

Minutes of the Public Meeting

United States Election Assistance Commission

1225 New York Avenue, NW

Suite 150

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VERBATIM TRANSCRIPT

The following is the verbatim transcript of the Workshop of the United States Election Assistance Commission (“EAC”) held on Tuesday, August 5, 2008. The workshop convened at 1:34 p.m., EDT. The workshop adjourned at 3:03 p.m., EDT.

WORKSHOP

CHAIR RODRIGUEZ:

I’d like to reconvene the Election Assistance Commission public hearing of August 5, 2008, for the workshop portion of the hearing and very pleased to introduce our two panelists this afternoon. And I’ll introduce you both first, ask Dr. Lin to make his presentation first, and then Secretary Ritchie.

We invited the Department of Justice to participate in this panel and they declined, but I’ll address that a little bit later. I’m pleased to say that a member of the DOJ is here to take back questions that we have, should we have any.

Dr. Herbert Lin is Chief Scientist at the Computer Science and Telecommunications Board, National Research Council of the National Academies, where he has been study director of major projects on public policy and information technology. These studies include a 1996 study on “National Cryptography Policy: Cryptography’s Roles in Securing the Information Society,” a 1991 study on “The Future of Computer Science,” a 1999 study of “Defense Department Systems for Command, Control, Communications, Computing and Intelligence,” a 2000 study on “Workforce Issues in High Technology,” a 2000 study on

“Protecting Kids from Internet Pornography and Sexual Exploitation,” a 2004 study on “Aspects of the FBI’s Information Technology Modernization Program,” a 2005 study on “Electronic Voting,” a 2005 study on “Computational Biology” and a 2007 study on “Privacy and Technology.” Also, he’s done a cyber security research project. Prior to his NRC service he was a professional staff member and staff scientist for the House Armed Services Committee from 1986 to 1990 where his portfolio included defense policy and arms control issues. He received his doctorate in physics from MIT.

And what Dr. Lin is doing here today with that very impressive background is presenting to us the National Academies’ interim report on Statewide Voter Registration Databases: Immediate Actions and Future Improvements.

Our second panelist is Mr. Mark Ritchie. Mr. Ritchie is the Secretary of State from the State of Minnesota. I had the opportunity to visit him in Minnesota in April and saw a very extensive operation. Mark previously worked in the Administration of Minnesota’s Governor Rudy Perpich, in the Department of Agriculture, responsible for addressing the economic crisis facing family farmer and rural communities. Mark served for 20 years as the president of the Institute for Agriculture and Trade Policy, a Minnesota-based public research group working with businesses,

churches, farm organizations and other civic groups to foster long-term economic and environmental sustainability in Greater Minnesota. In 2003 Mark led National Voice, a national coalition of over 2,000 community-based organizations from across the country working together to increase non-partisan civic engagement and voter participation. National Voice through their November '02 media campaign registered over 5 million new voters nationwide making the effort one of the largest non-partisan voter mobilizations in our nation's history. Over 400 Minnesota churches, businesses, unions, schools and community groups participated in the campaign. As part of his official duties as Secretary of State, Mark serves on the State's Executive Council, the State Board of Investment and the Minnesota Historical Society. Mark and his wife, Nancy Gaschott, live in Minneapolis.

Welcome to both of you. Again I'll turn to Dr. Lin to start the meeting.

DR. LIN:

So thanks for having me. As you noted, we at the National Academies worked with you to produce this report called "State Voter Registration Databases: Immediate Actions and Future Improvements." That report, here, is available for free at the Academy and I believe from your Web site, as well. And my role,

here, is to, as requested, to present the recommendations from the report.

So just one, you know, 30-second commercial about the Academy. As you know, the Academy operates -- the National Academies operate under a Congressional charter to provide advice to the Federal government on matters of science and technology that relate to public policy and it's under that charter that we inform the Committee responsible for this report. The Committee was chaired by Fran Ulmer and Olene Walker, Democrat and Republican respectively, and we have a variety of other illustrious people on the panel.

So with that let me turn to my testimony immediately. I understand that you have hardcopies of the view graphs in your folders there and I think the audience can see them out here. Regarding voter registration databases, there are basically two fundamental tasks that they have to accomplish. The first is to add individuals, new individuals to the voter registration database and in doing so they usually seek to verify -- must try to verify voter registration information, that is information provided by the voter against a variety of databases, such as the Social Security Administration database and the State Department of Motor Vehicles.

The second basic task is to maintain the voter registration database. It's needed for a variety of reasons. For example, people move and their addresses change. And ideally, a voter registration database would have all correct addresses for everyone of its correctly registered voters. So that falls under the heading of keeping voter registration information current. And it also has the job of removing the names of ineligible voters and duplicate registrations from the voter registration lists. Ineligible voters might be, for example, in some States -- many States those who have been convicted of a felony, for example, or those adjudicated as being mentally incompetent. Duplicate registrations, of course, also arise where the same person appears on the voter registration rolls more than once. Most often, in the majority of cases, this doesn't represent any ill intent of the person. It's just he moved and didn't unregister from his previous location when he re-registered. So there are -- duplicate registrations can occur in all sorts of benign and innocent ways.

Then the task under maintenance is that you need to compare voter registration database records to other voter registration database records in order to identify duplicates usually associated with change of address or change of name. You also need to compare VRD records to databases of known felons, deceased individuals, individuals declared mentally incompetent

and often, or usually, to the Department of Motor Vehicles again for address changes.

I stress both of these tasks, adding individuals to the database and maintaining the database, require high quality data and good matching procedures. And that's probably the central message on this view graph.

In thinking about what could be done for the November election, which is what we were charged with addressing in the interim report, we thought that there were no -- at the time this report was released, which was last April, there were no technology changes that we thought that could be done really at that time that were likely to be successful. Not enough time to design, code and test changes to hardware and software, might require new procurements or new operational procedures which also needed to be developed and tested, might require changes to State election law and/or regulations and so on. All of that is very complicated and, of course, now it's no longer April but it's August, and if you haven't finished it by now and are in the middle of the serious end-stage debugging you're in real trouble. So we said, you know, don't go down that way.

Nevertheless, we thought that there were some non-technical changes that were possible and feasible in the short term to help improve the voter registration process for this coming

election. They focus on two key areas, better education and dissemination of information to the potential electorate, and improvements in administrative processes and procedures. Now some of the things described in these two recommendations, which I'm going to elaborate further, are being done today by some jurisdictions. So almost all of these things, that I'm about to describe, have some precedent in that somebody is able to do them already. And also there are a number of longer term actions possible and we intend to address that in our final report, which will be out at the end of next year.

Okay, so what did we say? The first area was in the public education and dissemination of information. We thought that election officials could benefit by increasing public awareness about legibility and the completeness of information on the forms that would-be voters fill out. So we thought that jurisdictions could reasonably take some or all of the following steps: They could emphasize the importance in the instructions of filling out voter registration forms legibly and completely. So for example, you might want to say on the forms, "Print all your responses. If your answers are illegible, your application may be mis-entered, rejected, or returned to you." So we didn't think that many of the forms that we saw, you know, met that standard but just said, "Here's the form. Fill it out."

We thought that there would be some value in conducting media campaigns emphasizing the importance of legibility and completeness in the information provided.

And we thought that it would be important to coordinate with third-party voter registration groups and public service agencies, which bear a large part of the burden of registering new voters, to coordinate with them to emphasize the need for their field volunteers, i.e., the people that actually interact with the public to, you know, pay attention to legibility and completeness as they distribute and/or collect registration materials. So if there was somebody standing on a street corner giving out registration, “Do you want to vote?” they could say, “And when you fill this out, please make sure that it’s legible and complete,” to emphasize that. An easy thing to do but not necessarily done.

In the area of administrative processes and procedures, this is the first of two slides on this, we thought that the processes could be improved in a variety of ways. So, for example, it is often that a query submitted to the Department of Motor Vehicles or the Social Security Administration returns a non-match. So I say, “Is Herb Lin in the database?” And it comes back, “No.” What do you do then? Well, practice is not uniform in this regard. In some places they just say -- they try once and you’re done and then you say, “This is a non-match” and you treat however you treat a non-match. In other

places they might resubmit the name under Herbert or they might try a misspelling of my last name, or something like that. So the idea here is to encourage the people who make the queries to resubmit the match queries under different names, plausibly connected names or name equivalents, if you will, when they get back a non-match. We think that that would improve the hit rate, the match rate to a non-trivial degree.

We thought that there should be a human review of all computer-indicated removal decisions from the voter registration rolls, that is, a human being to take responsibility for looking at each individual and saying, "Yes, that makes sense" rather than saying, "Well, the computer said that all of this -- this whole sheaf of paper contain, you know, lots and lots, hundreds of names. They should all just be kicked out because the computer said so." Don't trust the computer entirely. It's a good place to start, but don't trust it for important decisions.

We thought that election officials could usefully improve the transparency of procedures for adding voters and for list maintenance. So for example, describing what their criteria are for matching. Do they match on four digits of the Social Security number or nine digits? Do they resubmit queries as described in the first bullet? And so on. A variety of ways to make public what they are, in fact, doing.

The next thing was that they could use fill-in online registration forms. So for example in some places you can get a PDF file, you can print it out and then you have to fill it out by hand. But there's no -- you print it out and you fill it out by hand. But it's also possible to create voter registration forms in PDF form that are fillable. That is you sit there at the computer, as long as you have a computer, you sit there and you type in all the information and you print it out and it comes out printed not just with the form but with all of your typed and, therefore, legible information on it. We think that that would make a big difference in improving the legibility of these forms.

We thought that it would be important -- second slide. We thought that it would be important to perform some degree of empirical testing on the adequacy of processes for adding to and maintaining a list. How do you know how well you're doing? Is there some way of testing how good your processes are? Do you wind up with a lot of false negatives and false positives? There are a variety of ways of doing that and we talk a little bit about that in the report.

We thought it would be important to take steps to minimize errors during data entry. So in the report, for example, we talked about sample audits to assess the degree of the problem. So what you have is you have six people, usually temporary workers, sitting

there keypunching away at a sheaf of registration forms and, you know, they all get registration forms and they enter data. How well did each of them do? As an empirical observation, it is often that there's one person, or two -- one or two people, just a few people that are responsible for the vast majority of errors. Voter registrars might want to pay attention to that piece of information and perhaps reassign those individuals to other duties and get other people because that would be a big help in reducing the overall number of errors.

It might be possible to provide the registrant with a copy of the data that were actually entered at some point. So for example if they submit a card and then they get the -- all the data is keypunched in and then the voter gets notification from the office, all that data should be present there and he should be able to -- he or she should be able to validate it and then complain if it's not correct.

So there are a variety of things that can be done and we identified five steps, only two of which we thought could be done feasibly, the ones I just described, in the immediate term. A variety of other things that will take a longer time.

In the interest of privacy and security of voters, we thought that certain individuals, such as law enforcement officials or victims of domestic abuse, might be allowed to -- should be allowed to

suppress address information on public disclosures of registration status. We thought that that was a sensible thing to do and wouldn't affect transparency a lot. It may require legislation to do that in certain places. If so, obviously not feasible for '08.

And the final one, and this was that we thought that it would be useful to encourage entities sponsoring voter registration drives to submit forms in a timely manner to reduce the crunch at the end where you just get this huge volume of stuff near the deadline and, you know, you just bury the office in forms. And if you could spread that out, it would do a lot to help ease the burden and, therefore, to increase accuracy.

There were a variety of issues -- next slide. There were a variety of issues that we identify as long-term actions and we listed about eight or nine of them; improve matching procedures, improve the design of voter registration forms, and so on. A variety of things which are not relevant to this particular election.

And so I think I've run out of time. Let me stop there.

CHAIR RODRIGUEZ:

Thank you, Dr. Lin. I think we'll do questions after Secretary Ritchie.

Secretary Ritchie.

SECRETARY RITCHIE:

Madam Chair, Commissioner Davidson, Commissioner Hillman, Executive Director Wilkey and General Counsel, for the moment at least, Hodgkins, thank you very much for this opportunity to speak with you today and for taking this very important subject quite seriously. I had the opportunity to participate in one of your regional meetings in Kansas City recently and have submitted written testimony for today.

So let me quickly cover a few of the highlights, do a little bit of the history of our system, and then make a couple general comments about the whole way that State Voter Registration Databases are used in our state, Minnesota, to help boost us to be the top voting state in the country. And I'll explain that later.

Our history with statewide voter registration databases goes back 20 years. And that 20 years of process has given us quite a bit of experience, and I want to talk about that very directly. But the story actually goes back much further, actually before I was able to vote. Minnesota, like many states at the time, didn't have a general system of voter registration. As the politicians, older politicians have told me, we only required voter registration in Minnesota where there were soldiers and students. And if you, unfortunately, lived near soldiers and students, you also were subject to voter registration requirements. And often it was a town clerk who wasn't full-time and you had to make an appointment on a Thursday

evening to go over, and voter registration was a huge hassle as it was designed to be. Voter registration from its very beginning has been designed to keep some people from voting. And that was the case in Minnesota, as well, clear up through the time that I was coming of age.

There was a huge debate in the late 1960s about this because obviously discriminating against soldiers and students and others was not acceptable. And many people who found themselves also discriminated against, blocked from voting as a result of those laws, complained. And there was a major discussion in Minnesota in 1972.

The story goes that the Governor came back from North Dakota where he had been up hunting and said, "Well, they don't have voter registration in North Dakota. I don't think we should have it in Minnesota," and he proposed getting rid of it. A number of the legislative leaders who were very worried about losing access to the list of potential voters for campaigning purposes, and I can relate to this argument myself, were afraid that that would be the case; that we would move towards a system without registration, and there was a big fight because the question was, registration as a barrier to voting was something that Minnesotans just were not willing to tolerate any longer. The whole idea of voter

registration as a barrier was something that was well understood and people didn't want it.

The compromise that was worked out was our system of same-day registration, Election Day registration, it's sometimes called. 35 years ago we introduced voter registration throughout the state but at the county level and Election Day registration, so that nobody would be blocked from voting by this barrier called voter registration. And our state has used that system of Election Day registration very successfully for 35 years, and the county level system was fairly successful at that time, from the politicians' point of view. Our legislature was essentially, one representative from each county and the Senators represented two counties, so it was pretty easy to go to the county auditor, or whomever was the responsible, and get your one-county list or your two-county list. It's all very smooth.

As populations shifted and as demographics changed and some people now -- I think the largest of our House districts or Senate districts might have eight counties, there was some concern that the county-based system, both had some limitations but also wasn't able to be computerized in a way. So 20 years ago, and of course, that was fairly early on, there was a kind of negotiations where the state agreed to provide certain kind of funding and computer services and assistance in exchange for the movement

towards a statewide system. I wasn't around at that time, and so, I'm basically reflecting on what some of our staff, who were there at the time, are reporting, but essentially, like most states are required now under HAVA, 20 years ago, this office of Secretary of State took over the overall management of, let's say, the software, the list itself, but counties maintained, and do to today, the maintenance of that system in the sense of adding and subtracting and being responsible for it. And so, we now have 20 years of experience with that list and with that software. We think it's great and there are a lot of things that we feel very proud about and things that we focus on as some of the benefits of that to us as a state.

The first thing is that we built the system to boost turnout. Everybody knew voter registration is a barrier to voting and so we had to overcome that. Election Day registration is a critical piece. But there are many other things that a Statewide voter registration database can do to help boost turnout, and so we focused on that as well. First and foremost is making the process as hassle free as possible for our eligible citizens. We have three kinds of guide words. We want it to be portable, meaning if somebody moves from one end of a county to another or one part of the state to another, it moves with them. We want it to be as automatic as possible. If people are changing their address standing in line at the post office, it should be automatic as well. And we want it to be

universal. We want everybody to know that they have the ability to vote, they're welcome to vote, it's their choice if they want to or not. But, of course, those three factors are things that help guide us in how we proceed with our voter registration.

The second thing is, our candidates want a system that's very secure and they want it as accurate and as complete as possible. They want it very secure, of course, because they want to make sure that no one is improperly excluded for voting for them and they also want to make sure that no one is improperly included voting for their opponent. And so, accuracy and security are high values that we place. But they also want as accurate of a list as possible. Because of the cost of direct mail, of phoning, of door knocking, all of the expenses that come when candidates are so driven by lists, having a very accurate list is important. This is especially true, let's say, in more rural areas. I was very happy to hear that you'll be pursuing some of those potential differences. But a statewide race or a big city race, there's more money. People buy special mailing list or the parties maintain lists, but for most candidates at the local level they're buying lists from our office. They're very inexpensive and they are working from those lists. And so, those lists are prepared and the consideration of them for local candidates is very important because they don't have the kind of money to go out to a vendor or to some other

organization. So candidates are especially concerned and we are especially concerned that our lists serve candidates, as well, in that way.

The third thing that we think is great about our system that's very important, is that it's easy to use by our local election officials. So that's township clerks and city clerks and county auditors who – that's the name we use for most of our county election officials, they have the most important responsibility, the adding and subtracting, making sure that it's fast, it's properly fire-walled but it can be accessed and also, you know, making sure that they are critical at every point of the discussion of any changes. We are constantly creating new versions of our statewide voter registration service, our SVRS. We're adding an absentee ballot component right now, and so, making sure that we are really preparing that software and operating that database according to how those local election officials would like it to be.

And then, finally, there are lots of considerations about the media. People want to know, is voter registration up? Our statewide voter registration database is very tightly interoperable with our other election databases, for example, our poll finder, our election night reporting. The media now are increasingly using Web services to gather data from us. Who has filed as a candidate? Where? How many primaries will there be held in your

state? And what about election night reporting? And so, the media is also a critical factor. And, of course, having the media able to report and to find curious facts that they like to put in headlines also helps drive overall awareness. Our voter registration this year happens to be a little bit over double what it was in a similar time period in 2006, and that's something that's easy for us to find out and then it's the kind of thing the media can run as kind of a story.

So we think about all of those factors as we make changes in our system. And for us, a kind of bottom line of all of this is, that we do believe it has helped boost our turnout, you know, giving us that position as top in the nation. But we think it does a couple of other things as well.

Number one is, we believe we have the cleanest list in the country, and there's several reasons for that. Some of them linked to the fact that we base it on a county system and some of them based on the fact that we are an Election Day registration. Because the county auditors and their staff are the most important adders and subtractors, they know when there are new address ranges. For example, we do a National Change of Address run against our voter registration list. We're doing some experimenting with that right now. We come back with some addresses that are not known, they're not in our main database of address ranges. That's because they've been recently built. The county people

know this and they know who to call and they can, very quickly, both make sure the registration is proper but also inform us, “Yes, they built a new cul-de-sac on the side of that subdivision. There’s a new address range that needs to be added into the system.” And it can be done accurately because the local people know what they’re doing and they know how this goes. That then allows us to, of course, make sure that that voter gets the proper information from the poll locator software, another piece of software that we have. Also, to get the proper sample ballot because if they get the proper location of their poll, they will also then get access to the proper, you know, sample ballot and links to the information. But sitting in St. Paul, which is where our office is, we would not be able to figure out that in Kittson County on the Canadian border somebody had built a senior citizen residence in a new location that suddenly got a new address, and all of that we would not know what to do. The local person. So that’s critical.

But also, Election Day registration is by far the most accurate and cleanest and most secure form of registration because the person is standing in front of you with several pieces of identification. So we don’t have people, you know, sending in Mickey Mouse and all the things that people complain about in terms of mail and voter registration. We don’t have the kinds of problems that other States do because a huge percentage of our

registration is done in person in front of you at Election Day. That also means that coming out of Election Day the list is very up-to-date if somebody moved the day before or made a change.

And finally we're not burdened with all the NVRA rules, the National Voter Registration Act rules, because we are an Election Day registration state. Therefore, we don't keep people on the list two years, four years, whatever other states are required. When somebody comes back and we know they're not at their residence, they're gone, they're off the list. We have much more secure procedures partly because of that.

And then finally with Election Day registration, it's original purpose was to counterbalance what was known to be a barrier to voting, voter registration, created to be a barrier to voting, remains a barrier to voting. Election Day registration meant that almost without exception, Minnesotans would not be prohibited from exercising their Constitutional right to vote because of a computer error, a human error, you know, a mistake or not a mistake in any sort of way. And so, we are very aggressive in a lot of our cleaning up the list activities because we know if somebody happens to move back to their home or back to the State they can go in on Election Day, they can show their identity, their proof, they can be put back on the list.

So we believe that our system was built in ways that actually boost registration. We feel like the system, as it operates, is very user friendly for the counties, for the local election officials, for the candidates. It's very, very cost effective. When I hear other states discussing what they're paying, you know, these are hard things to -- but it also gives us a very clean list, a list that we know works for.

The bottom line is that we're going to have over 80 percent turnout in November. We're going to have to have a system that really works well to handle that, and our statewide voter registration database is the critical factor to making it possible for us to handle that kind of record turnout. And hopefully some day the rest of our State of Minnesota can rise to the occasion. Our Northeast corner of the State votes in the 90 percents. My hope some day is that all of Minnesota will vote in the 90 percent like Duluth and like that region. But right now we're going to break 80 percent. We're going to be ready to handle it because we have a great statewide voter registration database because very thoughtful and visionary people 20 years ago made it happen, and many visionary people 35 years ago said, "Okay, if we're going down this path of creating a barrier to voting we're going to offset that by making sure that no Minnesotan is denied their Constitutional right to vote in implementing of Election Day registration."

Thank you again, Madam Chair.

CHAIR RODRIGUEZ:

Thank you Secretary Ritchie. Can I ask you to add a parenthetical statement about your efforts with military voters and what you do? Just because -- I know that's not the subject at hand today but I think you do something very innovative.

SECRETARY RITCHIE:

Yes, absolutely. And one of the characteristics of our statewide voter registration system is the way that it interacts with our other pieces of software, so absentee ballot, election night reporting. It made it possible for us to be quite precise in understanding just how low in actual successful return ballots we were for our military and overseas voters. We have fairly good numbers and with the help of the Pentagon -- somewhere between five and 10 percent is our past performance in terms of successful balloting. Minnesota requires that ballots are received on Election Day no later, so we have many stories of coming in one day, two days late, and all of that. But with the help of the Pentagon and with the help of some of the other organizations we began directly interviewing our returning soldiers on the problems that they faced, getting direct information about things that we could do better. And we actually went in and were able to pass some new legislation giving us the ability to send ballots electronically which then are returned by mail and then fed into our system. I became aware last week, at the

National Association of Secretary of States, that FedEx, I believe, is providing a very -- free, in some cases, and low cost return service from overseas. So we put that word out. And so, we're meeting with all of our soldiers and others going overseas to make sure they're registered to receive their absentee ballot before they go, that they state would they like to receive it by email or fax or do they want to get it through the mail, it's their option, but many are choosing the email option, and then making sure that they know that it has to get back to us in time. So that five to 10 percent, of course, is in contrast to our normal 75, at this time probably 80 percent turnout. So when we look at this we say, "Our defenders of democracy want to vote at the same level as their neighbors." We know that. They're only able to vote at a five to ten percent range. What can we do to address that problem? And we feel like we've taken some important first steps.

CHAIR RODRIGUEZ:

Very good, thank you. Thank you for indulging me.

Are there any questions for our panelists? Commissioner Hillman.

COMMISSIONER HILLMAN:

I have lots of questions, but I will be efficient and judicious with my time. Thanks to both of you.

Dr. Lin, I just have a question about the match with Social Security Administration and the question of resubmitting. And I'll just use my name as an example to see if this happens at all, if you know. If the name submitted to Social Security from the election official for a match is Gracia Hillman, people very often want to make my name Gracie. It doesn't matter what they see on paper whether I type it, print it, they don't know Gracia, they know Gracie. So a lot of times people will enter it Gracie. Does Social Security respond with saying, "Everything else matches but we've got Gracie and not Gracia"? Do they send back a close probable match?

DR. LIN:

To the best of my knowledge, the answer is no.

COMMISSIONER HILLMAN:

Okay. All right, would you have any idea whether that would be a database issue? Is that a privacy issue? I mean, would there be some reason why Social Security wouldn't be able to say, "You've given us five or six fields of information and only one of those fields doesn't match? It's close, but no match."

DR. LIN:

It's a technical design issue. It would be possible, if somebody chose to do so, to return instead of, "Yes a match" or, "No, a non-match" to give you a number between zero and a hundred that

indicated the degree of match. I mean that would be technically a feasible thing to do. Somebody would have to decide to do that...

COMMISSIONER HILLMAN:

Right, okay.

DR. LIN:

...but that's technically feasible.

COMMISSIONER HILLMAN:

Great, thank you.

Secretary Ritchie, thank you for joining us. What is the percentage of eligible voters who are registered in Minnesota with your current, you know, the ways things are right now? Do you know?

SECRETARY RITCHIE:

Well, on the day of election it will be roughly 80 percent.

COMMISSIONER HILLMAN:

Okay. So you base the turnout on what you estimate on the number of people in the State who are registered?

SECRETARY RITCHIE:

No.

COMMISSIONER HILLMAN:

I mean who are eligible.

SECRETARY RITCHIE:

Correct.

COMMISSIONER HILLMAN:

I'm sorry, who are eligible.

SECRETARY RITCHIE:

And that's done by the University of Maryland and various academics. So we only use eligible voters as our guide because registration in Minnesota, in a way, doesn't have the same meaning as it might have in another State.

COMMISSIONER HILLMAN:

Right.

SECRETARY RITCHIE:

We're more like North Dakota in that way.

COMMISSIONER HILLMAN:

So given that, what is the role that the groups play in voter registration leading up to Election Day?

SECRETARY RITCHIE:

Well I think that the organizations, I'm assuming you're meaning like the third-party organizations, League of Women Voters, that kind of thing?

COMMISSIONER HILLMAN:

Right.

SECRETARY RITCHIE:

We share a kind of task of voter registration. And I state it for myself in our office that the government creates this obstacle to

voter registration, so it's our responsibility to get out there and really make sure it can't be a barrier. So there's a kind of overall vision that I think we all share, which is, you know, we need to make sure that people are registered or that they know they don't need to be registered, they can just show up on Election Day.

That being said, there are very specific things that need to be done. For example, League of Women Voters in Minnesota very faithfully does the registration at all of our new citizen ceremonies, our swearing in naturalization ceremonies. They've registered about 10,000 in this last period. And in those circumstances, some of those people being sworn in are in their Army uniforms and they go get on a plane and go directly to Baghdad. And so, if they weren't being spoken with and invited and welcomed and completed right there on the spot, we might be missing them. And so that's a very specialized area.

Minnesota has, I think like many states, relatively poor performance on the question of notifying people that when they're off probation and parole, they are now eligible to be registered and to vote again. People move around. Probation officers are completely swamped with work. We don't have a good system in place yet. And so, some of the organizations are specifically letting ex-felons and people who are coming off probation know that they're now eligible to vote again, especially in the rural counties,

where people are a lot more isolated and really don't have that information. So that's another specific example.

We have an odd situation in some respects, in that one of our cities, Duluth, does vote in the 90 percent range. In the city that I live in, Minneapolis, votes much, much lower than that, in the 60s. And so, the groups have begun being more self-conscious about the places where there is below state average registration and turnout, because turnout is what drives this, and trying to target. So I'm in a big city. There's more students, there's more low income, there's more young people and so the groups are looking at who is voting below average and what would registration do? What would a registration drive do to raise that? Registration gives candidates addresses and contact points that then have to be acted on by the candidates or by "Get out the vote" groups. And so, they can only go this far to get somebody registered. Whether it turns into turnout increases is probably dependent on somebody else.

COMMISSIONER DAVIDSON:

Acknowledging the user friendly aspect of your voter registration system, what is the top complaint that people have about voter registration in Minnesota?

GOVERNOR RITCHIE:

That it's required. "Our neighbors in North Dakota don't have it. Why do we"?

COMMISSIONER HILLMAN:

Okay.

SECRETARY RITCHIE:

And then there were -- we made about 150 changes in our election law this year. Some of them were sweeping and very important, but some were, just like cell phones at some point in time were not allowed as a form of utility, and the young people just said flat out, "This is just plain discrimination against young people." And so, a phone bill for a fixed set at home was allowed, a cell phone bill was not allowed flat out, you know. It affected young people.

Another example is that we have on-campus dormitories and we have laws in Minnesota that the campus can provide a list of eligible voters who are paid up in their registration for the purposes of just allowing them to register on Election Day using their student ID. Very simple. The dormitories that were just off campus weren't included in that process, creating some chaos. And some of those off-campus dormitories had a bill for rent which also included heat and utilities, but it didn't say utilities. And it was interpreted by some that then was not a utility bill and, therefore, was not acceptable as a form of identification. And actually a judge got mad about that one and actually ordered that that polling place accept that form of utility bill and stay open later.

So, you know, there are complaints that come up, I would say, at the margin of how things are interpreted and actually maybe happen on the ground. But generally speaking, in Minnesota the number one way that people respond to this is, "It's great to be registered. Get out and vote." And you've got registration everywhere, but never forget on Election Day, go and vote. You will not be turned away just because you didn't end up on a list that somehow got in that place. So I think people have kind of a generally positive attitude about it.

COMMISSIONER HILLMAN:

Does your same-day registration then negate the need for provisional voting? Do you still see...

SECRETARY RITCHIE:

Provisional voting is illegal in Minnesota. It does negate the need for it, yes.

COMMISSIONER HILLMAN:

Okay.

SECRETARY RITCHIE:

It's a huge benefit to being a same day registration State.

COMMISSIONER HILLMAN:

What is the most recent problem that you've encountered with your database?

SECRETARY RITCHIE:

Well, I'm always watching the budget. This is my biggest worry every day, and we got big budget cuts this year like many other states.

We are adding some new features that are very important to the counties and the cities around tracking absentee ballots. Actually, our state, like many, is moving more and more -- people say, "I want to vote by mail" or some towns have the right to say, "We want to vote by mail" and so we're needing to track those. And also we're doing a much more sophisticated match with National Change of Address for the purposes of automatically updating.

The cost of the programming change, because of the size of the database and the size of all the different levels of security and everything else, to make what I think of as relatively small changes, costs one, two, \$300,000 and it takes a lot of time and attention of a very overworked computer staff. So one of the biggest things that I've been dealing with is, just when we have great ideas to make our system better, we think of them kind of, "Oh, that will be great to do this, allow people to file for office in my office, the traditional way, or in their home county. Won't that be convenient? \$4 gasoline, you don't have to drive four hours to file. You can just do it downtown. Great idea." Everybody loved it, the candidates loved it, everything. Then my computer staff began to explain what it would require in their time and cost to do it. So I would say this is a

money matter that has to do with how central and how dominating computers and computer systems are to our voting system now, and, therefore, any changes to improve them will cost serious money.

The other thing that is something that's on our mind right now is that, we are moving increasingly towards things that we would call automatic voter registration. We have -- most States has a system of opt-in when you get a driver's license, you can "X" a box. You can opt-in. We've proposed, it's been accepted by our legislature, it was vetoed once, it will come back again, that the system become an opt-out system, so that, you know, you can decide you don't want to be registered. But this would allow for a much more rapid and automatic updating of addresses and of everything in our database. Much cleaner database. Which, as direct mail costs have gone up and phoning and all aspects of campaigning have gotten more expensive, we are under more pressure to have, you know, just, absolutely the people who are going be voting in an election as clearly identified as we can. So that's a pressure point from candidates and from their budget point of view that I happen to share, but I also think it's important.

So I would say we are needing some policy changes to be able to be more responsive to the demands of candidates and others, like the League of Women Voters who use our list, and we

haven't been able to get agreement on those policy changes yet, but when we do, we'll be able to tackle that problem.

COMMISSIONER HILLMAN:

And my final question, for now, tell me about how your database is interactive, so that if Mark Ritchie registers and votes on November 4, a county three counties over, knows that you've registered and voted there.

SECRETARY RITCHIE:

Well, there's a kind of top down single database architecture. So almost every election, often a young person does this and they get caught because it's a single database and they show up in Mower County and in St. Paul. The system is fairly simple, in that the counties take the poll books and the poll book information and go and enter the voting history data immediately into the statewide voter registration database and that's interconnected with all of our other election software and then it pops up that this person with this I.D. has voted in two places. It's about one per Presidential cycle. And it's sad and it's -- in Minnesota we don't fool around. It's a felony, we convict them all. And it's often young people who were imagining growing up to be a lawyer and all of a sudden they have a felony conviction standing in the way of their future. So we work hard to say out loud, and not in a way that's judgmental or that scares people away or that gives the impression that there's fraud,

we try to say to young people, "There are many things in life that you may not think about how serious they might be but they would affect your future dramatically; drunk driving, voting twice," you know, just to try to say, "Make sure you don't do this, because you will be caught."

Our system is set up to evolve the next generation of technology and we have authorized, but we haven't moved forward yet, and we will, I'm sure, after this election, on electronic poll books. Our neighbors in North Dakota have just very successfully done some pilots actually based on the Colorado model. And we expect some of our counties will use the poll books for some form of voting center type. That would mean that the voting history would be filed immediately. At those places where this technology was being tried or tested, it would immediately show up in our database. And so, you know, we'll have a slightly faster system, less typing, that kind of thing. But we don't know the cost or how that will work out long term, but we will experiment with it probably in a special election next year because it would be much cheaper for us to experiment in a smaller election.

COMMISSIONER HILLMAN:

So what is required of the person who is already registered at the polls? Is it a matching signature? Or what's...

SECRETARY RITCHIE:

They have to swear and sign an oath that says you can convict me of a felony if I'm not this person.

COMMISSIONER HILLMAN:

Okay, thank you.

CHAIR RODRIGUEZ:

Madam Vice-Chair?

VICE-CHAIR DAVIDSON:

Well, I also have lots of questions that I don't think the time is going to allow, so I'll try to be very careful.

First I have a question for Dr. Lin. You have done many work groups in your time as referenced in your resume. And the working group that you're dealing with right now, how many is that that you are working with? I see you counting. I'm sorry, I'm asking something that -- how many is that?

DR. LIN:

14.

VICE-CHAIR DAVIDSON:

14. In your experience, what is a good working group number? Or what is the max that gets to the point? Because we're looking at moving forward and we want to involve as many people as we can but, obviously, we don't want a group that is hard to even be able to make it workable, in other words. What is a number that you'd say is the max, in your experience?

DR. LIN:

From my experience, I have successfully managed as many as 22. But I don't recommend the experience. 22 is a mess. I mean, I like 14. 14, 15, 16 people is just manageable. It's large enough to get diversity in a group, which is what you want.

VICE-CHAIR DAVIDSON:

Uh-huh.

DR. LIN:

But there are always going to be a few people who are absent the meetings anyway so, you know, you get 12, 14 -- you get 12 or 13 people at a meeting and that works pretty well.

VICE-CHAIR DAVIDSON:

Okay, thank you. And my other question is, I know that one of the things that is a goal in our research, is the matching, the ability to match voters. How is that moving forward? Have you got information for us, any type of report of the matching criteria, I guess, is what I want to say?

DR. LIN:

We have, in this report, a discussion -- a reasonably detailed discussion of matching algorithms and so on. We also have on the Committee one of the world's experts on matching and linking up different databases and so on.

VICE-CHAIR DAVIDSON:

Is some of your people testing that at this next election to see how well that matching criteria that you have set out is going to really work out? Are you testing any of that?

DR. LIN:

No. That would require -- testing always requires gathering of empirical data and one of the things that we found in this, is that finding out, one, what the actual procedures at any given jurisdiction is using for matching is a very non-trivial task, a very difficult thing to get. What is it that you exactly do? What's your procedure in detail? Because you can't just say, "Well, we match" or, "We match on four digits," or something like that because there's always some additional twist to it that you didn't know about. And so, you have to get at that very, very carefully. Then you have to get them to tell you what they got and that's also a very difficult process. So we don't intend to do any, I don't think. We'd like to be able to, but I don't think it's going to be possible to do any empirical testing of that.

I think that what we can say and what we did say in this report is that many of the procedures that jurisdictions use in order to conduct the matches to match their voter registration information card against DMV or something like that, that those algorithms for matching were not developed on the basis of the best scientific

knowledge that's known today. I mean, I think that's a fair statement. And so, you can take from that what you will.

VICE-CHAIR DAVIDSON:

Okay, thank you.

Secretary Ritchie, I have, also, a lot of questions. And, yes, being from Colorado I will tell you that so many people think we don't check the registrations immediately, you know, when they come in to vote in a precinct or what we call a central location, they can vote anywhere within their county. They are checked immediately to see if they have voted either absentee, early, or another precinct, or another location within that county. And it is more expensive to do that and security is -- you've got to make sure that you've got the security to back it. But it does work out and the voters love it, I will tell you, to give you a little bit of background.

But you're here to give us information. And I really appreciate both of you being here and thank you for coming. I know you've been on the road a lot lately, so I appreciate it. Obviously you don't have to follow NVRA. Is my understanding correct in that?

SECRETARY RITCHIE:

Uh-huh.

VICE-CHAIR DAVIDSON:

So, in not following NVRA, you said you have one of the cleanest rolls there is. And you use the address change method to eliminate -- do you do that automatically or do you do that with sending out a notice, then, to the voter at the new address and ask them to cancel their last address? Is that the procedure you're using?

SECRETARY RITCHIE:

Yes. HAVA and just good practices. There has to be an indication of that a voter is no longer at the address that we believe they are, you know. There is a mailing -- a non-forwardable mailing that always goes out, it comes back. Ultimately these have to go to the counties and ultimately the counties have to make a judgment or a decision about whether somebody should be removed or not. But we're not required to keep people on for, I believe it's two cycles. I am actually not that familiar with NVRA because we are exempt from it. But once we have the indication that this person is no longer at that address, is no longer an eligible voter at that address, we remove them from the list. We don't flag them and keep them on the list. They come off.

VICE-CHAIR DAVIDSON:

Okay. Is that the same that you have if you're running your list and you find duplications throughout the State and you send to each of the counties, "Here's a duplication that we have found and we ask you to check into it"?

SECRETARY RITCHIE:

Yes, and...

VICE-CHAIR DAVIDSON:

Is that the same thing that you're doing, following that procedure?

SECRETARY RITCHIE:

And we are able, more and more, to be able to send them lists electronically. They go into queues and so they get to them, you know, in a kind of a sequence.

VICE-CHAIR DAVIDSON:

Right.

SECRETARY RITCHIE:

We're actually very interested in how this will go, ultimately, with the National Change of Address because one of the things we're finding is, that one of the bigger issues is, you know, this is not true in this economy necessarily everywhere, but there are fast-growing areas with new subdivisions and all kinds of things that really require, like sometimes a local person to go out and say, "Now, you know, what is the address range?" Because if our address range characteristics are wrong in our database, all kinds of other things are wrong. People will get told to go to the wrong poll or they won't have that info, they'll get the wrong sample ballot. Reporting results will be off. So, as near to a hundred percent accuracy on those address ranges is really crucial. And we actually didn't -- I

cannot remember, but I don't think that we thought about how the National Change of Address would alert us so quickly to changes in address range changes that we needed to get on top of. And so, that was a kind of discovery that we had in the middle of this process. But again, those then go out to the counties and that's where the most intelligence and experience and the most wisdom is and so they can quickly -- but if they find a change in the address change they have to let us know, you know, that part right away. But they would then, ultimately, make that decision to take that, you know, person off the list. They all know in the back of their minds that if that person is gone and comes back or something wrong, that person can register on Election Day and, you know, there is that process.

If somebody's registration comes in late, which is another -- we have a 21-day cut off, like many States, they do then get a card that says, "You won't be on the list because you came in too late, but this card is a proof of address and residency. And again that's a non-forwardable card. So if a person has that card, then they have properly registered, they can bring that in, and that serves as their form of identification.

So, we are constantly discovering ways to partner with our counties to get the list cleaner and cleaner. But it's also, you know, we're facing a more mobile society. And the foreclosure crisis has

taxed us and we do have more homeless, and so these have added some complexity that we weren't really prepared for this kind of big foreclosure crisis and that kind of thing. So we are, you know, we're really dependent on the local people to make those decisions.

VICE-CHAIR DAVIDSON:

Yes. And that's one of the things, of course, I guess with the person being able to come in. But when you mentioned you didn't have provisional ballots, how do you handle somebody that voted absentee and they've changed their mind and they want to go to the polling place? You've got on them on the list for absentee and then also they show up on Election Day.

SECRETARY RITCHIE:

Yes. And in fact, in Minnesota, we like that because we lost a senator in a plane crash, and all absentee ballots are run at the end of the day.

VICE-CHAIR DAVIDSON:

So they're run after seven o'clock after you have...

SECRETARY RITCHIE:

Yes.

VICE-CHAIR DAVIDSON:

...you check the list of who voted prior?

SECRETARY RITCHIE:

Uh-huh. And if you come in -- I voted for Senator Wellstone by absentee and he was no longer on the ballot. And so I came in and voted in person and so my absentee ballot was not run through the list at the end of the day because I had voted and signed the form. In other words, I was a registered voter. I voted, signed my name saying I wasn't a felon and I wasn't under the guardianship of the court and that kind of thing. So this is how Minnesota handles absentee ballots. They go out to the precinct. It's quite a job.

VICE-CHAIR DAVIDSON:

Do you have no rule -- I mean no, what do I want to say, no-reason absentees? Or do you have specific reason? I mean as absentees get more popular, I don't know how in the world you're going to be able to handle that, to be honest with you.

SECRETARY RITCHIE:

Well, we haven't reached Colorado's level yet but we're headed in that direction. Some of our most advanced and future-thinking election administrators are talking about more central count, especially because they are the same ones who are thinking about the electronic poll books. In other words, you can see the advanced thinkers trying to look into a future more like Colorado, more maybe like California where this grows. And so I think, you know, we will continue to function as we are now, but people are aware that the general trend in western states is an increase in vote

by mail either as a whole jurisdiction or by people making that choice. Therefore, we will need to start to handle that.

We're doing programming on our statewide voter registration database to be prepared for changes in potential Federal law about tracking of absentee ballots. I mean this is a whole other...

VICE-CHAIR DAVIDSON:

Uh-huh.

SECRETARY RITCHIE:

...I mean big deal. I don't mind driving them around. Tracking to know if they're in Baghdad this week or if they're in Bonn or if they're in New York, I mean that's real work. And so, I believe that one of the ways that the EAC can be of a special assistance is help lifting us out of our, you know, we're in the furrow here and looking up and saying, "Hey, if it goes the way it's going, you're in a western state, you're likely to have more absentee ballots. Are you thinking about what it's going to take to be able to handle that? Oh, you're state is slightly different than this state. Oh, that's because you had a plane crash." Plane crashes are emotional things.

VICE-CHAIR DAVIDSON:

They are.

SECRETARY RITCHIE:

Election law is an emotional thing. And so we will probably have our system for quite a while. Therefore, we need to be thinking

electronically and we need to be thinking in advanced ways to imagine a future. And you're able to lift up that conversation and say, "You know, other states are trying different things."

I heard about North Dakota's very successful experiment with election centers from our local vendor, our ES&S vendor, and it was a really important piece of information for me because it also meant that I had partners that I could work with. But I didn't know that myself just because I'm kind of down here every day trying to get through the day. But there are those of you with higher levels of information and overview that can then share that with us. I also found out that same day that Wisconsin had experimented with vote by mail in any jurisdiction that made the choice and I think Milwaukee and some bigger places had used it and they -- the report to me was, successfully. And I didn't know that either.

So I'm very hungry for the overview that you have and vendors have that I can't have. Every day is kind of, you know, what we have to do there, and so it's extremely valuable to me. The experience in Colorado has created really a revolution in how we think about voting. And it's not just about the machine and the computers. It's about, "Oh, maybe you can vote..."

VICE-CHAIR DAVIDSON:

Ease to the voter.

SECRETARY RITCHIE:

...someplace that's not the Greek church down the street. And it's revolutionized thinking out of one relatively small county that's now changing how we think about voting. Not just about how we vote, but how we think about voting. And I feel like Election Day registration, and there's some other things in that category, but I so appreciate that people step forward, do experiments, make them work and then that information gets shared at the level that you're at, which then the rest of us goes, "Oh, I can't do that this year but, hey, I got a legislative session in 2009. I just might be able to get the right to use poll books because they did it in North Dakota."

VICE-CHAIR DAVIDSON:

Well, we're so hoping that our data collection grants that are out to four States, really bring in information that will help all the states...

SECRETARY RITCHIE:

Absolutely, it's so great.

VICE-CHAIR DAVIDSON:

...so that we will work very hard on those. I see the head of our staff back there, that is the head of that with her head down for a second, but we're working very hard.

CHAIR RODRIGUEZ:

She was taking notes.

SECRETARY RITCHIE:

It's got to be one of the most important contributions that the EAC can make, is letting all of us know who have day to day, just kind of the grind, what's exciting and what's going on. And even if we can't do anything about it it's, "Oh, gee, maybe voting near where you work is the future."

VICE-CHAIR DAVIDSON:

Very good, thank you. Time is slipping away and I want to leave time for our Chair.

CHAIR RODRIGUEZ:

Well, thank you, Madam Vice-Chair. I have -- I'm going home this afternoon, so that's why we're trying to finish by three.

Commissioner Davidson, I don't know if she remembers this, but she was the clerk of Arapaho County, I was the clerk of Denver County, and they were next to each other and our staff, I don't know how involved she was, I got a little bit involved, were talking about a vote center -- early voting center at the Denver Tech Center, which would serve voters in two counties. We never were able to...

SECRETARY RITCHIE:

What year?

CHAIR RODRIGUEZ:

...make it happen.

SECRETARY RITCHIE:

What year?

CHAIR RODRIGUEZ:

Well, that was 2000. '98 or 2000.

VICE-CHAIR DAVIDSON:

Yes, '98 or 2000.

CHAIR RODRIGUEZ:

It must have been '98, because you weren't Secretary yet.

SECRETARY RITCHIE:

We'll get there.

VICE-CHAIR DAVIDSON:

Yes, it would have been '98.

CHAIR RODRIGUEZ:

'98.

VICE-CHAIR DAVIDSON:

Because I was Secretary of State in '99.

CHAIR RODRIGUEZ:

Right. You mentioned the other day in some conference that I saw you at that, you know, maybe there's a reason to consider crossing State -- one vote center serving two States. I mean it's certainly...

SECRETARY RITCHIE

There are now metropolitan areas...

CHAIR RODRIGUEZ:

...seems possible.

SECRETARY RITCHIE:

...that go over two state borders.

CHAIR RODRIGUEZ:

Oh, really?

VICE-CHAIR DAVIDSON:

And we were in a metropolitan area that, you know, the counties are just -- I mean, Denver was the hub and you've got counties surrounding that. So talking about people voting where they work, it's a lot of times downtown in the metro Denver area.

SECRETARY RITCHIE:

I'm guessing it will take Denver or some place to prove this across county lines, to then open up some running field for thinking about a Fargo-Moorhead. But what I noted in kind of talking about this with people, is that there is such a symmetry in the process of the counties in relationship to the state as opposed to the states in relationship to the Federal.

CHAIR RODRIGUEZ:

Uh-huh.

SECRETARY RITCHIE:

And so what you're able to innovate there across county borders will have implications nationally, it will just take time. But do you know if anyone has successfully done like a metro cross -- that would be great. See that would help all of us make the argument.

CHAIR RODRIGUEZ:

Well, you'd need compatible equipment. You'd need a whole bunch of things.

VICE-CHAIR DAVIDSON:

Right.

CHAIR RODRIGUEZ:

And we're going a little bit afield, but...

VICE-CHAIR DAVIDSON:

There's a lot of issues.

CHAIR RODRIGUEZ:

...that's the beauty of this kind of a statewide voter registration database. But I guess maybe we should spend a little more time on the non-beauty side and that is where our reality is right now. And it sounds to me, and from reporting that we see in our briefs every day, that there's a number of states that aren't in very good shape right now. We don't have a good number, we've been trying to find out, and I've had conversations with a number of people about, you know, what's going on and can anybody share with the EAC so that we can assist states? And certainly the data collection grants are going to help a lot with that technical assistance. But what's going on out among the 50 states? Well, I'll just ask about states right now.

And so, we asked the Department of Justice what their intentions were, because again, in trying to serve as an assistance agency, I heard from Mr. Coates, declining to come to the meeting today and said, "As a litigating agency the Department expresses its views through its litigation documents and other legal documents, so the best guide to the Department's views on the database requirements is set forth in those documents." And then he referred us to their Web site. So he wasn't able to attend, but he said he would like to offer the assistance he can with regard to information and the information is set forth on the Web site. We would like to be in a position to say, "Well, this is what the Department told us that they are looking at," or, "They're not going to do any compliance actions this year because this is the first Presidential election in which they're required," something that would be helpful. So, a member of the Department is here and I guess if the only way I can get this kind of information is from the Web site, we'll certainly do that. But I would appreciate, maybe a conversation or a meeting where we could exchange, I might have a follow-up question, some give and take opportunity for the Commission to discuss this, to talk about what we know. We know a little bit from our own review of the election data collection grants, with Dr. Lin's work en masse, what we've been observing in some of these conversations. And we need some guidance.

We have a letter from the Advancement Project. When they saw this item on the agenda, they raised some concerns about the voter registration databases. And we'll put this up on the Web site. They mentioned a number of states, in particular Florida, Louisiana, Michigan. These are concerns, not from states, but they're concerns from folks who watch out for the voting rights of people. And so, they're important concerns. And then the Brennan Center sent us comments to the interim report, Dr. Lin, which I believe you already have. And so, we'll make these documents available.

I guess my primary question for the Department would be, if enforcement actions are planned in 2008, what types? And again we want to assist states. We want to help them be in compliance. And so, that would be my first question. Are you doing any education about compliance and deadlines? What is the compliance date? That kind of thing. We have referred several questions to the Department about acceptance of the National Voter Registration Act form, the NVRA form, and have not received a response. We would like -- I mean what -- I guess we would like an answer to those questions, those issues.

It's exciting to think about the possibility of really serving the voters where they work, where they live, where they play, you know, that we alluded to in our earlier exchange. That to me is kind of the promise of the databases. What we are facing though, right

now, is an election in less than a hundred days, where many states are going to rely on them -- they really are the gateway to the act of voting for the voter and we want them to be -- certainly we want them to be as accurate as possible, but we also don't want anybody removed for a reason other than a legitimate reason. A mistake is very frightening. So we'll do -- we're working on a statement now about that whole legibility, you know. The voter does have some responsibility to write legibly and keep their registration current. So, you know, it's going to be a little bit of extra work this election year for the voter and we do recognize that. But we're hopeful that election administrators have heard our earlier guidance and admonition about making sure that nobody is removed mistakenly or without that human review check and double check action.

So thank you both. Are there any conclusory comments from my fellow Commissioners? Ms. Hodgkins, do you have anything?

EXECUTIVE DIRECTOR WILKEY:

I'll defer to Gracia, and then I'll just make a quick comment. Go ahead, Commissioner.

COMMISSIONER HILLMAN:

Well, I had one more question for Secretary Ritchie, and I might be putting you on the spot for a minute, but Dr. Lin, you may also have a response.

I am trying to think, other than political will and obviously cost, what would some of the challenges be to prevent other states from using a statewide registration voter database system to do same-day registration, Election Day registration?

VICE-CHAIR DAVIDSON:

Can I tack onto that?

SECRETARY RITCHIE:

Uh-huh, uh-huh.

VICE-CHAIR DAVIDSON:

Like ballots, making sure you have enough ballots in your polling locations. And do you have a lot of different ballot types in your state? States like California, all the western states that have initiatives and referendums, a lot of different ballots. Is that an issue? And the type of equipment I was going to get and the type of equipment you have and that cost and what extra does it cost you?

SECRETARY RITCHIE:

So I would say Minnesota has an average number of complexities at a polling place and a precinct. There might be four, five school districts. School districts are our biggest, you know, multiple. We may have a Constitutional amendment or something on the ballot but that would be statewide. The senate race would be statewide. You know, many things are statewide. But often in a little tiny

polling place there will be many different ballot styles because of particularly school districts or park districts or water districts, that kind of thing. So our townships -- we have about 2,000, 1,800 townships, so they have many ballot styles.

35 years of experience and really professional people at the county and the city level, I think, is one of the, you know, gifts that I received when I took office and, you know, people do not comment on or imply that we have any danger of not having enough ballots, even in this year.

We use optical scan exclusively. You can take the ballot and make more copies if, you know, you so -- let's say there was a flood, a pipe broke and there was some problem or something like that. But generally speaking people feel very comfortable in their ability to predict with great accuracy.

There are also things that people do at the local level that they're paying attention. If somebody gets a building permit for a 5,000 unit subdivision, everybody knows this and then they have to figure out more polling places and then they have to think about, well, I'll need ballots for those.

I've been in all the counties recently because we're doing trainings and they've all got the boxes lined up and they have the exact numbers. And it feels like this is very well handled. And so, from a how could this be implemented in other States, Election Day

registration each year picks up one more State. I mean Massachusetts was an almost and, you know, that kind of thing. And my impression is that States like Iowa, that's one that's close to me, have been able to very easily pick this up and just, you know, kind of make it happen, you know, without a lot of fussing about it and that kind of thing.

But I do think that we have some responsibilities to be sharing with each other our experiences because states have chosen sometimes some very different approaches to this. Montana chose a kind of one polling place in a county sort of approach and that kind of thing. So I make it a point that our staff is responsible when people have questions about our system. I'm hosting the National Association of Secretaries of State in Minnesota next year, partly so that people can see that system. We've invited people out for our primary. Of course, we do Election Day registration on primary day and it's kind of quiet, so you can actually see the system. I mean you can see the system.

But the real secret is, is that it's just one more table. Somebody walks in and you say, "Are you on the poll book?" And they look them up and if they're not or the address isn't correct, then they go over to that table and they update their address, that's 80 percent, or they register and they show their photo I.D. and their address I.D., or whatever it is, and then they come back to this

table and they go on. And so, it's a very simple thing on Election Day itself. And I would say that's one of the secrets.

I'm often called because people are providing testimony to state legislatures about the millions of dollars this costs and I just say, "It's another table." And our voters all know that they will not be refused at the polling place, and they really appreciate that. That gives them confidence and so they turn out in record numbers in our state because we have Election Day registration, and all the other states with Election Day registration also have that similar high turnout. So I believe that that's something that would be common to voters in other States.

Political will and it's not hardly any money at all, but it is a way of thinking change that would be important.

DR. LIN:

I understood you to ask if state "A" has same day registration, the Election Day registration, and state "B" doesn't, couldn't state "B" just require the state "A's" registration system? Did I misunderstand your question?

COMMISSIONER HILLMAN:

No, I'm trying to think of what would be either technical or technological challenges or reasons why it might work in state "A" but not state "B." And I'm setting aside the will of the legislature and I'm setting aside -- well, and other officials, and I'm setting

aside budget just in terms of, is there something about the operation of elections in the state that would preclude Election Day registration.

SECRETARY RITCHIE:

My opinion is no.

COMMISSIONER HILLMAN:

Okay, thank you.

EXECUTIVE DIRECTOR WILKEY:

So what she was saying, Mr. Secretary, it's will. Right?

COMMISSIONER HILLMAN:

On the spot.

SECRETARY RITCHIE:

I'm interested in poll books and will is one part of the equation, but there's so many other things that you have to tackle to make something happen. So I'm adjusting to how slow it would take, but will is very important.

EXECUTIVE DIRECTOR WILKEY:

Absolutely.

SECRETARY RITCHIE:

And I hate to pick on them but -- Election Day registration does give you greater turnout -- some school boards don't want greater turnout. And so, sometimes you're arguing with people who have a different objective than maybe I do.

EXECUTIVE DIRECTOR WILKEY:

With an 80 percent turnout I think you're doing something right, Mr. Secretary.

And just for the record, I can't have any kind of a conversation on voter registration or anything leading up to voter registration or anything post voter registration which is Election Day without getting on my soapbox, while you have provided Dr. Lin and your committee is doing a wonderful job, and we appreciate that, for some really good long term actions for improvements. So I think they're taking great care in this. I get to the last one and it said, "Improve the design of voter registration forms." Please do not leave out the very important job that we have to do in disseminating information, and you know what I'm talking about, literacy issues. If we don't tackle literacy and readability in everything that we do in voter registration, be it the form, the instructions on how to fill out the form, the instructions on what you have to do to register and what you have to do to cast your ballot, then we have lost a significant portion of our electorate, our future electorate. And I think that's very important. The statistics pointed out, if you read anything about what's going on in this country, about the percentages of people who have literacy issues. It is enormous, it is deploring, and I think the election community can do the first

great thing in making sure that this is covered in all the work that you do.

And I thank both of you and I thank you, Madam Chair.

CHAIR RODRIGUEZ:

Thank you. Our General Counsel handed me a note that we did have a call this morning from Chris Coates at DOJ about the Federal form acceptance referrals. And so we'll -- this is very good news. We'll get back to you.

And is there a motion to adjourn?

VICE-CHAIR DAVIDSON:

So moved.

COMMISSIONER HILLMAN:

Second.

VICE-CHAIR DAVIDSON:

All those in favor?

[The workshop adjourned at 3:03 p.m.]

add