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Chair Rodriguez, Vice-Chair Hunter and Commissioners Hillman and Davidson, thank you for inviting me here today to present an overview of the two reports that my small firm, Winner's Circle Communications, prepared for the Commission regarding first-time voters who register by mail.

As you know, Section 303(b) of the Help America Vote Act (HAVA) introduced a new identification requirement for all prospective voters who register by mail and have not previously voted in a federal election in the state in which they are applying to register. The purpose of our study was to examine the impact the law has had on first-time voters who registered by mail and on election administration in the states. We've presented our findings in two reports: the first report includes the results of six state case studies, conducted with the help of contacts from the states' election offices; and the second report summarizes what we learned from first-time voters during focus group sessions we conducted in three of the six states studied.

States were chosen to participate in this study based on a number of criteria, including varying demographics, geography and relevant election laws. The six states that were ultimately selected – Indiana, Massachusetts, Montana, New Jersey, North Carolina and Pennsylvania -- are a diverse sample that best met the requirements of the statement of work. Localities in three of the states were then selected, based on some of the same criteria, as focus group locations. They were Hendricks County, Indiana, Northampton County, North Carolina and Allegheny County, Pennsylvania.

**Availability of Data**

Before I present our findings, I'd like to talk a moment about the availability of data. Unfortunately, the kinds of metrics that would have led to a more conclusive report on whether HAVA Section 303(b) accomplished what it was intended to were not available. A telephone survey of the 39 states that implemented "top down" voter registration databases (a prerequisite to participate in the study, as established by the statement of work) produced none equipped with systems that could generate detailed reports of first-time voters' registration and voting behaviors. While many states flag the individual records of first-time, by-mail registrants who must provide ID at the polling place, the state systems are not capable of producing comprehensive, statewide reports of the number of first-time voters who registered by mail and showed a driver's license at the polls, for example. The states were kind enough to provide us with estimates that are highlighted as such in our report.

States also don't keep records that might have enabled us to better gauge whether Section 303(b) helped increase the accuracy of voter rolls. For example, state systems can't produce reports that highlight the number of ineligible first-time voters who were prevented from casting ballots or the number of eligible first-time voters who registered by mail and had to cast provisional ballots at the polls.

And when the states were asked to provide us with lists of only first-time voters who registered by mail and voted for the first time in 2006 so that we could invite these voters to participate in our focus groups, they could not. Some provided us with lists that included voters who registered in person at an election office or motor vehicles department. We received lists from other localities that included voters who had voted previously in the state.

## **Case Study Findings**

We were able to determine from the data available that the states have implemented Section 303(b) in very different ways and that the law has had diverse effects on state election administration and first-time voters.

Half of the states studied adopted only the law's minimum ID requirement, while the other half expanded on it. Indiana, for example, requires every voter to show photo ID before casting a ballot.

Each state introduced its own unique training programs for election officials and poll workers. Some included the use of DVDs while others worked with colleges and universities to improve their training programs.

The states approached voter education in equally creative and different ways. Several states aired voter education videos and issued election guides for first-time voters.

While election officials process voter registration applications differently from state-to-state, every state studied notifies registrants when their applications are rejected or incomplete. Some contact registrants by phone, others by mail.

Every state studied uses a password-protected voter registration database. Several of them are capable of tracking user activity.

According to state estimates, the majority of first-time, by-mail registrants in every state included a driver's license number or the last four digits of their Social Security number with their registration in 2004 and 2006. And most voters who neglected to provide this information with their registration provided it at the polling place – usually in the form of a driver's license.

As expected, each state reported spending a different amount to implement the law, but it's difficult to determine the exact cost of Section 303(b). Many of the states' expenditures went to pay for equipment and training that was necessary to comply with more than this one aspect of HAVA.

Almost every state reported that it takes election officials more time to process voter registration applications than it did before HAVA's ID requirements took effect. New Jersey was impacted the most. Several counties reported that it takes them an extra three and a half minutes per application which, considering the volume of applications they process, can add up.

Finally, as part of our survey of the six participating states, our election contacts were asked to describe the benefits and challenges of implementing the law. As might be expected, officials in states that expanded on HAVA's ID requirement said one of the law's biggest benefits is that ID for first-time voters who register by mail helps deter fraud. Officials in states that chose to implement only the minimum requirement reported that ID for first-time voters was one of the law's biggest challenges.

## **Recommended Practices**

A number of state programs and resources proved to be particularly effective according to the states, and some were more distinctive than others.

As part of their efforts to educate voters, the Indiana secretary of state's office worked with community organizations and other state agencies to reach out to groups of prospective voters -- including first-time voters -- who were deemed the least likely to understand and comply with the state's ID requirements. Indiana also gained free publicity for the new requirements through

media outreach. The state conducted background sessions for media in order to explain the new ID requirements and other election reforms to reporters, producers and editors. Montana employed a grassroots approach to educating voters that included face-to-face meetings at Native American pow-wows. Massachusetts sent a voting guide that explained requirements for first-time voters who register by mail to every household in the state.

In order to train local election officials, Montana established a “foster” program in which county officials who were members of the state’s election reform task force each adopted several counties and advised them on how to comply with new ID procedures. Election officials in North Carolina added a live help feature to the department’s website. Local officials who log into the system receive assistance from an IT professional who can walk them through processes live on the system itself.

### **Focus Group Findings**

While the states reported success with these recommended practices, the focus group portion of our study exposed two areas in which the states could improve: voter education and poll worker training.

When tested on their knowledge of ID requirements for first-time voters, focus group participants exhibited a poor understanding: the average test score was a failing grade of 39.4 percent. And fewer than half of the participants said they knew before they voted that they would be required to show ID at the polls. Even those voters could not identify all of the different types of ID that would be accepted.

Certain racial/ethnic and age subgroups exhibited a lower level of understanding than others. African-Americans and 18 to 24-year-olds had slightly lower than average quiz scores. Middle-aged whites had the highest scores.

Participants in all three states agreed that their state could have done a better job communicating ID requirements to first-time voters. The most popular suggestion for voter outreach was media coverage. Participants said they are much more likely to listen to informative media reports than they are to listen to paid advertisements or to read a mailing. Public service announcements, outreach through schools and postcards featuring tips for first-time voters were the second most frequently recommended methods for communicating with voters.

According to the focus group participants, poll workers in all three states demonstrated what appears to be a lack of understanding of their state’s voter ID requirements. Seven voters in North Carolina and Pennsylvania reported being asked by poll workers for photo identification, despite the fact that neither state requires voters to show a photo ID. Five of those voters said the poll worker specifically asked them for a driver’s license. Nine Indiana voters reported that they too were asked specifically for a driver’s license which is not required by state law.

### **Recommendations**

Based on what we heard from our focus group participants, we’d like to recommend that state and local election officials focus on obtaining what’s often referred to as “earned” media coverage. While it’s not always easy to get reporters to cover not-so-sexy election administration issues, we learned from our focus groups that one newspaper article could do more to reach voters than an expensive mailing. We also recommend that election officials work to ensure that first-time voter ID requirements are explained clearly to poll workers during training sessions and that poll workers apply the requirements correctly and uniformly. It might be advisable to provide poll workers with a checklist or script that includes a list of acceptable forms of identification.

Thank you again for having me here today. I’d be happy to answer any questions you may have.