

U.S. Election Assistance Commission

Workshop

Preparing for Election Day 2008: Empowering Voters

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VERBATIM TRANSCRIPT

The following is the verbatim transcript from the workshop of the United States Election Assistance Commission ("EAC") held on Thursday, September 18, 2008. The workshop convened at 2:03 p.m. EDT. The workshop adjourned at 3:53 p.m. EDT.

WORKSHOP

CHAIR RODRIGUEZ:

I'll call the panel, which is the second to last I guess, on Election Day 2008. And today's topic is Empowering Voters. And I don't know how many of our speakers are here. Our first speaker is Ms. Kristen M. Clarke from the NAACP Legal Defense and Education Fund. Is she here?

COMMISSIONER HILLMAN:

She is.

CHAIR RODRIGUEZ:

Okay, great. And then we are -- I haven't seen Doug Chapin or Secretary Cortes, but we'll usher people up as they arrive.

And are very much looking forward to Ms. Clarke's presentation. Ms. Clarke is the Co-Director of the Political Participation Fund at the NAACP Legal Defense and Educational Fund where she oversees and coordinates the activities of the organization's legal program in the areas of voting rights and election law. And she provided significant legal advocacy during the Congress' 2006 reauthorization of the expiring provisions of the Voting Rights Act, helping to significantly shape and inform the Congressional record. Ms. Clarke has also provided testimony to Congress regarding election reform issues. Her voting rights litigation experience includes a challenge to a state wide redistricting plan in Louisiana, vote dilution claims, National Voter

Registration Act Motor Voter cases, among others. She is currently defending the recently renewed Section V pre-clearance provision from a Constitutional challenge in a case that remains pending before a three-judge panel in the D.C. District Court.

Prior to joining LDF Ms. Clarke worked for several years in the Civil Rights Division of the U.S. Department of Justice, she served as a trial attorney in the voting section of the division where she handled a number of matters arising under the Voting Rights Act of 1965, among other statutes. Between 2003 and 2006 Ms. Clarke worked as a Federal prosecutor in the criminal section of this division where she handled a range of police misconduct, police brutality, hate crimes, human trafficking and obstruction matters. She also served as a Special Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Columbia where she litigated dozens of cases in the Office's domestic violence unit.

Ms. Clarke writes and comments frequently on issues concerning race, law and democracy. Her book, Seeking Higher Ground: The Hurricane Katrina Crisis, Race and Public Policy Reader was released by Palgrave MacMillan in December of 2007. Her writing has appeared in a number of books, including the American Bar Association's book on Modern American Election Law and Voting Rights: America Votes! Her article, "Voting Rights and City-County Consolidations," one of the only examinations of the impact that consolidations have on minority voting strength appeared in the Houston Law Review in 2006.

Ms. Clarke received her bachelor's degree from Harvard University and her law degree from Columbia Law School.

We're very honored to have you today with your extensive experience and look forward to your presentation.

MS. CLARKE:

Thank you, Madam Chair. Good afternoon. Founded under the direction of Thurgood Marshall, the NAACP Legal Defense and Educational Fund is the nation's oldest and, we believe, finest civil rights law firm that has served as legal counsel for African-Americans on a significant number of important Federal voting rights matters over the course of the last several decades. LDF has also provided testimony in support of the Voting Rights Act of 1965 and other Federal voting rights laws and core voting protections. Through our extensive litigation, advocacy, public education and election monitoring efforts, we've developed significant expertise regarding barriers to political participation.

I'm pleased to have the opportunity to participate in this meeting today to highlight issues surrounding the provisional balloting process which raises concerns worthy of careful examination by the Election Administration Commission in advance of the upcoming November election cycle.

The most recent Federal election cycles in our country have certainly significantly undermined public confidence in our political system. And one of the key problems that emerged during these elections concern the administration of provisional balloting rules in many states. In our view, state rules and practices that lead to high rejection rates for provisional ballots is a very serious problem that denies many eligible citizens the opportunity to participate meaningfully in our Federal elections. Moreover, high provisional

ballot rejection rates appear to be particularly stark in those jurisdictions with significant numbers of African-American and minority voters. For these reasons, it's important that the EAC investigate the problems surrounding provisional balloting and offer recommendations about ways that provisional balloting systems can be cured in states around the country. These improvements should aim to both cure the high rejection rate and progressively reduce the number of provisional ballots cast over time. And in turn, I believe that these improvements can help ensure that all voters have the opportunity to cast a ballot that will count during the upcoming November election while helping to restore public confidence in our political process.

As you all know, Congress sought to improve the administration of Federal elections by including a fail-safe provision in the Help America Vote Act. And Section 302 (a), in particular, requires that election officials offer to individuals who are not listed on voter registration rolls but believe themselves to be eligible, an opportunity to vote by provisional ballot. If the individual is later determined to be eligible to vote under state law, the provisional ballot will be counted.

While HAVA mandated that all states adopt laws and procedures to help maximize the chances that a provisional ballot would count, states have differed significantly in their implementation of provisional voting requirements. Therefore, the rate of provisional ballots cast and counted vary significantly from state to state. For example, during the recent 2008 Presidential Preference Primary held earlier this year in Louisiana,

approximately 95 percent of all provisional ballots cast were rejected. Similarly, 81 percent of provisional ballots cast in Louisiana's first and sixth Congressional primary elections earlier this year in Louisiana were also rejected. And I think these numbers collectively illustrate some systemic problems in Louisiana.

Nationwide surveys conducted by the Election Data Services and Project Vote found that the primary reason for provisional ballots not being counted is simply that voters' names did not appear on the registration rolls. While there are a number of reasons why a voter's name may not appear on the rolls, there is also evidence that registrars are failing to properly and timely process registration applications. In this election cycle we've certainly seen a surge in the number of voter registration forms that have been submitted around the country. And evidence of the implementation of ill-conceived and illegitimate purge programs that often leads to the disenfranchisement of voters. One such purge program recently adopted by the State of Louisiana likely resulted in the purging of thousands of eligible voters from the state's rolls. In response to the high rejection rates of provisional ballot applications, however, there are a number of states that, I think, give us room or space for hope. They've adopted forward-thinking solutions that are aimed at curing the underlying problems surrounding provisional balloting, and I want to take a moment today to highlight some of these solutions for the Commission's consideration.

A number of states, such as Maryland and Oregon, utilize the provisional ballot envelope as a voter registration application. Other states require voters to complete an affidavit which may also serve as a voter registration application. Kansas and Tennessee do not include voter registration applications as part of the provisional ballot itself but instead through state law mandate that provisional ballot voters complete a separate registration application before casting a provisional ballot. While differing in methodology, there are currently at least 12 states that employ some system whereby a provisional ballot effectively serves as a voter registration application.

Using the provisional ballot as a voter registration application ensures that those citizens whose names are excluded from the rolls are added to the rolls in advance of the next election. This process helps ensure that citizens' efforts are not wasted, as the registration application provides for the possibility that those voters deemed ineligible will be given an opportunity to cast a ballot in any subsequent election. This process also allows local election officials to add eligible individuals in their jurisdiction to the rolls, helps local election officials to update information on file as voters may provide changes or corrections to their address, party affiliation or other personal information on the voter registration application, and thus this system serves multiple purposes and brings about multiple benefits.

Interestingly, the survey data illustrates that states with this combined provisional ballot/registration application process record a higher provisional ballot acceptance rate across time. And

indeed, those individuals whose names were excluded from the rolls are more likely to find their names added on the rolls in subsequent elections resulting in a reduction in the number of provisional ballots that would be cast in any future election. That said, the success of such a system is, of course, tied to the adequate and effective training of poll officials who must ensure that provisional ballots are offered in certain and proper instances. And poll workers must also be able to clearly and effectively address any questions that voters might have to ensure that those voters completing the provisional ballot/voter registration application do so correctly.

In recent -- separate and apart from this one fix that I offer and highlight for the Commission's consideration, I also wanted to talk about another problem that we have observed during previous Federal election cycles and that is the restrictive rules that many states have that limit the counting of provisional ballots cast in Federal elections. Indeed, in recent years there's been tremendous confusion among local and state election officials regarding whether provisional ballots should be only counted if cast in the voter's assigned precinct. Section 302(a) of the Help America Vote Act states that provisional ballots should be counted if the voter declares their eligibility in the "jurisdiction" where they wish to vote. However some states have interpreted "jurisdiction" very narrowly to mean the precinct in which a person is a legally qualified elector. These states prohibit the counting of ballots, even in those instances in which a voter may have cast their ballot at the right polling place but wrong precinct table, and in instances in which the

voter may simply have been misdirected to the wrong precinct by poll officials. In our view, this restrictive interpretation significantly undermines the objectives that Congress sought to achieve in its adoption of the Help America Vote Act. Those provisionally ballots cast in the incorrect precinct but in the correct jurisdiction should be counted and the EAC should closely examine varying state practices in this regard and offer guidance that can help ensure that every vote counts.

In conclusion, despite the important Congressional goals underlying the adoption of the Help America Vote Act, recent Federal elections reveal a number of problems and issues with the implementation and administration of provisional balloting. Unnecessary restrictions on the counting of provisional ballots and high rejection rates among those provisional ballots cast raise important concerns for those who are committed to the goal of ensuring that all citizens have the right to participate in elections. Over the next several weeks, the EAC, in my view, stands to play a very important role by providing guidance to states that can help address the problems and ensure fulfillment of the original Congressional goals underlying the Help America Vote Act. Guidance offered now can help better inform and shape the training of training of poll workers who will be dispatched to polling sites around the country for the November election. And guidance can also help bring about greater uniformity and clarity in the administration of provisional balloting systems in states, and also help ensure that local and state election officials enforce provisional balloting rules in a way that increases the likelihood that such

ballots will be counted or, at minimum, ensures that those voters deemed ineligible are added to the rolls for future and subsequent elections.

I thank you for the opportunity to testify today and welcome any questions that you might have.

CHAIR RODRIGUEZ:

Thank you, Ms. Clarke. That's some very good recommendations. Are there questions for Ms. Clarke?

COMMISSIONER HILLMAN:

Sure, I do have questions for you. Thank you very much.

In those states and jurisdictions that use a provisional ballot as a voter registration application or use the timing of the casting of a provisional ballot to get somebody to properly register and vote if they aren't, have you any information that suggests how often the voter may be confused thinking, if I filled out this thing that says it's a voter registration application that means my provisional ballot is going to count?

MS. CLARKE:

Well Maryland, I think, does a pretty good job in implementing this simultaneous provisional balloting/voter registration system, and I think that the way that they've executed this process deals with any fears about voter confusion. Hopefully you all have received copies of the Maryland form...

COMMISSIONER HILLMAN:

We have, right.

MS. CLARKE:

...but if you look at page two which provides instructions on filling out the provisional ballot application it says, "That part one of the provisional ballot application is a voter registration application. You must complete this regardless of whether you are already a registered voter. The voter registration information provided by you serves several purposes.

First, it provides information necessary to confirm that you are registered. Second, if it turns out that you are not registered this will serve as your application. Finally, it gives you the opportunity to update your voter registration information, including your current residential address, your party affiliation, for future elections only."

So I think that so long as the system is accompanied by proper poll worker training that emphasizes those provisions you're not likely to see the confusion that might otherwise arise.

COMMISSIONER HILLMAN:

You probably have heard, as have I, people who are not proponents of touchscreen voting and have a range of concerns about whether those machines accurately record and count votes, have been promoting that people should choose to vote a provisional ballot if the jurisdiction doesn't offer some other form of paper ballot, like an optical scan. And given the concerns you have flagged about provisional voting and the high number of provisional ballots that are not in the end counted, what, if anything, has LDF done or said to sort of educate people about why choosing a provisional ballot over voting on a touchscreen machine may not be the most effective way? Or maybe LDF feels differently.

MS. CLARKE:

LDF has not spent a great deal of its resources as of late studying the issues surrounding touchscreen voting. I'd be happy to investigate further and submit a statement later, if you'd like.

But what we have followed very closely are problems with the over-use and abuse of provisional balloting. What we have encountered during our recent work in states around the country are of poll workers who are offering provisional ballots in instances where they shouldn't be, where machines malfunction, where the polls are insufficiently staffed to handle the lines. And because of the high rejection rates that accompany the casting of provisional ballots, we have been fighting to ensure that poll workers are properly trained to only offer provisional ballots in appropriate instances, and also pushing for states to adopt contingency plans to deal with problems that arise when machines malfunction and so forth.

A lot of states, Louisiana is one of them, are not prepared for the kinds of emergency situations that may arise. And we've seen a pattern where people simply turn to provisional ballots in those situations, which isn't appropriate. As we know from HAVA and laws that seek to follow HAVA in States, provisional ballots are supposed to be only offered in certain instances. And so that's an issue that's very important to us; avoiding the, again, over-use and misuse of provisional ballots.

COMMISSIONER HILLMAN:

Thank you.

CHAIR RODRIGUEZ:

Commissioner Davidson.

VICE-CHAIR DAVIDSON:

Thank you. I appreciate you being here. We always learn every time we have a meeting like this.

And one of the things that I've noticed in being out, I came from Colorado, and one of the things I noticed, you're absolutely right, every state has a different law on how they are implementing provisional ballots. And that makes it more difficult. There are so many different laws out there. I noticed that some states, when I was visiting at election time, it's only people that their names is not on the register that they're using, for the ability to, you know, use a provisional ballot. Others are using it for an address change so that they can vote in that new precinct and they're getting a complete new ballot and doing it, you know, so that they can -- it's used to change their address as well and then their vote is counted. So in dealing with this election as I was thinking through your presentation, it's like most of this is state laws. And when we started out in Colorado with provisional balloting, it was because of HAVA that we knew was upcoming, so we started it two years beforehand, which I was very glad we did because it gave us a chance to utilize it and learn from our possible hopefulness that everything was perfect. And in that we had in our law at first that you had to vote within your precinct, and that was voted on by both parties. They liked that because the House of Representatives and the Senators within the state they wanted their vote to be able to be counted, so they wanted people to vote in their correct location so their vote would count also and just not the Federal offices and the

state offices. So that was one of the reasons. Now that was a court case and they lost that court case and it said they would just count what's left. Are you seeing more court cases that is changing that portion of the provisional ballot throughout the nation?

MS. CLARKE:

I know that there is a pending challenge now in Wisconsin and other groups that are contemplating challenges on this point and do understand and sympathize with the concern that voters be able to vote all the way down the ballot from Federal elections, state elections down to local contests. However, what we have found is that many instances poll workers are not equipped to properly direct voters to their accurate precinct, so levying the burden on the voter to cast a provisional ballot in the right precinct I think is an unfair one given the current landscape. So long as the voter is in the proper jurisdiction, that provisional ballot should be counted.

VICE-CHAIR DAVIDSON:

Okay, and I understand that. So as we move forward in elections, and I think you were here present to hear Mr. Lewis' presentation on the types of alternative voting and it was discussed on vote centers where people could vote anywhere within their jurisdiction, which would be the county in this case, anywhere within their county and they get the correct ballot. That was one of the reasons why they had that drive to do this, so they'd get the right ballot and their whole ballot would count. Have you done any looking into that type of alternative voting to suggest to people that it might be something that they could look at to eliminate problems throughout? As Mr. Lewis said, it does help with provisional voting

a lot. You count more ballots up front, right away on Election Day and you have less provisionals. Have you put any emphasis in that area to look at alternative voting to help in the provisional balloting problem?

MS. CLARKE:

Well, one thing that we have done in this regard is launched a voter education awareness campaign...

VICE-CHAIR DAVIDSON:

Which is great.

MS. CLARKE:

...called "Prepared to Vote" and the Website is www.preparedtovote.org. And what we're seeking to do is to really educate voters about the rules and requirements to voting in advance of Election Day because so often voters arrive to the polls, learn of a problem, encounter a problem and Election Day is too late to resolve it. And alongside this we're really encouraging voters to educate themselves about the rules for absentee and early voting which, of course, provide opportunities to cast ballots that will count. And if one casts, for example, a vote or attempts to vote during early voting and learns of a problem, there may be some short window of time to resolve that problem before Election Day.

So we're really working to encourage and see more voters utilize early voting and absentee voting as ways to cast their ballots, but with the real emphasis though that ensuring that the Election Day experience for those voters who want to participate is a smooth one.

VICE-CHAIR DAVIDSON:

Very good, thank you. Thank you for being here.

CHAIR RODRIGUEZ:

Thank you, Ms. Clarke. I'll chime in my gratitude.

And in 2002 Colorado did use provisional ballots for the first time and I was an observer in that election for a friend of mine who was running for Congress and his Congressional district which -- I shouldn't call it his because he didn't win -- but the Congressional district that he sought to represent was in three counties -- a portion of three counties was in his district. And so what -- Commissioner Davidson was the Secretary of State at the time and what she attempted to do was establish a base, a uniformity in how provisional ballots were handled, and I believe she had the expectation that everybody would handle them the same. And as it turned out one county did something different, and so there was not equal access, even to the provisional ballot for the voters within that district. And it was a fascinating experience that I think kind of prepared me for this seat today.

But I came to D.C. and was on a panel shortly after that and I said I think provisional ballots are going to be the civil rights issue of the decade and it's certainly -- it's the one time in my life that I've been prescient because I think it is the civil rights issue of this decade.

But your advocacy is very important, and what I most appreciate is this "Prepared to Vote" work because we don't want people to have to vote provisionally. We want them to be, as Commissioner Davidson said, counted in that first cut. And so one

of our messages this year has been to the voters, and that burden that they bear this year, to be prepared and to find out -- check your registration, check your polling place, make sure your address is correct. The goal I think from the voting rights perspective would be to inform the voter about their right to a provisional ballot but to try to avoid it at all costs. So I really appreciate your presentation today, the work, this announcement of the Website. And perhaps there's an appropriate place for us to inform voters about that Website in our Web eac.gov.

MS. CLARKE:

Great.

CHAIR RODRIGUEZ:

Commissioner Hillman.

COMMISSIONER HILLMAN:

I do have one follow-up question. Has LDF compiled information that would indicate if all states now have a uniform state policy for the implementation of provisional votes? Or are there states where that implementation is left to individual local jurisdictions?

MS. CLARKE:

I know that Ohio had this problem during the 2004 Federal election cycle. It was left up to individual county election officials to determine whether or not they would cast ballots by voters who may have voted outside of their assigned precinct. I'm not certain whether they've yet addressed or rectified that problem in their state election code, and would be happy to research this issue for you and follow up with you. But I certainly do know that the problem is not only variants across states on how they determine

whether or not these ballots are counted but that there's certain variants in between and within states as well.

COMMISSIONER HILLMAN:

Right, it's within the states that...

MS. CLARKE:

Right.

COMMISSIONER HILLMAN:

And if you do have any information -- I certainly wouldn't ask you to go out and do research -- but if you've got any information it would be useful because the question does come up as to whether states are leaving it to local jurisdictions to determine how and when or if the provisional ballot will be counted...

MS. CLARKE:

Right.

COMMISSIONER HILLMAN:

...versus there being a uniform state policy so that all provisional ballots are treated equally and the same within a state.

MS. CLARKE:

Right, I'd be happy to follow up. And, again, I really do believe that there's an important role for the EAC to play here; not to dictate what laws states should adopt, but certainly to offer up recommendations or best practices about what's most sensible and what will help states fulfill Congress' goals of seeing that all votes that are cast in Federal elections are ultimately counted. So I would very much urge the EAC to consider adopting some list of recommendations and best practices that might help shape and

guide states as they seek to refine their election laws going forward.

COMMISSIONER HILLMAN:

Thank you.

CHAIR RODRIGUEZ:

Thank you. And the EAC did guidance, but I believe it was in 2005, and so it probably is time for us to revisit it especially if there are important lessons that we learn over the course of this election.

And so we'll put that prominently on our Website for election administration, previously issued guidance, and then commit to you to consider revising and updating it.

MS. CLARKE:

Thank you.

CHAIR RODRIGUEZ:

Commissioner Davidson.

VICE-CHAIR DAVIDSON:

I think our data survey this year with asking states about their state laws, along with providing election information on the turnout and a lot of different data collection that we're doing will definitely give us some help in knowing how effective states' laws are in provisionals that we've not been able to collect before. And that may give us more of a balance on states and give us more information, more knowledge. And so I think that will be something to look forward too, also.

CHAIR RODRIGUEZ:

We'll have it all in one place. Thank you again.

And now we turn to our next panelist who we all know, Doug Chapin, from the Pew Charitable Trusts. Doug is the Director of Electionline.org, a project of the Pew Charitable Trusts' Center on the States. Doug founded Electionline in 2001 at the University of Richmond with a trust's grant and then brought the project in-house in 2007 when the Center on the States launched a more expansive program for improving elections. Doug oversees Electionline.org's work and election administration research and reform which includes hosting a Website with daily news links to the field, distributing a weekly free email newsletter and producing reports and briefings to policymakers, practitioners and journalists interested in election administration and reform. Electionline.org also collaborates closely with the Center on the States "Make Voting Work" project to support, translate and disseminate relevant research to appropriate audiences within the election field. Doug is a frequent speaker on voting technology, voter registration, election law issues and the status of election reform efforts nationwide. He is also a frequent media resource who has been featured in the New York Times, National Public Radio, as well as local print and broadcast outlets across the country. Before founding Electionline.org Doug was an attorney in private practice focusing on election and ethics law. He also served as Elections Counsel to the Democrats on the U.S. Senate Rules Committee from 1997 to 2000 where he focused on Federal election legislation and participated in the review of the disputed 1996 election in Louisiana. Doug holds a law degree from Georgetown University Law Center, a masters in public administration from Harvard's John

F. Kennedy School of Government and a bachelors in politics from Princeton. He is also an adjunct professor at American University and Georgetown University Law Center teaching courses on election administration.

And I didn't know all of that so I'm really glad I read it. Mr. Chapin.

MR. CHAPIN:

Thank you very much, Madam Chair, and members of the Commission. The nervousness about speaking at an event like this is always overcome by the embarrassment of listening to that introduction. But thank you very much and I want to apologize to you and to your first witness. I apparently know lots of things but not what time to be here for today's workshop, so my apologies for coming in like a bit of a tornado there mid thought.

I'm here today on behalf of my colleagues and I at the Pew Center on the States. As the introduction indicated, Electionline has joined Pew Center on the States as part of its larger elections work and in cooperation with my colleagues at "Make Voting Work." And my long-time colleagues at Electionline.org we've been active in both studying and making recommendations about policy and procedures in the area of elections. Many of you may be familiar that the Trusts and the Center on the States recently did a summit regarding military and overseas voting entitled "Democracy at a Distance." And that work, and the work I'm going to talk about today, share a common theme.

The idea is that election officials have a tremendous amount of expertise and have a tremendous role to play in the working of

the elected democracy in this country. There is, however, a wealth of knowledge outside of both the election community and the public sector in terms of solutions and approaches to assisting voters and citizens with the work they want and need to do.

And so what we've sought to do both in the military sphere and in the voter information sphere is to find a way to put the best minds in the private and non-profit sector in touch with the very hard working, talented and brilliant people in the election community in order to serve the voters across the country. So in the military sphere we've partnered with a group called The Overseas Vote Foundation that's created software for overseas and military voters to access information about absentee ballots and in many States complete and return an electronic Federal write-in absentee ballot to help them cope with some of the shortcomings in Federal and State laws, as well as delivery.

And we wanted to bring the same kind of cutting edge thinking and cutting edge technology to the field of voting information. That's what I'm here to talk about today. You'll see on the screen the homepage for the Voting Information Project. And the Voting Information Project is a collaborative effort of State and local election officials, the Pew Center on the States, the JEHT Foundation of New York City and Google, Incorporated.

And the goal of the Voting Information Project is as straightforward as the name would imply. Right now, especially right now as we approach six weeks until Election Day, voters across the country are preparing to cast their ballots and we've seen time and time again from hotline data and from other research

that the vast majority of people who have questions about the process have one or more of these three basic questions: Am I registered? Where do I vote? What's on the ballot? The good news is that thanks to the hard work of state and local election administrators and thanks to the funding provided by the Help America Vote Act of 2002 much of that information is available at the state and local level in election management systems, state wide databases and the like.

And many states have made that information available on Websites for voters to use. The bad news is that, frequently, those sites aren't easy to find using search engines or other traditional methods that voters and consumers generally tend to use. We've seen in this country that government data generally is not yet really accessible to search engines and other online traffic, and election data is no exception. And so the goal here was to find a way to help States and localities unlock that wealth of information they have in their election management systems and put it in a place where voters could find it. You've heard the old saying that, "You can lead a horse to water." Well, we know that in 2008 the horses are thirsty; voters have questions. In many ways we're trying to help state and local election officials bring the water to them.

So very quickly here's what the Voting Information Project does. We've gone out, partnered with state and local election officials. Right now we have six states, with many more in the pipeline, who are going to take their very basic voting information that they have; polling place addresses, links to registration

information, where it's available, information about what exactly is on the ballot and put it into a common, open format that anyone can use to search and build applications to show voters the answers to their three basic questions. Those feeds as they're called, these data files, are then put in a place where anybody; a newspaper, a search engine, a Federal agency that rhymes with the Election Assistance Commission, can grab that data and make it available to people at the point where they need answers.

I know that the Commission is recommending, as is just about everybody else who is paying attention to this election, that voters check their registration status, check their polling place and make sure they get their questions answered before Election Day. The best way to prevent the kinds of problems that your first witness talked about is to have voters who are prepared on Election Day, and this process is designed to do just that.

We're online right now with the Voting Information Project, votinginfoproject.org where you'll see this Website. I won't subject you to the five-minute U2 video of a colleague and I doing our best UPS guy impression describing the project, but I invite all of you to take a look at that.

What I wanted to do very quickly is to walk you through the current state of where Voting Information is and at least give you a taste of what's possible between now and Election Day.

So we know from data that well over half of the people who look for information online start with search engines like Yahoo or Google or Microsoft. And so let's say I'm a typical voter and I'm here in Washington, D.C. and I type in, "Where do I vote in D.C.?"

You'll notice that there's lots of "Where do I vote" sites, but for whatever reason the official site for polling place lookup in the District of Columbia doesn't make the top ten. That isn't really the fault of the State and local election official, it's just a function of the way in which information like this is called. So let's say we know just a little bit more about the process and we actually know that the official Website is the D.C. Board of Elections and Ethics, which is at dcboee.org. Give it a minute to load. There is the [dcboee](http://dcboee.org) homepage. Now I take a look and I can either come over here to find my polling place or I can come over here and use this very helpful graphic that tells me how to find my polling place. So let's say, like I did 20 years ago or longer, that you live at 1632 19th Street. So I enter in my address and I say I live at 1632 19th and I live in Northwest and I search. Nothing happens. Well nothing happens because I didn't tell it that it was actually 16th (sic) Street. Now it comes up and I get information about ward and precinct, I get the name and address of my polling place and then it gives me the option to see a map with driving or walking directions to my polling place. This is great. This is the sort of thing that thousands, if not millions, if not tens of millions, if not hundreds of millions of voters are going to be doing between now and Election Day.

Now let me take the same concept and apply the latest in thinking about how voters access information on the Internet. This is a draft gadget or widget that was prepared by some colleagues of mine working both with Goggle and in the text sector. So here you've got a very simple box, it's just a little bit of HTML code. And I didn't get a chance to test this on this laptop so we're going to

hope that it works. But I enter in the same address, 1632 19th Street, Washington, D.C., and hit “search.” And it’s going to think and it’s not going to work. All right, let’s try this then. I’ll go to the developer site instead. So here, 1632 19th Street, Washington, D.C. and search. The gadget thinks and it recognizes that I haven’t given it a quadrant. So it says, “Which quadrant?” So I’d say it’s northwest. It thinks a little longer and up comes a screen that has just about every piece of information that the voter needs. The green dot is the address searched for, the red dot is the location of the polling place. I can click on this link to get directions.

Now, obviously, as any election official will tell you, just because an address is assigned to a polling place doesn’t mean that the individual lives at that address and is assigned to that polling place. And so what we’ve done is we’ve provided links to the official Website, in this case the dcboee, where you can actually do a first name, last name, date of birth search. And this has two advantages. The first advantage is that it doesn’t put voters’ personally identifiable information on the Internet. We are not asking States and localities to make that information available publicly so that we don’t compromise individuals’ privacy, we don’t put people at risk of all sorts of bad things that can happen when personal information is made available. It also drives individuals to the official site. So the voter knows and the jurisdiction knows that the person is assigned to that Website.

Quite simply, this little piece of code, this little gadget is the sort of thing that can be basically dropped into any Website in the country; newspaper, official agency, government agency. And so

jurisdictions that might not have the money to hire a programmer or to hire a designer to do this kind of cutting edge work will now have the opportunity to provide their voters polling place lookups, registration lookups, key information about how to register, how to get an absentee ballot or how to get any other questions answered. You'll also notice as we get closer and closer to Election Day we're letting people know when the registration window closes.

So again the Voting Information Project is designed to do nothing more than take official information and put it in the hands of voters at the point when they're making their decisions about when they're going to vote, for whom they're going to vote and how they're going to get that vote cast on or before Election Day. Very simple to describe, very challenging to do. I can tell you that we have been in contact with representatives from all 50 States. We have, as I said, six full State feeds available now at votinginfoproject.org. At least that many in the pipeline. We've also begun calling out to State and local election offices across the country asking them for polling place addresses so that we can at least give jurisdictions the ability to do a polling place lookup on Election Day.

Overwhelming desire is to get to a 50-State coverage by Election Day. Whether or not we get there will depend on what we're able to -- what kind of cooperation we're able to get from State and local election officials.

I can tell you, though, that just like the Trusts and the Pew Center on the State's commitment to military voters, our commitment to this issue is not going to end the day after Election

Day. We view this as a long-term goal of the elections work that we do. We think that putting Websites online is no longer a nice to do but is a “must do” given the way that Americans get their information. And making sure that those Websites are easy to find, easy to use and actually helpful for the people using them is something that should be a central job for anybody involved in the election community.

I thank you for your time and I’ll take as many questions as you’d like to ask. Thank you.

CHAIR RODRIGUEZ:

Thank you very much. I’ve been contacted by a couple of reporters recently about the confidential nature of voter registration information. And they’ve asked is there anybody who’s building these Websites who’s emailing voters and asking for date of birth and other sensitive voter registration type information. And I don’t know of anybody who’s contacting voters directly in that way to build helpful Websites, and I wonder if you’ve encountered any legitimate operation that’s doing that.

MR. CHAPIN:

I haven’t. I know that the work that we’re doing at the Voting Information Project doesn’t involve any kind of individually identifiable information. We have unfortunately, as I know you all know, seen at least one site which reports to charge people to register to vote, and I’m afraid that whenever there’s 100 plus million people involved in something there’s going to be one or two who are interested in finding a way to turn that to their own ends.

I think -- I'm not aware, I don't want to say that they don't exist, but I'm not aware of any, any entities, legitimate or otherwise, that are asking people -- that are contacting people directly and asking for information. I know that many of the advocacy groups and the campaigns are asking people to identify themselves for purposes of receiving "Get Out the Vote" messages or that sort of thing, but I'm not aware of anything like a voter registration fishing campaign, fishing of the one kind that you've described. We think that this is the kind of thing that should be so easy to use that people ought not have to be pulled into the system but actually have the information pushed out to them.

CHAIR RODRIGUEZ:

Very good. Commissioner Davidson, do you have any questions?

VICE-CHAIR DAVIDSON:

Well first of all I am sorry that I missed your meetings earlier this week, I apologize. I would have loved to have been there because I've heard many compliments, and I would have enjoyed it I know. UOCAVA voting is an interest, obviously, of this agency and we're pushing forward. So I'm sorry I missed it.

But as always, Doug, your dream of improving the election process and seeing it come to really working is really very beneficial, and what I love about it is it's up-to-date information. By you going directly to the States there's no old information out there, like what we've dealt with in the past. And the list and information there is correct and voters can rely on it. And that is such an improvement than what we've had over the past because we've tried to get information out, but a lot of times when people get it by

the time they get it up on their site it may be six weeks old or six months old. And so having up-to-date daily information is very beneficial to the voters.

Are you going to -- my only one question -- are you going to somewhere or another try to follow the hits that is going to States on this type of services so that we know how beneficial it is in the end?

MR. CHAPIN:

I think that is a goal. Once we start to see States putting this gadget or something like it on their sites, I think it will be possible to track the kind of hits we get.

Another point, and I should have made it earlier that I want to make, is that in many cases, I don't want to say in every case, but in many cases the very basic questions that visitors to a site like this are asking are then calls that they are not making to election offices.

VICE-CHAIR DAVIDSON:

Exactly.

MR. CHAPIN:

If they're not ringing a phone to ask, "Where do I vote?" Or, "Am I registered?" If it's the kind of thing that can be handled quickly and easily online, that saves bandwidth for the kind of, "I got a provisional ballot and I don't know what to do," or, "I've moved three times" or, "My name is misspelled on my voter card." It saves the very valuable both desk space and brain space of our election officials for addressing real problems and not merely answering informational questions.

And your timeliness point is excellent. I know that many States as we've gone through this have said that, "We are ready to give you this information but we don't want to give you our polling places until we reach a window before the election." I know one that leaps to mind. Missouri, for example, is not going to make its polling places available, its actual addresses available for at least another week for fear that there aren't stale polling locations left out on the Internet two weeks, six weeks, six months after an election.

So anything we can do to get the latest, best and official information out to voters we want to make sure that we do.

VICE-CHAIR DAVIDSON:

Well I do applaud you and thank you for being here today and being a presenter.

MR. CHAPIN:

Thank you.

CHAIR RODRIGUEZ:

Before I ask Commissioner Hillman to speak, when Commissioner Hillman is finished Ms. Clarke I'll offer you an opportunity to comment or ask a question.

Commissioner Hillman.

COMMISSIONER HILLMAN:

Thank you very much, Mr. Chapin. Do you have a sense of how many hits this site can take before it might freeze up? That is, the morning of November 4th when we hope 150 million people will be getting ready to vote and 10 million are online trying to figure out where do I vote and am I properly registered, is there any indication as to what the volume of traffic is that this can accommodate?

MR. CHAPIN:

I hope you're right that it's 150 million. We joke at electionline, you know, what if you gave an election and everybody came?

COMMISSIONER HILLMAN:

Right.

MR. CHAPIN:

We would love to find out. The good news is that this gadget, once it's final, won't be just on one site. This will be code that can live on any number of sites. And so the idea is to distribute the kind of traffic that you will have hitting this information.

Also, ideally, people are only looking up one address. They're not actually figuring out how to vote in two or three different places. So we're confident that the system can handle the load. I don't want to predict that nothing will go wrong because any time you do that you're just asking for trouble. But this is designed specifically to distribute the kind of load that people are going to be putting on it so that, fingers crossed, we don't have any sort of freeze-ups or lock-downs on Election Day.

COMMISSIONER HILLMAN:

Back in the day the only way you could get information on Election Day was to pick up the telephone and call and hope you didn't get a busy signal. And so certainly a lot more is available. And I think at some point, perhaps even after the turn of the century, I was of the impression that a lot of inquiries the day before or on Election Day signaled a problem. But I've come to appreciate that a lot of inquiries signifies a lot of interest; people trying to get correct information. And it's okay if you wait until the last minute, it should

be. I mean in this age we're making information readily available, so voters shouldn't have to be held accountable to have to know precisely everything the week before. But I fear something may happen, unintended consequences this year, and it was fueled by an observation that Doug Lewis made in his testimony earlier. We're anticipating record high registration in many jurisdictions, particularly jurisdictions with large populations, record high turnout. It's an interesting, new and exciting election cycle. We're having one heck of a time with our economy and so there is at least information, new for me, that some jurisdictions are actually taking action to cut back this current budget which would result in reduced resources for election officials to use to carry out an election for this record high turnout. So people's hopes of additional poll workers, additional staff, more voting systems per polling places may not come in to fruition and the number of people seeking information on this. And I just wondered if at Pew or in any of your other discussions there has been any tracking about the extent to which all these things could come together at the same time and create one huge, colossal, unintended consequence on the information highway.

MR. CHAPIN:

Well, certainly, I think -- and we've seen throughout the years that funding of election administration has been an ongoing issue. I think people who aren't familiar with the field of election administration think that the Help America Vote Act was a landmark event because it provided impetus for the technology or built Statewide voter lists or created a nationwide right to a provisional

ballot. But what I don't think people realize is that it actually ended the nation's I think probably longest unfunded Federal mandate, which is State and local election administration of Federal law. So I think election officials, and especially those of you at the front of the room, know that when there's not enough money you have to work smarter. And I think in this environment people are afraid that they're going to have to work even smarter come November. That said, I think that people are generally aware that given the number of voters who are likely to come over the hill on or before Election Day that creating a situation where you actually have less capacity to handle those voters rather than more is just asking for trouble. We've been -- at electionline we've been quoting that great line from "Jaws" in recent weeks where they go out on the boat and they see the shark for the first time and one of them turns to the others and says, "We're going to need a bigger boat." Well, election officials know they need a bigger boat come November 4th and here's hoping that because of economic pressures they don't end up shrinking the boat because they're going to have way more passengers come November 4th.

COMMISSIONER HILLMAN:

Thank you.

CHAIR RODRIGUEZ:

Thank you. Ms. Clarke, do you have any questions or comments of Mr. Chapin?

MS. CLARKE:

No question, but just a comment. Before your arrival I described the NAACP Legal Defense Fund voter education awareness

campaign that we've launched called "Prepared to Vote" which is really encouraging voters to take steps now to verify their registration status, verify the location of their polling place and so forth. And I think that it's programs like ours, in combination with yours and in combination with other efforts, that you know collectively when they come together will hopefully result in a more smoother election this November. So I just wanted to offer up that brief observation.

And thank you for the good work that you're doing.

MR. CHAPIN:

My pleasure. There's a local clothing store that says, "An educated consumer is our best customer." And we think the same idea applies to elections. And so any -- you've got questions, we've got answers. Let's hope that we can put the two together before November.

CHAIR RODRIGUEZ:

We're all pulling in the same direction. I like that.

Well, thank you both very much. You're, of course, invited to stay for our next speaker.

We're going to take about a ten-minute break to give the video crew time to reload their film and back for our final speaker, the Secretary of the Commonwealth of Pennsylvania, Pedro Cortes.

Thank you.

[The Commission recessed at 3:04 p.m. and reconvened at 3:19 p.m.]

CHAIR RODRIGUEZ:

I'd like to welcome everyone back for our final presentation of the day and it's definitely a case of "last but not least."

We have with us today the Secretary of the Commonwealth of Pennsylvania Pedro A. Cortes, and he's also the President of the National Association of Secretaries of State. And he is here to talk about his initiative, the "Voter Registration Month."

Pedro Cortes was nominated as Secretary of the Commonwealth by Governor Edward G. Rendell on April 2, 2003, and was unanimously confirmed by the Senate on May 13, 2003, making him the first confirmed Latino cabinet member in Pennsylvania history. The Secretary of the Commonwealth administers the Department of State. The Department protects the public's health, safety and welfare by licensing more than 1 million businesses, health and real estate professionals, maintaining registration and financial information for thousands of charities soliciting contributions from Pennsylvanians, overseeing Pennsylvania's electoral process, maintaining corporate filings, and sanctioning professional boxing, kick boxing and wrestling in the Commonwealth. And maybe today he'll tell us about the similarities between elections and boxing. The remainder of Secretary Cortes' bio will be on our Website posted so that folks who want to know more about your duties can look that up.

But right now let's talk about "Voter Registration Month."

SECRETARY CORTES:

Good afternoon. And thank you, Chair Rodriguez, for that kind introduction and also for the invitation to participate in today's meeting. I appreciate the opportunity to discuss the States' efforts

to empower voters as we prepare for Election Day on Tuesday, November 4th.

This year, I wear two hats; one as Pennsylvania Secretary of State; the other as President of the National Association of Secretaries of State or NASS. My colleagues and I at NASS believe that a well-informed voter is an empowered voter.

States have been increasing their efforts to better educate the public on the rules of elections and the tools we have been developing at the State and local level to assist them. Our belief at NASS is that taking the time and resources to ensure that voters know the tools and the rules in advance of Election Day will serve to reduce voter confusion and frustration on Election Day, and reduce the administrative burden on local election officials and poll workers.

From a national standpoint there are a few efforts I would like to highlight today.

In July of this year, the members of NASS voted unanimously to declare September 2008 as “National Voter Registration Month.” During this time, our members across the country are working to inform and encourage eligible voters on how to register in time for the November 2008 General Election.

We are also working to promote State and local resources to help make the process faster and more manageable. You can go to NASS Website at nass.org to see some examples of those efforts. One key element of this year’s election is the emphasis on the 29 States that have voter registration lookups and the 40 States that offer polling place locators. This is largely thanks to the

technology provided by Statewide voter registration databases under the Help America Vote Act.

The States have also taken steps to inform voters about the importance of making sure that their voter registration records are up-to-date in advance of Election Day. Accurate voter registration records are essential to the effective administration of elections, which in turn, promotes a positive voting experience for electors. I thank you, Chair Rodriguez, and members of the EAC, for your efforts at sharing the same message with voters throughout the country.

New for September 2008, NASS has updated and redesigned its “Can I Vote” outreach Website at CanIVote.org. NASS launched this site in the fall of 2006 to help answer two major questions that emerged from national voter hotline calls that were received in 2004 and 2006: (1) “Am I registered to vote?” and, (2) “Where is my polling place?”

Can I vote links to the voter registration lookups in the States. If the State does not yet have a voter registration lookup, then we provide contact information for all the local election officials in that particular State. For voters who are not registered to vote, the site also provides links to the Federal voter registration form, as well as the county and State information.

Additionally, Can I Vote provides the voter identification requirements for each State by linking to the specific location on the State Website that provides that information. For voters who want more information about candidates, there’s also a link to Project Vote Smart’s Website.

Finally, the site provides links to State and local information and applications to become a poll worker. We also list the State voter registration deadlines and the State polling place hours for November 2008.

NASS is very proud of its Can I Vote site and the number of people it assists on a regular basis, particularly first-time voters.

As expected, traffic increases during an election year. In the past 12 months, we have had more than 800,000 visitor to Can I Vote. We average approximately 30,000 per month, but during the Presidential Primary season, the months of February, March and April, we averaged more than 150,000 visitors each month.

I'm also proud to announce that in the upcoming weeks, NASS will release a new report titled, "Engaging the Energized Electorate: State Preparations for the 2008 Presidential Election." NASS surveyed the States this summer to learn what programs and initiatives they were putting into action to prepare for this historic election. Many States are currently focused on refining the changes required by the Help America Vote Act.

Our report focuses on three general areas, and I'm referring now to the upcoming report "Engaging the Energized Electorate." Those three areas are: (1) State outreach for voter education and registration; (2) Polling place operations; and (3) Election results.

For example, the majority of the States are using their Statewide databases to provide online voter registration lookups and polling place locators. States like Iowa and Washington are also utilizing their databases to offer Election Day registration and online voter registration, respectively. Federal resources also

provided many States with the opportunity to increase, expand or enhance poll worker recruitment efforts and training.

In Pennsylvania, now speaking more precisely to what I'm in charge to do back at home, our efforts have been similarly robust as we reach out to inform and empower voters. We have launched our Ready.Set.Vote campaign, which is Pennsylvania Department of State's interactive voter education campaign. It is designed to help Pennsylvania voters become familiar with the voting processes, rights and technology. At the heart of our campaign is an all-new, multi-lingual, voter-friendly Web site VotesPA.com where voters can find everything from where they're registered to vote in Pennsylvania and also get information related to where is their polling place located, how to get there, what are the different voting systems that we use in the State and other information. Information is available so that electors have a good understanding of what to expect when they come to the polls on Election Day. For example, one of the features that we have found most helpful is informing first-time voters about what type of identification they need to bring to the polls on Election Day.

As I mentioned just now, at VotesPA.com the public is able to view an online demonstration on the particular voting system that is used in any of our 67 counties. There's also information about absentee and provisional ballots and other voting-related topics. Voters may even sign up to have text messages sent directly to their cell phones reminding them of key dates regarding the election. All of this has been designed with Pennsylvania voters in mind. Pennsylvania is a large State and it is also very diverse, but

there is something for everyone at VotesPA.com from college students and members of the military to citizens with disabilities and older Pennsylvanians.

In the unlikely event that someone is unable to find the answer to a given question on the Website, our Website, VotesPA.com, there is still an option for a friendly and easy-to-use toll-free voter hotline, 1-877-VOTES-PA. Naturally, the person can also call the county board of elections for information. County contact information is also available through the Website.

It is my hope that NASS' State Preparation Report that will be showcased in the coming weeks will help to provide a good snapshot of what is happening around the country and offer assurances that the States are both prepared and eager to handle the high levels of voter registration and turnout predicted for the 2008 Presidential election. Furthermore, we are confident in our ability to deliver a fair, accurate, accessible and secure election with reliable results.

Thank you again for the invitation this afternoon. At this time I welcome any questions that the Commission has.

CHAIR RODRIGUEZ:

Thank you for your presentation. I'm going back and forth, so I think Commissioner Hillman it's your turn to go first.

COMMISSIONER HILLMAN:

Okay. As I think about what you were discussing in your remarks, it makes me wonder what, if you can do this, the top two or three reasons people give for not being registered and not voting in Pennsylvania as compared to the rest of the country. That is, what

do people in the country as a whole hear? What does NASS hear as compared to Pennsylvania? And are they the same or do we have regional differences?

SECRETARY CORTES:

As for why is it that people are not engaged or are not participating?

COMMISSIONER HILLMAN:

Right.

SECRETARY CORTES:

Pennsylvania is not much different than the rest of the country as to the perennial reasons that we hear about relating to why people may not participate. It could be the more historical, "I don't think my vote counts," which is beginning to be dispelled by way of the 2000 election, and elections such as the gubernatorial race in Washington in 2004 where the Governor in that State won by 129 votes out of almost 3 million. So people are getting a sense that your vote does count and that one person can make a difference. But that's still a concern some people have.

We have to overcome, you know, how busy our lives are. There's many people who are overwhelmed with concerns and other priorities in their lives, whether it's feeding their family because of lack of financial means, whether it's having to care for children or parents, an issue of a disability that may prevent people in the scheme of everything that somebody has to, do may see election not at the top of their priorities. And we are trying hard to change that, again by stressing the fact that elections is not only, or voting is not only the most fundamental right of citizenship that we

have because all other rights emanate from that right, electing our officials, or at least the preservation of those rights as stated in the Constitution. But you have that challenge to overcome and we're working hard to make voters understand, "It makes a difference. Please, make sure that that right is preserved."

We get, and some of this is more anecdotal, people who just don't understand the system well enough to overcome a concern over comfort. "I don't know how to use the voting system so I don't want to be embarrassed by going to the polling place and not knowing what to do." And what do we do to address that concern? This is where the States through their Website and other outreach efforts are working hard to make sure that we bring out a message that voting is easy. In fact, our voter education campaign in Pennsylvania for our Spanish-speaking community is, "Asi de facil - It's that easy." So we are stressing the point that it's not only your right, it's an important right, but we can overcome the mystery and make it something that you enjoy.

So you have, you know, the variety, as I mentioned social, economic reasons. I don't know that I can say that Pennsylvania is much different than any other State. I will say that perhaps there's good reasons why people are perhaps more interested in participating; the economy, concerns over the economy, concerns over healthcare and education which are in Pennsylvania when you ask our citizens, "What is most important to you?" usually what you hear is health, education and the economy. And so that drives the participation.

I hope I've been responsive of the question.

COMMISSIONER HILLMAN:

And just a follow-up on a little slightly different bend, and that is my observation is that for many voters the line between the activities of partisan political campaign blurs with election administration. Now this is in the perception and mind of the voter. And so I'm just wondering what kind of things you may have found useful to help people understand that even though the person who is the election administrator, county clerk, Secretary of State, whatever, even though they may be an elected official and they may be running for election that the line between what happens in campaigns and how elections are administered is in fact pretty bright and separate.

SECRETARY CORTES:

My colleagues and I, not only at the Secretaries of State but also our colleagues in NASED, the National Association of State Election Directors, the local officials, I think work hard to try to explain that role of separation at every turn when the question comes up. I know that people ask me, "How can you remain impartial and objective and administer an election without bias when you were appointed by a Governor who was elected on a political platform?" And my answer is, at a broad level, is I took an oath. I took an oath that has legal consequences to uphold the law -- the Constitution and the law of the United States and the Commonwealth. Well, that may sound just nice rhetoric to people. So the proof is in the pudding.

Many of us what we do is engage groups and others that perhaps have been critical of the work that we do that may appear partisan, invite them to sit at the table with us so that they can see

that in fact we may have some very strong personal opinion, but when it comes to the administration of elections there are enough checks and balances. And perhaps that's the focus of the answer. There's checks and balances to make sure that if you step beyond those boundaries there's consequences, legal and otherwise, that you'll be subjected to.

It is tough, especially when you're dealing with the public that may not have the benefit of working directly with you and, frankly, at times it can be an uphill battle because the reporting and what is sometimes portrayed in the media it's not fully accurate. I think like with anything else in life you may have a very small minority that by their actions or their words may create doubt in people's mind about their integrity. But by and large I can vouch with firm and strong belief that the administrators take their responsibilities seriously and should at every turn if they're ever going to engage in something that is partisan make it a point to say, "This is such and such in my personal private citizen capacity and not in the role in my office."

I think it also helps when your staff is a diverse staff of people from different political affiliations, as is the case in Pennsylvania. On my staff we have probably an equal complement of Democrats and Republicans within the staff itself, and I believe that that helps to create some credibility in what we do.

And I will conclude by saying that if someone in fact has evidence that any of us are engaging in conduct unbecoming of the kind that will create a doubt, real or perceived, that individual

should, you know, come forward with that information so that appropriate remedial steps can be taken to address that situation.

COMMISSIONER HILLMAN:

And my last question, I think, but my last question. What have you and the local, the county election officials done to develop working relationships with voter registration groups that can result in the smoothest process possible given the amount of activity that's going on and the volume of voter registration that's going on?

SECRETARY CORTES:

In Pennsylvania, and I know it's the case in many of the States whether it's the Secretary of State, the chief election official or the other State election director or the county officials, they are engaging voter registration groups in conversations. Sometimes like in Pennsylvania it could be face-to-face meetings that we have with voter registration groups or coalition groups that are trying to promote the increased voter participation and protection. And the conversations, it's trying to create an understanding of how we all benefit from a process that is orderly and ideally keeps in mind the realities of the time crunches and timetable to process voter registration.

More precisely, one of the major concerns, and sometimes a frustration that local election officials will express at the time of voter registration, is that some of the voter registration drives collect hundreds, if not thousands, of voter registrations throughout say the summer and they're not turned in until the very last day for voter registration which at that point in time, among everything else that is happening, can overwhelm the resources of the local county

board of elections voter registration office. And understanding, “Please, as soon as you have those voter registrations collected, please turn them in.” And I’m seeing that already in Pennsylvania, it’s happening, where you have the various groups that are turning them in much more quicker than I saw in years past. So that’s that type of discussion.

You know, people can push you and say, “Well legally I have until this day to send my voter registration form.” But if people understand that everybody benefits from a process that is more constant, it helps.

Beyond the turning in the application, the other issue that often affects the voter experience is that many voters register through various drives and that’s the last they hear about that particular registration. That might be the case and then they may come to the polling place and not appear on the poll books. And there’s issues as to, you know, “What happened to my registration?” One of the things that we’re encouraging all Pennsylvanians, and I hope it’s happening elsewhere, is to say, “Once you’re registered, within two weeks,” it’s Pennsylvania 14 days, “be on the lookout for some confirmation from your county board of elections that you’re properly registered. Be on the lookout for that confirmation.” If you have that, that’s one of the best things you can do to be prepared because with that; first you know you’re properly registered; second, you’ll learn where’s your polling place. If you go to our Website, you’ll find out to get there because we have lookups and driving directions. And then ideally the experience is much more smoother.

But the bottom line, the soundbite answer is, I know what I'm doing in Pennsylvania is engaging those groups in very open, candid conversations about how we all benefit if we understand what everybody needs to do, what are the resources and what's perhaps the most efficient way to go about not just the collection of that information but also turning in it. Actually, in terms of collecting is making sure if you're collecting a voter registration form make sure that all the information that is needed is in that form so that you're not missing information that may delay the processing of that application.

COMMISSIONER HILLMAN:

Thank you.

SECRETARY CORTES:

You're welcome.

CHAIR RODRIGUEZ:

Very good. Commissioner Davidson.

VICE-CHAIR DAVIDSON:

Well, I don't know if I have any questions because you have done a great job. One of the things I think that you have proven no matter what element it is in elections, whether it's educating the voters or educating third-party registration groups or anybody that you deal with the public in educating them on how you run your office, education is key and working with people as teamwork also throughout your community is also key. So that education tool is one that we should always remember, which we continue to try to do at the EAC. And we've probably taken this away from the Chair but we just got hot off the press, and encouraged Leslie to take

some back for their NASS office, the Voter Guide. We just got these, it's another Quick Start. So hopefully -- and they'll go out to all 7,000 of our election officials throughout. But education is one of the things that we try to do. And, obviously, NASS and the Secretaries and election officials are doing a great job throughout the nation. And that really gives you a good feeling that we are stepping up to more education than what we have in the past, whether it's Websites, whether it's personal, or however it comes about.

Thank you for being here.

SECRETARY CORTES:

Thank you, Commissioner Davidson. And I'd like to echo and expand on what you have said. You're absolutely right, education is the key, as well as the partnerships that we develop among any and all groups that are interested in the efficient and fair administration of elections.

And, as you know, the two major components are education and information for the voter, as I had discussed in detail just before. And the other is the component of education for the poll worker. I find that the errors that many voters experience on Election Day are not borne, are not the result of ill-will or a desire to purposefully disenfranchise a voter. They come out of the result of not knowing what to do, whether it's a procedure. It could be something as simple as opening the polls and the printing of the zero tapes. And I commend the EAC for the valuable guides that you have put together over the last couple of years that have helped me and the States many times help us with a new way to

think about how we do the processing of the work of the polling places. And in other times since we have been the ones working on this for so many years validate practices that we're currently engaged in so that we know that we're on the right track. And we to that end, for example in Pennsylvania, we have completed two DVD training videos for poll workers; one that we produced and distributed prior to the primary -- our primary back in April that was geared to the whole process of operating a polling place on Election Day, much like the guidelines that you provided in writing. Everything from how to open the polling place, the preparations for the polling place, opening throughout the day and how to close the polling place. And we are just this week issuing another DVD for how to provide services to voters with disabilities, understanding that there are some specific steps that poll workers can take to better familiarize themselves with how to make sure that that voter with a disability has access.

And so you're absolutely right. I want to echo your sentiment and your kind words. And I believe again very strongly that all involved in election administration; the Secretaries of State, the State directors, county officials, the local poll workers are well intended. They take their charge very seriously. And where we see mistakes, generally again out of lack of information or training as opposed to malice. And to those instances where in fact there is some sort of misconduct, that's where having the advocacy groups and others, Department of Justice, keeping an eye out I think those are all steps in the right direction.

CHAIR RODRIGUEZ:

Secretary Cortes, today earlier during -- Doug Lewis is here and we were talking about resources and what kind of financial shape election administrators are in this year. And I don't know who does your budget, if it's your legislature or your Governor, but are you -- is your office adequately resourced for this what we expect to be a record turnout election?

SECRETARY CORTES:

We are. We are. We're all challenged, we in Pennsylvania. Our Governor, who is the person that's working closely with the legislature sets the budget, understanding that we have a stewardship and a responsibility to be financially mindful of our challenges, just this week announced that we are setting aside in a reserve funding from the various departments so that we can anticipate a potential budget shortfall. I'm proud that Pennsylvania was one of the very few large industrial States that actually had a surplus this past fiscal year, and we're planning on keeping it that way. That freeze does not affect our monies for elections, which is good news.

What is happening at the county level I cannot speak with one hundred percent certainty. I can tell you, though, that in terms of personnel at the Department of State we're properly staffed. Could we use additional people? Yes. But we are making sure that we create efficiencies, even within our operations, so that we can address the growing demands on our staff and our resources in a way that we can continue to deliver the expected level of quality and service that voters have the right to demand and expect.

CHAIR RODRIGUEZ:

Very good. And, again, earlier today we were briefed by our Executive Director on a situation I think we've called NASS yesterday about, and that is the Social Security Administration taking down their Website on October 10th through the 13th at a time when many registrars will be doing the required database check. And we hope they'll reconsider that and may be communicating with you more about that issue in the future.

SECRETARY CORTES:

I'd be interested in pursuing that discussion. We talked about it back in our offices in Pennsylvania and the challenge that taking down the system for an extended period of time may have in the HAVA verification process of Social Security numbers. And I do hope that the Social Security Administration will consider the challenges that that will pose in the State and perhaps reconsider modifying the calendar.

I recognize that systems must be updated regularly, so I can appreciate what the Social Security Administration has to do. My experience thus far has been that even in Pennsylvania when we reach out to SSA and discuss at the very end close to our primary election about the need to maintain the system up for longer periods of times, particularly over the weekend, SSA was receptive to entertain that question. At the level and the magnitude that we're talking about now, I cannot speak to that. I have not had a conversation with the Administration yet, but I'm optimistic that something can be worked out.

CHAIR RODRIGUEZ:

We might need to link arms on this.

Are there any further questions? We really appreciate this and we have your number listed in the Voter's Guide to Federal Elections with contact information and Websites for all of the States and the District of Columbia and the territories, very good. You can smell that it is hot off the press, but we're very proud of this and it's being translated right now.

SECRETARY CORTES:

Excellent.

CHAIR RODRIGUEZ:

We did notice that your Website has I think seven...

SECRETARY CORTES:

Seven languages.

CHAIR RODRIGUEZ:

...languages available.

SECRETARY CORTES:

Correct.

CHAIR RODRIGUEZ:

And that's a wonderful opportunity for your voters within your State to get the information they need in their first language.

SECRETARY CORTES:

Absolutely.

CHAIR RODRIGUEZ:

So I think more States are going to look at models like that and adopt them.

Congratulations on your term as president, and we look forward to working together over the coming months.

SECRETARY CORTES:

Thank you. Likewise, thank you.

COMMISSIONER HILLMAN:

Thank you.

CHAIR RODRIGUEZ:

And thank you all. We earned our dollar today. I'm going home right now, so I'll see you Monday.

[The workshop concluded at 3:53 p.m.]