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U.S. ELECTION ASSISTANCE COMMISSION

PUBLIC MEETING

1225 NEW YORK AVENUE, N.W.

WASHINGTON, D.C.

Taken on the date of:

TUESDAY, MARCH 14, 2006

21 Start time: 10:00 o'clock, a.m.

22 Taken before: Jackie Smith, a court reporter

- 2 Paul DeGregorio, Chairman
- 3 Ray Martinez, III, Vice-Chairman
- 4 Donetta Davidson, Commissioner
- 5 Gracia Hillman, Commissioner
- 6 Thomas Wilkey, Executive Director
- 7 Juliet Thompson Hodgkins, General Counsel

8

9 SPEAKERS:

- 10 David Pierce, Virginia Department of Motor
- 11 Vehicle Association
- 12 Sarah Ball Johnson, Kentucky State Board of
- 13 Elections
- 14 Robert Saar, DuPage County Election
- 15 Commission
- 16 Brenda Wright, National Voting Rights
- 17 Institute

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1 P-R-O-C-E-E-D-I-N-G-S

2 CHAIRMAN DEGREGORIO: Good morning,

3 everyone. My name is Paul DeGregorio, and I am

4 Chair of the U.S. Election Assistance

5 Commission. I am calling this meeting to order  
6 this morning.

7 I want to welcome all of our guests  
8 this morning who are observing these  
9 proceedings, and I'd like to ask that all of you  
10 turn off your cell phones, if you don't mind, so  
11 we're not interrupted during this meeting. I  
12 appreciate that.

13 The first order of business is The  
14 Pledge of Allegiance. So I ask all of you to  
15 stand and join in The Pledge of Allegiance.

16 (The Pledge of Allegiance.)

17 CHAIRMAN DEGREGORIO: Thank you, very  
18 much. Looking for counsel, Julie Hodgkins. Ms.  
19 Hodgkins, would you call the roll for this  
20 meeting.

21 (Roll Call, All Commissioners present.)

22 CHAIRMAN DEGREGORIO: We have an  
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1 agenda in front of us, and if I might suggest  
2 that there is a slight change that we have  
3 agreed to for our proceedings this morning. We  
4 had set up originally three panels and we had a  
5 couple of panelists unable to be with us at the  
6 last minute. So, therefore, I am suggesting  
7 that we have just one panel with the four  
8 speakers who are here representing the three

9 other panels.

10 Mr. Saar, I think you are in the  
11 back, and we welcome you to come on up and have  
12 a seat. So the change would be that we just  
13 have one panel this morning with the four  
14 presenters, and that's the change to the agenda.  
15 And we'd like to know if the commissioners have  
16 any comments that to.

17 If not, motion to adopt the agenda?

18 COMMISSIONER HILLMAN: So moved.

19 VICE-CHAIR MARTINEZ: Second.

20 CHAIRMAN DEGREGORIO: All those in  
21 favor? All opposed? Thank you.

22 We have the minutes before you from  
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1 the February 2nd public meeting. I think you've  
2 had a few days to take a look at that. I wonder  
3 if there are any changes to suggest. If not, I  
4 will entertain a motion to adopt the minutes as  
5 submitted.

6 COMMISSIONER DAVIDSON: I move that  
7 we accept the minutes as amended.

8 VICE-CHAIR MARTINEZ: Second.

9 CHAIRMAN DEGREGORIO: We have a  
10 motion to accept the minutes of the February 2nd  
11 meeting. Signify by saying I. All those

12 opposed? Minutes of the February 2nd meeting  
13 have been adopted.

14 Today we're going to focus on the  
15 National Voter Registration Act of 1993. And we  
16 have invited some experts from throughout the  
17 country to come talk to us about the  
18 implementation of what is known as the NVRA.  
19 And the purpose of today's meeting is to embrace  
20 the responsibilities that the EAC now has to  
21 regulate the NVRA form and the reporting  
22 process, because we're seeking information

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1 through this meeting to help us understand how  
2 the NVRA is working, what problems exist, and  
3 how we can clarify those problems through any  
4 regulations that we may consider.

5 Just as a refresher, the purpose of  
6 the NVRA is to establish the eligible citizens  
7 who register to vote for federal office.  
8 Also, to protect the integrity of the electoral  
9 process by insuring rolls are maintained, and to  
10 enhance participation of eligible voters in  
11 elections for federal office.

12 The EAC's role per the Help America  
13 Vote Act places the responsibility for  
14 regulating the national mail registration forms  
15 with the EAC, and the states must accept and use

16 this form in elections for federal office. This  
17 process was previously completed by the Federal  
18 Election Commission prior to the EAC coming into  
19 existence. The EAC is responsible for  
20 submitting a report to Congress every two years  
21 regarding the impact of the NVRA. This is the  
22 report we issued last year for the 2003, 2004,

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1 and we'll be taking a look at 2005 year for next  
2 year on that.

3       Let me take a moment to highlight  
4 some results of the survey we completed for  
5 2003, 2004, where states reported processing  
6 nearly 50 million voter registrations during  
7 that period. And I think we recognize that for  
8 the general election of 2004, there were 177  
9 million Americans registered to vote, according  
10 to the survey we did. So this represents about  
11 one in four of those people who were on the  
12 voter rolls, one in four registrations were  
13 processed, at least in the period that we  
14 surveyed in 2003, 2004.

15       Of that 50 million, 32 million  
16 registrations were received by mail. That's a  
17 significant number. I sorry. Not 32 million,  
18 32 percent. So about a third were received by

19 mail.

20 We also know that now the Help  
21 America Vote Act has certain requirements for  
22 people who register by mail. We found that 25

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1 percent submitted their registration, the voter  
2 registration, in person through some voter  
3 registration effort or perhaps to an election  
4 official's office. And then one-third were  
5 received from motor vehicle agencies, and that's  
6 a significant number too. And I think we're  
7 interested in hearing testimony this morning on  
8 how voter registrations are received by the  
9 states. And we have state and local election  
10 officials, as well as people who are involved in  
11 the registration process, and then those who are  
12 involved in specific technical details of motor  
13 vehicle registrations.

14 Let me point out that of the 15  
15 million that were received, 3.5 million were  
16 duplicates of valid registrations. As somebody  
17 who has had to deal with this as an election  
18 official myself, I know that very often election  
19 officials receive duplicates of ballot  
20 registrations. People are not sure whether they  
21 are registered or not. And I think states are  
22 taking steps today to help people understand how

1 they can find information quickly using the  
2 Internet, if they are registered or not.

3       We also found in our survey that 12.6  
4 million names were removed from voter lists  
5 under the list verification, and I think it's  
6 very important that as people are removed from  
7 the rolls, that there is a process involved.  
8 And we have issues and guidelines on this, in  
9 fact, last summer, to make sure that people are  
10 not inadvertently removed from voter rolls.

11       Those are issues that we have talked  
12 about as a commission. We have received  
13 information from e-mails and letters that we  
14 receive on a regular basis from the public out  
15 there. So this is an important issue for us to  
16 discuss today.

17       Let me just point out we have four  
18 distinguished speakers, and I will talk a little  
19 bit about them in just a moment as I introduce  
20 them, but we did have others that we had invited  
21 today that couldn't be here. One in particular  
22 who was prepared to come was Larry Goldby, who

1 represented the human service agencies  
2 throughout the United States. He was with the



3 American Public Human Services Association, and  
4 he had, unfortunately, a death in the family,  
5 and he was unable to be here, but will provide  
6 written testimony. It is unfortunate that he  
7 couldn't be here because we know that the human  
8 service element of voter registration through  
9 the NVRA is a very important process that people  
10 have focused upon in recent months and years,  
11 but we're happy to receive this testimony at  
12 least in writing.

13       So if I may introduce our panelists  
14 today, and the way we will work this, since  
15 we're going to have all four of you together,  
16 we'll ask each one of you to give your  
17 presentation, and then after the fourth person  
18 has finished, then the commissioners, director,  
19 and legal counsel, will ask some questions of  
20 you, and we'll take it like that.

21       COMMISSIONER HILLMAN: Mr. Chairman  
22 excuse my interruption. Before you do that, I

11

1 would just like to ask you and my colleagues to  
2 think about the possibility that we can have  
3 representatives from human service agencies and  
4 perhaps other nonprofit groups to make a  
5 presentation at a future meeting. I appreciate

6 being able to receive the testimony in writing,  
7 but it does preclude us from having a dialogue.  
8 And that is such a critical component of NVRA, I  
9 think, that we will re-visit soon the  
10 opportunity to have a dialogue with them.

11 CHAIRMAN DEGREGORIO: Thank you. Our  
12 first speaker this morning, and I'll introduce  
13 him, we will go with the first director. Then I  
14 will introduce the second is Mr. David Pierce.  
15 He is with the Virginia Department of Motor  
16 Vehicles. So, Mr. Pierce, you have a great deal  
17 of experience with Motor V, which is a very  
18 important component of the NVRA, because we  
19 recognize many registrations through Motor V.

20 Since 1995, you have been in charge  
21 of motor voter, as many folks have known,  
22 especially election officials, as motor voter,

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1 and you have worked on this for years. You have  
2 been a liaison with the State Board of Elections  
3 with the DOJ, with the Attorney General's  
4 office. You have had a lot of experience with  
5 that and you have worked with the 74 DMV  
6 customer service centers throughout the State of  
7 Virginia. So that's a significant amount of  
8 experience, and we appreciate you coming today.  
9 And I will let you go first and give your

10 presentation.

11 MR. PIERCE: Thank you, very much,

12 for having me today. I appreciate the

13 opportunity.

14 CHAIRMAN DEGREGORIO: Could you get a

15 little closer to the mic?

16 MR. PIERCE: I appreciate the

17 opportunity to talk about motor voter and the

18 great things we've done in Virginia over the

19 past ten years. As you said, especially in

20 Virginia, a majority of the voter registration

21 applications come through the DMV offices. In

22 fact, 80 percent of the applications come

13

1 through the DMV.

2 Virginia implemented motor voter

3 March 6, 1996 so it just had it's 10th birthday

4 last week in Virginia. The Department of Motor

5 Vehicles implemented the program by training all

6 of our employees in our field offices, that's

7 about 2,300 employees, on motor voter, how to

8 handle voter registration applications, and

9 those customers coming in to submit voter

10 registration applications.

11 The current process in Virginia works

12 this way: I will briefly describe how we handle

13 it in a DMV customer service center. The  
14 individual comes into a customer service center  
15 and goes to an information counter. If they are  
16 there to get a drivers license or address change  
17 transaction, the customer service representative  
18 gives them a drivers license ID card application  
19 and points out at the top of the application  
20 that if they'd like to apply to register to vote  
21 or change their voter registration address, they  
22 can so indicate at the top of the drivers

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1 license application.

2       The customer then has a seat in our  
3 lobby, and waits for their number to be called.  
4 They complete the forms while they are sitting  
5 there in the lobby. Their numbers are called.  
6 They go up to our customer service counter and  
7 our customer service representative begins to  
8 process their transaction. If it is a drivers  
9 license, ID card, address change transaction,  
10 when our customer service representative enters  
11 the information into the computer, a prompt  
12 comes up on the computer, and it instructs our  
13 customer service representative to ask the  
14 customer if they'd like to apply to vote or  
15 change the voter identification.

16       If the customer says no, this is

17 entered on the computer, and our customer  
18 service representative proceeds with the drivers  
19 license identification transaction. If the  
20 customer says yes, a "Y" is entered into the  
21 prompt, and that triggers the voter registration  
22 process. That "Y" triggers two things. One is

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1 a voter registration application prints on our  
2 computer system at DMV, and common data is pre  
3 filled on that application. Common data,  
4 meaning name, date of birth, address. And also  
5 an acknowledgement form is printed, and that  
6 acknowledgement form states that the customer  
7 has submitted an application to NVRA for voter  
8 registration. We have accepted the application.  
9 We'll be forwarding it to state election  
10 officials, and the individual should be  
11 receiving a voter registration card in the mail  
12 within 30 days. And if they do not receive a  
13 voter registration card, it provides a toll-free  
14 number for them to call state election officials  
15 to determine why they have not received a voter  
16 registration card.

17       Once the voter registration  
18 application is printed, our customer service  
19 representative gives that application to the

20 customer, so the customer can finish completing  
21 the application. They need to finish completing  
22 the application by answering certain questions

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1 about U.S. citizenship, federal convictions, and  
2 mental competency, signing and dating the  
3 application. Once that's completed, they give  
4 the complication back to our customer service  
5 representative. They visually scan the  
6 application to determine all the questions are  
7 answered and all the boxes are completed.

8       Once that happens, the voter  
9 registration application is signed, gives the  
10 individual the acknowledgement form, and they  
11 proceed to process the drivers license or  
12 identification card or address change  
13 transaction.

14       At the end of the day, all the voter  
15 registration applications are batched together,  
16 and they are submitted to an audit clerk in each  
17 one of our 74 customer service centers.

18       The next business day, that audit  
19 clerk at each one of those customer service  
20 centers puts a report out, and the report lists  
21 all of the customers who obtained a drivers  
22 license, ID card, or an address change, on the

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1 previous day. That audit clerk then takes all  
2 the voter registration applications, looks at  
3 the report, and matches up all the yeses on the  
4 report with the voter registration application  
5 to make sure they have a voter registration  
6 application for everybody who intended to apply.

7       The audit is completed. All of the  
8 applications and audit are bundled together. It  
9 goes to our customer service center manager, who  
10 checks behind the audit clerk to make sure all  
11 the applications are there. And our customer  
12 center manager signs off on the audit report.  
13 Everything is bundled, once again, put in the  
14 mail, and is sent daily to our State Board of  
15 Elections.

16       At the State Board of Elections, they  
17 sort all of the voter registration applications  
18 and distribute them to the 134 local voter  
19 registrars. They are shipped daily to the 134  
20 registrars. Then the local registrars process  
21 the applications after doing their appropriate  
22 checks, and a voter registration card is mailed

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1 to the customer. Or if there is a problem with  
2 the voter registration application, a letter is  
3 mailed to the customer explaining what the

4 problem is. All DMV service outlets have signs  
5 in them, as well as on the applications,  
6 information concerning voter registration, how  
7 the process works, what the customers need to  
8 do, toll-free numbers for the customers to call  
9 if they have questions concerning voter  
10 registration or their status.

11 All DMV service outlets offer the  
12 opportunity for the customer to change their  
13 address. Not only the freestanding building,  
14 but our motor carrier service centers, our weigh  
15 stations throughout the state.

16 Mail services conducting drivers  
17 license transactions through the mails.  
18 Customers have the opportunity to apply to  
19 register to vote. Our website, customers have  
20 the opportunity to apply to register to vote and  
21 through our telephone transactions. All of  
22 these processes, forms, and procedures, have  
19

1 been approved by the U. S. Department of  
2 Justice.

3 You may be interested in knowing  
4 about a program that we started in 1999. This  
5 program was a co-location program with the 134  
6 local registrars. Co-location means that the



7 local registrar places an assistant registrar in  
8 one of our customer service centers. Out of the  
9 134 registrars, we have 15 that participate in  
10 this program. So 15 registrars have an  
11 assistant registrar in a DMV office to accept  
12 voter registration applications. So when a  
13 customer completes a voter registration  
14 application at the counter with our customer  
15 service representative, instead of DMV taking an  
16 application and mailing it to voter  
17 registration, the customer walks across where a  
18 voter registrar gives them the application,  
19 processes it there on the spot, adding it to  
20 their computer files.

21       So the customer gets one-stop  
22 shopping, and they when leave the DMV office,  
20

1 they know whether they are actually registered  
2 to vote or not. Over the past ten years, DMV  
3 has enhanced their process, revised procedures,  
4 revised forms, and revised our computer system  
5 at the request of local registrars, special  
6 interest groups, state legislators, federal and  
7 state agencies, and citizens to enhance the  
8 voter registration process in Virginia.

9       As an example, our drivers license  
10 application has been revised 22 times in the

11 past ten years. To enhance it make things  
12 better, make things work, as far as motor voter  
13 is concerned. Because of motor voter,  
14 everything DMV does, especially in Virginia,  
15 pertaining to drivers licenses, identification  
16 cards, now falls under the Voting Rights Act and  
17 the National Voter Registration Act, thus  
18 requiring the Virginia DMV to obtain pre  
19 clearance from the Department of Justice before  
20 making any changes to forms, procedures, or even  
21 service outlets.

22 Many of you may recall that we closed  
21

1 12 DMV offices and laid off employees. Before  
2 we could close those DMV offices, we had to get  
3 approval from the Department of Justice since  
4 they were voter registration outlets. No matter  
5 how many signs are posted, instructions written  
6 on the application, and acknowledgement forms,  
7 customers still insist on Election Day, when  
8 they try and go to the polls, and they may not  
9 be on the roll, that they registered at DMV.  
10 And that is a misnomer. You don't register at  
11 DMV. You apply to register at DMV. DMV is a  
12 pass-through agency. And in Virginia, only the  
13 local voter registrars can review voter

14 registration applications, determine an  
15 individual's eligibility, and register the  
16 individual to vote. The current paper process  
17 Virginia is archaic in some respects.  
18 Requirements for certain size and weight of  
19 paper that are kept on file in each locality are  
20 outdated and cumbersome.

21       The DMV and State Board of Elections  
22 would like to move to a totally electronic

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1 application process in the future, with  
2 customers completing customer applications via a  
3 touch screen, and data and signatures being  
4 transferred electronically. However, just like  
5 everybody else, this will require funding and  
6 time.

7       Thank you, very much, for giving me  
8 the opportunity to come and speak today and to  
9 explain the great program, voter motor program,  
10 we have in Virginia.

11       CHAIRMAN DEGREGORIO: Thank you,  
12 Mr. Pierce. We will hold our questions until  
13 the end, but we appreciate your comments and  
14 perspective because you bring an important one,  
15 in terms of NVRA.

16       Sarah Ball Johnson serves on the EAC  
17 standards board and the executive board of the

18 standards board. So she's a person well known  
19 to the commission and well known to election  
20 officials throughout the country because she has  
21 been the executive director of the state board  
22 for sometime, and she served as assistance

23

1 director before that. She's got an MA,  
2 University of Kentucky Market School, public  
3 policy. Kentucky is a state that has had a  
4 statewide database that has had plenty of  
5 experience with the NVRA. So Ms. Johnson,  
6 perhaps you can share that experience with us  
7 this morning.

8 MS. JOHNSON: Thank you, very much,  
9 for inviting me up here. It's always fun to  
10 come to D.C., and always fun to come see you  
11 guys.

12 One of the things, and I know a lot  
13 of people are tired of hearing about our  
14 statewide database, but I love to talk about it.  
15 We were the first state in the nation to be  
16 fully, 100 percent compliant with NVRA when it  
17 went into effect January 1, 1995, so we do take  
18 great pride in that. One of the reasons for  
19 that, in all seriousness, is the fact that we  
20 had a statewide database, and that we could,

21 with a lot of money and lot of cooperation,

22 fairly easily integrate the drivers licensing

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1 division and our social service agencies who had

2 statewide databases. We could easily integrate

3 ourselves so that our connections to drivers

4 license and social service agencies are

5 electronic, and they are updated

6 instantaneously.

7       So when someone registers or attempts

8 to register to vote with a drivers license or

9 social service agency, while they are doing

10 their issuing of the license or deciding whether

11 they can have benefits or not, their database is

12 scanning our database to see if they are

13 registered.

14       If not, it brings up a prompt, would

15 you like to register. If not, it verifies the

16 addresses to make sure that what they are giving

17 the drivers license office isn't more current,

18 and if not, we get the address change. So it's

19 all electronic. It is all real time. It is a

20 very nice system that we appreciate. At any

21 time, our counties have the ability to go

22 online, look at the online applications coming

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1 from those satellite agencies out there. They  
2 can have a feel every morning, they get an  
3 actual printout that shows them everything that  
4 was done at any of those agencies the day before  
5 with voter registration. So they are always on  
6 top of what they have, and what's coming across,  
7 and who that should be.

8       As I said, it took a lot of team  
9 work, and cooperation, and a lot of forward  
10 thinking. I was hired in November of 1994, so a  
11 lot of the system set-up was done by my  
12 predecessor who had the initiative to take a  
13 look, at ten to 15 years out in the future, how  
14 would this all measure and to modify our system.  
15 That was a wonderful thing.

16       Our system is still functioning as it  
17 was in 1995 because it still works. Our  
18 database was revamped. We went from three  
19 screens to register to over 20 because we're  
20 getting all this information. One of the nice  
21 things you all noticed from the state reports  
22 you get from Kentucky, we usually send them in

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1 fast because it is just a matter of running a  
2 database source code. So the states through  
3 HAVA are building a lot of that functionality  
4 into their systems, and hopefully, the data you

5 all get on these NVRA reports from everyone will  
6 be a lot more detailed, and a lot better, and a  
7 lot more accurate, and hopefully faster, so you  
8 all can take a look at that and see what the lay  
9 of the land is on the NVRA.

10       A lot of the successes really come to  
11 our state because there was team work. Just  
12 from '95 to 2005, we had 1.5 million people that  
13 registered to vote in our state. Seventy-three  
14 percent of those are through NVRA sources. The  
15 majority of that 73 percent is coming through  
16 DMV, which is very good because people are more  
17 apt to update their license, because we have a  
18 law in Kentucky which is, within ten days of  
19 moving, you have to go update your drivers  
20 license or risk paying a fine if you're pulled  
21 over or it was noticed that your address and  
22 your license isn't the same.

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1       So that's helped us quite a  
2 business. Our database is accurate and we  
3 appreciate what we get from that.

4       As far as the struggles, one of the  
5 questions you all had, all the struggles  
6 implementing NVRA. Obviously, team work was  
7 crucial, working with county election officials

8 and all other agencies involved in getting  
9 everybody to agree. Well, first we had to get  
10 over the hostility of why do we have to do this,  
11 and we're still dealing with that. I think  
12 every state in the nation is dealing with why,  
13 why, why, unfunded mandate.

14 I think the most important struggle  
15 that we're still having today, and we're not  
16 alone, all the states have the same problem,  
17 continuing to instruct drivers license and  
18 social service agencies, anyone where it is not  
19 the actual election official handling the  
20 registration, the importance of filling out the  
21 form correctly, the importance of the voter  
22 being given instructions to please do this and  
28

1 do that. I mean, yes, the forms are pre printed  
2 with the information coming from the database,  
3 but you still have the interaction of here's the  
4 form, please sign the form. Some of those  
5 things get lost because they are signing a lot  
6 of paperwork when they are doing what they are  
7 doing, getting a license, or getting benefits.  
8 It is tough to continually instruct them. You  
9 instruct the managers, and sometimes it doesn't  
10 filter down.

11 You also have a huge amount of



12 turnover in those offices. So it is an ongoing  
13 issue to say, please fill out the form. We've  
14 done a lot of training. We just wonder whether  
15 all of it is going on with our own election  
16 officials too. And I'm sure they are wondering  
17 the same way, what are we doing up here, but  
18 we're doing it for a reason. The own thing is  
19 instructing drivers license and social service  
20 agencies to give us the card. We're not an  
21 online, paperless system. We want to move to  
22 that but we're not. So that vote registration  
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1 card signs, the DMV office needs to go from  
2 there to my county official so they can process  
3 it. The nice thing about it is everything is  
4 electronic, so my election official knows that  
5 on this day, Bob went in and filled out a  
6 registration form. So my clerk is waiting for  
7 that form. And sometimes it doesn't make it,  
8 and sometimes we're talking across the hall in  
9 the courthouse or upstairs. So it is a  
10 continual belief that they need to be instructed  
11 to send the forms in a timely manner.  
12 We post notices, but there seems to be a lot of  
13 issues. We'll have instances where agencies,  
14 not really DMV, but social service agencies will

15 say I don't want to have to drive across town.  
16 I will do it every six months. Well, that's  
17 great for them but it's not for us because some  
18 voters are disenfranchised because their cards  
19 are sitting in a box at a social service agency,  
20 and they will not get to vote, even though the  
21 clerk is contacting the voter, we have already  
22 got it taken care of. But six months later when

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1 you get the card from a social service agent, it  
2 does make it more difficult.

3       So that is just a training issue and  
4 ongoing issue. And like I said, every state in  
5 the nation's got that problem.

6       The last thing I would suggest in  
7 improvement would be the list maintenance  
8 section, which this isn't new, of NVRA, is  
9 incredibly expensive to do. It's very, very  
10 expensive to establish and do the two mailings.  
11 In some cases, I understand the issue of giving  
12 the motor some notification if you're going to  
13 put them on the inactive list, because that's  
14 all we're talking about here, but when you have  
15 to send something like a confirmation card and  
16 it comes back undeliverable, it seems a little  
17 crazy that you have to do another card.  
18 It's a double sided postcard in my state that

19 you have to send that back to the address that  
20 came back undeliverable, knowing that you're  
21 going to get it back too as undeliverable, and  
22 we do. And you have all this mail and all this

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1 money, I'm sure the postal service has loved it  
2 every since it passed, but it is something that  
3 we need to take a look at. And once you put  
4 them on the inactive list, you have two federal  
5 elections to go through before you're thinking  
6 about removing them. They can update their  
7 address or they can vote. So you have a lengthy  
8 amount of time. It is just expensive. We have  
9 been lucky in our state to have a fairly large  
10 budget, but in some states -- we do it on a  
11 state level. Others do it on a local level. It  
12 is extremely expensive, and what you have is the  
13 vote registration database that maybe list  
14 maintenance isn't done very often because they  
15 simply can't afford it. So I would suggest if  
16 there is a way to look into that, I don't have a  
17 solution, but it is something to consider.

18       One of the questions you asked was  
19 suggested changes to the national voter  
20 registration form. Sure, the form is kind of  
21 hard to understand and to fill out, but

22 considering you have 50 states and the

32

1 territories, and you all have different  
2 requirements, I think it is pretty easy to fill  
3 out considering everything that has to go into  
4 that since we're all slightly different. One of  
5 the things I would point out is some discussion,  
6 it is already happened, has centered around  
7 changes to the ID section of the form, since  
8 HAVA's come about. On behalf of all of the  
9 social security statements, we encourage that  
10 the current language found in Box 6 on the card  
11 is fine and shouldn't be alter. It says a  
12 unique identifier is needed. Please refer to  
13 your state instructions for information.  
14 Basically, we -- and I say we on behalf of the  
15 social security states because we have all  
16 chatted about this. We have vigorously oppose  
17 any change to that form that would in any way  
18 lead an applicant to believe that only driver  
19 license number or last four digits of the social  
20 security number are required to register to  
21 vote.

22 In our state, we don't need drivers

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1 license number. We need full social security

2 numbers. That's the way our databases are set  
3 up, and to do anything else would cause harm to  
4 the database, and we would not have the  
5 integrity that we do.

6 As you move into perhaps looking into  
7 that, because I know it's an issue with other  
8 states, I would suggest to you, you can consult  
9 us, and you don't do anything to harm our  
10 databases in order to help the other databases.  
11 And there is a compromise position out there.  
12 We just all need to sit and talk about it before  
13 we act too rationally.

14 Other than that, those are just the  
15 suggested changes that we have. NVRA has been  
16 very successful to our state. I will tell you  
17 up front, our database integrity is much better  
18 than before motor voter because we're getting  
19 those change services. So the integrity of the  
20 database is a lot better.

21 There is just some tweaking you can  
22 do to NVRA to make it better, and I appreciate

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1 you all asking me to come up here.

2 CHAIRMAN DEGREGORIO: Thank you, Ms.  
3 Johnson. We appreciate that important  
4 perspective that you bring from the state,  
5 especially from a state that is had considerable

6 experience in this area in electronic transfers.

7        Now, we want to turn to Robert Saar,  
8 DuPage County, Illinois, a Chicago suburb. He's  
9 been with the board of directions since 1981.  
10 That's 25 years that you have been in this  
11 business. You have been a director since 1997,  
12 executive director and active in many  
13 organizations, and IACREOT. And I recall in  
14 1993 at the IACREOT convention, it was totally  
15 focused on motor voter. We did a little play  
16 with the DMV, some played DMV directors, and  
17 some played customers with the role, how  
18 election officials were going to deal with it.  
19 This was back in '93, and there was a lot of  
20 fear and there was a lot of people opposed  
21 because they didn't know how it was going to be  
22 implemented, and what it was going to mean.

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1        So you have had success, and I would  
2 like you to give your testimony and share with  
3 us some of the success you had with NVRA, and  
4 some of the problems too.

5        MR. SAAR: Thank you. Can everybody  
6 hear me? I do want to take a moment here before  
7 I start to tell you how much I respect the work  
8 that each one of you guys are doing. In fact,

9 it comes across with an invitation here to speak  
10 with NVRA, and the importance of the EAC because  
11 a lot of us out in the field haven't given NVRA  
12 much thought lately because of the other  
13 mandates we have been struggling with, with the  
14 ADA equipment and the statewide voter  
15 registration database. You guys are the ones  
16 that are keeping us thinking wholistically about  
17 the whole process. I anecdotally say that.  
18 I am on the state advisory  
19 committee. We're still starting to struggle  
20 with post election recounts in a DRE world.  
21 We're all sort of running one step maybe ahead  
22 or one step behind in some of these processes.

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1 So the fact that we're here this morning talking  
2 about NVRA is important, I think, because I  
3 think we need to be kept on track with some of  
4 this stuff.

5 I do want to say, 24 years in  
6 elections, this is certainly one of the high  
7 points of my time in my career being here to  
8 speak with you. DuPage County is the second  
9 largest county in Illinois. It is just west of  
10 Chicago. Based on the percentage of eligible  
11 voters, we did a check of the census figures  
12 from 1990, and we had 63 percent of the voting

13 age population registered to vote in 1990.

14 Checking 2004, we're up to 80 percent of the

15 voting age population registered to vote. That

16 is a 17 percent increase by that measure. NVRA

17 has been extremely successful in DuPage.

18 We're very conscientious about cleaning our

19 rolls. While there might be some inflation in

20 there because of NVRA and it's more difficult to

21 take people off, I think it's pretty indicative

22 of the fact that NVRA has brought more people at

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1 least the opportunity to vote on Election Day

2 than we had 10 or 14 years ago.

3 Our experience sort of mirrors some

4 of the other things that have been talked about

5 this morning. Seventy-six percent of all

6 registrations received come from the Secretary

7 of State motor vehicle facilities. The

8 traditional state registrations accounts for 12

9 percent. The federal, another 12 percent, while

10 public government offices really count for less

11 than one percent of the voter registrations that

12 we're receiving.

13 Like almost everything else in the

14 election field today, NVRA in Illinois could be

15 separated into two distinct people.



16 The line demarkation is not, surprisingly, the  
17 2000 election. Before the 2000 general  
18 election, the magnitude of the problems that  
19 were inherent in the NVRA process were basically  
20 unknown to election officials. Although we  
21 strongly suspected there were problems in the  
22 process, there was no way to quantify the number

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1 of problems we were having.

2       So what happened is the full scope of  
3 the problem really came about at the 2000  
4 general election when thousands of individuals  
5 in DuPage County, across the state, went to the  
6 polling places. They thought they were  
7 registered to vote. Most of them claimed to  
8 have registered at the DMV, and we had no record  
9 of it. Actually, the State's Attorney in DuPage  
10 County was so concerned that they ran an  
11 investigation to see if there was any criminal  
12 intent. Of course, there wasn't. That report  
13 was pretty comprehensive about the  
14 administrative efficiencies at the Secretary of  
15 State Motor Vehicle. The resulting improvements  
16 were, one, transmittal reports. A printout from  
17 the DMV office submitted with every batch  
18 registration being delivered to the election  
19 official. We use these reports to identify

20 missing registrations within a specific batch,  
21 and to clarify information when eligibility is a  
22 concern on those forms.

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1           Additionally, when a registration is  
2 missing, the form is missing but it's under  
3 transmittal form, it allows the election  
4 official to contact the voter to rectify the  
5 problem. Monthly distribution of electronic  
6 auto files is another enhancement. Secretary of  
7 State currently sends election commission's  
8 filing correspondence containing all  
9 transactions for the preceding month relative to  
10 their jurisdiction. These files are marked  
11 against the local voter registration database.  
12 We have data processing individuals on staff  
13 that are quite capable of matching up that file  
14 in our sorts of different ways to do the audit.  
15 We find batches that are never received that  
16 were put in the mail and we haven't received or  
17 actually helps us to detect input errors on our  
18 part. It helps to make sure that nobody falls  
19 through the cracks, and additional, it helps us  
20 in our accuracy of keeping the voter file,  
21 accurate in the sense of database or input  
22 errors.

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1 They have improved their training and  
2 feedback from motor vehicle facility employees.

3 The fact that they are involved in it in the  
4 level that they are, high level officials within  
5 the Secretary of State's Office, is consistently  
6 working with election officials and their staff  
7 at the local offices, I think, raises the level  
8 of importance in the mind of staff members at  
9 these local offices.

10 Better signage in the Secretary of  
11 State Offices, they have put signage for voters  
12 to explain the process on things like  
13 citizenship. I think they are somewhat  
14 effective. I wish they were more effective. We  
15 can also access the Secretary of State database  
16 so we can research individual voting  
17 registration since a lot of times what we find  
18 is the last four digits in social security  
19 number are actually the last four debits of the  
20 drivers license number. So there is some of  
21 that going on. And it allows us to audit for  
22 accuracy to make sure the information we have is

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1 the correct information.

2 Once these administrative

3 enhancements were put in place, we were able to  
4 get a grip on how many errors were coming out of  
5 the Secretary of State's Office. We know  
6 approximately 11 percent of all motor vehicle  
7 registrations are deficient in some way. These  
8 registrations are unable to be fully processed.  
9 Typically, deficiencies include motor vehicle,  
10 the form not signed by the voter, and missing  
11 information on the registration form such as  
12 address, drivers license, or last four digits of  
13 social security number.

14       Again, before 2000, before these  
15 programs were put in place, a lot of these  
16 problems were not discovered, especially missing  
17 registrations and those sort of things. And so  
18 that's what caused the confusion at the 2000  
19 general election. I believe that the  
20 enhancements are decreasing our rates, but more  
21 importantly, the post 2000 program has really  
22 grown into a powerful tool that we use which

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1 creates opportunities for us to remedy the  
2 defects, and most often we do that by notifying  
3 the voters. We have an excellent communication  
4 with the staff members at the Secretary of  
5 State's Office.

6       I do want to strongly communicate

7 that I think that the Illinois Secretary of  
8 State's Office takes this extraordinarily  
9 serious, and has thrown a lot of resources at  
10 it, and have worked with election officials to  
11 make this a stronger program. They are looking  
12 at other enhancements, including trying to make  
13 this an electronic process, or just getting  
14 better printers in there.

15       Some of the printers there actually  
16 caused the problems because they are antiquated  
17 time printers, and that causes problems where we  
18 can't read the form. We always have the  
19 transmittal to go back on.

20       The issue of citizenship, we have  
21 approximately three aliens per month that  
22 contact our office after discovering that they  
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1 were unintentionally registered to vote, usually  
2 through the motor vehicle facilities. We  
3 require individuals to furnish a letter, and we  
4 furnish them with a certificate of cancellation  
5 of record. The effectiveness of the citizenship  
6 box can be explained by identifying the major  
7 instigators first is the practice of motor  
8 vehicle facilities staff checking the box  
9 instead of allowing the individual registers to

10 vote to check it.

11 We're working with the Secretary of  
12 State to eliminate this practice. Certainly, if  
13 you would see the offices in DuPage, I have a  
14 high amount of respect and empathy towards those  
15 offices because there are literally lines of  
16 people all day. I think what they are trying to  
17 do is to get people through the process, and I  
18 think sometimes shortcuts are made, and I think  
19 the fact that there is turnover there, the  
20 continuing education and hammering these things  
21 on staff members is important. But English  
22 language also remains an obstacle for some

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1 individuals. When we talk to individuals who  
2 are not citizens, who have registered, too many  
3 of them said they just didn't understand what  
4 was being communicated to them because they  
5 don't speak English very well.

6 The federal mail-in registrations,  
7 why we don't have a system for auditing or  
8 tracking errors of the federal mail-in process  
9 works surprisingly well. Before a busy  
10 election, about 40 percent of new registrations  
11 we receive are the mail-in forms. A high percent  
12 of individuals are sending copies of their  
13 identification. Most mail-in forms are sent to

14 the proper election authority, forwarded to the  
15 appropriate election authority.

16       The State of Illinois State Board of  
17 Elections does an excellent job of sorting,  
18 delivering the mail-in forms that they receive.  
19 The biggest problem with mail-in forms is the  
20 illegible handwriting. What we try to do is get  
21 the return address after those, and we're able  
22 to communicate with voters that they need

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1 additional information. Sometimes we have to  
2 send it to the address saying we have a  
3 registration form that is not eligible enough to  
4 process, and hopefully, voters respond.

5       Again, when a lack of information  
6 exists on the registration form, we send them a  
7 letter. We also at times issue them a mail-in  
8 registration form, and ask them to fill out the  
9 form, which many of them do, and send it back.  
10 Or we ask them to submit missing information.  
11 Again, a high percentage of these individuals  
12 respond to the mail-in correcting deficiencies.  
13 For those that do not respond, provisional  
14 voting is a safety net.

15       The concerns about -- we have a  
16 concern in Illinois right now, we have a bottom

17 up approach to the statewide list of voters  
18 where everything -- in fact, our state law  
19 prohibits the registrations to go to the state  
20 board from the Secretary of State's Office.  
21 They have to go to the local level to be  
22 processed and then sent up to the state

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1 database. While this was a strong local control  
2 issue in Illinois, and many election officials,  
3 including myself, worry about too much state  
4 bureaucracy in this process, and we have worked  
5 to create a design where we make sure that the  
6 registration database at the state level is one  
7 to one with the accumulation of the registration  
8 databases at the local level. It does raise  
9 concerns about what do we do as election  
10 officials with information that we are getting  
11 from the state database in relationship to voter  
12 transfers from one jurisdiction to another, or  
13 other information that we could act on, and  
14 whether or not with the concept of the statewide  
15 database, are we able to allows somebody to be  
16 transferred to the next county or back and forth  
17 without the normal NVRA procedures. That's just  
18 bring that to your attention, that it's  
19 something that we haven't worked out yet.  
20       The other thing that I bring up, it



21 deals with NVRA and maybe goes a little beyond

22 the scope of NVRA but it's still a tremendous

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1 problem. Once of the things, of course, you  
2 have, you have all sorts of different types of  
3 registrations and all different types of voting.  
4 One of the things, while the front end of the  
5 NVRA process, we have a handle on it in the  
6 state enough now that we know what the problems  
7 are, we know how to address the problems, the  
8 back end of the system of voter eligibility and  
9 those qualifications has become so unwieldy that  
10 we actually have over a hundred different  
11 possible outcomes in the precinct pertaining to  
12 a voter's qualification for voting on Election  
13 Day.

14 And so as the NVRA and the HAVA and  
15 the state laws begin to mesh, we have, again,  
16 over 100 different things in the polling place.  
17 What we did in Illinois is to flow chart the  
18 eligibility process for the polling places. And  
19 I can certainly give you a flow chart today, but  
20 it speaks to the back end of this process where  
21 the stuff actually gets put in place in the  
22 polling place. And because its become so

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1 complex, election officials have had to deal  
2 with it by in some senses dumbing down the  
3 process into a few basic rules. And we know  
4 today that that is certainly a concern because  
5 any time that you try to simplify a very complex  
6 situation, voters are unnecessarily  
7 disenfranchised and/or voters are wrongly  
8 enfranchised.

9       And so one of the things I think that  
10 we all need to begin to look at, is there a way,  
11 especially through what I would call a higher  
12 level, starting maybe at the Federal Government,  
13 I think I'd never say this but that we can begin  
14 to put some sense into the voter eligibility  
15 question in the precincts.

16 Just take provisional ballots, we know that  
17 election judges, no matter how much training you  
18 want to give them, hand out provisional ballots  
19 any time that they think there's a problem.

20       In Illinois, the Illinois state law  
21 says that they have to be in the precinct before  
22 that provisional ballot can be counted. And yet

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1 we also have other opinions in Illinois, legal  
2 opinions, that say that no disenfranchising a  
3 voter just because they are in the wrong

4 precinct. It should remain for the relevant  
5 offices, even though they cast ballot in the  
6 wrong precinct.

7       So, in effect, we actually have  
8 jurisdictions doing different things across the  
9 state. And I think one of the things we learned  
10 from Florida is we don't want jurisdictions  
11 doing different things. One of the things that  
12 we did in DuPage is we used the flow chart. We  
13 programmed all of the voter eligibility  
14 questions into what we call decisions core  
15 technology. We think that's partially the  
16 approach, but I would certainly think that one  
17 of the things we ought to do is enlighten  
18 ourselves on just how complex this process has  
19 gotten on the back end for election judges.

20       Specific recommendation is to unify  
21 the provisional voting process by setting some  
22 national standards. One of the things I am

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1 concerned about is when we're qualifying  
2 provisional ballots, what is the minimum  
3 corroborating evidence that should be needed  
4 when you are qualifying provisional voting.  
5 Today in Illinois, essentially, all we have to  
6 do is to find something that would give us an  
7 idea that the voter attempted to register to

8 vote, and the tie goes to the voter.

9        Now, the problem with that is there  
10 is no corroborating evidence, there is no  
11 documentation that needs to go with that  
12 provisional ballot. It is just accepted and  
13 goes without any corroborating evidence. So if  
14 you get into a recount situation and you are  
15 asked how was this qualified, you don't actually  
16 have anything other than to say that the tie  
17 went to the runner, that sort of thing.

18        We need to address the language  
19 barrier in the Secretary of State's Office by  
20 giving instructions in multi language, giving  
21 instructions to voters, because it is clear many  
22 voters are not understanding the process due to

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1 the language barrier.

2        Again, I would encourage the states  
3 to create some sort of report on voter  
4 qualification and entitlement, again, clarifying  
5 the process of the relationship to NVRA to the  
6 coming era of the statewide voter registration  
7 database.

8        Thank you.

9        CHAIRMAN DEGREGORIO: Thank you, Mr.  
10 Saar. I appreciate that important perspective

11 because we certainly know the next Tuesday, you  
12 have your primary in Illinois. I appreciate you  
13 come up. I am going to be there to visit some  
14 polling places in your jurisdiction and it is  
15 going to be a real test of election officials in  
16 Illinois under the new statewide database, and  
17 using the system for the very first time. So I  
18 know you are under a lot of pressure, and your  
19 election officials will be at the polling place  
20 to handle not just NVRA and registration issues  
21 but equipment issues.

22 Brenda Wright, you are somebody who's  
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1 had the considerable experience in fighting for  
2 the rights of voters. And Brenda is the  
3 managing attorney for the National Voting Rights  
4 Institute, and she's been in the forefront of  
5 many of the leading voting rights cases in the  
6 past decade. She serves as a director of the  
7 Voting Right Project, the Lawyers Committee for  
8 Civil Rights & The Law, and she did that from  
9 '93 to '97, litigated many voting rights cases  
10 throughout the country. She was very familiar  
11 with NVRA, as she argued the very first case  
12 before the United States Supreme Court involving  
13 NVRA in 1997.

14 That is an important perspective that

15 you bring. We have heard from people who  
16 administer NVRA, and you look at it from a  
17 different perspective, and the rights of voters.  
18 And it's a very important perspective for us to  
19 here from. We appreciate you taking time out.

20 Ms. Wright, the floor is yours.

21 MS. WRIGHT: Thank you, Mr. Chairman.

22 I also want to begin by giving my sincere thanks

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1 to the commission for sponsoring this hearing.

2 I want to mention that my organization, the  
3 National Voting Rights Institution, has entered  
4 into a corroboration with DeMost. And I am here  
5 on behalf of DeMost as well.

6 While NVRA may be best known for  
7 motor voter, Section 7 of the act is also a  
8 critical part of the NVRA. And that is the  
9 section that requires designation of public  
10 assistance benefits, such as food stamps,  
11 Medicaid, temporary assistance for needy  
12 families.

13 Offering of voter registration, we  
14 believe, is vital in insuring equity in the  
15 registration opportunities opened up by the  
16 NVRA. Citizens with low incomes, a lot of them  
17 women, people of color, urban dwellers, are

18 among those least likely to own cars, and change  
19 addresses frequently. So these citizens are  
20 less likely to be reached. Most public  
21 assistance offices are suited to expand voter  
22 registration, but these agencies' core mission

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1 is to insure economically disadvantaged citizens  
2 have an opportunity to participate fully in  
3 society.

4       Unfortunately, however, the work of  
5 the NVRA implementation projection has revealed  
6 that many states are failing to properly  
7 implement the public assistance provisions of  
8 the NVRA.

9       I want to talk today about the  
10 experiences of the NVRA and offer  
11 recommendations on how the EAC can help to  
12 improve implementation of these provisions. The  
13 NVRA implementation project was launched in  
14 2004. It used nationwide data collected by the  
15 FEC and found by looking at the data that motor  
16 vehicle registration applications from public  
17 assistance had fallen by the 2003, 2004 period.  
18 That decrease occurred even while applications  
19 from other sources increased by 22 percent  
20 during that time. One of the 40 states for  
21 which we had data reported decreases exceeding

22 that figure, and 12 states reported declines of

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1 over 80 percent in the public assistance

2 applications being received.

3 Now, it's important for us to point

4 out here that while case loads in some public

5 assistance programs have declined, these

6 declines are not sufficient to explain declines

7 in total assistance agencies. For example, in

8 the food stamp program, which is one of the

9 largest programs, average monthly participation

10 has seen only about a 15.99 percent decline

11 during this same period, which is far less than

12 the percent decline in voter registration

13 applications from public assistance agencies.

14 And there are public assistance programs where

15 Medicaid has actually increased over this period

16 of time, even while voter registration

17 applications have decreased.

18 So what is reason for the states'

19 sometimes drastic decrease in voter registration

20 activity at these public agencies. There were

21 field observations conducted that have revealed

22 a lot of the dynamics, and I believe probably

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1 divide those into three categories.



2 Worse cases implementation process encountered  
3 public assistance offices that were failing to  
4 offer voter registration services at all. In  
5 some instances, the failure was limited to  
6 specific offices or programs. In other  
7 instances, entire agencies were not following  
8 the mandates. Field observers visited three  
9 offices, none of which had any knowledge of the  
10 required forms.

11       Then there is the category of partial  
12 failures. Offices in some states seem to offer  
13 registration but they may fail to do so at all  
14 the required points of contact. The most common  
15 is failure to offer services to those changing  
16 their address, even though it is required that  
17 voter registration be offered in that instance.

18       And I guess the third category to  
19 mention is incorrect wording in the forms  
20 provided. Congress took great pains to stress  
21 the language that must be exhibited, but some  
22 agencies are using forms with inadequate

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1 information. For example, the language may not  
2 fully inform clients that they need to  
3 re-register if they have changed their address.  
4 One result of the lack of full implementation is

5 the perpetuation of disparity by incomes.  
6 Census Bureau figures, only 59 percent of  
7 citizens in households earning \$15,000 or less  
8 per year were registered to vote versus 85  
9 percent in households earning over \$75,000 per  
10 year.

11       The NVRA implementation process has  
12 been providing technical assistance to 14 states  
13 to improve compliance with the law and to create  
14 more effective and efficient voter registration  
15 services. The project's experience has shown  
16 that the implementation of small procedural  
17 changes can sometimes make a very significant  
18 difference.

19       The successful supporting practices  
20 and best practices that we can identify, we have  
21 laid out more fully in our written testimony,  
22 but just to mention some of the most common ones

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1 here. First of all, the commissioner of the  
2 agency sending a memo to all employees  
3 emphasizing the importance of voter  
4 registration, reminding staff that their  
5 participation can be a key feature,  
6 comprehensive and regular training for case  
7 workers. As we have heard, there is a lot of  
8 turnover in these positions, so ongoing training

9 in reminding people of the obligations of the  
10 NVRA is very important. Encouraging clients to  
11 complete the voter registration application  
12 while they are still in the office, instead of  
13 taking it with them. Often, it doesn't get  
14 mailed in. That would be a very important  
15 recommendation. Having an NVRA coordinator in  
16 each office who is responsible for implementing  
17 the law at that office can be a key reform, and  
18 including voter registration materials in  
19 agencies' mailings to clients is a important way  
20 to increase the use of voter registration at  
21 these agencies.

22 Now, getting comprehensive data on  
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1 how these changes affect the numbers of people  
2 being registered is sometimes difficult but the  
3 numbers we do have from states that have made  
4 recommended changes are very encouraging. And I  
5 could give you the example of Iowa. In Iowa, we  
6 worked with officials in that state, and they  
7 implemented many of the project's recommended  
8 procedural changes. I was able to increase the  
9 number of voter registration from public  
10 assistance agencies by 3,000 percent in a  
11 one-year period. It went from 3,282 that were

12 received in the '04, and went all the way up to  
13 12,000 received in the '04 to '05 period. So  
14 making these changes can really make a  
15 difference, our experience shows.

16       As the body charged with reviewing  
17 implication of NVRA and making recommendations  
18 for improvement, EAC can play a powerful role to  
19 enhance implementation of the public assistance  
20 provisions of the law. We would like to take  
21 this opportunity to strongly encourage the EAC  
22 to send a letter to governors, chief election

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1 officials, public assistance administrators,  
2 reminding them of the requirements of Section 7  
3 of the NVRA and highlighting best practices to  
4 facilitate effective implementation.

5       I also think that the EAC could be  
6 very helpful in working with administrators with  
7 training of election officials and public  
8 official administrators in this area. In the  
9 EAC, since EAC does not have powers of  
10 enforcement, we would strongly urge, as a  
11 priority, that the Department of Justice take  
12 action to investigate states that fail to  
13 implement Section 7 of the NVRA.

14       I do want to mention one area that  
15 you had asked us to address. One of those

16 serious limitations of the current survey that  
17 is sent out to states is that it does allow us  
18 to conceptualize the voter registration data.  
19 It provides the raw number of applications  
20 received from public assistance agencies but  
21 these raw numbers don't mean very much if you  
22 don't know the overall traffic that's been going  
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1 on in the office.

2       For example, if a state registers  
3 1,000 people at public assistance agencies, that  
4 may be great performance, if only 1,001 people  
5 have come to the office, but if 100,000 have  
6 come through and engaged in NVRA transactions,  
7 you would have a completely different  
8 interpretation of that number. So we think  
9 getting this information about the number of  
10 transactions is very, very important for  
11 meaningful analysis of compliance as well as  
12 looking at trends over time.

13       We know that the Federal Government  
14 already requires agencies to track this kind of  
15 information for the food stamp program. We  
16 suspect it is tracked for Medicaid and WIC as  
17 well. We recognize that the current survey  
18 questions are codified, and that additional

19 survey questions may require amending the  
20 regulations, but we believe the value of  
21 including this additional information is well  
22 worth the additional effort that amending the  
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1 regulations would require. And a more  
2 comprehensive list of recommended additions to  
3 the EAC survey to the states is attached to the  
4 written testimony that we submitted.

5       So I would just conclude by saying,  
6 certainly, the NVRA is the most important piece  
7 of election legislation we have this in the past  
8 15 years. It may be the only piece of election  
9 legislation to engage low income citizens pro  
10 actively in the democratic process. It is  
11 unfortunate that the provisions have about --  
12 many cases have been allowed to deteriorate  
13 largely unnoticed.

14       We applaud the EAC for holding  
15 today's important hearing, and we look forward  
16 to providing ongoing support in the effort to  
17 realize the full promise of the NVRA. I do want  
18 to thank you for this opportunity to speak here  
19 today.

20       CHAIRMAN DEGREGORIO: Thank you, Ms.  
21 Write, for that important perspective and for  
22 the work that you and others have done in the

1 research in this particular area. It is  
2 important information, not just for us.

3 But before we go to questions, I want  
4 to recognize one person in the audience who's  
5 had considerable experience. He's been retired  
6 for a couple years and this is his first time  
7 back here. Bill Kimberling, would you just  
8 stand before I tell your background.

9 Actually, from '75 to 2003, Bill was  
10 the deputy director of the Office of Election  
11 Administration, which was basically the  
12 precursor to the EAC. Bill authored many of the  
13 research projects that the FEC focused on in  
14 election administration, all be it with not much  
15 money.

16 He and I had a conversation, and he  
17 was asking if Congress has been good to us in  
18 providing research fund. And they have, and we  
19 move forward with that, but Bill was the  
20 co-author of the first guide put out by the  
21 Federal Government on implementing the National  
22 Voter Registration Act in 1993 to help election

1 officials with the project. And he also was the  
2 author of the reports that the FEC used to issue

3 on the impact of NVRA. He has a great deal of  
4 experience in this area. He is retired and  
5 lives in Indiana. This is his first time  
6 visiting us today. Bill, welcome, and you see  
7 we have some space. I know these are things,  
8 when you and I used to talk years ago, that you  
9 wished for. And, now, thanks to the Help  
10 America Vote Act and Congressional funding,  
11 we're here. And we appreciate you being here  
12 today to listen to this testimony.

13       Now, we turn to the questions that  
14 the commissioners and our staff have of our  
15 speakers today. We have heard compelling  
16 testimony that I know will invite some good  
17 questions. We will start with Commissioner  
18 Hillman.

19       COMMISSIONER HILLMAN: Sure. What is  
20 our individual time allotment, just to keep me  
21 honest here?

22       CHAIRMAN DEGREGORIO: We actually

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1 have some time. We don't want this to go  
2 forever, but we actually allocated this meeting  
3 from 10:00 to 1:00. It's 11:15, so I would  
4 think that 20 minutes, perhaps a little bit  
5 more, if necessary, would give us enough time,



6 and then some time for our staff to ask  
7 questions, and about five minutes per person  
8 there.

9 COMMISSIONER HILLMAN: I don't think  
10 I have 20 minutes worth of questions, but the  
11 panel can determine that by your answers.

12 Thanks to all of you for being with  
13 us this morning. This is a very helpful  
14 conversation, timely. I wish that we could have  
15 been in a position to do this a year ago, but  
16 we're doing it now.

17 I think I have a couple of  
18 housekeeping questions for Mr. Pierce. Does the  
19 Virginia Department of Motor Vehicle Association  
20 participate -- I think there's a National  
21 Association of Motor Vehicles.

22 MR. PIERCE: Yes, there is. The  
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1 trade organization is the American Association  
2 of Motor Vehicle Administrators, AAMVA, which is  
3 headquartered in Arlington.

4 COMMISSIONER HILLMAN: And is the  
5 topic of NVRA motor voter something that's  
6 discussed at conferences or meetings that the  
7 national trade association holds?

8 MR. PIERCE: Not as much as it was  
9 when NVRA was first implemented but, yes, the

10 topics do come up at the conferences.

11           COMMISSIONER HILLMAN: Then what is  
12 the vehicle available to state DMVs to exchange  
13 information about best practices, how you are  
14 overcoming a problem, whatever?

15           MR. PIERCE: I think AAMVA is the  
16 best tool right now because all of the states  
17 are involved with and AAMVA, belong to AAMVA,  
18 and there are conferences that are held each  
19 year. There is an international conference and  
20 regional conferences.

21           COMMISSIONER HILLMAN: But it sounds  
22 like it's not on the front burner of AAMVA's

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1 agenda.

2           MR. PIERCE: Right. I think as time  
3 has goes by, with other pressing issues such as  
4 legal precedence issues and AAMVA is  
5 concentrating on those issues.

6           COMMISSIONER HILLMAN: Your training  
7 module sounds interesting, and I'm just  
8 wondering if it's something that other states  
9 have borrowed from you or do you know if other  
10 states are looking at that as a tool?

11           MR. PIERCE: Actually, after we  
12 implemented motor voter in '96, we actually did

13 have other states to come to Virginia to see  
14 what we were doing, and they did borrow that  
15 information and take back to their states, yes.  
16 We work closely with the state board of  
17 elections in putting that training module  
18 together, and we continue to work closely with  
19 state board of elections for that.

20       COMMISSIONER HILLMAN: Great. If a  
21 customer comes in to the Virginia DMV between  
22 the cutoff date for registration and Election

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1 Day, do the customer representatives still  
2 register them?

3       MR. PIERCE: Yes, we do.  
4 We still accept those applications. There are  
5 signs posted before each election cutoff date, a  
6 good time prior to that cutoff date, that the  
7 cutoff date will be on this date to apply to  
8 register to vote for that election.

9       COMMISSIONER HILLMAN: When the  
10 customers are registering, are they told we will  
11 forward your registration application on, but  
12 you cannot vote off in the upcoming election,  
13 you have missed the cutoff date?

14       MR. PIERCE: No, they are not.

15       COMMISSIONER HILLMAN: One consistent  
16 -- I imagine there are states where the DMVs are

17 challenged in doing the processing. Setting  
18 best practices aside, I would just appreciate an  
19 observation from each of you as to what could be  
20 a motivation so that the social service  
21 agencies, the departments of motor vehicle and  
22 their staffs, would want to do this and would

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1 want to do it as best they could within budget  
2 constraints and training. First, Mr. Pierce.  
3 MR. PIERCE: I think, in Virginia,  
4 as far as the DMV is concerned, as Mr. Chairman  
5 said earlier, when motor voter first came out,  
6 everybody was -- nobody wanted to do it. And,  
7 yes, it is a lot of work, a lot of work for the  
8 DMV and I'm sure a lot of work for the human  
9 services. One of the things that we tried to  
10 do, the then commissioner of the DMV,  
11 Commissioner Rick Holcomb, also secretary of  
12 state board of elections at that time, Cameron  
13 Quinn, both promoted motor voter with the DMV  
14 employees as this is another part of your job.  
15 This is just like giving someone a drivers  
16 license or registering their vehicle, giving  
17 them an application and explaining the voter  
18 registration to them is a part of your job. And  
19 we really promoted that with the employees in

20 the DMV. And because of that, the employees at  
21 the DMV take it seriously and keep motor voter  
22 on a front burner.

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1           There is information that goes out  
2 regularly. Refresher training is done, as well  
3 as new employees coming on board go through  
4 training. And so I think that's a very  
5 important part of it. It starts at the top, all  
6 the way down, keeping it in the forefront and  
7 letting the employees know that this is not just  
8 something that's out there for us to do but it's  
9 a part of your job.

10          MS. JOHNSON: I think the whole  
11 decline with social service agencies' motor  
12 voter in our own offices is symptomatic of the  
13 declining nationally to vote. Whether it's  
14 active voting or watching the returns, people  
15 don't see it as the integral thing that my  
16 parents and grandparents saw it as. They are  
17 pretty apathetic, and employees at motor voter,  
18 they see it just as another step for them to do  
19 in a multiple-step process of getting someone  
20 registered for benefits or getting their  
21 license.

22          I don't think they see it as I don't want

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1 people to have the vote opportunity. I think  
2 they look at from the perspective of it's  
3 another step that I have to do. We have posted  
4 signage. We've done everything, thinking  
5 outside the box, but I think that from their  
6 perspective, it's just another thing to do. We  
7 have made it so unbelievably simple that it's  
8 sometimes laughable in the fact that they are  
9 not reentering any data that is already going  
10 into the database. It is already there. All  
11 they have to do is ask them if they would like  
12 to register to vote. If they say no, offer  
13 drivers license. They just fill in the box  
14 similar to Virginia, and it is captured, and  
15 that's the end of it.

16 Social service agencies, if it is an  
17 "N," they write a declaration form that's used.  
18 It goes to the file. If they say yes, they just  
19 hand them the card. They check two simple boxes  
20 and sign their name, and it goes into a locked  
21 ballot box type thing that they go into on their  
22 way out the door, or the person can take it and

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1 put it in. It's really a simple process. I  
2 think it's another step in the process, and  
3 quite frankly, it's another step for an agency

4 that is not their agency, and they probably  
5 don't see the value in doing it. I don't know  
6 the answer. I think it is symptomatic of the  
7 whole attitude against voting.

8 COMMISSIONER HILLMAN: Everybody  
9 except those in this room.

10 MS. JOHNSON: Thank you.

11 MR. SAAR: Speaking of the public  
12 agencies, I can tell you it is almost  
13 nonexistent. It has atrophied into very few  
14 that we get. I think it's .004 percent of the  
15 registrations we get come out of those  
16 facilities. Talking to my people, it's just  
17 fallen off the radar screen. Obviously, it is  
18 something we need to look at. It pertains to  
19 the motor vehicle facility. I think it's just  
20 going to have to be -- maybe there could be  
21 training programs or something else, but I do  
22 have a tremendous amount of sympathy for the

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1 workers in these facilities.

2 There's literally 30, 40, 50 people  
3 in line from the beginning of the day until the  
4 end of the day. And the fact that we're at 11  
5 percent of the registrations that are coming out  
6 of there are missing something that we need to

7 go and follow-up with the voters to get, it  
8 would be nice to think we could get it lower  
9 than that, but I see these people being under a  
10 tremendous amount of pressure.

11       There's a couple of discussions going  
12 on in Illinois to help them, which is one of the  
13 things that was alluded to this morning, is to  
14 try to automate that process to make it a touch  
15 screen process or to use computers to assist in  
16 the process, to keep it as automated as  
17 possible. One of the things in the discussion  
18 in Illinois, can we use a signature pad to grab  
19 the signature of the voter, and also have the  
20 voter check on the box the questions about  
21 citizenship, and if I'm going to be 18 years or  
22 older. And the Secretary of State says that

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1 that would be a tremendous help in streamlining  
2 the process.

3       The election officials are concerned  
4 about whether or not you could actually use the  
5 signature pad to get a signature, whether that  
6 would be legal for legal challenges dealing with  
7 voter fraud, the fact that it is not a certified  
8 form in that the voter read something on a  
9 single document and said, I am attesting  
10 everything on the document is true. If you



11 computerize it, there is a question about  
12 whether or not that information could be used in  
13 things like election contests and that sort of  
14 thing, where the legality of the signature, if  
15 it's not the original signature, would be  
16 questioned. So we're working with those  
17 questions and keep working with the Secretary of  
18 State. Again, they are very busy.

19 MS. WRIGHT: I guess I would say I  
20 would agree with Mr. Pierce, sort of chop down  
21 nature of this. When the head of the agency  
22 gets behind the idea of saying this is not just

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1 a nagging duty that we have to perform but it's  
2 actually part of the core function of our  
3 agency, for example, in Connecticut, I think I  
4 mentioned the letter that went out from the  
5 commissioner of social services to all employees  
6 that said voter registration is quote, "a core  
7 feature in our notion of self sufficiency for  
8 the people we serve."

9 If you start talking about it in  
10 terms of the mission of the office, social  
11 security agencies themselves, I think it sends a  
12 message that this is really important. And as  
13 is any kind of agency or human institution,

14 people take their cues from their supervisor and  
15 their bosses people who are in charge. And so  
16 hearing this message that it's a priority at the  
17 very highest level is one of the keys in getting  
18 better compliance and better results in this  
19 area.

20 COMMISSIONER HILLMAN: Thank you. No  
21 doubt, from your presentations, that the  
22 National Voter Registration is working to be

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1 effective in increasing voter registration.  
2 Time has gone by, things have changed. So it  
3 probably is appropriate to take a look see at  
4 some things that possibly could be adjusted.

5 One final question, and then I have a  
6 comment, Ms. Johnson, the real time database  
7 change that you talked about, does that occur  
8 between other agencies in your state for  
9 purposes other than voter registration? Do you  
10 know if there are other agencies that have to  
11 exchange information and use that same kind of  
12 exchange?

13 MS. JOHNSON: I honestly don't know.  
14 I have to admit I am assuming that there is  
15 interaction in some agencies. I know drivers  
16 license is doing some things but I don't know  
17 specifically what they do or if that happens.

18 COMMISSIONER HILLMAN: Mr. Pierce,  
19 from Virginia, does the DMV exchange data with  
20 other agencies the way you do with the board of  
21 elections?

22 MR. PIERCE: Yes, we do. It's not  
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1 real time, but we have links with vital records  
2 where we exchange information on deaths, things  
3 like that. We do have real time where all of  
4 the courts in Virginia are on line with DMV, and  
5 they post convictions in the court system. They  
6 actually post them to the DMV system in real  
7 time. Then we have the link for the State Board  
8 of Elections about individuals who have moved  
9 outside of the state of Virginia and surrendered  
10 their license to another state. We get that  
11 information from another state.

12 When we update our records at DMV, we  
13 provide that information to the state board of  
14 elections if the person has moved out of state,  
15 as well as we provide information concerning  
16 deaths.

17 CHAIRMAN DEGREGORIO: Mr. Saar, do  
18 you know in Illinois if there are agencies?

19 MR. SAAR: In Illinois, we're really  
20 just getting going on the statewide registration

21 system. Right now, state law precludes

22 registration information going directly from the

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1 Secretary of State's Office to the State Board

2 of Elections. It has to be routed through, but

3 Illinois is just getting going. We don't expect

4 the statewide voter registration database to be

5 fully functional until sometime late 2007. So

6 we're hopeful it is going to be a powerful tool

7 but none of those connections are being made at

8 this point.

9 COMMISSIONER HILLMAN: Do you know if

10 there are agencies that exchange data on other

11 things, like Mr. Pierce mentioned, with respect

12 to vital information?

13 MR. SAAR: I have been involved with

14 statewide database development and design. I am

15 pretty confident when I say those connections

16 are not made yet. They will be but they are not

17 made yet.

18 COMMISSIONER HILLMAN: Just my final

19 observation to Mr. Saar, it was refreshing to

20 hear your observation about the complexities of

21 voter eligibility. It's nice to know, and I'm

22 sure that protecting rights groups and voters

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1 themselves will appreciate knowing that, and

2 election officials recognize that as well.

3 Thank you. Thank you, Mr. Chairman.

4 CHAIRMAN DEGREGORIO: Thank you,

5 Commissioner Hillman.

6 Mr. Pierce, Cameron Quinn, you mentioned

7 her leadership with the Department of Motor

8 Vehicles and pressing upon them. I see her in

9 the back there. She just joined the Department

10 of Justice in the voting rights section. She's

11 got great experience that she brings to DOJ.

12 Mr. Vice-Chairman.

13 VICE-CHAIRMAN MARTINEZ: Thank you,

14 Mr. Chairman. Thank you to all our panelists

15 for being here today. I am always very thankful

16 and appreciative when folks travel as you all

17 have or make the time to be here and give us

18 your insight. Once again, we have had excellent

19 testimony, which speaks for itself.

20 My questions are going to be few

21 because I think that the testimony submitted,

22 what you have said from the podium there, has

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1 actually been very helpful and just informative

2 of the works themselves. Thank you all for

3 being here.

4 Every time we have a panel, it is a

5 highlight for us thank you for your positive  
6 comments. I will start with a couple of  
7 observations and move to questions. In doing my  
8 research for this particular meeting, it is  
9 evident that when folks were passing or looking  
10 to pass NVRA back in 1993, it didn't just happen  
11 in a vacuum. It took effort, and clearly one of  
12 the motivations was to increase voter turnout.  
13 What we have heard from your testimony is from  
14 the perspective of did it increase voter  
15 registration. It looks like it has quite  
16 successfully in much jurisdictions, and that's  
17 confirmed by the reports by the FEC prior to the  
18 EAC being formed.

19       In terms of voter registration, the  
20 growth has been mixed, but if you look at voting  
21 trends from the presidential race perspective,  
22 what you see is since 1992, in terms of voter

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1 turnout, we have had roughly 49 percent or  
2 actually 51 percent voter turnout, 59 percent in  
3 2004. These numbers came from the electorate,  
4 Dr. Curtis Ganns.

5       I think there is an assumption, we  
6 know it is probably working, from the voter  
7 registration perspective, but is it working to

8 help voter turnout. I think that's an important  
9 thing.

10 And the second thing in looking at  
11 previous reports put out by the FEC and Office  
12 of Election Administration, that is our  
13 predecessor agency for the EAC, and whose work  
14 we inherited, along with some excellent  
15 employees that came from the old Office of  
16 Election Administration, it's interesting what  
17 the FEC reported that they put out in '97 on how  
18 to improve on the mandated report on what is  
19 going on in NVRA and how to improve it. The  
20 first two recommendations in '97 was, No. 1, to  
21 allow states who do not currently have the  
22 authority to get the full social security

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1 number, to allow states to collect either  
2 drivers license number or last four digits of  
3 social security number. That was put out by  
4 HAVA, and is now the law of the land.

5 The second recommendation was that  
6 states should develop a statewide computer voter  
7 registration database, as a requirement.

8 Having Mr. Kimberling having been  
9 introduced by the chair, and I think he stepped  
10 out, but it's hopefully somewhat satisfying as a  
11 public official or as a person who's been

12 working on this for a long time to see that at  
13 least some of the recommendations are being  
14 actually heard and put forward. We can debate  
15 the merits of those policy decisions in the  
16 years to come as to whether they are working but  
17 they are actually out there. And I think it's  
18 interesting to note that the FEC has been  
19 talking about this for a while.

20 I guess I would start with the  
21 interesting juxta position by Sarah Johnson. I  
22 know there are obstacles to overcome. I am not

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1 talking real time. I am talking just electronic  
2 transmission of information, is that a good  
3 thing. I know we're headed in that direction.  
4 And Mr. Pierce, is that a good thing?

5 MR. PIERCE: Yes, it is a good thing.  
6 In Virginia, there is a statewide voter  
7 registration system the state board of elections  
8 maintains. It is all computerized. What we ran  
9 into was that DMV's computer system was  
10 installed in the early '90s, so the two systems  
11 couldn't talk. Now, our system is DMV is about  
12 15 years old. Now, the systems still can't  
13 talk. What we have got to do is get that  
14 funding, and we're looking at a system redesign



15 at DMV. And one of our main goals at DMV is to  
16 be able to talk with state board of elections so  
17 we can do that electronic transfer of data and  
18 information.

19 VICE-CHAIRMAN MARTINEZ: Obviously,  
20 there is a physical notification. What are the  
21 plans for that and what kind of a time frame are  
22 we looking at?

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1 MR. PIERCE: DMV went to the Virginia  
2 General Assembly last year in January and talked  
3 about our system, the constraints of our current  
4 system, and what we'd like for the future. The  
5 General Assembly asked us to do a year long  
6 study to determine what we needed, how much it  
7 was going to cost, and come back in this  
8 session. We did that. They have okayed funds,  
9 and what we're looking at right now in Virginia  
10 is building or redesigning our current system.  
11 It is going to take about five years to do that.

12 VICE-CHAIRMAN MARTINEZ: Mr. Saar,  
13 any comment?

14 MR. SAAR: Yes. Illinois, the  
15 election officials and the State Board of  
16 Elections and Secretary of State, we look at  
17 quite a philosophy difference of opinion about  
18 control of the process. In essence, the

19 election officials took the position that they  
20 believed in a bottom up approach because we were  
21 the official keeper of the records, and the  
22 state took that approach as well. They wanted  
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1 it done by their local election officials.  
2 We're right now today working with the situation  
3 that demands that the voter registration goes to  
4 the election officials and gets sent up every 24  
5 hours to the statewide database. We're coming  
6 out of a back drop of a four or five-year battle  
7 that was really about control. Now that the  
8 dust is settling, election officials are in  
9 discussions with the Secretary of State about  
10 whether or not it would be both efficient and  
11 more effective to begin to have electronic  
12 transfer of information from the Secretary of  
13 State's Office to the local, because there is a  
14 couple questions we have. One is right now in  
15 Illinois, the original document, the actual  
16 piece of paper, so if you don't get rid of that,  
17 then sending electronic files causes more work,  
18 and we're trying to sort that out.

19       And the other part of it was  
20 something we talked about in Illinois, there was  
21 a concern about a self certifying form keeps

22 cropping up in discussions, about whether or not  
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1 somebody signs a legal document attesting to all  
2 this stuff, and whether you can break that into  
3 electronic parts and pull it together after they  
4 sign it, signature pad or rules of evidence,  
5 would compromise the effectiveness of that  
6 information. We're headed in that direction but  
7 the dust is still settling.

8           VICE-CHAIRMAN MARTINEZ: I  
9 appreciate that, Mr. Pierce. I am also  
10 interested in training that you provide in your  
11 DMV offices. I am a new employee at DMV office  
12 in Virginia. What kind of training am I going  
13 to get?

14           MR. PIERCE: Okay. On the NVRA  
15 responsibilities, let me say our training module  
16 right now for a new employee, we're revising our  
17 training, what we do for our new employees. So  
18 that is going through a revision process right  
19 now. I will tell you how it's been done in the  
20 past is we had several weeks of training. A new  
21 employee goes through several weeks of training  
22 where they may be in a classroom situation for  
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1 two weeks, go into an office and actually work

2 for a week with a mentor, go back to the  
3 classroom for an additional two weeks to cover  
4 the material. The NVRA or motor voter module is  
5 part of that new employee training. Basically,  
6 what happens is in your classroom, the written  
7 procedures that we have that are available to  
8 all of our customer service representatives are  
9 reviewed with all of the employees so they see  
10 the procedures, they see the forms used, and  
11 they see screens where the prompts come up and  
12 what they are supposed to ask.

13 VICE-CHAIRMAN MARTINEZ: My final  
14 question, you talked about the pilot program.  
15 What has been the resistance that you are not  
16 getting more jurisdictions to participate?

17 MR. PIERCE: Right. We started in  
18 1999, actually. Virginia Beach came up with the  
19 idea and approached Commissioner Holcomb and  
20 Secretary Quinn. We started in Virginia Beach.  
21 There's two DMV offices in Virginia Beach.  
22 There was a volunteer employee in each of the  
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1 DMV offices sitting at our information counter,  
2 and the employee actually had all the equipment  
3 that they would have at the voter registrars  
4 office, PC, photocopier, phone, and that type of  
5 thing. I think the drawback and the reason more

6 registrar have not wanted to participate,  
7 Virginia Beach, just like Fairfax in Northern  
8 Virginia, is the largest jurisdiction. They  
9 have multiple employees, a large staff.  
10 So the Virginia Beach registrar had the funding  
11 and staff to be able to place someone into the  
12 DMV offices. Most of the registrars through the  
13 state of Virginia are smaller registrars. They  
14 may have a staff of themselves and one or person  
15 or possibly three or four people. And they  
16 don't have someone that they can put in the  
17 office and they can't specifically hire someone  
18 because of lack of funding, hire additional  
19 staff to put in a DMV office.

20 VICE-CHAIRMAN MARTINEZ: Thank you.

21 Ms. Johnson, in terms of training, does the  
22 Secretary of State's Office in Kentucky work

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1 with DMV offices or various other agencies to  
2 provide NVRA training?

3 MS. JOHNSON: We do. We have a  
4 training manual like the one in Virginia that is  
5 being constantly revised to reflex the fact that  
6 you have to do it. So we constantly do that.  
7 We also have constant communication within the  
8 social service agencies individually. And if we

9 have problems, for example, when I talked about  
10 cards not being turned in in a timely manner at  
11 local officials, let us know. We will get the  
12 exact details, date ranges, of some of the wards  
13 and then we will work with our contact person in  
14 Frankfort or that particular division and we let  
15 them work with their own people rather than us  
16 contacting that local service social service  
17 agency. We follow a chain of command but we  
18 send out notices, just as Virginia does, that  
19 are supposed to be posted, about when the  
20 registration closing deadlines are. Of course,  
21 they continually take registrations every single  
22 today day, but we have constant communications

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1 and getting input from them about, gee, your  
2 sign's a great idea, but we need more than ten  
3 of them. Or if you could do it on neon paper,  
4 something like that. It is a two-way street and  
5 it is always will be.

6 VICE-CHAIRMAN MARTINEZ: And,  
7 finally, a question to Ms. Wright. I do want to  
8 say, Ms. Johnson, because you brought it up in  
9 your testimony and I don't know what the answer  
10 is in terms of the removal of names provision of  
11 NVRA, but I do think it is time to engage in a  
12 discussion of how that is playing out, what we

13 have learned from that particular framework,  
14 what kind of burden, financial and otherwise, it  
15 is placing upon local jurisdictions, but also  
16 what it cost to insure, obviously, that persons  
17 are not inappropriately disenfranchised.

18         In light of statewide voter  
19 registration databases, Bob, you brought up some  
20 good questions about what it means to get that  
21 information, what local jurisdictions can do.  
22 Common sense would dictate, well, I have this

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1 information, it is the same person who used to  
2 live in a different jurisdiction, can't I do  
3 something with it. And I do think you have the  
4 NVRA framework to contend it. I think it is  
5 important for the public interest organizations,  
6 all stakeholders, to engage of how this  
7 provision of NVRA plays out. I will go on the  
8 record as saying that.

9         Ms. Wright, I wonder, outside of the  
10 context of your testimony, if I'm not mistaken,  
11 NVRA designates states to allow what is in NVRA,  
12 military, and other places as well as voter  
13 registration. And I wonder, in you experience,  
14 you have seen some best practices that involve  
15 states going outside of that particular

16 framework to designate other places as voter  
17 registration agencies.

18 MS. WRIGHT: There is obviously a  
19 huge variation among the states on how far they  
20 go in doing that certainly, including  
21 unemployment offices as a site, because that's  
22 an area that gets a lot of visitors in a lot of

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1 states. And it is not specifically mandated by  
2 the NVRA, but those are offices that some states  
3 include as part of their registration agencies.  
4 You know, a lot of states will have the forms at  
5 the public libraries, colleges, and universities  
6 which, again, for the colleges and universities,  
7 you have people who are changing addresses a lot  
8 and can really benefit from those additional  
9 opportunities to get the forms and register.

10 So, yes, there is a lot of variation  
11 and some really great increases in motor voter  
12 registration.

13 VICE-CHAIRMAN MARTINEZ: Thank you.  
14 I will just close with a comment about your  
15 testimony. I think it is very compelling. I  
16 think that the recommendations that you all have  
17 made with regard to -- I mean, obviously, the  
18 authority of the EAC when it comes to National  
19 Voter Registration Act is strictly limited to



20 two things, the form itself, and the report that  
21 has to come out every two years. Outside of  
22 that particular purview, our role is advisory,

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1 but there is a role there and it's one that is  
2 expressly dictated by the statute. It is one  
3 that I know that we take pretty seriously.

4 I think the work that your  
5 organization's doing together with partners that  
6 you have mentioned is absolutely critical, and I  
7 applaud the work that you're doing. It sounds  
8 like you have worked cooperatively with states  
9 to impress upon the states the recommendations  
10 that you have had to improve the outreach  
11 through public service agencies. I hope that  
12 you continue that work, and I know that you  
13 will, but you also offered very equally  
14 compelling testimony about election data, and  
15 the importance -- that the EAC's important role  
16 that the EAC can play in making sure that we  
17 have complete data to make informed decisions as  
18 an agency and as a community. And I think  
19 that's very important, and I think that we can  
20 play very practically in trying to achieve that.

21 I don't think you will find  
22 resistance with my guests, but I don't think you

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1 will find state local resistance from NASAD or  
2 anybody else. We want to achieve data  
3 information that will inform us to make  
4 reasonable, accurate decisions about public  
5 policy in the future.

6 I thank you for the work that you're doing,  
7 and for the very compelling testimony.

8 MS. WRIGHT: Thank you. We very much  
9 look forward to trying to work together with the  
10 EAC and state and local officials on an ongoing  
11 basis on this.

12 VICE-CHAIRMAN MARTINEZ: Thank you,  
13 r. Chair.

14 CHAIRMAN DEGREGORIO: Commissioner  
15 Davidson?

16 COMMISSIONER DAVIDSON: A lot of my  
17 questions have been asked so it won't take me  
18 too long. Mr. Pierce, I'd like to start out, in  
19 the 15 local registrars that actually have sites  
20 set up, in those areas, are you finding less  
21 problems with the motor V forms in that area?  
22 Can you give us some insight or are there

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1 problems with the ones that don't have them? I  
2 guess maybe that's the way I should put it.

3 MR. PIERCE: Yes, we do find less  
4 problems where those 15 registrars are located  
5 in the office. As I said, the person gets their  
6 voter registration application from the DMV  
7 customer service representative, and simply  
8 walks across the lobby of the DMV office and  
9 gives it to an assistant registrar. They go  
10 into the computer system, do the checks, and  
11 process the application, and the person is  
12 registered or not registered when they leave the  
13 office.

14 We find very few problems on Election  
15 Day from those localities. What we run into,  
16 obviously, people not knowing that they were  
17 already registered. So registrars were ending  
18 up with a lot of duplicate applications where  
19 they had to spend time going through and sending  
20 letters to individuals. In 2004, we went with  
21 the process that I described, which is what we  
22 call print on demand, where we ask the customer

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1 if he would like to apply to register to vote.  
2 If they say yes, we print the voter registration  
3 application at that time. That was a huge step  
4 in the right direction and eliminates the  
5 duplicate voter registration and a lot of the  
6 errors on the voter registration applications.

7 We do have problems in other parts of  
8 the state where there are not registrars in  
9 offices. Right now, the state board of  
10 elections, we keep no statistics at DMV. We  
11 rely on the state board of elections in  
12 Virginia. We keep no information about voter  
13 registration.

14 The last report from state board of  
15 elections was that the error rate with  
16 applications being incomplete or lacking  
17 information, voter applications coming from DMV,  
18 was about three percent of the applications we  
19 sent to them had errors on them or lacked  
20 information. What was interesting was -- and no  
21 one's here from the human service agencies to  
22 defend themselves, but what is interesting,

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1 human service agencies had a highest rate of  
2 incomplete applications than DMV did. In some  
3 respects, it was eight percent or 10 percent of  
4 the applications, where DMV was around three  
5 percent.

6 COMMISSIONER DAVIDSON: Thank you.  
7 I'm not sure I understand each one of the  
8 processes, but in provisional balloting, do the  
9 counties have the capability of going into your

10 website and reviewing whether that person has  
11 registered? If they came in and said I  
12 registered at a drivers license, I was given a  
13 provisional ballot, do they have the capability  
14 to go back and check that to make sure that  
15 information is there?

16 MR. PIERCE: Right now, in Virginia,  
17 no, they do not. DMV does not keep any  
18 information on file, electronically or paper, on  
19 whether a citizen submitted something to DMV.  
20 We don't do it electronically and all of the  
21 paper information such as that audit report and  
22 vote registration applications is sent to the

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1 state board of elections. The audit report and  
2 paper applications are sent from each office.  
3 State board of elections keep the paper audit  
4 errors on file and send the paper voter  
5 registration application to the locality, and  
6 the locality processes that application for the  
7 customer.

8 Right now, in Virginia, and I alluded  
9 to this, one of the things that was started  
10 under Secretary Quinn and continues under the  
11 current Commissioner Smith and Secretary Jensen  
12 and the state board of elections is a wonderful  
13 partnership between DMV and the state board of

14 elections, so wonderful that we actually have  
15 two DMV employees on our payroll that work at  
16 state board of elections as liaisons for this  
17 whole process. And they are the individuals  
18 that receive these paper audit records on the  
19 voter registration applications.

20       So on Election Day, if a precinct has  
21 a customer or voter that says I registered at  
22 DMV, the precinct will call the registrar's  
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1 office, the registrar goes through the necessary  
2 research. If they say I registered at DMV, then  
3 the local registrar contacts state board of  
4 elections. State board of elections has the  
5 paper audit report to see if the customer was in  
6 the DMV that day. As well, they have access to  
7 the DMV computer system so they can look up on  
8 the customer DMV. So they can look at DMV's  
9 computer system to see if the customer was in  
10 there, pull that paper audit record.

11       And if the question is, yes, I do  
12 want to apply to register to vote or, no, I do  
13 not, then the state board of elections will get  
14 back to the local registrar.

15       COMMISSIONER DAVIDSON: I asked the  
16 same question, but I've got one more question.

17 Do you see there that is any way, a capability,  
18 of improving the systems between the Secretary  
19 of State's Offices and the DMV, do you see that  
20 there is anything, because you're going to be  
21 changing your systems anyway. Because of that,  
22 do you see that they can put it together at the

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1 same time, some of these changes?

2 MR. PIERCE: I think so. I think it  
3 will help to enhance some of these systems. It  
4 is going to be difficult for DMV, the process  
5 we're going to have to go through but, yes, we  
6 can use some of those challenges to also enhance  
7 the system.

8 COMMISSIONER DAVIDSON: And,  
9 hopefully, that would be brought up through  
10 AAMVA to maybe accomplish two of them together  
11 would be great.

12 MR. PIERCE: Yes, it sure would.

13 COMMISSIONER DAVIDSON: All right.  
14 Ms. Johnson, I guess the one question I had that  
15 related to what I asked before is, when you are  
16 checking provisional ballots, obviously, I think  
17 with your statewide system, they have the  
18 capability of going into your statewide system  
19 and knowing immediately if they registered at  
20 motor V, am I correct in that?

21 MS. JOHNSON: Yes, they do. The  
22 counties have it in their electronic system and  
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1 then get a paper printout. If they can't do it  
2 electronically, they can always do it via the  
3 paper reports.

4 We keep a five-year history on every  
5 voter, that is, everything that ever happened to  
6 that vote record, which would include going to  
7 an agency looking at that. And we do have the  
8 declination record where they said, no. Motor  
9 vehicle or social services, we do have that as a  
10 five-year database. So we do have access to  
11 that.

12 COMMISSIONER DAVIDSON: Having that  
13 information, do you still find you have citizens  
14 come in and saying I registered at motor V, and  
15 they haven't?

16 MS. JOHNSON: We do. We have a lot  
17 of that. Social services too, we do have that,  
18 and there is no proof anywhere, paper or  
19 electronic, that it ever occurred.

20 COMMISSIONER DAVIDSON: On your  
21 drivers license in your area, do you put on  
22 there and their renewal of a drivers license --  
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1 I know now they can do it by mail and so on, but  
2 they actually applied to register to vote, a yes  
3 on there, on the drivers license itself, kind of  
4 like a receipt?

5 MS. JOHNSON: No, not as far as on  
6 the printed license. They are just now in  
7 Kentucky getting to where you can renew your  
8 license online. They have tested it, but I  
9 don't think it is going forward. There is  
10 nothing printed on the license that says you  
11 registered to vote or didn't, but it is  
12 electronic in the database.

13 COMMISSIONER DAVIDSON: Okay.  
14 Mr. Saar.

15 MR. SAAR: We have access to the  
16 Secretary of State file. The Secretary of State  
17 has two files. One deals with the drivers  
18 license file. The other is all the registration  
19 activities that have happened since the  
20 beginning of NVRA. We have access to the second  
21 file. We don't have access to the first because  
22 of legal problems, but we do use that file

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1 extensively when we're looking at provisional  
2 ballots and qualifying voters.

3 Certainly, the question that arises



8 glad to hear that you're taking those steps.

9 MR. SAAR: And it's interesting, of  
10 course, in the eligibility process, provisional  
11 ballot, if the individual transferred to the new  
12 address, the voter has to make a choice, do I  
13 feel as if I am real certain that the  
14 registration's going to show up at the new  
15 address or do I hedge my bet and vote the fail  
16 safe ballot.

17 That's the type of information we try  
18 to get out to the voters in the polling place,  
19 to give them all the options to make an educated  
20 decision on what they want to do.

21 COMMISSIONER DAVIDSON: I would be  
22 very interested to see what you have come up  
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1 with.

2 MR. SAAR: Yes, I have a copy.

3 COMMISSIONER DAVIDSON: That would be  
4 very insightful to be able to see that.

5 One other question, well, talking  
6 about that, well, I guess we really can't get  
7 into that. That would take too much time. I  
8 was wondering about more illustrations in that  
9 line of are they eligible or not but we'll get  
10 into that with what you are providing us, and I

11 appreciate that.

12 MR. SAAR: Sure.

13 COMMISSIONER DAVIDSON: Ms. Wright,

14 thank you, very much, and I didn't say it up

15 front, but I do approach each and every one of

16 you being here, and definitely, the information

17 that you provide to us is very useful. Every

18 state is so different. I think that we try to

19 recognize that as we march on, but it is very

20 helpful to see the perspective of what you have

21 looked at nationally, so that also is very

22 helpful.

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1 In your testimony, one of the things

2 I wondered about, and I think I will ask the

3 others, you asked for more information. Your

4 statistics, you could do better statistics, for

5 instance, at social services, how many initial

6 applications are there versus how many

7 re-certification?

8 Obviously, those agencies will be the

9 one that has that information. Do you think

10 that information should be shared with the

11 state? Is that how you think that we can get

12 that? And have you talked to states and to

13 other agencies about this process? I've got a

14 two-part question for you, and I apologize on

15 that.

16 MS. WRIGHT: I guess the information  
17 would need to get to the chief election officer  
18 or the person in charge of NVRA administration  
19 at a state side level at some point. You know,  
20 with the agencies, it's important to understand  
21 that these numbers, the traffic wouldn't just be  
22 the question of case load. You couldn't look

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1 just at case load and say that gives you all the  
2 NVRA covered transactions. Because if you apply  
3 for benefits and you are denied, you still were  
4 required to have been given the opportunity to  
5 register to vote. You might not show up as part  
6 of the agency's actual case load. So there is a  
7 process that we have to have happen, and I'm  
8 sure there are going to be variations from state  
9 to state in how accessible that data is or what  
10 changes in procedures would have to be made in  
11 order to track it. But like I said, I think too  
12 understanding that a lot of this data is tracked  
13 for food stamps, and so even, if that were the  
14 only public assistance program for which you  
15 would get the data, it would give you at least a  
16 proxy for looking at traffic and how that  
17 relates to the actual voter applications that

18 you get.

19 COMMISSIONER DAVIDSON: I know that

20 its always been a little touchy, because in the

21 law itself, it says no information relating to

22 the decline to register to vote in an office

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1 described may be used for the purposes other

2 than voter registration.

3 So, obviously, we would be walking a

4 little bit of a fence there, making sure we

5 didn't -- but you can see where the additional

6 information on the numbers, especially when

7 you're trying to put the numbers -- say the

8 state is having one percent turnout of people

9 registering through that agency, but when you

10 talk about it, every time they go in, that is a

11 re-certification. Obviously, if they registered

12 one month, they are not going to register every

13 month.

14 MS. WRIGHT: Right.

15 COMMISSIONER DAVIDSON: Or we would

16 have a lot of duplicates. And so knowing the

17 numbers, it really is a problem, actual numbers.

18 Because if you're taking those

19 re-certifications, it does make it seem like it

20 is more lower in some instance than it is. I

21 don't know, so I can see why that would be

1 I'd like to ask Ms. Johnson, how do  
2 you feel about trying to accomplish -- I know  
3 that would change computers and forms, because  
4 as you say, your reports are all computerized  
5 and you send them in right away.

6 Initially, it is money up front, that  
7 part, but do you think that is a problem as much  
8 that you have already on your computer?

9 MS. JOHNSON: It would certainly cost  
10 a lot to do it. Cost isn't the only factor.  
11 The biggest thing would be enough lead time on  
12 what is it, if you want to add something like  
13 that, exactly what is it that you want so that  
14 ever state or locality has the same definition  
15 of what type of figure you are wanting. It  
16 would certainly be the most important issue.  
17 You have seen the election day survey. The lead  
18 time on what you want, getting it out early  
19 enough, and then not changing your mind  
20 midstream after everybody's re-configured  
21 everything, and then you change your mind. I do  
22 think that's an issue.

1 My initial question is how am I going

2 to get that thing done. Then you have some  
3 privacy issues that would be involved. Would we  
4 have access to it? It is something I would  
5 cautiously look at, not from the money side, but  
6 from the mechanics, what type of data integrity  
7 you would have when you got it, if everybody had  
8 a different definition of what that was, but I  
9 would proceed extremely cautiously on that, make  
10 sure you know what everybody wants before you go  
11 out there and do it.

12           COMMISSIONER DAVIDSON: Lead time and  
13 changing it, I agree with you. I wasn't here  
14 when I received the questionnaire of information  
15 we needed on registration, I mean Election Day  
16 information data. And knowing when we got it,  
17 but can you tell us the lead time you really  
18 need. I know it -- I was surprised how long it  
19 takes in the Federal Government to get something  
20 actually done and get it through. But what kind  
21 of lead time do you say the states need to be  
22 able to get it active once we work through all

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1 the problems we talked about?

2           MS. JOHNSON: A lot of it will depend  
3 on exactly what you're asking. I would say six  
4 months to a year. You do some test data to make



5 sure you're tracking what you think you're  
6 tracking. So six months to a year to get  
7 everything worked, to secure the funding, to  
8 work with the programmers to get it done, to  
9 work with the different agencies, but that would  
10 be a minimum to me.

11 COMMISSIONER DAVIDSON: Ms. Wright,  
12 you mentioned in your presentation of states  
13 that had done enabling legislation on remote  
14 interactions. In that testimony there, I wrote  
15 my question out and I don't really have all the  
16 information. But if agencies interact via the  
17 telephone and the mail, that area that you spoke  
18 about, do you know those states -- can you  
19 provide those states, if we wanted to ask  
20 additional questions to states, that we could.

21 MS. WRIGHT: You mean the ones that  
22 are providing voter registration opportunities

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1 for people doing remote transactions as well as  
2 in person? My understanding is Connecticut's  
3 looking at legislation like that.

4 COMMISSIONER DAVIDSON: I know it is  
5 looking at it, but your testimony goes there was  
6 some that had put that into your legislation.  
7 I wonder if you would provide us with the state.

8 MS. WRIGHT: I am checking with Scott

9 Novaskowski, who is here from DeMost here today.

10 My understanding, that they have done some small

11 pieces of this, more of an individual basis but

12 we don't have a comprehensive program. I don't

13 think my testimony was meant to indicate that.

14 COMMISSIONER DAVIDSON: Okay. All

15 right. I appreciate that, and I do appreciate

16 everyone's testimony. Thank you, very much.

17 CHAIRMAN DEGREGORIO: Thank you,

18 Commissioner Davidson.

19 We have had some very good testimony,

20 and my colleagues have asked excellent

21 questions. I have a few but we ask our legal

22 counsel and executive counsel and executive

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1 director to ask questions, if they have any.

2 Mr. Pierce, in your testimony, you

3 made reference to the drivers license

4 application has been changed 22 times in ten

5 years, and I think Paul Johnson and Mr. Sartwell

6 will tell you because of all the HAVA

7 requirements, that it changed too. You

8 mentioned that only 15 local registrars in

9 Virginia are participating right now in this

10 program. It was meant to have them interact in

11 a direct way in the collection and distribution

12 of these applications.

13           What's the future in Virginia? How

14 are you going to encourage other registrars?

15 You have 10 percent now. How are you going to

16 reach the other 90 percent?

17           MR. PIERCE: We have been promoting

18 this all along every since it started in '99.

19 We went through budget constraints in 2003, and

20 we were providing this co-location as such.

21 We're working on that again. Hopefully, we can

22 get it going again and get things moving.

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1           CHAIRMAN DEGREGORIO: Ms. Ball

2 Johnson, Mr. Saar states and I believe Ms. Ball

3 Johnson or somebody made reference to the fact

4 that under NVRA, and the fact that you have to

5 do these mailings to make sure your lists are up

6 to date, I found through looking at news reports

7 and talking to election officials and following

8 the lawsuits, that there are many local election

9 officials in the country that are not fulfilling

10 this obligation. In the litigation, it mentions

11 that the one county had 150 percent of the

12 actual numbers of the census data said were

13 eligible to vote. That's why they went after

14 them, and it was discovered that the election

15 facility had not done the mailing for many

16 years, even though it was required under NVRA  
17 and under state law because the county  
18 commission just didn't provide the money to do  
19 it, so his hand were tied.

20           How do we deal with that, because it  
21 is going to happen if they don't do it, the  
22 Federal Government, the DOJ will sue and perhaps  
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1 take control of this process. You have probably  
2 had similar problems, but how can we encourage  
3 election officials when it comes to NVRA?

4           MS. JOHNSON: Talk to the  
5 legislators, tell them to fund. Seriously, that  
6 would work. I think that one of the things that  
7 you can encourage people to do, of course,  
8 knowledge of the law -- in Kentucky, we do  
9 everything on a state level, so we absorb the  
10 cost, but in some cases perhaps they don't  
11 understand maybe they are just ornery, I don't  
12 know, but in a lot of cases, it is probably lack  
13 of knowledge of what you're supposed to do.

14           The mailings are very time consuming.  
15 On a state level, they are huge, 30,000 is a  
16 simple mailing. I think, for us, one of the  
17 biggest things that NVRA set forth, it  
18 specifically says that the U.S. Postal Service

19 is supposed to set aside a specific rate, a  
20 discount rate for postage. Gee, it's 2006, and  
21 I haven't seen that rate. I don't know if  
22 anybody else has.

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1           So I think the postal service needs  
2 to do what NVRA says. We don't particularly use  
3 the nonprofit rate in our state because of all  
4 the time-consuming issues involved, but it does  
5 arrive as soon as first class mail, but there  
6 are, again, vote by mail states concerned about  
7 some of the new regulations trying to put  
8 restrictions on what they can mail. I think the  
9 biggest thing really is working with the postal  
10 service. We're all reminding us and we're  
11 reminding our local officials but I think  
12 somebody needs to remind the postal service that  
13 they have a mandated section in the law that  
14 help on those mailings. And like I said, the  
15 funding, whether from county or state, but the  
16 funding is crucial because every time they raise  
17 the postal rates, your mail cost goes up.

18           Like Mr. Pierce said, some of these  
19 offices, there's only two people in this county,  
20 and you have to do it all. Our local election  
21 officials do a hundred different things. Voting  
22 is one piece of it. So I do think the funding

1 is very crucial, but I think the postal service

2 is too.

3 CHAIRMAN DEGREGORIO: Mr. Saar.

4 MR. SAAR: Illinois has a state

5 statute that says that every two years, we have

6 to do a full mail canvass of our counties, and

7 then to follow the NVRA procedure when those

8 things come back. I think that you hit on it,

9 number one, all officials, everyone follows

10 that. And so I think the Department of Justice

11 is playing the role that they need to play. I

12 don't know how you can compel somebody into

13 doing something that the state statute intended.

14 If people aren't following that, that is a

15 serious problem. Some people have tried to rely

16 on NCOA, as an alternative to it. My impression

17 of using NCOA for voter is not a good idea. We

18 did a very lengthy analysis on it, and it just

19 causes more problems, and it is worse,

20 especially with lot of families divorces and

21 that sort of thing.

22 CHAIRMAN DEGREGORIO: You might want

1 to explain the NCOA.

2 MR. SAAR: National Change Of

3 Address. There's several companies that  
4 accumulate the data for National Change Of  
5 Address. I think people have depended on that,  
6 but I guess the bottom line is the state and  
7 federal statutes are clear. If people aren't  
8 following them, you know --

9 CHAIRMAN DEGREGORIO: Ms. Johnson,  
10 thanks for reminding us about the special rate  
11 because I had an e-mail just like week says that  
12 the EAC should remind that they have this, and  
13 it's a good rate to use. This person uses that  
14 rate but, again, it is a time-consuming process  
15 to work with the postal service to get it, but  
16 this particular county's been using it for  
17 years. Other counties don't know it's there,  
18 even though they have been reminded over the  
19 years that it is there.

20 Ms. Wright, we have heard today about  
21 some states like Kentucky using electronic means  
22 of transferring information, and Illinois,

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1 that's just now going to statewide database  
2 moving towards some type of system. But do you  
3 think that it would be helpful to voters who go  
4 to social service agencies and other agencies of  
5 state government where voter registration takes

6 place under NVRA that there be a more complete  
7 electronic transfer of information to the  
8 official?

9       It seems to me, in recognizing how it  
10 works, many people vote by provisional ballot  
11 just because the information has gotten to the  
12 local election official on a timely basis. And  
13 when vote provisional. Have you all, in your  
14 best practices or in your recommendations or  
15 research, found any type of modern electronic  
16 transfer that can be used as best practices, has  
17 worked to help improve getting registrations to  
18 the legislative officials on a more timely  
19 basis?

20       MS. WRIGHT: I'm not sure that it's  
21 up and running in any particular state yet but  
22 it is a practice that we think it would be very

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1 important in improving the compliance with the  
2 public assistance provisions. Because whenever  
3 you transfer information from one office to  
4 another, you have error problems, transmission  
5 problems. If you do it all electronically, each  
6 individual state is going to have its own  
7 computers issues with its public assistance  
8 programs, and some are going to be more able to  
9 work that kind of change in their programs than



10 others. But it is really something states will  
11 be looking at as they go forward, especially now  
12 that statewide database is implemented.

13 We don't want to see the public  
14 assistance provisions falling behind as the  
15 neglected child that isn't getting quite the  
16 attention and level of technological advancement  
17 that it really needs.

18 CHAIRMAN DEGREGORIO: Okay. Ms.  
19 Johnson, when you say electronic, I want to  
20 clarify, are you receiving the PDF file?

21 MS. JOHNSON: No. It is just the  
22 data but we still have to get the signed form

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1 but we can process it.

2 CHAIRMAN DEGREGORIO: Do you know of  
3 any states moving towards a PDF form, so if  
4 there is a ever a question, that they can go to  
5 PDF that was actually checked and the person  
6 entered it wrong?

7 MS. JOHNSON: We're looking at it in  
8 the future, a paperless drivers license ability  
9 where everything is electronic. We certainly  
10 have been watching it for quite sometime so that  
11 you get away from the paper card not being sent.  
12 Because Ms. Wright's correct, any time you have

13 more people handling something, it is more apt  
14 to get lost. We're certainly looking at  
15 paperless type documentation where you would  
16 have it electronically. I think it's something  
17 in the future. The problem is money. It is a  
18 very expensive thing. Drivers license, send me  
19 a digital signature. What do I do with it when  
20 my local election officials receive it. Right  
21 now, they can't receive it because they don't  
22 have the technology but I think it is something

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1 everyone should be looking into.

2       CHAIRMAN DEGREGORIO: I want to thank  
3 you all. I'd like to ask now our executive  
4 director if he may have a question or two.

5       MR. WILKEY: Well, first of all, I  
6 want to thank you for being here. And I'd like  
7 to know that we did invite a representative of  
8 AAMVA to be here? It would have given us a  
9 perspective of what's going on around the  
10 country, in terms of motor vehicle  
11 registrations.

12       Actually, Commissioner Davidson stole  
13 my question that I was going to ask you. First  
14 of all, I want to make a comment that, Ms.  
15 Johnson, I think we all recognize, those of us  
16 that go back far enough to the implementation of

17 NVRA in our home states, that it was Kentucky  
18 that ended up being part of NVRA. Sponsors of  
19 NVRA took a lot of what you were doing there and  
20 made it work across the board. So you are to be  
21 congratulated for keeping that up.

22 Mr. Pierce, I can attest to the fact  
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1 that you shared a lot of the information with my  
2 home state in the early implementation of DMV  
3 motor, opportunities to work both with the folks  
4 in the state board in Virginia. My question  
5 would have been, and Mrs. Davidson, was as to  
6 the back end, whether you make this information  
7 available to your local offices so they can  
8 better handle the number of provisional ballots?  
9 Like if I were to do my own state, there were a  
10 high number, the highest number of reasons for  
11 asking for a provisional ballot or giving  
12 provisional ballot was because they had said  
13 they had registered at DMV. And we were able to  
14 help in that situation by being able to have  
15 access to the DMV records, have access to the  
16 declination records. I think that's a big help.  
17 I think all three of you would agree,  
18 and you can just nod your head, that the more  
19 that you can integrate this data into a single

20 system, the better off we are. And I am hoping  
21 that states will learn that lesson as they  
22 implement statewide voter registration.

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1 Thank you. Now, Ms. Wright, I have a  
2 question for you. It might seem a bit strange,  
3 but I probably am, hopefully, one of the few  
4 people in this room that has stood in the  
5 welfare line with my mother many years ago. It  
6 was a daunting experience. It is an experience  
7 that even though its been many years, you do not  
8 forget. And even in implementing NVRA in my  
9 home state, while we had great success on the  
10 DMV, we encountered numerous problems in the  
11 social service end and we did so because of the  
12 sheer magnitude of what we were dealing with and  
13 the different processes that were going on in  
14 the human service agencies.

15 I know that you said that cases have  
16 gone down, according to your testimony, but I  
17 think what's happening is you're seeing a  
18 requisite number of employees that have been  
19 eliminated because of that consolidation of  
20 offices. I know in doing our initial work in  
21 trying to implement our voter registration in  
22 the social service agencies, we found that just

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1 looking at the sheer magnitude of the number of  
2 people that were visiting those offices on a  
3 daily basis, some spending many, many hours  
4 filling out applications and waiting to go  
5 through intake was the most difficult part of  
6 getting to the voter registration piece.

7       Even though we were one of the  
8 handful of states that put the voter  
9 registration form on the application, it was at  
10 the very end of the application. So by the time  
11 they worked their way through these many issues,  
12 often voter registration piece did not get done.

13       My question to you, is have you or  
14 any of the organizations that you have worked  
15 with, because of the unique obstacles and the  
16 unique way that those agencies work, have you  
17 done any kind of research or any kind of survey  
18 of where best voter registration opportunity  
19 comes, because that's where, in my previous  
20 experience, we found it to be the most  
21 difficult. We're dealing with a sensitive area  
22 here, and I think while you pointed out  
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1 correctly that there needs to be a willingness  
2 on the part of the agency to do this, I think  
3 sometimes it comes in the process. It is a

4 long, tedious process. It hadn't changed any in  
5 all the years it has been in effect. I have  
6 seen it up front, and I have seen it in visiting  
7 intake centers when we implemented NVRA.

8 I am wondering have you looked at the  
9 process, have you made recommendations about  
10 where you fit that opportunity before it becomes  
11 uncomfortable, before it becomes too tedious,  
12 before you run out of time, essentially?

13 MS. WRIGHT: One of the things that  
14 the implementation project has encountered in  
15 some states is you can be kind of effective in  
16 dealing with that problem in some locations if  
17 you can encourage the agencies to offer that  
18 registration opportunity while people are  
19 waiting in the waiting room to see a case  
20 worker. Because often it is relatively easy to  
21 fill out the voter registration compared to  
22 everything else you might be doing if you are

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1 going through an entire sort of certification  
2 and eligibility process.

3 Again, it is going to vary based on  
4 the type of visit that the person is making, are  
5 they looking to change their address or doing an  
6 initial application. It is going to vary based

7 on the office, but I think the experience has  
8 been in states that start to make it a priority  
9 to say while you're waiting to see your case  
10 worker, here's the registration form. That's  
11 one way to expedite the process, and lift it up  
12 so it doesn't get lost.

13 MR. WILKEY: Just as a follow-up,  
14 have you done any studies where states have it  
15 on a separate form? If you're talking about  
16 doing it on intake at the beginning, does it  
17 make a difference, because I know in our case,  
18 yes, we put the form out but it happened to be  
19 at the end of a very long application process.  
20 By the time you got through looking at all of  
21 the various issues, it sometimes didn't even get  
22 covered.

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1 So have you done any studies in that  
2 area to see which may be better?

3 MS. WRIGHT: Not specifically a study  
4 devoted to that specific question. I guess  
5 there is some tension in saying, do you want to  
6 have an integrated form where it might come at  
7 the end versus do you want people to have the  
8 opportunity to fill this out while they are  
9 waiting in line. It is going to vary based on  
10 the procedures in a particular state and the way

11 people run their actual offices on the ground.

12 That's why we have kind of put emphasis on the

13 individual with local officials as much as we

14 can.

15 MR. WILKEY: Thank you, very much,

16 and thank you for being here, all of you.

17 MS. HODGKINS: Thank you. My

18 question is one of a cross over between Help

19 America Vote Act and the national voter

20 registration. Ms. Johnson said her state

21 requires social security numbers for

22 verification purposes. However, there are

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1 states that rely on drivers license. My

2 question is actually one of three parts. First

3 is, do your states -- and this is for each one

4 of the panelists -- do your states or in your

5 experience, do states offer NVRA motor voter

6 application to non-driver identification card

7 applications?

8 If they don't, should they, and what

9 are the barriers? Mr. Pierce.

10 MR. PIERCE: Yes, we currently do.

11 Anybody who is applying for a drivers license,

12 identification card, or changing their address

13 with DMV gets the opportunity to fill out an



14 application for voter registration.

15 MS. JOHNSON: We do in our state also  
16 offer it to both.

17 MR. SAAR: I don't know.

18 MS. WRIGHT: I believe that's fairly  
19 common, but I couldn't give you a specific  
20 breakdown of states that do and don't do it that  
21 way.

22 MS. HODGKINS: Thank you.  
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1 CHAIRMAN DEGREGORIO: Thank you, ms.  
2 Hodgkins, and thank you, members of the panel,  
3 for your excellent testimony and answering our  
4 questions. We have received e-mails and  
5 testimony by mail from others around the country  
6 who are very interested in this important  
7 subject. This focus today is just part of the  
8 process for us, and we will continue to take a  
9 look at this because it is our responsibility  
10 under the Help America Vote Act to regulate this  
11 area, and we'll continue to do so and receive  
12 testimony and provide what we can on a regular  
13 basis, but also take a look at best practices  
14 that we have heard today from many of you on  
15 what can be done to improve the process.  
16 I'd like to ask my colleagues if they  
17 have any addition or time remarks to make?

18 COMMISSIONER HILLMAN: I do not, no,  
19 sir.

20 CHAIRMAN DEGREGORIO: Thank you. I  
21 want to remind those in the audience who attend  
22 our meetings on a regular basis that our next

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1 meeting will be on Thursday, April 20th, in  
2 Seattle, Washington. State of Washington was  
3 the site of very closely watched recount in 2004  
4 that lasted all of 2005, it seemed like, most of  
5 it. So we're going to be focusing on vote  
6 counting procedures and recounting procedures at  
7 that meeting. We'll have testimony in that  
8 regard at that meeting. Thank you, again, for  
9 coming today and for listening.

10 And this meeting is adjourned.  
11 (Whereupon, at approximately 12:30  
12 o'clock, p.m., the above meeting was  
13 adjourned.)

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CERTIFICATE OF COURT REPORTER

I, Jackie Smith, court reporter in and for  
the District of Columbia, before whom the foregoing  
meeting was taken, do hereby certify that the  
meeting was taken by me at the time and place  
mentioned in the caption hereof and thereafter  
transcribed by me; that said transcript is a true  
record of the meeting.

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Jackie Smith