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Statement of

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Thank you, Director Wilkey, Commissioners Hillman, Davidson, and Chairman DeGregorio.

I have been advocating voter education on the web for the better part of ten years and while at times it has been a daunting task, it has also been exciting. It is a great honor to sit before you to discuss the benefits of a well run voter information website.

Many of the aspects of the democratic process have a long and storied history, like the evolution of voting equipment from positive or negative grunts to precinct-count touchscreen DRE's, but voter information websites are new. We are writing the history of this new tool in the election process today. While they may take their place as a secondary function of an election bureau after the orderly and successful execution of an election, voter information websites are poised to serve as the central communication tool between an election administrator and voters.

As you know, there have been many improvements to the U.S. election infrastructure since the Help America Vote Act became law. Many of these changes improve election accuracy and integrity but are invisible to the end user, the American voter. Some changes, like new voting equipment may be visible, and even empowering, but they perform the same function in a better way. From a voter's perspective: before HAVA, voters voted; after HAVA, voters still vote.

Few of the proposed improvements to our election system hold the potential to change voting habits as much as voter information websites. A well designed website, one that allows voters to access critical information on an upcoming election, can become a routine part of a voter's preparation for Election Day. Voter information websites have the potential to fundamentally enhance direct communication between election administrators and the voters they serve.

Convenient public access to accurate voter records can allow individual voters and advocacy groups to track the progress of registration without disrupting election officials. Public access to voter records creates a transparency that insulates against accusations of deliberate fraud, while increasing the likelihood of quickly identifying potential inaccuracies. These tools have also distributed the process of troubleshooting registration problems and allow individual voters and advocacy groups to track the progress of "real-time" registration without disrupting election officials. In many cases voter information websites have been credited with freeing election administrators from an onslaught of forgetful voters on Election Day.

Voter information websites represent something "new" to voters. Checking in with your voter information site before going to the polls could and should become an integral part of the future voting experience. Americans, especially younger Americans, are increasingly turning to the Internet for their information. The impact of voter information websites on the voting process must be measured not only against their utility today, but also their expected utility tomorrow. These sites are designed for increasing the knowledge of voters and informed voters strengthen democracy.

As with any great opportunity there are also new risks and responsibilities. Voter information must be useful to voters without jeopardizing personal security, or exposing the election infrastructure to new harms. Information must be accurate and regularly updated by a recognized authority. We must also be careful not to leave behind the underserved and unwired populations that exist in both rural and urban areas throughout the country.

The EAC has an important obligation to establish guidelines for the widespread electronic distribution of voter information. A lack of guidance will not prevent the development of these tools and a poorly implemented official site could have disastrous consequences, including the potential for stalking or identity theft. Ignoring the emergence of these tools won't work either. The emergence of third party organizations with the ability to disseminate voter data without any official guidance from the federal government should spur election administrators to establish distribution nodes for official information. The EAC has the potential to be at the forefront of this rush to bring access to voter information through the Internet.

Publius was, in fact, one such organization providing information and attempting to encourage official action. When Publius started in 1996, the Michigan Secretary of State's office showed some interest, but we independently developed the first statewide voter information website that let voters check registration status on their own. It was nearly five years later that we began to work directly with the State of Michigan to incorporate the functionality Publius developed into the state's official website. Much of what we did was only possible because of Michigan's early adoption of electronic voter records – a requirement now mandated by HAVA that simplifies the process of setting up these sites.

In 1996, the conditions necessary to create a voter registration status website were rare, but today they are commonplace. All the electronic voter records available today as a result of HAVA will foster proliferation of these sites. An active voter information

website sponsored by the record keepers themselves is the best means of asserting quality control and accuracy during the proliferation of election information websites.

EAC guidelines, while not binding, can keep well-intentioned organizations and election administrators from unnecessarily jeopardizing voter privacy. Throughout the course of this study, we have been working to identify these design recommendations and practical pitfalls. I'd like to share with you some of the examples we've reviewed and some of the key issues for which we believe the EAC should provide guidance:

What Information do Voters Need?

According to available data, there are several bits of static information that are often in high demand that can be made available to voters such as the process for applying for an absentee ballot. It should be noted here that in-country absentee ballot voters are often consistent voters but, because the absentee balloting process often takes place weeks before major media coverage, many absentee ballot voters do not look for detailed information on the election. Absentee voters in the country and UOCAVA voters who hold absent voter ballots until the days closer to the election can often benefit from voter information websites that help them access local election information when they are outside local media broadcast areas or out of the country.

Other types of information, like election dates, polling place hours, registration deadlines, district maps and boundaries, and how to become a pollworker, were, for this study, categorized as “static” information. As an aside, we did notice that significant marketing resources are routinely devoted to non-voters through official “Get-Out-The-Vote” campaigns, often eclipsing information provided to frequent voters. The EAC study defines voter information websites as websites that provide information specific to an individual voter by referencing the current voter registration file. As a clarification on terminology, early in the research interviews we abandoned the term “Public Access Portal” in favor of “Voter Information Website” to simplify interviews. Our research focused on the methods of answering these five most common voter specific questions:

- ✓ Am I registered to vote?
- ✓ Where do I vote?
- ✓ Who/What is on the ballot?
- ✓ How do I use voting equipment?
- ✓ Did my vote count?

In contrast to conventional wisdom, the key question voter information websites answer based on usage seems to be “Who or what is on the ballot?” Because of pre-election phone call traffic, many election officials conclude, and this study started with the premise that “Am I registered to vote?” and “Where do I vote?” are the central questions on voters’ minds in the time leading up to an election. According to available data, voter websites that provide sample ballot information are significantly more popular than sites that do not.

It is not surprising that this is the case if you consider the audience of voter guide websites. Essentially the key audience breaks into seven common constituencies: five categories of voters and two organization categories. They are:

1. First time voters
2. Infrequent voters
3. Voters with Special Circumstances (moved/felony/deceased relative)
4. Consistent voters
5. UOCAVA voters
6. Advocacy organizations and Campaigns
7. The Media

Individual Voter Audience Categories:

First Time Voters:

First time voters require the whole gamut of election information, including any peculiarities of the election process (first time voters must vote in person, etc). They need it all.

Infrequent Voters:

Infrequent voters may need a refresher on where to vote, or whether or not they are still registered. While election bureaus are not supposed to purge infrequent voters without ample notice, infrequent voters are generally unfamiliar with the election process and seem cautious that inactivity may cause de-registration. Infrequent voters have been compelled to vote in a particular election and want to make sure they are registered and want to know where to vote.

Voters with Special Circumstances:

Voters with “special circumstances” have to contact the Bureau of Elections to resolve their issue. Usually they need to use the site to track down contact information. In the case that a voter has moved into the state for the first time, that voter would be treated as a first time voter. If voters are moving within a jurisdiction or between jurisdictions and the polling location is available, a voter can usually identify whether the polling location is in the voter’s new neighborhood or in the old neighborhood.

Consistent Voters:

Consistent voters always vote. They are usually certain that their information hasn’t changed, and they are accessible via other means of election information distribution like newspaper and radio. Consistent voters are looking for additional information about the election, proposals and sample ballots if available. Consistent voters are also voters who typically engage in discussions with others about election information. Connecting with consistent voters holds the benefit of generating “word of mouth” advertising, often an extremely effective tool if simple information can be shared such as the fact that there

exists a means of obtaining more complex information from an official website. This kind of communication is especially important in inner-city and rural areas.

UOCAVA Voters:

UOCAVA voters, as you will hear more about later today, have special arrangements for the processing of ballots. Typically, registration is a key concern, as voters need to vote from their last residence, but unlike many other voters, polling location and processing usually requires special inquiry, or is handled through military channels. For UOCAVA voters the ability to check sample ballot information, especially when linked to additional candidate biographical information or websites can be invaluable when a voter is outside their local information sphere. UOCAVA voters also have increased interest in the processing speed of absentee ballot applications and submission, and voter information website tools that track the progress of AV process are critical.

Organizations

Advocacy Organizations and Campaigns:

Advocacy organizations as an audience have different reasons for using voter information websites. While voter audiences may be looking for information about their role in the election, a typical advocacy organization or campaign is looking to find information about other voters. In many cases, they are looking for information about bulk lists of voters. Bulk registration lists are normally sold to political and advocacy organizations for this purpose, but there are cases where real-time verification of a voter's record may be useful, and the ability to access a feed or accurate voter registration.

Some obvious examples of this type of activity are campaign related and non-partisan Get-Out-The-Vote campaigns. An obvious benefit to real-time access to registration information in the midst of a voter registration drive is the ability to verify new registrations as they progress, particularly important if voter registrations declined due to failed verification against Department of Motor Vehicle records, incomplete forms, or any number of potential irregularities. Often voter registration drives can have

complicated issues for election bureaus during the peak of the election cycle that they can help troubleshoot themselves with access to the appropriate tools.

Another regular use of voter registration websites by advocacy organizations is to verify if individual voters are dead or are possibly committing fraud. Our study discovered two websites that were specifically created to catch irregularities and subsequently pressure election administrators to clean up voter records.

The Media:

The media are generally eager to add these types of services to election coverage but are hesitant to allow users to leave their website. Official voter information websites that allow media outlets to re-brand or co-brand information may be able to maximize their impact in earned media.

The organization as an audience has a specific set of needs, and while primary design consideration should be directed at voters, the benefit of considering organizational interests in the development of voter information websites is clear. From a design and programming perspective, the ability to pass data in bulk to an online database is relatively straightforward.

Post election concerns

As you know, HAVA mandates that a voter should be able to verify the success or failure of their provisional ballot. As trends in “election protection” continue to escalate, it is foreseeable that the ability to verify that provisional votes have been counted will be increasingly important to include online. Washington State is already moving forward in the direction of posting voter histories online.

The single most important piece of post-election information is of course the results, but for the purpose of this study, election night reporting is not considered a function that is

tied to a particular voter and therefore outside of our primary focus. Many election bureaus focus their entire election website budgets on election night reporting.

Needs Assessment

Analysis of the needs breakdown of voter information websites shows that sample ballot information is desirable to every voter audience. Polling location and registration verification are most valuable to new voters and voters with special circumstances.

	Check Registration	Polling Location	Voting Equipment	Verify Vote (provisional / absentee)	Sample Ballots
First time voters	✓	✓	✓		✓
Infrequent voters	✓	✓			✓
Voters with Special Circumstances (moved/felony)	✓	✓		✓	✓
Consistent voters		✓			✓
UOCAVA voters	✓			✓	✓

It is important to note that there seems to be a lack of user interest in the usage of new or existing election equipment. One possible explanation offered for this is that despite major changes in election equipment, most voters that vote at the polls expect that assistance will be available in the use of voting equipment. More research would be needed to make any conclusions about this particular issue.

Another interesting conclusion that may be drawn from our research is that voter education campaigns that target equipment usage, a central concern for election officials,

may not be connecting with the primary, secondary or tertiary concerns of voters. Voters, in general, do not appear to be thinking about using voting equipment as much as they are thinking about who they are going to vote for.

Understanding voter interests should be a key to more effective communication – the success of voter information websites may be tied to successfully linking information election administrators want to distribute to information that voters are seeking out.

Advocacy organizations have a different matrix. Particularly important to voter advocacy groups is the ability to verify the address of newly registered voters or voters targeted for Get-Out-The-Vote campaigns. Address information is not universally necessary for in-person voting because on Election Day there is usually little remedy for resolving incorrect information. Unless programs like same day registration are adopted, the best place to vote on Election Day is usually where the Bureau of Elections tells you to.

	Check Registration	Polling Location	Voting Equipment	Verify Vote (provisional / absentee)	Sample Ballot
Advocacy organizations	✓	✓		✓	
Media	✓	✓	✓		✓

Address information and the integrity of voter registration files sets the stage for one of the key design debates in the development of guidelines for voter information websites. What information should or shouldn't be accessible online is central to the discussion on privacy.

Privacy and Public information

During our research, two schools of thought emerged on the distribution of public information. Because voter records are public, it is possible, in most cases, to distribute this information without technically violating an individual's privacy. Still few voters consider their first name, last name, middle name, city of residence, street address, and birthday "public" information, yet all are common components of voter registration information. The majority of voter information websites in our survey displayed voter address information; some displayed the information from more than one voter. The schools of thought are as follows:

It's Public Information and it Vets the Voter File

Since it is public information, people are safer if they know it's available. In addition, the integrity of the voter registration file is enhanced when voters can verify and correct information in the file. This perspective has additional weight when viewed through the lens of states that rely heavily on mail-in balloting. Correct addresses in a voter registration file in a mail-in ballot state may be the difference between being able to vote or not.

Advocacy organizations have also expressed interest in the publication of addresses for their voter registration activities.

Voters Don't Need the Exposure to Vote

While vetting the voter registration file in the public may have the benefit of increased accuracy, it also has the potential to expose the voter to unnecessary risk. Unless an effort is made to secure the website with some kind of password protection, which has been done in some areas it is impossible to keep information about voters in one locality from being accessible everywhere. Even with passwords, online voter records are more exposed than offline records.

The other school of thought is that a good voter information website should give out as little information as possible about the voter. If the stated goal of the website is to provide answers to the most commonly asked voter questions, it is possible to achieve that goal without displaying address information.

One approach to protecting voter information is implied information display. A simple example of implied information: If voters are registered, they are told where their polling location is; if they are not registered, they are told they are not registered. They are never explicitly told they are registered, but they may deduce from the result of a polling location search that they are registered. This approach can be described symbolically as:

if registered = true then display = polling location
if registered = false then display = not registered

The scenario:

if registered = true then display = registered

where registered (a characteristic of a voter versus polling location which is an independent data object) does not need to be displayed. Registration is implied, and by eliminating it, fewer characteristics of the actual voter are displayed, and the voter still has the necessary information to vote.

Another approach involves passing data on the back-end. A state registrar's office already possesses the voters name, address, and birth date. An address can be verified by submitting a street address number rather than displaying the address. If the street numbers submitted match the registrar's record, then the address can be verified:

if input = 12345 Street and record = 12345 Street then display = polling location
if input = 12345 Street and record = 56789 Street then display = registrar contact info

Here the address record is validated and no information about the voter is displayed to the user that inputs the information.

These models are examples of limiting disclosure of information. The goal of this approach is to provide the voter with the information necessary to vote efficiently, but to provide potential wrongdoers limited access to information. Chief among these concerns would be the ability to thwart stalkers and identity thieves. While many states offer stalking victims the ability to redact their information from public accessible lists, a voter has to request this service. Since voters must be aware of potential threats before they can opt for a redaction program, this approach leaves voter information exposed for anyone who does not know they have been targeted.

This is especially significant when measured against identity theft. Anyone could be a potential target at any time. While data points such as name, address and birth date may not be sufficient to cause harm alone, they are desirable data points when combined with other resources. They are starting points for “pretexting,” or social engineering. Consider how much additional information could be obtained from a customer service call center using only public voter data. Additionally, if a person were to set out to obtain records with criminal intent, it is highly advantageous to do so without a trace.

Based on these considerations, while there may be public value in vetting voter roll files, it is our recommendation to the EAC that this type of address verification be conducted as securely as possible, separate from the ability to verify registration. Even if the information is technically public there is no need to increase the aperture of exposure of the information.

Giving out more information than requested

Another practice we would discourage is the extreme opposite of a limited disclosure approach, what might be called a “multiple disclosure” approach. Multiple disclosures go beyond full disclosure to expose information about more than one voter per query. A

typical example of this type of voter information website implementation would be identifying all voters in residence at a specific address. The site would request the input of an address and display information on the names of the registered voters at the input address:

if input = 12345 Street then display = voter 1 name, voter 2 name, voter 3 name

Here a user armed only with an address can find information about multiple voters. This is a practice we would discourage.

Similarly, using a list to confirm a voter's identity should be discouraged:

if input = John Smith then display = Did you mean:

John Smith at 12345 Street in City X or

John Smith at 56789 Street in City Z or

John J Smith at 45678 Street in Town Z or

John L Smith at 54321 Street Village Y

Here information for all the John Smiths in this particular jurisdiction is exposed.

Secondary clarification would prevent the need to manually filter multiple results. Given the example above, a secondary question like: “*What town or village do you live in?*” or “*What is your middle initial?*” could clarify the voter's identity without exposing it.

Inadvertently Discouraging Use

There are several factors that can turn voters away from a voter information website. Poor or awkward design can be a hallmark of an underused website. Voter information is one of the most accessible pieces of information on the Internet – it holds value for users across every demographic. It is a very democratic piece of information and as such, the technology used to present it should be equally democratic – that is; able to be used by as many people as possible.

Websites that use complex scripting or browser add-ons run the risk of alienating voters who do not own their computers or have administrative access to install plug-ins. Many of the sites we studied referred voters to Adobe PDF files, which is an extremely common browser plug-in but is not always installed on every computer. If a voter wants to print a sample ballot on a computer in a library, and that computer doesn't have the Acrobat plug-in, the voter can't view the ballot.

This is just one example of how technology that can get in the way of using a site. Another less technological method would be to request a piece of obscure information. Some states use driver's license numbers or specially requested personal identification numbers to validate voters. While most voters could give you their names and address without too much trouble, few could recall their driver's license or state ID number from memory. Yet another example of this are polling location websites that identify a jurisdiction using the U.S. Post Office's Zip+4 code. Most users need to look up the +4 code for their home address before they can proceed. Users of voter information websites are typically looking for information quickly – requiring information users need to look up pushes them away.

Because privacy on the Internet is a high profile concern in the public consciousness election administrators need to be judicious when asking for information if their goal is to promote usage of their voter information site. Motor Voter has created an association between the DMV records and voter registries, but not many voters are aware of the connection. It may be true that the electronic net has closed in on all of us, and that there is no privacy anymore, but it's not the best marketing approach to assume voters have accepted that premise. Sites can create a "cognitive break" or hiccup in the user experience by asking for information outside of what is expected. If a movie listing website for asks for a first and last name, it could easily turn users off. Election administrators should be careful to keep the information requested within the end user's understanding of the transaction.

Asking for unnecessary information is also problematic, technically as well as psychologically. Consider the amount of time, computational cycles, database queries and user attention it takes to input and process five pieces of information for every voter. This model assumes that this amount of information is necessary to identify every voter. That assumption may be true if the users have a similar common name, say John J Smith and John L Smith, but it is unnecessary to request as much information from Wolfgang A. Mozart because Wolfgang just isn't as common.

Other Accessibility Concerns

Targeting information to the audience of voter information websites should take into consideration literacy and comprehension rates, as well as interest and attention retention rates. Designs should be accessible from a technology perspective, as mentioned above, but they should also employ best concepts in graphic design and usability. Formulas that govern the practical proximity and grouping of similar functions in user interface design should be employed. Voter information websites should use pictographic artifacts where possible to avoid excessive text. Complicated election language should be parsed as much as possible to help voters understand complicated conditional concepts.

Other EAC studies that have considered the impact good graphic design has on ballot layout and how a well designed ballot can lead to increased comprehension and retention of information. The same design values apply to websites; poor design and complicated layout can deter usage. Common functions should be grouped in high visibility locations and more obscure or detailed information can be in lower profile locations deeper into a site for more committed users. Simplicity is the key.

Modern voter education websites should be designed to be compatible with current requirements for special access, including Section 508 compliance and Americans with Disabilities Act recommendations on the application of specific technologies. Effort should be made to bring sites into compliance and keep them in compliance.

Access to information provided by the government must be accessible in libraries and public Internet access points. It should be clearly presented, accessible, and written in plain straightforward language.

Closing Remarks

These are just some of the recommendations we will present for your consideration when we submit our final report. As you will hear later today from the election administrators and innovators testifying about the use of their voter information websites, advances in the tools that allow access to election information will be ongoing. We have only scratched the surface. As alien as the concept of checking your voter registration from home was 10 years ago, today we can imagine how methods of creating community and collective collaboration will lead the way to unprecedented tools in the future.

This EAC study, and your subsequent recommendations, mark the beginning of the formal incorporation of these tools into the election process. Of the many election reforms that you will face that are considered “long overdue,” voter information websites are a critical part of the elections of the future. The EAC’s early lead in providing guidance on voter information websites exemplifies its mission of serving as the clearinghouse of the national dialogue to share election best practices across the country.

I encourage you to continue this dialogue of innovation. Thank you.