ballots, but more participation and more -- more actual votes cast in lower races. The evidence has been pretty mixed. I would say there's no consensus that it's done either of those things. It does seem to increase voter convenience, and to some degree voter satisfaction, but not necessarily voter confidence that ballots are being processed as they would like. So when we're thinking about what logistics, what could we recommend as a best practice, what are the nonpartisan, non-controversy improvements that could be made in absentee implementation, we would return to the figures that two people have mentioned now about why absentee ballots are rejected. About a third because of missing a deadline; something over a third because of some problem with voter validation, missing a signature, not a matched signature according to the person judging the matching, or missing a witness. Duplication of 5% residual in the range of 20% including, truly unusual things like there can't be the voter dying before Election Day, but also problems with the envelopes -- submitted to the wrong jurisdiction and a host of other varied problems. So thinking about the logistics, I'm missing a bullet point here for the four stages. There's the ballot request, there's the distribution of ballots, there's the ballot submission, and then the processing of the ballot. Therefore, regarding -- knowing that the voter validation requirements are signature matching and signature inclusion. And the logistics of submitting the envelopes are responsible for 30 to 40% of the rejections and 40% -- or about 33% of the rejections are because of deadlines. We might think

are there any of these stages where there's a clear, noncontroversial change that can be made in the procedure that would lower those rejection rates. And I would say we could put it at the risk of seeming quite pessimistic, is that we've issued a lot of recommendations that might be made because we think the tradeoff -- there's such inherent tradeoffs that it really isn't correct to say there's a best practice or a non-controversial solution. So, I dropped to the bottom point first here, convenience voting complicates late ballot changes. In some respect I'd like to say we should all be having the thin gruel of Election Day voting. In going to be the one person to speak on behalf of gruel, if only because of the late ballot changes. A rare event, but when ballots -- candidates withdraw or die, or printing errors are discovered later, a court decision comes in very late on language and a proposition having to be changed. Having truncated the election season and forced ballots to be printed earlier and distributed earlier, makes for headaches for election administrators. However, we don't think that it's realistic to say gruel for everyone. So as -- I think we're stuck -- it's popular and we're stuck with some form of absentee voting. Across state coordination on dates, everybody should have the same deadlines. We should not allow postmarks, that sort of recommendation; we issue it as in some respects unrealistic. It can be done by a federal mandate or a state compact, but we think basically the robust federalism in the American case means there will be a great deal of variation. That means given voter mobility there's going to be confusion about absentee ballots. The best you can do is have voter education campaigns. Later deadlines get lower rejection rates, but they also burden officials. The delay tabulation and in turn delayed tabulation seems to fuel suspicion and lack of confidence in the public that there's something wrong with the tabulation, there's some sort of [inaudible] conspiracy. Less difficult voter validation can certainly lower the rejection rates, but it facilitates fraud. If there aren't signature requirements, as imperfect as those are for validating of voters, then it's clearly an easier venue for fraud. So what does that leave us? A small number of recommendations, mostly relatively small. The first, perhaps the most likely to be controversial is that we think in the end early voting is still more secure than absentee voting and this should be preferred. That's not a claim about public opinion; it's just going back to the two fundamental features I stressed in our typology that separating the voter from the processing of the voter means certain kinds of correction are no longer possible. If there's under voting or over voting, depending on the ballot technology, it's possible to remedy that with the assistance of an official in an early vote or an Election Day vote in a way that it isn't with at least usual absentee voting as it's now conducted. I don't want to pretend that there aren't technological advances that might make this contrast obsolete. It could be that absentee votes filed online in some manner would have the same sort of kick back provision for an over vote or an under vote. At present, as long as they're mailed or submitted in some way where the voter isn't present at the processing then inherently there's a higher rejection rate. We would [inaudible] in favor of early rather than absentee voting in so far that they wish to increase convenience. Absentee ballot requests should be accepted in all manner of media. And it looks as though there's increasing movement towards distributions of ballots that worries us just a little bit, but we're much more worried about submission of completed ballots online. So even though it's tempting and it seems, given the problems with postal delivery and the postal service, a logical place to go. I think we would caution that it's not something we would want to say could be implemented now as a best practice. It should be studied carefully in terms of security worries, in particular. Perhaps the easiest point here, in number five, [inaudible] already requires states to allow votes who have cast provisional ballots to find out the fate of those ballots. We think after the fact checking is ideal, and for absentee voters states should make it as transparent as possible, and publish the usage rate, find out how many absentee voters actually use the provision to find out. And basically, this is a copy [inaudible] because there's a high rejection rate it would be useful for voters to realize when they vote absentee there's a higher chance their vote won't be counted. States should not tally absentee ballots in advance of the Election Day. The final point here again, I think as the number of votes cast absentee rises, it's tempting then to get a jump start on the counting. And what we have in mind is not so much that absentee votes are counted on Election Day -- the beginning of Election Day before the polls close, as October dates, which make it more possible that partial results could be leaked while voting is still live. And that's -- this isn't based on

other anecdotes or extensive empirical evidence that this is occurring, it's just a natural worry in so far as the pressure of having more and more of these ballots coming in means it's very tempting to get the counting underway earlier and then, you know, in the spirit of focusing on tradeoffs, that also mitigates against the delays, which I already said can increase suspicion and voter concerns about tabulation fairness. So I think I'm also trying to be frustratingly blandly even handed in saying I don't have a lot of low hanging fruits of recommendations that are no brainers that don't have costs. There are tradeoffs associated with all these different forms of early voting, but it's here to stay and at least a few of the changes seem to have benefits that clearly outweighs the costs. Thank you.

>> Thank you, Professor Gaines. Next is Wendy Underhill, the Senior Research -- Senior Policy Specialist at the National Conference of State Legislatures, the keepers of much valuable data. Thank you, welcome.

>> Thank you very much for that introduction and thank you to all of you for inviting me here today. I do work for the National Conference of State Legislatures. This is a bipartisan organization that supports the work of legislatures and legislators in all the states and the territories, along with Jenny Dradge-Bowers who I think many of you know, I specifically focus on elections policy. Much of the work that Jenny and I do together is in gathering and disseminating unbiased elections-related information and presenting it to legislatures. And I often draw from the work of the people who are here at this table with me and actually from some of you who are at the [inaudible], as well. You will be glad to know that most of the questions and issues that are of interest to our legislatures are also the questions that you all are exploring on the commission. I'll start right off with the top five issues that we get asked about. I'll tell you that the common threads throughout these are that legislators are interested in integrity and the costs. Those are two things that haven't been discussed a lot here, but I know that they are the questions that we get asked. The first question that we get asked about is voter ID. Now I know that's not in your purview, but I propose that you take an interest in it because it relates to polling place management. Many of our legislators see this as an integrity issue. What integrity means may vary, of course, from one person to another, but if best practices don't address integrity in general and specifically how it relates to verifying a voter's identity in particular, these best practices are unlikely to be adopted at a state level. Right now, 34 states have passed requirements for voters to show some kind of an ID at the poles. Within that category 12 states have enacted what NCSL calls strict voter ID. Strict voter ID means that a voter who doesn't show the required ID at the polls must vote on a provisional ballot. And that ballot is not counted unless the voter returns to an administrative office with the right kind of ID within a few days. You can see how this relates to the provisional ballot question, as well. And if you all are interested in what the other 16 states do, we can talk about that too. The second topic that comes to us is indeed about early in-person voting and no excuse absentee voting. We've had these two things defined for us here. We also try to keep them separate and then we also lump them together in something we call pre-election day voting. Right now, 32 states office early in-person voting, and 27 states offer no excuse absentee voting, and there's a lot of overlap amongst those states. It's true that occasionally a state has reduced its early voting window, but no state that I am aware of, has abandoned these early voting options once they've tried them. And here, the questions we get are about integrity and that would be can you be sure that a vote that's cast, as a on absentee basis is, indeed, cast by the person who should be signing it and then the costs. Will it cost more or less to offer these two early voting options absentee or early voting? I would propose that more research on the costs of these two would be appropriate from administrators. I hear that they'd love to do early voting or more of it, or open more sites, but it's costs that strain them. Topic number three you've heard a lot about today, as well. That's voter registration. Law makers want to understand why one out of eight voter registrations in the US has a data error in it or has a duplication. Those are numbers that come from the report inaccurate, costly, and inefficient. You may have seen that, it's from Pugh Charitable Trust. More importantly, lawmakers want to help their states to be able to do a better job of maintaining these voters' lists with as few errors as possible. We are hearing about two particular things. We've heard about them a little bit today. The first is online

voter registration. 17 states have enacted legislation that permits citizens to register online. Those aren't all implemented yet, but this was just two few years ago; Arizona and Washington, and now there are 17, and other considering it. And as with the other issue areas, the questions we are being asked about are is this voter registration online a secure way to do it. Is there integrity in that process and then how much will it cost. By surveying the states that offer online voter registration last year, we now answer that the costs are very low for implementation and that the savings can be very dramatic once the system is up and running. States are also interested in improving voter list maintenance including checking their data with in-state databases or cross-state resources. Earlier today you heard about the Kansas system for cross-checking information and about Eric, also out of the Pugh Center on the States. These are two of the options. Sometimes legislation is required to participate in these. We have not heard much about cost in relation to voter list maintenance, but we do hear about integrity. In particular, some states are interested in checking citizenship as they register their voters. Both online voter registration and list maintenance efforts relate to Election Day management because fewer discrepancies on the rolls means fewer problems at the polls. So a little effort in the front end can help out on Election Day. The fourth topic I want to mention is the transmission of ballots motivated particularly by the needs of military and overseas voters. Legislators are looking for ways to make it easier for people to receive and return their ballots electronically. Virtually all states now allow these overseas citizens request that a ballot be sent to them electronically. And our count says 32 states also allow some of their citizens to return their ballots as an email attachment, or by fax. That number of states seems to be increasing year by year, and so are the categories of voters who are permitted to use these systems. The questions we get are, not surprisingly, about integrity and cost. Integrity because cyber security experts advise caution in regard to sending voted ballots electronically because it's possible that they can be intercepted and hacked, and costs because handling individual ballots is time consuming and therefore costly for the local election officials. And the last of these five topics is voting technology, both the funding for it and what voting equipment will look like in the next several years. As for funding, at budget time, new voting systems compete with new schools, and new fire trucks, and new bridges, and rarely do the voting systems win out. And as you probably know, we've talked about it a little bit today, in most states the equipment that was bought with federal money 10 years ago is nearing the end of its life cycle. And finding new funding mechanisms that don't include large appropriations from still stressed state coffers is beginning to be on everyone's mind. And we also recognize that the local coffers are also stressed, as well. Then as for the equipment, technology is advancing and many citizens expect to do just about all of life's work on iPads, but that's not where we are with voting at this point. Figuring out best practices for voting system certification and design will be a challenge for you all. NCSL has identified voting technology as the coming crisis in elections and we will be devoting much of our resources to this in the next couple of years. I've got 28 seconds. I'd like to share with you, the NCSL perspective on the primary role that legislators play in setting elections policy and how seriously these lawmakers take that responsibility. One way that we know that they're taking it seriously is that NCSL as a whole, receives more information requests on the topic of elections than any other topic. The runner up is gun control. We have twice as many questions about elections as about gun control. The second way we can tell is the quantity of legislation that is introduced that relates to elections. Since 2001 more than 25,000 bills that relate to elections have been introduced in state capitols and 3,087 have been enacted. Some of these laws have been sweeping changes such as Colorado had this year and the bill that's on the governor's desk in North Carolina. Many of them are small bills aimed at making elections more efficient. Also, I'd like you to note that all of the nation's 7,383 state legislators are familiar with the election process because they've been candidates, but few of those folks would claim that they are expert. And since they are not experts, they look to local election officials and state election officials for advice and analysis. NCSL supports efforts that bring those administrators together with legislators so that good legislation can be crafted that will, in fact, work well on the ground. As I wrap up, I'd like to highlight two NCSL resources. One is NCSL's elections legislation database, which you are all welcome to access. It will tell you what's been introduced in every state and if you talk me I can get that information for you from 2001 forward. And the second

is the newsletter, The Canvas, which I write and I've quoted many of you in it over the course of the last three years. Provides background information on many of the topics that you all do. The April issue was entirely about customer service, and based on the fact that you all were getting your work together. I thought I'd pull together what we had and if anyone would like to subscribe to that, just give me your card or talk to me afterwards, that'll be great. With that, thank you very much.

>> Thank you very much. We'll now proceed, hopefully not to another round of thin gruel with questions from the commissioners. Commissioner McGeehan, Commissioner Patrick, Commission Patrick.

>> Thank you. I actually have a question for Professor Gaines. One of your recommendations has to do with not tabulating early ballots until or before Election Day. I'm wondering if you can convey to us why that is that you and Professor [inaudible] have come up with that conclusion. In relation to that, whether or not that's in the white paper you discuss, some of the delays that occur after an election day, which -- anybody turn on a television, on Wednesday after the general you saw our jurisdiction -- my jurisdiction, but I think that that disregards the fact that all of us have canvas dates that far exceed the day after election day, so that we do have time to tabulate some of the early ballots, process provisional, do our audits, that sort of thing. So I'm wondering so shouldn't there be a conflict there between if we wait to count these ballots, but there's an expectation that we are done sooner, how do we address that.

>> It's another instance where I thought -- I hoped we were explicit, that there's a tradeoff. It's not that there's, you know, all benefits and no costs. And we take the delayed costs seriously; because I think they are really are a factor in increasing public worries and public cynicism. Our worry is not so much counting the number of ballots. It's the actual tabulation of the vote results that, as there's pressure to get the results our earlier. The canvas begins before the election. It's extremely hard to keep the vote counts confidential. In presidential elections we already have partial results while voting is underway because we have multiple time zones, but in other elections it's preferable, I think not to have partial results while voting is underway so. People -- as it's our best practice, people should not know so far, you know, beyond polls, which candidate is ahead.

>> If I could just press you on that for a moment because many jurisdictions, we are counting, but we're not tabulating, we're not accumulating results. So in many jurisdictions, particularly larger jurisdictions have multiple tabulators. So, I'm wondering where the information is coming from that there are many individuals or some individuals who have this information of what the results are prior to election day and/or that's being release or it's being conveyed to someone, or if that's -- I'm not sure where that particular notion is coming from.

>> This is very much a future oriented concern. Sort of looking ahead rather than knowing of particular cases now. We're thinking that it's just extremely hard to keep in, from the confidential information; confidential is any number of leaks cases are revealed in recent memory. And if -- the technology for tabulating even unofficially with across different election officials will get easier, I think. So our concern is that, you know, maybe it's misplaced, we're trying to think through what -- as the pressure, because there are more and more of these ballots coming in and it'd be nice to have -- it's always advisable to have the results earlier, but the pressure to count them does mean there's just some chance. And, you know, we didn't try to put a probability on it or even outline the mechanism that the results would end up public knowledge; somehow, it could be leaked before people have done voting. That's already true in presidential elections because of the time zone problem. The networks have a gentleman's agreement not fully respected, not to release -- not to call states before the state's polls close, but the west coast voters get stuck knowing something that's happened. We'd like for that not to be a general problem in elections within states. We wouldn't -- we don't make the recommendation without being mindful that it's making life harder as more and more of these ballots come in, it does mean results will be delayed. I just want to compare a comment. People are quite used to delays in systems like Australia where they have the single transferrable vote and

it's -- most voters don't actually understand the way the tabulation occurs. It takes a long time, but I think Americans are, for better for worse, quite impatient so. I feel bad at saying that anything that will increase delays is a good idea, but we still thought the leakage worry is a bigger worry.

>> Commissioner McGeehan and then Professor Persily.

>> Professor Shaw, I was really struck by your comments that highlighted the variation within a state on provisional ballots and, you know, where they were rejected and rates of rejection. And I was curious, have you seen similar variation within a state for, you know, other things like acceptance of ballot by mail or rejection of voter registration applications, or is the area of provisional voting an area that you see more variation within a state?

>> Yeah, I can't really comment on sort of obviously the full range of voting. I've seen some data from the AVS -- two things to point out, I guess. The first is I do think that the acceptance of provisional ballot variation within states is more striking than other variation within states, at least the small number of variables I looked at. The second is that Florida is particularly subject to that sort of variation. So, I don't think -- these are -- the numbers I gave you are from 2008. I haven't looked at the 2012 numbers. We're still in the process, as Professor Stewart said, of kind of wading through and cleaning up those data, but people I've talked with afterwards and asked basically does this pass the giggle test, does this sound right to you, basically assured me that -- yeah, they've seen that before. In particular, the Hillsborough-Duval versus Miami Dade-Brower differences are not unusual. So they've seen them across other variables. I presume, although they didn't tell me this directly that they made it also with respect to provisional acceptance rates. So, you have Florida seems to be something of an outlier. And provisional balloting seems to be something of an outlier within that outlier.

>> I just want -- if I can just really, really quickly -- I can promise you that if you were to geek up unlike me, and start to take a look at each one of the EAVS measures within a state at the county level, in almost any one of these areas you will find in many states, one or two counties that's just a total outlier. And sometimes when you follow up, as I do, you'll discover it's just a data error. Sometimes you'll discover as I do, when I've found precisely zero provisional ballots in one state that was quite -- used them a lot and called up the county official and he said, "Well, you know, we just don't believe in them so we just don't use them. So then there's also the variability of implementation as ya'll know at the local level. I mean, the fact that we can now actually look at things at the county level -- I mean, is a big, big thing and I encourage people to look at the county data.

>> Commissioner Patrick, please.

>> If I could just follow up quickly on the Florida example because I'm not that familiar with the particular counties that are cited here, is there any sort of a distinction between urban and rural, and what exactly these provisional's were stemming from? In an urban setting you might have more people moving around more frequently and that will drive up provisionals if they're used in that way, as opposed to perhaps, and this is -- I'm curious if there was any distinction as to what kind of types of provisionals these were and if there's any sort of a distinction between an urban and a rural setting where you might have a more transient population.

>> Sure, I can only speak to the general characteristics of the counties at hand. And each of them has sort of a central and in two cases, dual metro polls. So they're, you know -- they have major cities within those counties. They're -- they're distinguished -- not to get too technical, between suburban versus exurban communities. That is, some of them, like Miami-Dade is largely suburb and -- as opposed to Duval, which in many ways is sort of exurban. That is it's not the sort of bedroom communities, they're simply further out. There are some rural populations and some variation there. There's a little bit of that, but -- and this is where I want to be careful because what I don't know is how provisionals are counted, particularly

in those different areas. But it seems to be from the data that there are clearly different standards being applied here. And I don't mean that as a, you know, a criticism or suggestion that one guy's doing better than the other, but when you start getting variation between 80% and 6%, there's clearly a different interpretation or enforcement to the provisional ballot arrangements in those counties. And so I think that's where the money lies with respect to understanding what's going on here.

>> Commissioner Mayes?

>> Ms. Underhill, excuse me, you mentioned that cost hadn't been touched on too extensively but there has been references to the fact that when you compare the cost of an election or the cost of building a new road, that there's things that one wins out on over the other and I'm wondering if that is the way it should be approached because elections don't happen every day where as you may drive your car on that road every day and yet if you believe elections are the backbone of our society, how do you think legislatures should look at the issue of cost and I'm particularly interested in this because if technology is seen as the answer to some of our questions, I can tell you from experience technology has an insatiable financial appetite.

>> I'm not sure I have a really good answer for you. I do think the budgetary process is a political one. So who's coming to the table and fighting for which item in the state budget? I'd also point out that an awful lot of the cost is borne by the local jurisdictions and that state legislatures would like to be sensitive to that but push comes to shove, state legislatures have their own budget that they're watching out for. We do think that there's ways that vote centers and a few other -- possible ways to redo things might have some savings and I think you're point is right that people probably do assume that technology will bring down the cost and that's certainly been true when it's been online voter's registration. We've got this example where the price went from 83 cents to 3 cents in Arizona when the shifted from paper to online registration. So there probably is an expectation that there will be some savings that are related to the use of technology. I'll take your thought home with me and perhaps we could talk about it afterwards too so I could fully understand when to caution and when to...

>> The comment I'm making here is that if your replacing an old system, then it's easy to see that there might be cheaper but if people are comparing it to what's available versus what you replaced, then it's a different standard to me because what's available may be a lot more expensive and that you may not get your return on investment up front.

>> I'm pretty sure that that the plan that Dean Logan is working on and also what Danny DeBouvier is working on. Part of their thinking is to have the new systems work with some off the shelf equipment and that the hope is that these folks are going to go forward with plans that will work, that will have cheaper components than what we currently have where you have to buy a whole system from a vendor.

>> Commissioner Lomax?

>> Do you have a question?

>> Professor Persily?

>> This isn't all things being equal kind of question because it sounds like both Professor Rock and Professor Gaines, are sort of debating the question as to the effective early and absentee voting on turnout. Right. And as where Professor Rocci think that there's maybe some small increase in turnout. [Inaudible] not so measurable. We -- there are several other dependent variables that we're sort of banning about here. One is whether an early absentee voting has an effect say on long-lines where we can think of a story as to why if you get voters through the process early right? But depends on how many precincts are open on Election Day, right? And if it turns out that people are -- that your [inaudible] squeezing the

number of precincts at the same time they're expanding your light voting, you wouldn't necessarily expect it to result in longer -- or lower lines. The same thing with costs. It sounds like -- and I'm asking you as what you think the state of illiterature is on these three questions, cost, lines, and turnout. Do we really have answers as to whether an early absentee voting has lower costs, has lower lines, and has increased turnout.

>> No. It's an easy answer. No to all three. You know, I think there's consensus on the turnover literature because it means we disagree and so we go to a biographically battle on that one. I will say that the state of literature up until 2008 and afterwards has changed because, you know, underlying -- some of you probably know -- you've seen me do these presentations for underlying that southern surge and early in person is a tremendous surge in African American use of early in person voting among the southern states and I think it's reasonable to direct some of that change at least to the well-oiled [inaudible] machinery of the Obama campaign, though there have been a continuing differential usage rates in a number of states as Professor Stuart and I have shown, kind of a residual use in Florida in particular among African Americans or early in person. So, you know, I believe there is consensus on the turnout point, I question small but is basically significant. That's the language that I use, I'm fairly carefully. Cost -- I'm glad you asked about costs and I know that Wendy chime in on this or endorse this because she's written about this in a canvas. The problem with cost is that we don't know because the way the budgets are. [Inaudible] is very difficult, [inaudible] has attempted to study this. Wendy has a nice canvas article, I believe a year or two ago that tried to pull together what we know. So we can't do research on it because you know, who charges for the school? Right? What's that cost? So I was on a post-selection review panel in Kansas where they were attempting to consider early -- more dense voting in Kansas and, our friend from Johnson Camp -- yeah, Ryan Nubi said "I can't do it because there are not -- there is not sufficient number of places in my county in Kansas that I can rent, that have disabled access that I can rent on a limited period" -- it's all these budgetary issues that are hidden. Now, all these folks that have schools -- well, who pays for the janitor? Who pays for the soap? So costs we just don't have -- we don't have very good data. The third one was...

>> Lines.

>> Oh, lines. Hmm. I'll defer and if Charles wants to expand on that. Well, good again lines, I'm glad to hear and I'm kind of writing quickly some of the data that's being collected systematic data onlines, the best data on lines right now is a Professor Stuart collects under pew funding which hopefully will continue, but that is at a very gross level so that's really only at the state level and we can't get down to so I'll simply again, I'm repeating myself ad nausea to those who have heard me before. I think election observation, trying to get people in their monitoring that system that Dean Logan, Dean didn't say that he partners very productively with academic organizations. I think stuff like that can be endorsed or encouraged by this commission. There's scholars everywhere looking for a good data to write papers. We're incentivized for that and we'll help election official's work and monitor what's going on. You know, the thing about this sticker is that we heard earlier, these things are great. I don't know that those are out there so I'm hoping that your commission can push forward in aggregating some of this information so those of us can use these pieces to answer the other two questions.

>> I mean -- well, very quickly on lines -- I know of nothing that's been published that relates lines to this issue of more or less really voting. There's the intuition but as we've both heard and experienced, there are all these tradeoffs and the major question that remains unexplored as well is as one moves more to early an absentee voting -- at what rate to remove resources from election day voting, right? And in a lot of places that looks like the resources are being removed form Election Day voting faster than the voters are leaving Election Day voting. So...

>> A little nugget from Professor Stuart's report -- one thing I thought was interesting is that the survey data that we have, the EVS suggests that the relationship between a volume of voters, and time in the queue, actually exists in

early voting but does not seem to exist in any kind of kind of statistically significant way for in person election day voting. Now, that maybe reflects some startup costs that is, you know, we're still learning, you know, when the early voters -- where the bottlenecks are in early voting. In Texas for instance, in Austin where half of the early votes were cast in the last day of early voting. And you also have a significance or a differences in mobility and the population in Austin so I think even there where I think they're ahead of the curve, it's kind of difficult so you do see what I would consider sort of a predictable or expected relationship occurs with the early voting but we seem to have done a pretty good job dealing with an election day voting probably because of smart deployment of resources, you know. So I think that's kind of encouraging and.

>> The commissioner meeting.

>> Ms. Underhill: I was curious about, Professor Gronke, your recommendation about not mailing out domestic ballots 45 days. To me, that seems like a good thing to do. So I was curious what the downside is with that.

>> Professor Gronke: I've tried on this on Anne [assumed spelling] and never quite -- the downside, you know, I'll -- is that I, as a political scientist, I would prefer that people absorb as much information as possible before they finally cast their ballot. And I can also, as a political scientist, show evidence that people that cast early ballots are decided voters and there's very little evidence of voter regret. So I'm simply trying to assess the kind of questions that I receive about what are the major political hurdles that are in the face of no excuse absentee Balloting. So if you sent a legislator to me, or an advocate, and says what would you suggest that we advocate for? I will say if you send out those ballots very early, you're going to get people worried about chain of custody, you're going to be worried about all these ballots. Professor Stool [assumed spelling] will come and criticize you about ballot leakage. Voters will have those ballots; they'll have them in a pile of mail. All I can say is that Oregon and Washington, a number -- large number of states quite successfully are able to mail their ballots 18 days out. It deals with Professor Gaines' worry about late changes. To me, it checks a lot of lists and I just don't know the justification for mailing them 45 days other than it's a little easier to pile up the OCABA [phonetic] pile the same time you pile up the domestic pile. What's the justification otherwise? It can't save you that much money. I mean, I don't -- I'm not a local minister, to understand. But I -- you're mailing a ballot to Iraq and Afghanistan, you're mailing a ballot five miles, and yet you're using the same transit time. I don't understand.

>> Ms. Underhill: Yeah. I don't think that's actually what's happening. I think, and some of the local folks can chime in, I think the first priority is to get those military and overseas ballots in the mail. But there's also a lot of pressure on local officials to get just the normal mail ballots out. And with all the things that can go wrong with mail balloting, you know, the earlier that that happens, the better chance that ballot has of arriving back at the polling place. You know, and maybe it's the experience in Washington and Oregon, it may be that because that's such a well-oiled machine and that's all they do, whereas opposed to the other jurisdictions that are managing, you know, all these different levels of election administration. Anyway, it was just -- it's an interesting.

>> Professor Gronke: All I can say is that it's very coincidental that lots of jurisdictions have moved to 45 days for the domestic. So I defer to you and I understand, but it is very coincidental that it's precisely at the OCABA deadline that they're mailing the domestics. So it seemed to me like a very strong correlation and it.

>> Incidentally, I just point out that ballot leakage may be my least favorite term associated with this entire thing.

>> Professor Gronke: [Laughter] But you remember it.

>> I was going to make a comment relating it to thin gruel, but I decided not to. [Inaudible] entirely inappropriate. Commissioner Thomas.

>> Commissioner Thomas: Can't top that. [Laughter]. I mean, it seems to me that overall, in presidential elections, turnout has increased dramatically when you go back to the late '80s, early '90s, and then into the 2000s. I mean, in our state, we were typically 3.8, 3.9 million and now we're sitting just a hair under 5 million. So really, maybe the -- part of the study should be, instead of this argument of whether early voting and increased absentee increased turnout is, if you removed early voting and strapped absentee back to its original state, which was you're really out of town or you've got a medical issue, what happens to turnout? And I would think that turnout would drop by some significant number.

>> Professor Gronke: Thank you for that question. Professor Stewart [assumed spelling] -- Stewart and I, there are not many circumstances that we can study, so if you would give God-like powers to experimentally -- you're not going to do that. You have God-like powers. I have no such powers. Professor Stewart and I have studied the change in the period of early voting in Florida. And to me, the most impactful portion of that, which you -- I provided to the research director, to me the most impactful finding there was that voters who previously had cast ballots on the last Sunday, when we tracked them across a period of time, did not show up. So to me, that is really the basis of my recommendation on the last Sunday and other patterns. But that, to me, was a very -- a disturbing finding. I will, I guess, disagree with you mildly in that there's a political scientist interest and turnout. The call to the commission from the President did include -- turnout was in there and, again, I would defer to local officials, but I've spoke with many of them. And I'm working to let the information out. But I am just convinced that when we look at local and municipals and specials, they were going to find a big impact of vote by mail because the ballot arrives and you wouldn't have otherwise thought about it. And I'm working to do that work. Here I am giving away my research agenda to every graduate student that's listening. But that's where there will be a bump and I think that's something that people -- no, because some states are adopting vote by mail just for those elections and I would say, if turnout is your interest, I think it makes a difference there.

>> Commissioner Thomas: I just have a couple of questions and I think, unless other commissioners have questions or you do, Professor Persily, we can wrap it all up. I apologize for running a little bit late. I had one question for Professor Stewart and one question for Ms. Underhill. Professor Stewart, over -- what's the response rate on the EAC survey?

>> Professor Stewart: Well, there's a couple of ways of answering that. This time, with the exception, I think, of the Virgin Islands, every state responded with at least something. Now, to drill down, there are a couple of states still that provide only information at the state level and don't provide county level. So you can kind of parse this in various ways. The way in the white paper that I address, that is why -- let us take the high level items that we would think -- just describe the most important levels; what's going on, the number of people registered, the number of absentee ballots, etc. And if you go county by county, in the 2012 election it's on the order of, even in the draft data, about 96% of those data elements have been completed. Now, where it falls off are in some ways the more interesting data elements, where I think is the next thing for the EAC or some other organization to worry about. And that is, well, not how many provisional ballots do you have and how many were rejected, but what are their reasons. Because again, there's this big mysterious other category that is really important in these policy debates that we just don't know. And I -- if I had to hazard a guess, I would say that honestly the response rates for the second order of things that are probably more policy relevant is maybe closer to 60%, 50 to 60%.

>> Professor Gronke: The ones that are policy relevant are more at the 60% level?

>> Professor Stewart: Yeah. The ones like -- the reasons for a rejection.

>> Professor Gronke: Correct. Right.

>> Professor Stewart: Those sorts of things. There are some states are very good and you can make -- draw policy conclusions based on the data that is there. But if you wanted to ask how did X county do in, say, you know, rejecting absentee ballots because of signature reasons, I'd say there's maybe one -- two in three chance that you could actually learn that about that particular county.

>> Professor Gronke: Can I just chime in and say that it's unfortunate to label the survey when the EAC -- and I think when Charles and Commissioner Barrie [assumed spelling] used the word completion rate, I think that's probably more accurate in some respects. This is an accounting mechanism or -- and some of us had tried and I -- in a past life, I worked as a consultant for the EAC. When pressure is placed on states, as with the OCABA, I wrote a report that showed the OCABA rates jumped dramatically from six to eight and then eight to 10 because of pressure from FF and pressure from DOJ. And they went right up to well in the high 90s. But really, it's not a survey; it's a completion rate.

>> Commissioner Thomas: Okay. And then, Ms. Underhill, in -- three questions for you. They're very -- I think they're -- won't take up a lot of time. One has to do with -- we've heard a fair amount about different engagement by schooling communities in supporting the electoral process. School systems supporting to electoral process and there's a -- there are different statutory frameworks within which these discussions with the school districts take place. Is that a topic that has ever been taken up in any systematic fashion by your organization looking at the roles given that many advantages that they have for citing poll activity that school systems play in supporting the electoral process?

>> Ms. Underhill: Yes. This -- just in the last month, we've looked at what are the state requirements on polling places. And many of the states do say, use public schools. There are a handful of states, something in the neighborhood of six to eight, and I can get you the exact number, that make some qualifiers around that, such as with the permission of the local school district. Or in the cases where the students are not in the school but perhaps professional development for the teachers is going on. So yes. That is a topic and it came up a little bit more this last year than it had in previous years because of the Sandy Hook murders in Connecticut.

>> Commissioner Thomas: And is there any thought that this data is being collected, this discussion is taking place with a view toward developing a policy of some kind or a view of some kind that encouraging conversations among the states about how to address concerns about school use while at the same encouraging it?

>> Ms. Underhill: No. I wouldn't say that we're taking a position to encourage it or discourage it. We're gathering the information so that if a legislator is interested in introducing legislation along that line, they can see some other possibilities. When you all get a chance to take a look at it, if you want to -- if you see a best practice that comes out of that, that would be great.

>> Commissioner Thomas: That might be great. Very helpful. Thank you. And then, a second question and my last question, which looks like it's slipped off my page here. But I'll recapture it momentarily here. You might be off the hook.

>> Ms. Underhill: Oh, good.

>> Commissioner Thomas: You might be off the hook.

>> Professor Gaines: Could I interrupt?

>> Commissioner Thomas: This is the ultimate thin gruel question. It's vanished completely from the page.

>> Then I'll interrupt and give you a chance to remember.

>> Commissioner Thomas: Yes.

>> Professor Gaines: A slightly idiosyncratic comment about schools. A small -- a
couple of studies have shown that there are small effects of voting in a school or in
a church; that the context matters, that people will vote slightly different on, for
example, a proposition about school funding if they're casting a ballot in a school.
A couple of these studies, there are -- I wouldn't say it's a robust finding in
literature, and it's difficult finding to know what to do if nobody votes in a
sensory deprivation tank. But if you were thinking just about best practices and
being devil's advocate, there's this mild concern that people -- and it's based on
observational data, but pretty carefully analyzed to try to show people voting in
schools and churches, not on every issue but on a few, will vote a little differently
from people voting in bland county administrative buildings.

>> Ms. Underhill: How about casinos?

>> Commissioner Thomas: Thank you. And Professor Gaines, I did -- I recaptured the
last I wanted to ask Ms. -- so I than you for that as well. It has to do with the
question -- the policy questions that you said rank very high among the cluster of
questions that are put to your constituency. Are you able to break down for us where
those questions fall? That is to say, the -- out of the total numbers of questions
that you get annually, policy questions directed to the legislators, how that breaks
out by types of concern, by types of policy question? Whether it's, you know, 80% hot
topic of the day? By ID, 5% funding; that sort of thing?

>> Ms. Underhill: I would rough guess that 45% of the questions we've had in the last
two years relate to voter ID. And of that, a portion of them relate to the cost of
voter ID. Let's say -- oh, no. Now, I'm going to get my percentages mixed up here
with this crowd. But 45% are voter ID and of that, oh, maybe 20% are about cost. The
-- then, I'd say voter registration is something like 20% and that would include
online and list maintenance and pre-registration for 16 year olds. 20% also on early
and absentee voting. Voting technology, I've put that on my list. I think it's the
coming issue. I wouldn't say at this point it accounts for more than 5 to 10%. I
don't know. Did I get to 100% there?

>> Commissioner Thomas: Close [laughter].

>> 110%.

>> Ms. Underhill: [Laughter] We also give 110%.

>> Commissioner Thomas: Right.

>> Very good. Thank you very much. And I think, unless there any other -- oh,
Commissioner Britton.

>> Commissioner Britton: So thank you. You've done an excellent job of confusing me
even more. So I was just going to try to nail you down a little bit and maybe see if
I can hear from each one of you very quickly. Are you in favor of early voting and
its expansion? And then, I have a follow-up question.

>> Ms. Underhill: I've got my light on. I'll just go first. For me, it's not so much
that I'm in favor of it or not in favor of it. It's that I don't see a political way
to go back on it. I was thinking of saying that when you spoke, Commissioner Thomas,
that if you did try to take it away, the response would be a political response. We
like it. It works for us. It's convenient. Why are you taking away this goodie?

>> Professor Gaines: I have a similar response, that given the impossibility of
undoing convenience voting, I prefer early voting to absentee and.

>> Commissioner Britton: That's my next question.

>> Professor Gaines: The mild qualification in fact can be, weasily [phonetic] and academic, is that preference is mostly not about the secrecy of the ballot, which I think gradually is -- can disappear. Even the booth, you know, the privacy of the booth is also an old technology that can be undone by mobile cameras and such. It's more about separating the voter from the submission of the ballot. And so -- and a form of absentee ballot, something that would be a hybrid, absentee voting that permits the voter to be there for the processing of the ballot I think would be -- for this actual submission would be then as good as early from my point of view. So I've got two yeses; right?

>> Professor Gronke: If I were in the magic kingdom, I would wave my magic wand that I would have, you know, a week of volunteerism and civic, you know, time in a thousand points of light and we would have a week of voting. We would have an election day holiday. But we're not in the magic kingdom here. So I actually am very close to Professor Gaines. I think that early in person voting for a number of reasons is politically more viable. It -- spark plus controversy. And given success and a clear association when implemented correctly with higher turnout, I think it's the best way to go. I recommend best practices for no excuse when I'm asked, but I acknowledge that Professor Gaines and Professor Stewart, there are problems with ballots in the mail. I don't, you know, they leave the hands of government officials, then they come back and that always concerns me.

>> Practically, I agree completely with what's been said. I think early voting is a form of convenience voting that beats absentee for the reasons suggested earlier. I'll backend it by saying, in theory, I don't like convenience voting. I think one of the things that's evident in the literature that Professor Gaines and Professor Burden [assumed spelling] have been involved with is that we've lost a little bit of the election day buzz by spreading it out over a long period of time. This is speculation, but there is -- and this is the reason why this is a robust debate. There is a sense among some scholars that what you're getting is simply substitution and that convenience voting cannibalizes election day voting. And this mostly as Professor Gronke points out, with respect to federal elections and presidential. And Professor Burden, I wish he were here today; he'll probably be at one of the future meetings. But I remember his supposition is that, you know, back in the day, election day was really an event and that we have lost something of that and the loss of that buzz has reduced a little of the casual voting that you used to get on election day because of the, you know, the vibe in the community. That is rank speculation, but it is consistent with some of the data that Professor Burden has looked at. And so, I'm an old curmudgeon in theory.

>> Yeah. I know. But it's a practical matter. I'm on board with the others.

>> So really quickly, we'll run the table. Early in person voting, I mean, there's a lot of good reasons not to have the crisis of everything on election day and a single point of failure. And for the last 12 years or so, every time I've seen people ask, well why would we want to move away from election day? And let's list all of the values we would like to uphold by doing that. In almost every case, you end up taking off the column that's early in person rather than doing it by mail. So I'll leave it at that.

>> Great. Thank you. To all of you, thank you very much. I appreciate it. We ran a little bit over. I think we ought to return in 15 minutes and then we'll see whether we can recapture a little bit of the momentum on the schedule. Thank you.

[Music]

>> We will resume. If you could, take your seats please. We'll resume. We're obviously running a little behind schedule, but we'll try to pick up the pace here. And thank you for your patience. Co-chair Ben Ginsberg.

>> Ben Ginsberg: Thank you Mr. Bauer. We would now like to begin the public testimony session. I, we would, we very much look forward to everyone's comments. I'm going to read out the list to begin with so that you all know the order. And if we could sort

of have the person who's second waiting on line, we have a full afternoon and we need to make this fairly expeditious. We are going to stick to a strict five-minute time limit for your remarks. If you don't get everything in, we're, we're going to need to halt after five-minutes. But we would welcome anything that you have in writing, which we will read and digest and consider part of your comments. So the order will be Gwen Ballard, Catana Barnes, Kathleen Curry, Faith Gross, Hillary Hall, Leslie Hoffman, Lynne Constable, Deborah Johnson, Sara Lyons, Amber McReynolds, Dan Nolan, Elena Nunez, John Schmidt, Carol Tone, James Tucker, David Wallach and David Buck. If your name was not on that list, please see Mark Neubauer down at the end of the table and we're happy to add you at the end. So to begin, Gwen Ballard.

>> Gwen Ballard: Good afternoon. My name is Gwen Ballard. I live in Carbondale, Colorado which is about 170 miles due west of here in the beautiful central mountains of Colorado about which I like to gloat, so. But that's not why I'm here today. I'm here today with some fellow independents to deliver a message on behalf of concerned Americans across the country. We would like to read you a letter signed by more than 1,000 citizens, independent, democrat, republican and members of minority parties, minor parties from all 50 states in the country. That letter reads, "Dear Commissioners, We the undersigned are independent voters from all 50 states. We are deeply concerned that America's political process is in a crisis and that serious attention must be paid to it. We are happy that President Obama has formed a Commission to look at some of the defects in the electoral process, although we feel the narrow mandate of the Commission falls short of the public debate we need to have. One example of these shortcomings is that there are specific defects that effect independent voters, which the Commission does not seem prepared to address. With 40% of Americans now identifying as independent, this should be a Commission priority. Independents are not accorded the same courtesies and privileges as members of political parties, such as receiving meal ballots at home, in many cases or having the right to serve as coworkers on Election Day. During primary season, where some states permit us to vote, we come face to face with poll workers who do not understand their own rules and frequently misinform us about our voting rights. We have no representation on the Federal Elections Commission or Boards of Election and are often required to register to vote as un-enrolled or un-declared voters, not as the independents that we are. In many states, we are barred from primary voting altogether, even though we as taxpayers finance those closed party primaries. As you go about your work to identify and recommend improvements to the voting experience, we urge you to recognize that the American people want a more non-partisan form of politics at every level. Please use the power the president has given you to be open and responsive to this need. Sincerely." And there are 1,068 signatures attached, many of whom have provided comments. Thank you for your time.

>> Thank you.

>> David Buck: I'm David Buck, last on the agenda. Please remove my name. Everything's been said that I was going to say.

>> Ben Ginsberg: Catana Barnes. Welcome.

>> Catana Barnes: Good afternoon Chair, members of the Commission. My name is Catana Barnes. I am the founder and president of independent voters of Nevada. We represent the 251,462 voters. 18% of the electorate in Nevada are registered as independents. I am also here to present statements from independent leaders from Arizona, California, Oregon and Utah, as they could not be here today to present them to you personally. Independents are independents for specific reasons. We don't like the gridlock created by party ideologies and we don't want to be controlled by the party. However, because election administration is organized along bipartisan lines, we face barriers which prevent us from full participation. In Nevada, independents are subject to designation by election administrators as non-partisans. There are many states in fact where independents are not able to register simply as independent. Instead, election administrators called them, "Undeclared, unaffiliated, declined to state and other." This nomenclature reflects the partisan bias that runs throughout the Election Administration System nationwide. Independents who again comprise 18% of the electorate in Nevada are excluded from voting in the primary elections because, like

18 other states, our primary elections are closed to any voter who is not a democrat or a republican. This is despite the fact our tax dollars contribute to funding the primary elections. This is unacceptable. In addition, independents in Nevada and in other states do not receive timely information about the elections or voting rights. In Nevada, the sample ballot independents receive before the primary elections does not contain any information about any candidates other than those running for non-partisan offices. And the sample ballot for the general election arrives just three weeks before the general election. This system puts independents at a disadvantage to make an informed decision. It is apparent the president's created this Commission to "Promote the efficient administration of federal elections and to improve the experience of all voters." The president also stated, "That includes our most fundamental right as citizens, the right to vote. When any American, no matter where they live or what their party are denied that right, we are betraying our ideals." While soliciting input from my fellow leaders of independent organizations, I was reminded about the reasons why I am an independent voter and why I am here today. The independent leaders from Arizona, California, Oregon and Utah wrote their own letters to present to the Commission. In each one, made very important points about the ways independent voters are disenfranchised. I want to underscore the following. From Brenda Sperduti of Arizona, "The issues the Presidential Commission on Elections should address in addition to those in your basic mandate are those that continue to disenfranchise over 1/3 of Arizona voters. But specifically why independents are forced to choose one of the two party ballots in order to participate in citizen-funded primary elections. Independent voters should be afforded the same rights as partisan voters to participate in our American election system." From Dave Ellis of Oregon, "Our current electoral system seems built on a 19th Century model. Despite its flaws, it's functioned more or less well throughout much of the 20th Century. But the changes in American society and politics over the last 20 years have clearly demonstrated that those flaws have become increasingly fatal flaws. We now have a system that is more dysfunctional than functional. With growing numbers of citizens and voters who feel marginalized and alienated." From Randy Miller of Utah, "My particular party preference is no party and I am joined in this preference by a majority of voters here in Utah. Over 42% who have declined to affiliate with a party. Unfortunately, this means that in primary elections, independent voters will receive a severely abridged ballot unless we consent to affiliate with a private organization, one of the political parties. And even if we were to change our voter affiliation, which most of us are loathe to do, our ballot would still be abridged to reflect the candidates of a single party only. This is unreasonable, it is un-American and it could easily be construed as unconstitutional." From Jason Olsen of California, "Our organization helped cast the top two non-partisan election system into redistricting reform measures that went into effect for the 2012 election. Independents, the fastest growing segment of the electorate in California for over 20 years had the right to participate fully and equally. From Janelle Woods of Arizona...

>> Ben Ginsberg: Miss Barnes, I'm sorry. Could I ask you to summarize please. Thank you.

>>Catana Barnes: ..."It is apparent that independent voters, despite being 40% of the electorate nationwide, are dismissed as second class citizens and denied equality in the political process." I am here today because I want to inform the Commission about the inequities independent space. I hope the Commission will consider doing something to change those inequalities so the electoral system is one that is equal for all voters. Thank you for your serious consideration.

>> Ben Ginsberg: Thank you very much. Kathleen Curry.

>> Ben Ginsberg: Miss Curry? Faith Gross is next.

>> Faith Gross: Thank you members of the Commission and co-chairs. My name is Faith Gross. I represent the Legal Center for People with Disabilities and Older People -- Colorado's Designated Protection and Advocacy System. For the past 10 years, I've coordinated the statewide Voting Accessibility Program authorized and funded under HAVA. In addition to our extensive work in the disability community offering voter

registration and education, we partner with the Secretary of State's Office in the county clerk's on activities designed to increase full access to the electoral process by citizens with disabilities. These activities include serving on advisory and other committees, developing and providing training for county election officials, conducting point place accessibility surveys and providing technical assistance related to full accessibility for voters with disabilities. And I'm going to focus on three areas. Polling places -- during the 2000 election, the GAO conducted an accessibility survey, and you've already seen those statistics. They conducted another survey in, so in 2000 it was 16%, in 2008 it was 27%. I point out that both of those are failing grades and unacceptable. This is in spite of the availability of federal funds authorized under HAVA, the section 261 funds, and designed specifically to improve access for voters with disabilities. Here in Colorado, we have worked diligently to improve accessibility. Why believe that we would score much better than the 27%? We still have much work to do. With our new election model, we will have fewer polling centers and all are required by state statute to be fully ADA compliant. Surveys of each polling center are required for each election year. With fewer sites to manage, we expect 100% compliance within the next couple of years. Privacy for voters with disabilities requesting assistance with reading and marking a ballot and privacy for voters voting at an accessible voting station is another concern. I visited polling sites where I could easily see the screen of the voting machine from the entrance to the room. Voting stations must be configured to protect every voter's privacy while maintaining accessibility. And I will just add that poll worker, effectively trained poll workers is absolutely where the rubber meets the road. My recommendation is to restore funding for the HAVA Accessibility Improvement Grant Program authorized under section 261. Funds are no longer appropriated by Congress because some states did not use them. States that acted in good faith and utilized the grant program to improve accessibility should not be penalized by the failure to act by other states. Every state should be strongly encouraged to use the funds. I want to talk about accessible voting systems. The equipment that was deployed for elections for HAVA compliance in 2006 was typically certified to the pre-HAVA 2002 FEC standards. My understanding is that there was minimal input from voters with different types of disabilities in the development of those standards. At the present time, equipment is being certified to the 2005 voluntary voting systems guidelines approved by the EAC. Technology has significantly changed over the past several years including great advancement in accessible technology for people with disabilities. The EAC did extensive work on the next set of standards over several years with extensive public comment including those with expertise and accessible technology. However, these new standards cannot be implemented until proved by the EAC Commissioner's -- an impossible task because there are no EAC Commissioners. So the recommendation appoints EAC Commissioner's to update and approve the VVSG Certification requirements. And these new requirements must address the accessibility of the Voter Verifiable Paper Audit Trail, which is currently inaccessible. This is unacceptable particularly in those jurisdictions where the VVPAT becomes the ballot of record during a recount. Accessibility of election information, election administrators and political campaign send out a tremendous amount of information to voters that is inaccessible to people with print disabilities. Voters must be provided with the option of requesting and receiving election information in accessible formats. Websites and social networking media must be fully accessible as more and more jurisdictions rely on them to get information out to their voters. And then finally, I want to talk about signature verification. It's an emerging issue here in Colorado as we increase mail balloting. And I note that voter signatures change to disability or due to aging and voters are not aware that in some states their ballots are rejected if there is not a signature match. Here in Colorado, we have a state statute that requires time to notify the voter and the voter has time to come in and cure that signature. And I would recommend that across the country. And just in general, extensive voter education is necessary to understand the protections that are in place for voters. So thank you for this opportunity and I will be submitting written testimony.

>> Ben Ginsberg: Thank you very much. Hillary Hall.

>> Hillary Hall: Good afternoon. My name is Hillary Hall. I'm the Boulder County Clerk and Recorder here in Colorado. I have been in my second term and I have one

more term next year. I'm here to talk about an issue we've touched on. And that's the relationship of equipment to the decisions and the recommendations that you're going to be making. It's one of our most expensive investments and it's one of the most fixed parts of the system once those decisions and investments have been made. As you know, The Help America Vote Act changed the face of how we vote and provided funding to do so, which got everyone started on it. The piece that wasn't included in that was the costs to counties of ongoing service and maintenance, as well as the ongoing cost at the state level for our statewide voter registration systems. There's some larger counties in Colorado that have paid close to $10 million in support and maintenance of their system since HAVA's been enacted. In my county, we've paid close to $1.2 million. And in fact, on small counties is even greater as while the dollar numbers aren't as much the percentage of their budget is huge. And as we've all been through an economic downturn and those resources get smaller, the impact on the election experience is directly related to these choices that you have to make. And the fact that you have a fixed amount of equipment. So when you're making your recommendations, I just really want to encourage people to look at, what are the models that take into account the equipment that we use, the ongoing cost of that equipment and how do we most effectively use that equipment. We feel in Colorado that we have created a template that I'm sure will be watched over time with our new bill, that first delivers everyone a ballot by mail and then it puts the choice in the voter's hands of what they want to do with that. They can vote that ballot and put it in the mail and return it, they can bring that ballot in person after its been voted at home and drop it off or they can come and still vote in person. We find that when people receive the ballot, the majority of them actually do choose to use that mail ballot and in doing so, and with this model by still allowing people -- the in person option -- you get those, you get fewer of them actually using that option. In this past election, we had 118 polling locations. With the new bill, we'll have 13 service centers. And while the number has reduced, the choice from the voter has gone from one to now 13 locations that they can actually vote at. And they'll receive all the services they have if they want to use that opportunity. And again, we've also had the extended time period where people for general elections, they will start 15 days and the process is the same all the way through Election Day. And we have an increase in locations as we get closer to Election Day. Again, the advantage and why I mentioned both the equipment and that is, we are heading also to a time where many counties are going to need to replacing their equipment in the next, anywhere from two to five to eight years. And so, what we recommend now is going to impact those decisions. And so I hope that as you make your considerations, you'll remember that. Thank you for your time.

>> Ben Ginsberg: Thank you Miss Hall. Leslie Hoffman.

>> Leslie Hoffman: Good afternoon, Chairmen, Commissioners. Honored to be here. My name is Leslie Hoffman. I am the Yavapai County, Arizona Recorder. Yavapai County is located in Central Arizona, it's a very large county. And yes, it does snow in Arizona. In fact, we have one of the oldest continually running ski resorts in the U.S. there. I do understand that Commissioner Patrick had already presented to you a power point that was on vote centers. Two of our counties in Arizona have gone to the vote center and plantation. And as leaders in technology, we're here to give you a little bit of background on why Yavapai County made the decision to go to vote centers and go from the traditional polling locations. Again, like you've all understand, with the vote centers, people can vote any place that they want within the county. Our process of converting to vote centers was started in 2008 with the creation of our permanent early voting list. Yavapai County was realizing a trend in voting. With every election, more and more people were coming early, they were voting by mail. We had very few people going to our polling locations. In fact, out of 126,000 registered voters and Yavapai County, only 20,000 went to the polling locations for the general election 2012, which also resulted in 81.5% turnout, which we're very proud of. The implementation was in stages. We consolidated polling locations, the introduction of new equipment of course started in 2010. The HAVA Grant funds played a very large part in giving us the resources to purchase the equipment and the technology. And 90 -- in 2008 we had 95 polling locations. In 2010, we went to 50 and used E-poll books. And then in 2012, we went to 30 vote centers and we used our E-poll books and went to ballot on demand printers. And before

implementing this new consent we spent a lot of sleepless nights wondering, "What's going to go wrong on Election Day?" Coming up with how we could solve them and how we could hopefully prevent them from happening. So we took baby steps. We implemented everything, we completed them and then we evaluated. We trained poll workers to manage those lines that may show up. They could advise all of the people standing in line you could go to a different location or they could call our call center to find out which vote center had a short line at the time. We developed a smart phone application, so no matter where you were -- whether you're at work, you're at home, or you're at the grocery store -- you could put your address into your phone and it would tell you the closest location to go to on Election Day. We had backup ballot on demand printers. We had up to four E-poll books at all of our urban locations and two at the rural locations making the check-in process go very smoothly. Also at our vote centers, we had not just one touch screen as required by HAVA, we had up to four. So we offered those to all of our voters. So essentially, we offered them paper or plastic. Everything had a battery backup in case of power failure. We supplied our poll workers with emergency kits in case of a full equipment failure, that way they could switch to manual paper, pencil and their cell phones to get the people through the lines. And in addition to our roving troubleshooters as many locations have, we hired what we call EDT's or Election Day Technicians. And we gave them a little higher training and technology. We found people who were a little more technologically savvy, gave them the training and they stayed -- we had one at every vote center that stayed there all day long. So we had our troubleshooters roving from location to location, plus our EDT's that stayed there all day to help out. Again, we also have our call centers. Where they're manned, we have 12, 10 to 12 people there and they, those people have a phone number -- our coworkers have a phone number directly to them where they can call, have help immediately all throughout the day during the whole -- from before poll opening until after we close for the evenings. We've created comprehensive troubleshooting books for all of our poll workers. And we gave our warehouse personnel sufficient time to develop and really experiment with these machines, get to know them so that if anything went wrong, they were also available to help with all of the technology. And last but not least, we really sunk ourselves into the community and did as much voter education as possible. We were on the TV, we were on the radio, we put ads in the newspapers, we talked to every group that would let us get in front of them, and we also have a great interactive, comprehensive, high school senior's plan, or senior's class. We go to every high school that will let us in throughout the county, teaching the kids all about voting, and that really helps, because they take that home to their parents as well. In reviewing the commission's objectives, we really felt that implementing vote centers in Yavapai County really took a step towards curing some of these challenges that we've had. Not that we don't have plenty more, but we know with the election processes changing and the laws changing, we still have the battle ahead of us, but we feel we really have a jump on it. And again, thank you for letting us speak.

>> Thank you very much. Lynn Constabile.

>> Lynn Constabile: Good afternoon. It's an honor to be here speaking with you. My name is Lynn Constabile, and for the last nine years I have been the elections director for Yavapai County, located in Prescott, Arizona, and I can confirm what my colleague Leslie Hoffman told you. It does snow in Arizona. As a matter of fact, one chilly election morning, we received a frantic phone call from a voter, who asked me why in the world I would schedule an election on a day it snowed. I let her know that some things are just out of my hands. Leslie also spoke to you about Yavapai County's implementation of vote centers last year, and how it solved many of the challenges that the commission is now tasked with. I am here to tell you that without the federal grant funds, none of what we accomplished would have been possible. As you might have been able to tell, Yavapai County's very progressive and forward-thinking. We were the first in our state to implement touch screens for early voting, implement e-poll books, and along with Yuma County, implement vote centers. We're continually looking for ways to move ahead, and to provide our voters with a great election day experience. The ability to do all this for our constituents is due in large part to the support we're given from our Board of Supervisors and our Secretary of State's office. We, like all other election administrators, compete for the same tax dollars with all other county departments. As it's been mentioned, we understand that not

everyone is like us, and they don't think about elections every day of the year. However, crimes, roads, emergencies, health issues are daily concerns, and there's only so much money to go around. While our board has always provided us with adequate funds to fulfill our statutory duties, many times there's just nothing left to try something new or upgrade our technology. So without the HAVA funds that we received, vote centers in Yavapai County would not have happened. They also would not have happened if Yavapai Count was not already ahead of the curve. We had replaced our punch cards with optical scans in the late '90s. And we still use those machines. It was only with a generous block grant from the Arizona Secretary of State that we were able to buy e-poll books and pay a project manager to implement them. So while HAVA funds were a great thing for us, they were still a reactive federal mandate, because some things went wrong in a presidential election. What we believe we need is a proactive federal grant that will allow election jurisdictions to move forward. For example, we need a grant program for all those countries that have not yet purchased e-poll books and want to, or ballot on demands, or who are still operating 15-year-old optical scanners. In the U.S. today we have tens of thousands of grant dollars specifically for education, health and welfare, crime prevention, and emergency services. Many of these programs are designed to help these agencies move ahead, and to provide better, more efficient services for the taxpayer. I can count the number of election administration-related grant programs on one hand. And believe me, I've searched high and low for them. A federal grant program that allows election administrators to choose what's best for their jurisdictions and their voters is key to moving elections forward and keeping the lines moving as well. HAVA was reactionary, and it's time for us to be proactive. Let's not wait for another elections disaster. Thank you for your time.

>> Thank you very much. I apologize for mispronouncing your name, too. Debra Johnson.

>> Debra Johnson: Good afternoon, Commissioners. My name is Debra Johnson, I'm the Denver Clerk and Recorder. Thank you so much for visiting our great city; I'm hoping you enjoy your time here. Denver has become a model on how effective and efficient elections can be run. The Denver Election Director will be following me to highlight a couple of the innovations Denver is using to make elections more accessible and transparent. I'm here this afternoon, now, to talk about three issues the commissions could address at the federal level, to make all elections more efficient. Number one, election equipment certification. Currently, the election assistants commission is basically nonexistence. Members need to be appointed, or a governance structure needs to be established, so there is guidance on updating and certifying election equipment. Did a pilot on having overseas voters actually submit their ballots online. This was very well-received. Over 36% of the oversea ballots cast during the municipal cycle were voted in this way. The other issue, and my final issue, is the flat postal rate. Colorado is now an all-mail ballot state, like Oregon and Washington. The recent postal policy change, disallowing certain election-related mail to be sent using the non-profit rate has increased Denver's postal cost by 76%. In addition to the use of the non-postal rates, we recommend the Postal Service determine a national mail ballot postal rate for sending ballots to electors and returning those ballots. This concludes my comments, and I really appreciate the time you've given me. Thank you.

>> Thank you. Sarah Lyons.

>> Sarah Lyons: Good afternoon, my co-chairs, members of the commission. My name is Sarah Lyons, I am the Director of Communications for Independentvoting.org. We're a national association of independent voters based in New York City. The President of our organization, Jackie Salit, has submitted a formal request to you to provide expert testimony at your next hearing. I deeply hope, and thousands of independent leaders around the country hope you will extend an invitation to her. I think that would be useful, because the public comments section is not designed for you to solicit questions, and you would be unable to ask her for more details about the concerns independent voters have, if she were not in the expert section. But we are joined in our desire by Congressmen Michael Michaud, who wrote in a letter to you July 30th, quote, "Where there are deficiencies in the election process must not be solved in a partisan way, but in a nonpartisan manner." I sincerely hope the

commission will review any voting barriers that independent voters may face. Discrimination should not be permitted in the American electoral process. An important event just occurred here in Colorado, which is a fitting backdrop to today's meeting. Unaffiliated voters -- and we call ourselves Independents, by the way -- just surpassed the numbers of registered Republicans and Democrats. There are 1,056,300 registered Independents, 993,650 registered Republicans, and 964,333 registered Democrats. This means that a plurality of registered voters in the state have declined to affiliate with any political party, in spite of the fact that the Democrats control the Legislature and the Governor's seat, as well as both U.S. Senate seats, while the Republicans claim the Attorney General and the Secretary of State offices, and hold the edge in the Congressional delegation. I highlight this fact to the commission because it's actually an important statement being made by the voters on the very subject President Obama mandated your commission to consider. Namely, is the way we run our elections maximally responsive to the inclusion and participation of the electorate? These Independents will face some significant roadblocks along the way. They won't be allowed to vote in the presidential caucuses in 2016, and in order to vote in State and Local office primaries, they will have to give up their independence and become Democrats, or Republicans. Still, in spite of this, they choose to be Independent, because that status is important to them. This situation, simply put, represents the conundrum or contradiction that you face. You've been charged with the job of recommending ways to make the electoral system more efficient and participatory. That's good; that's important. But it's also important to see that the voters, by their choice of being Independents, are saying that there are many things about the way the system functions, even when it functions efficiently, that they don't approve of, that they think falls well short of how our democracy needs to work. Colorado is not alone in this regard. I live in New York City and I work at the national headquarters of Independentvoting.org there. Over the last10 years there's been a major political battle that's been largely unreported, and that battle has been to bring nonpartisan elections, a top two system, to New York City. In New York I'm a leader in the Independent's Party, and we're the party that elected Mike Bloomberg. And for 10 years we've been trying to bring about the simple reform, the net effect of which would give one million New Yorkers the opportunity to vote in the first round of voting -- a simple efficiency that would make the system fairer and more participatory. I had been a political activist for a long time prior to this battle; I was involved in progressive causes, environmental causes, and I considered myself to be knowledgeable and experienced in the fight for democratic rights. But when we began efforts in conjunction with the Independent's Party and Mike Bloomberg to enact this reform -- and by the way, more than 85% of American cities conduct their municipal elections in a nonpartisan manner -- I witnessed the most bitter, ferocious, and desperate campaign by the two major parties, who were united to prevent this basic democratic reform from being enacted. We had endless debates about the mechanism of how things would or wouldn't work, and it was easy for the issue to be turned into a set of pragmatic questions about whether the Board of Elections had the technology of staff readiness to handle such a system. But meanwhile, the voting rights of Independents, 20% of whom are African-American, 24% Latino, and 11% Asian, were hanging in the balance.

>> Miss Lyons, I'm sorry, but could you sum up for us, thank you.

>> Sarah Lyons: Yes, I will. So with, due respect, I'm not here to tell you how to wade through the mountain of information being presented. But I will tell you this, that any election system that does not address the full inclusion of all Americans, no matter how they designate themselves, cannot call itself a true democracy, and I believe some of you know in your heart of hearts this to be true, and perhaps you're struggling with how to perform your duty and fulfill the mandate of this commission, while still speaking to this deep concern of the American people to whom, after all, this democracy belongs. I hope you can find a way to do that, and thank you for your time.

>> Thank you very much. Amber McReynolds.

>> Amber McReynolds: Good afternoon. Thank you for coming to our beautiful city. My name is Amber McReynolds, and I'm the Director of Elections in the city and county of

Denver. My purpose today is to share some of the proactive solutions that we have developed for our voters. We pride ourselves on developing innovative strategies to better serve our voters, while containing costs and reducing costs. We have proven that you can offer better service while streamlining processes, creating efficiencies, which can in turn create budget savings. Today I will discuss two success stories from this approach to election administration and management. Following the 2008 election, we took a close look at the reasons that voters contacted our office. The number one reason that voters called us was to ask, "Where's my ballot?" or, "Did you receive my ballot?" In our analysis, we said, "What can we proactively do to get this information to voters?" The concept of Ballot TRACE emerged. Ballot TRACE is the first in the nation, award-winning, innovated mail ballot tracking, reporting, and communication engine. The tracking piece utilizes the intelligent mail barcode technology, through the post office, to track a mail ballot envelope through the time it is printed and prepared, through every stage in the U.S. Postal System, and as well as after it has been returned to our office, and sent in to be counted. It's different from the tracking systems that you may be aware of, which rely on voter registration systems to simply let a voter know that their ballot has been received. This actually works similar to a FedEx package, where you literally get updates at every point in the process. The reporting part of the Ballot TRACE acronym provides reports about the status of all mail ballots to election officials, so we can assure that ballots are sent to voters, or delivered in a timely fashion. So we use GIS technology to basically ensure that the Post Office has processed all ballots in every zip code, and that there aren't any outliers. So it gives us an accountability tool to use with the Post Office. The communication part of Ballot TRACE is the messaging system, where voters can receive messages about the status of their ballot before it enters the mail stream, while it's being processed, and after it has been returned to our office. So, voters can choose to get those messages via text message or e-mail through our system. Given the new mail ballot delivery model in Colorado, Ballot TRACE becomes even more important for voters, as well as election officials. It provides transparency and accountability to the ballot delivery systems through the Post Office, and it gives us the tools we need to track the status -- or to be sure that ballots are being processed timely. It also provides proactive communication for voters, so that they can track the status of their ballot. And it notifies voters if their ballot came back undeliverable, if it wasn't signed, or if there's any sort of problem with their ballot. So this is our first solution that I wanted to share today. The second solution is IAP. IAP is an innovation that we created in Denver, with the use of some technology that's also in play in other parts of the country. IAP stands for an iPad Accessibility Pilot project. We implemented this option to provide voters with the option to use iPads ads ballot-marking devices. These devices enable voters with disabilities to mark and cast their ballots privately, in the comfort of their own group residential facility. In Colorado, we have a legal obligation to deliver mail ballots to group residential facilities, which includes nursing homes, and previously we didn't have an accessible way to take technology to those homes. IAP allows us to do that. So we have teams of election judges that take iPads, set up with all of the technology to mark their ballots to the group residential facilities, and voters can opt in and mark their ballot in that way. We have brought the two requirements of ADA accessibility, along with ballot delivery to group residential facilities together and created IAP. For the first time in Colorado, voters who used to be restricted in their home facility can now vote privately and independently. The ballot is then printed, and it's submitted into a ballot box, transported back to our office for counting. The highlight for this is that this is software-based technology. So, in our county, as an example, our DREs cost around $4,000, that's what our current DRE has. An iPad is around 400. So if -- hopefully this is the step toward what we will be able to utilize for voting systems in the future, and use less expensive technology that actually can provide better service. To conclude today, Ballot TRACE and IAP are just two of the innovative solutions that we have developed at the Denver Elections Division, and we continue to look for creative, voter-centric solutions for providing better service to our voters. We also continue to utilize performance-based management to ensure efficiency and accuracy in conducting all of our elections. Thank you.

>> Thank you very much. Next is Dan Noland.

>> Dan Nolan: Chairman Bauer, Chairman Ginsberg, Commissioners, I'm glad to have the opportunity to address you today. My name is Dan Nolan, from SOE software. We're an elections monitorization company out of Tampa, Florida. And if I look familiar, it's because I saw you in Miami, and also possibly because Professor Stewart and I got the same memo on haircut and suit for today. Your charter to gather the best practices has been well-served today by the election officials and academics who've testified, and as you've been well-served, as you've traveled around the country. Best practices...

>> Mr. Nolan: Tend to be introspective and, and backward looking. As you heard from Mr. Logan today and Mr. Wang, we must look to the future and Ms. Johnson recommended we look beyond our own shores. And as we do look for those best practices, let's look forward and at large. I recommended the committee today the successful experience of three republics, democracies like our own with the feature of voting technology which you heard, hinted at today, which is online voting. In the city of Mexico, in Mexico City, they conducted the first online binding election in Latin America. Now this was 20% of the overseas vote were counted by online methods where in over 951 cities across 98 countries Mexican expatriates were able to vote in that election and that was done in July of 2012. The French ministry of foreign affairs brought, introduced online voting for French citizens abroad in 2009 and at that time 8.7% of those who voted, voted by that online method, method for the expatriates. By 2013, 65.5% voted by that method, so it continues to grow as they have confidence in this system. And in Norway, the ministry of local governments and regional development did a number of pilot programs since about 2010 on online voting and now it has gone to full online voting for their municipal elections and they're moving to their federal level in those election. So the technology has been demonstrated and is proved to be adequate to the task. Now what these countries didn't experience is the two steps backwards we took in 2000 and we are necessarily reflexively cautious in this and, and ought to be, but as we listen to the discussions about the security of these means of voting, let's also take into account what you're hearing. We were being told we don't really know. Well we have plenty of academics to look at this, let's really know. And as we also look at the huge expenditures we're going to make, in a way $4000 DRE is an expensive piece of single use equipment an iPad at 400 certainly seems to make more sense. Now these were just 3 of the 18 countries that are involved in this process now and it's time for us to begin the dialogue in this country so that we don't find ourselves somewhere down the line still hanging onto our antiquated systems. And, and one final comment. If you wanted to understand best practices in NASCAR, you go talk to the drivers in the pit crew and you'd go talk to those, those super fans who keep all the stats in the, in the stands, but you probably also want to go talk to the guys that make the cars. So I would presume to, to recommend to the commission that you talk to people in the industry, the elections industry because there is an awful a lot of us who'd been working in this for a long time and many of us like myself has background as election official and as you [inaudible] voter and so I think there's something that we can add to that. Now in the event that you don't change your schedule and bring in industry to talk to you, I would suggest that when you go to visit Commissioner Brighton's facility where you can really see how long lines are handled very well. You slide down, I4 down to the other end o the I4 quarter to Hillsborough County, Tampa and come and see us and we can talk to you about election's modernization. Thank you very much.

>> Thank you Mr. Nolan. Elena Nunez?

>> Elena Nunez: Good afternoon. Thank you. My name is Elena Nunez. I am the executive director of Colorado Common Cause. We're a nonpartisan, nonprofit organization that works for open and accountable government and did increase participation in the political process. We also since 2004 have led a coalition of nonpartisan organizations committed to protecting the right of vote, that's known as Just Vote Colorado Election Protection. The goal of that program is to ensure that every eligible voter here in Colorado who wants to vote is able to do so and that every vote that is cast is counted accurately. Our coalition has nonpartisan poll monitors the polling locations throughout the state, we host a website with voting information, we staff a bilingual call center and we take the information that we

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learn to work with election administrators to resolve problems that we identify. Through this work over the last nine years, we've talked a thousand of voters throughout the state and heard about many of the challenges that they experience when voting. In the 2012 general election, we identified significant barriers to voting here in the States. On the first panel this morning, you heard from Mr. Trout about the benefits of all the by mail and Ms. Oliver about the benefits of vote centers. Colorado's Election Law brings together the best elements of both of those processes to create maximum opportunity for voter participation. Senator Davidson provided a great overview of how the new law works. I want to comment just briefly on what that means for voters and how it creates increased access to resolve problems we've seen in the past. In 2012, the greatest problem that we saw from voters was confusion about mail balloting, while mail balloting was popular in Colorado, the increased use was waiting to increased confusion. Some elections were held exclusively by mail, so in some elections voters got ballots automatically and others they didn't. Some voters who opted to permanently receive mail ballots by not voting were then taken off that list. We saw increased confusion leading to the greatest number of calls coming from voters who wanted to know where their ballot was or why they got one when they weren't expecting it. Colorado's new law provides the consistency that's required for, for voters by sending every voter a ballot automatically who has a good address. But importantly, voters still have the option to voting person and this is something that's come up a few times this morning and this afternoon from both clerks and others but I think it's important to remember that for many voters they like voting in person whether it's because they want to vote on an accessible voting machine, they like that feeling of being in their community, whatever the reason it's important to have opportunities for voters to participate in person. We've also seen in the data shows that many voters who do vote that mail ballot prefer to drop it off, they don't want to mail it back, they want to know that it gets where it's going. So having a system that has in person options plus drop off locations is important to meet voter needs. The second issue that we saw last year relates to voter registration and confusion about registration. And unfortunately this is a problem that was significant in 2012, but it's been significant every year since we've started this program. Voters who move and don't update their information who are mistakenly believed that they are registered are then disenfranchised if they don't action quickly enough. Colorado has taken great strides to address this issue with the implementation of online voter registration, the use of national change of address data to update voter information and the establishment of these voter service centers where voters who aren't registered can register to vote through election day. We've taken significant opportunities to allow all voters both those who are currently registered and those who have not yet registered to participate in our elections. The third issue that we saw that was significant had to do with confusion around identification requirements for voting and this came up previously in the last panel as well, Colorado has an expansive relatively speaking ID law, but we got calls from voters throughout the state who were told when they showed up to vote that they needed to show a photo ID even though that wasn't the case. I think there're two pieces to learn from this experience. The first is that it's important that we maintain options for voting and identification related to voting so that all voters are able to participate even those who don't have or cannot get a state issued ID. The second is that poll worker training is critically important to make sure that when voters go to the polls, they get accurate information. What we see, what we know is that the experience of the voter has when they go to vote really drives both their confidence in the process and their satisfaction and trust in the system, so making sure that voters have a good experience is critically important. We've taken great strides here in Colorado to improve the quality of our elections and I think there are some good practices that can be used as models for other states. Thank you for the opportunity to comment.

>> Thank you. Next is John Schmitt.

[Silence]

>> John Schmitt: Good afternoon commissioners. What are the most important principles that America stands for? What is it that makes us proud to be Americans? Isn't it our freedom and equality? I'm the president of Five Cedars Group that developed the

Oregon Alternate Format Ballot System six years ago. I am very proud that we've helped provide an easy and secure means for our state voters who'd otherwise have difficulty voting. As Americans, we're proud to live in a democracy in which we're free to vote, but is the slogan one person one vote, a reality for everyone. Can the most vulnerable our citizens really vote without being subjected to unrealistic physical demands? Imagine that you're 45 and have developed macular degeneration or you're 75 and the painful arthritis in your hips has put you in a wheelchair. Now imagine how you're going to get to the polls. And by the way it's a rainy cold day in November. In 1968, going on a business trip, my father was in a car accident that left him a quadriplegic for 27 years. My siblings and I know firsthand that challenges that a family has to transport somebody in a wheelchair to a particular place in a particular day. For us able body to assume that we serve the needs with a disabled because there is one accessible voting machine at a polling place is not to understand that sometimes heroic efforts it takes to get them there. And doesn't have to be that way. My dad did have use of his arms and using two sticks velcroed to his palms, he would got quick proficient in pecking out engaging letters on his trustee IBM Selector. Now that was 20 years ago. Today, my neighbor Dave who fell off his roof just a year and a half ago takes pictures of his kids with his smartphone and posts them on Facebook. The difference between Hunting Pecking and having gestures, he can do the gestures, okay. Even with disabilities, we're using PCs and mobile devices in their everyday lives. We can and should leverage their existing capabilities and their strengths to make it easier for them to work. At the EACs accessible voting conference back in April, an attendee commented that going to the polls to vote like everyone else gives voters with disability, a sense of dignity and self work. That may be true for some because as it everyone's reality. Last November after waiting several hours to vote, a blind woman Lisa Maria Martinez was asked to walk to a second polling place because the accessible machine at her polling place didn't work. How much dignity and respect do you think she felt? Enough that she and four other plaintiffs are suing [inaudible] County. Having the right to vote should not mean you have the right to stand in line for hours or being told you can't vote at this polling place. How would you feel if that was you? Commissioners I came to Denver today to ask your help to put better reality into our nation's elections, the uniformed oversees and citizens, absentee voting at [inaudible] Cava as well as the defense department's FAPP move and ease programs have made is easy for the military and oversees voters to vote. We've given our soldiers extra time to fill out their ballots where they can mail them back, they can fax them back, and they're, they're, this act in this programs have made their right to vote a reality, but only for [inaudible] voters. Since these programs work, let's extend the rules for participation. I'm asking that you strongly recommend that the rules for [inaudible] be expanded and its benefits be made available to anyone who needs additional assistance. Commissioners, there's no doubt that poll workers work very hard and really do want everyone to vote, but if the equipment provided is difficult to set up, if the election budgets are being cut and with alluded number of voting days, poll workers are fighting a losing battle. In Oregon, we email html ballots, we mail large format, 18 point ballots to voters who request them. Interesting, last November, the age rage for our large format ballots was 29 to 103, that's pretty cool. Your recommendation could empower people with disabilities to vote on the digital devices they already have and use on a daily basis. The expanding the rules to cover voters with disabilities will help make our elections free fair and accessible for everyone. Thank you very much.

>> Thank you Mr. Schmitt. Carol Tone. Hope I'm pronouncing that right?

>> Carol Tone: Thank you commission members for giving us the opportunity to speak to you today. My name is Carol Tone and I follow voting rights for the league of women voters of Colorado. The league is a nonpartisan political organization that works to improve government and public policy through citizen education and advocacy. The right of every citizen to vote has been a basic league principle since its origin 93 years ago. We applaud the presidential commission on election administration for seeking to determine nonpartisan ways to shorten lines, promote efficient conduct of elections and provide better access for the polls to the polls for all voters. The league actively opposes voter suppression legislation which may be in the form of requiring restrictive photo ID requirements on eligible voters which block their from

voting, restricting the conduct of independent voter registration drives, shortening or eliminating early voting, purging the roles, the voter roles by election officials, elimination of election day registration, unfair targeting of students. On the positive side, the Colorado league of women voters commends Colorado for easing strain on election workers and ensuring successful process for voters including establishing, enhancing and maintaining a state wide voter registration system, encouraging online voter registration, shortening the time for registering prior to an election, mailing ballots to all active eligible voters, creating voter service and polling centers in all counties which will be open for 15 days prior to an election that is in a general election, allowing election day registration, offering the voter various means of casting a ballot in an all-mail ballot election from voting by mail to dropping it off at drop off locations and to vote in person at voter centers and polling centers. The league would like to see minimum need for the use of provisional ballots. All attempts to provide clean voter roles in ways that are transparent, accurate and legal. Insurance, that resources and training are fairly distributed to all polling places. Through election administration reforms, we seek to make our democracy as free, fair and accessible as possible for all eligible voters. Thank you.

>> Thank you. James Tucker.

[Silence]

>> James Tucker: Good afternoon commissioners. My name is James Tucker, I'm an attorney with a law firm of Wilson Elser in Commissions Lomax's Community in Las Vegas. I work as outside counsel with the Native American Rights Fund largely doing litigation on language cases and I'm an adjunct professor at UNLV's co-ed school of law, when I'm not litigation. I'm going to focus largely on language minority voters and those are basically those voters who tend to be left out or left behind and the data shows that from the 2012 presidential election I've actually provided several attachments with my written submission but just to summarize it, the data shows that Asian and Latino citizens of voting age turned out at a rate of approximately 15 to 16% below non-Hispanic whites, Alaskan natives over 20% low and American Indians depending on the state, New Mexico about anywhere from 7 to 10% below, parts of Arizona as much as 30% below. So what my attachments to my written statement show highlight the impact, they highlighted worst practices because I think before you can get to best practices you have to see when a jurisdiction does bad things and, and learn from that and I provided that in the form of the complaint that we just filed in Alaska couple of weeks ago and at the best practices, I've summarized in my statement, but I've also provided a article that I wrote with my co-author with Dr. Rudolph [inaudible] at Arizona State University and that was submitted in support of reauthorization of Voting Rights Act in 2006. It was the largest nationwide study of its kind of jurisdictions covered for language assistance and that provides again some of the best practices. Why should you care about this? 60% of all the states were covered in whole or in part by the language assistance provisions of the Voting Rights Act and of that three states are covered in their entirety, 248 county level jurisdictions, 66 million Americans live in jurisdictions covered by section 203 and approximately 10% of those are limited English profession citizens of voting age. The underlying theme that I want to talk of, talk about very quickly in terms of best practices is that election officials need to strive to provide for language minority voters. The exact same access that English speaking voters have and to get there, the what you need to do is basically three things, complete, accurate and uniform translations for all voting activities from registration, deadlines all the way through election day. I'm going to get through 15 best practices in bullet point form. I've identified it, I will elaborate it on the points a lot more my written statement, so I'll try to keep it within the two minutes and 40 seconds that I'm allowed. Number one, identify the language needs of the covered group which are going to vary from jurisdiction to jurisdiction. The only way you can do that is to ask the voters and to have folks actively going out and seeking that information from the voters. Make language assistance the same priority as other election requirements. That's something that consistently across the board we've seen election officials fail, sometimes intentionally, sometimes they just don't know any better, sometimes they're just completely under staffed and don't have the resources. Number three,

language assistance needed, needs to be proactive and not reactive or passive and what I mean by that is that poll workers need to affirmatively reach out to the voters in their native language when they come in to vote. They can't wait for a voter to ask for because far too often the voter won't and they won't be aware of that they can get assistance in their native language. To get to that point number four, use a bilingual coordinator and I know many of you have language coverage in your jurisdictions and you probably do use bilingual coordinators and what those coordinators do are they develop and implement the language program, they train election officials, they recruit and train poll workers, they do outreach to community organizations and they confirm the language ability as the poll workers which is a huge issue. Number five, recruit and train bilingual poll workers with the assistance of local organizations and again I've got more details in that. Number six, it doesn't do any good if you have bilingual poll workers in the polls if they aren't actually bilingual and fluent in both English and the covered language. And far too many jurisdictions just to accept the voters or the poll workers worried that they are bilingual, they need to confirm their abilities. Seven, you have to provide prepared written translations in the language even if you're giving oral assistance, it's the only way you can ensure that a voter is getting the same translation regardless of which polling precinct they happen to lock in to. Number eight, translate all voting materials and confirm they're accurate. The only way you can do that is if you reach out to the organizations and voters and actually see whether or not they can understand the materials before you put them out on election day. Number nine, train bilingual poll workers including not just in the election procedures but also in language assistance before every election. Number ten, plan ahead and recruit extra bilingual poll workers. Poll workers invariably don't show up, you got to have that backup poll. I see my time is allowed, five more points.

>> If you can just read them out, sure.

>> James Tucker: Okay, I would get through them. Number eleven, use bilingual master poll workers basically the best and the brightest to do quality control for the bilingual poll workers you have out in the polls. Twelve, publicize and engage in community outreach in the covered language. They can't know about, voters can't know about the language assistance if you don't tell them. Number thirteen, have a dedicated toll free number for language assistance. In the study that I attached, only 39% of all covered jurisdictions do this, but this tends to be one of the most important things to do as far as outreach and answer voter questions before the election date. Number fourteen, solicit limited English proficient voter feedback. How well are we doing? Does the voter understand the materials? You don't know that unless you ask the voter. And then number fifteen, you have to conduct post election assessments after every election to see what worked and to see what didn't. With that I'll just turn your attention to the materials that I've already submitted and thank you for your time.

>> Thank you very much. David Wallick.

[Silence]

>> David Wallick: Hello! Good afternoon. My name is David Wallick. I'm with Everyone Counts. Everyone Counts is an elections vendor providing services and support both domestically and internationally. What you may have noticed is that I did not describe us as an elections equipment vendor. This is not because we don't provide elections equipment, but rather we identify as a software, as a service model provider or SAAS, giving our client solutions that are available on commercial off the shelf hardware or COHS. With my comments today, I'd like to highlight some advantages of the SAAS model as well as bring to light some challenges that SAAS providers such as everyone counts face that recommendations from this commission could help bring about change that will be beneficial both the voters and election officials. So as I mentioned, service as a software has some distinct advantages over the traditional voting equipment that we are used to now. The first is that it's perpetually state of art, technology is increasing at a geometric rate and when we think of the lifecycle of elections equipment, it can range from four to six years, sometime ten or more. If you think about your own personal technology, the computer

you use now, the cell phone you use now is vastly different than what you used ten years ago and yet in some jurisdictions we're still voting on equipment that was provided ten years ago to be state of the art at the time. The other advantages that runs on commercial off the shelf as I mentioned, this is a big selling point as jurisdictions can reduce cost either by repurposing the equipment after [audio glitch] combining budgets with other departments. I've seen experimental budgeting where a department of education will work with an elections department and after an election send the tablets to a school and so that in that, in that case they can combine budgets and really reduce the cost on jurisdictions. The other thing is there is no proprietary equipment and in some cases no proprietary format where jurisdictions are held hostage by vendors. Training on familiar equipment can reduce cost for poll workers and voters. For example, most people would agree that we're familiar with tablets now and being able to vote on a tablet such as an iPad as was described by the Denver Elections Office commenter, I'm sorry. That program allows technology to go into spaces where people are used to the technology as opposed to an elections technology which is rolled out once a year, voters are not familiar with it. Sometimes they don't even see it for two years if you have an all mail election on and off here. Accessibility is a big issue that we're hearing about today and SAAS model allows the expansion of accessibility. Voters can vote on their own devices that can either be brought to a poll place or they can do at home and bring a pre-printed out sample ballot to a poll place which would then be verified by them before an official ballot is submitted. These are all advantages. Some disadvantages to a SAAS model currently is that it's very hard to get certified as a software only vendor. A lot of the certification standards are based on equipment specifications and also a lot of these certification is written much slower than technology advances and so there is a lag between what we call certifiable equipment and what is really available on the market today. For example, Everyone Counts offers a patent pending Quad Audit Voting System which produces two paper ballots and two electronic ballots, all independent of each other. This allows the jurisdiction to choose one as the vote of record and have three independent vote verification and/or audit trails, however, at the moment this system is not certified although we are hoping to change that soon. And as I mentioned the lack, the lack of the certification standards while volunteering through the EACA at the moment, many states have local regulations that will stay with the EAC certification which makes it very hard to certify new technology. I would like to end with the quote from Bill Gates. This was in 2005, he said the next sea of change that is upon is the tectonic shift from single used hardware and licensed software that organizations must install and maintain to a software as a service based system. Thank you.

>> Thank you. Daniel Ivey Soto.

[Silence]

>> Daniel Ivey Soto: Thank you co-chairs and members of the commission. My name is Daniel Ivey Soto. I just a very brief history, I was general counsel to my state political party in 2000 in New Mexico when the state went, it was decided by 237 votes, I was the state elections director in New Mexico for a period of time. I served with Commissioners McGeehan and Thomas and was also on the drafting and enactment committees for the Uniform Military and Overseas Voters Act as uniform law commissioner where commissioner Patrick was very active observer and a gave tremendous amount of input. Currently the executive director for the county clerks in New Mexico and in my spare time I'm a state senator where I serve as the vice chair of the Senate Rules Committee which deals with election legislation. Just a couple of things that I wanted to, to mention. First of all, there was a question I was asked about the timing of when ballots are sent out and, and I guess being having been a candidate this year, I had suddenly a great revelation about, about the timing of when people are, are allowed to vote and, and that is that the sooner you sent out ballots, the sooner I have to peek and maintain and all the way to election day. And what that does in New Mexico, we send out our ballots beginning 28 days before the election. I have to, I have to peek and maintain for an entire month. And whereas by contrast if we're able to you know I'd, I love this jurisdictions that sent it out may be a week or, or ten days later but haven't available to everybody at that point because that allows campaigns quite frankly to be able to focus their energies. In

terms of the crescendo of their election in terms of the education that they're trying to provide to the voters and make sure that they get up there and get around to them. When HABA was passed in 2002, there was a significant amount of money that was pushed out to the states and there is some discussion today about the importance of that. I beg as a recommendation if it's at all possible that there'd be a delay in when the money is made available from when we discuss how much it will be so that we can allow some of these emerging technologies to get certified so that we can allow some of these projects like what Dean Logan is doing to actually have products come, come to bare instead of just having two or three companies that happen to have certified products be the only ones we're able to benefit from the billions of dollars that are pushed out to the states. And, and quite frankly a requirement of checking with local election officials and, and I have all of this decided at the state level at least make sure there's input is tremendously important. I, I would ask that this commission even though I know it's not in your purview, you don't understand it to be in your purview at the moment, I will follow up on what someone else said here today that you consider voter ID because it does have to do with, with the voters experience in voting. It has to do with the voters' perception of the legitimacy of the process and it has to do with the voters' ability to be able to cast their vote. I would also encourage you to take a look at the Michigan model. The Michigan model that requires people to present an ID but if they don't have an ID, they can do a non-ID affidavit of their information, so you have a fallback. Now frankly if you, if you, if we were to have a system federally mandated where, where picture ID where you have to resemble your picture without worrying about what your expiration date is because we're using the ID for purpose other than the purpose for which it was issued. But then there is a fallback for someone who doesn't have an ID, that would be a system that would encourage people to be able to vote and would provide great confidence for a lot of voters than they do vote. I would also tell you with the November election coming right after Halloween as a former prosecutor that is one of the biggest DWI arresting days of the year, right booking pictures and we have and, and in a lot of states people lose their, officer takes away the driver's license at that point. Finally, I would encourage you to develop a philosophy of elections. Are elections the means by which office holders attain their position or are elections the ability of the people to express their voice? Depending on your philosophy of elections, the rules are vastly different and thus having a philosophy of elections, I think we'll guide this commission in terms of the recommendations it makes and will help keep people from cherry picking from among your recommendations for particular agendas. Thank you very much.

>> That concludes the testimony for today. We want to thank all of you for attending. We also want to repeat what Commissioner Ginsberg said earlier which is that we accept and in fact welcome comments along the way. We have website through which the comments can be submitted and we are actively looking for more of your thoughts and additional reflections on the testimony provided today. So thank you very much and with that we'll adjourn.