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U.S. ELECTION ASSISTANCE COMMISSION

PUBLIC MEETING

1225 NEW YORK AVENUE, N.W.

WASHINGTON, D.C.

Taken on the date of:

TUESDAY, OCTOBER 25, 2005

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

22 Taken before: Jackie Smith, a court reporter

1 U.S. ELECTION ASSISTANCE COMMISSION:

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

8 SPEAKERS:

- 9 Margaret Sims, Research Specialist, EAC
- 10 Carol Paquette, Senior Manager, EAC
- 11 Susan Parnas Fredrick, National Conference
- 12 of State Legislators
- 13 Holli Holliday, Project Vote
- 14 Adam Lioz, New Voters Project
- 15 Earnest R. Roberson

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

2 CHAIR HILLMAN: Good morning. This

3 meeting of the United States Election Assistance

4 Commission will come to order. And may I ask

5 everybody to be sure to turn off your cell

6 phones, pagers, and any other electronic devices  
7 that would make noise to interrupt our  
8 proceedings.

9 Please stand and join me in, "The Pledge of  
10 Allegiance."

11 (The Pledge of Allegiance.)

12 CHAIR HILLMAN: All right. If we  
13 could have a roll call, please.

14 (Roll Call: All Commissioners Present.)

15 CHAIR HILLMAN: Thank you.

16 Commissioners, we have before us an agenda.

17 There have been a couple of changes, or at least

18 one that I am aware of, and that is, later under

19 the presentations on timely return of voter

20 registration applications, we received a call

21 late yesterday afternoon that the Christian

22 Coalition is not able to send a representative

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1 this morning. And so we will not have that  
2 representation on that panel. That is the only  
3 change on the agenda that I am aware of.

4 If there are no others, it would be  
5 appropriate to adopt the agenda.

6 COMMISSIONER MARTINEZ: So moved,

7 Madam Chair.

8 MS. DAVIDSON: Seconded.

9 CHAIR HILLMAN: All in favor. Thank  
10 you.

11 Next on the agenda would be  
12 correction and approval of minutes for September  
13 27, 2005. Are there any notations for edits or  
14 corrections to the minutes? If not, it would be  
15 appropriate to adopt the minutes as presented.

16 VICE-CHAIR DEGREGORIO: So moved.

17 COMMISSIONER MARTINEZ: Seconded.

18 CHAIR HILLMAN: All in favor? All  
19 right. Thank you.

20 Moving quickly to reports. Title II  
21 requirements payments update, which will be  
22 presented by Margaret Sims, our election

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1 research specialist. And we will miss you,  
2 Peggy, when we give the last requirement  
3 payments.

4 MS. SIMS: Yes. We're getting close.  
5 Thank you.

6 Good morning, everyone. I am pleased to  
7 report that since the last report, the last  
8 public meeting, EAC has processed over  
9 \$14,000,000 in requirements payments to two  
10 states. Those went to Hawaiian, Montana. Each  
11 of them received over \$7,000,000. This brings  
12 the total requirements payments disbursed to

13 2.38 billion, over 2.3 billion appropriated in  
14 fiscal years 2003 and 2004 for this purpose.

15 As you know, all 55 states, as defined by  
16 HAVA, that includes the 50 districts, the  
17 District of Columbia, and the four eligible  
18 territories, have received their requirements  
19 payments for fiscal year 2003, and these  
20 payments total \$830,000,000.

21 Fifty-three states have also received their  
22 full payment of their fiscal year 2004

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1 allocation, and one additional state, Michigan,  
2 has received a partial payment of its 2004  
3 allocation. These 2004 payments total almost  
4 1.45 billion.

5 Approximately 43,000,000 remains available  
6 to be paid to two states, Delaware and Michigan,  
7 all from funds appropriated in fiscal year 2004.  
8 Delaware had received its FY 2003 requirements  
9 payment in August, 2004, but before it could  
10 claim the over 7,000,000 due it from the FY 2004  
11 funds, the state had to file an amended state  
12 plan to account for the use of those funds, and  
13 wait for the plan to have been published in the  
14 Federal Register for 30 days.

15 The state recently filed that plan, and EAC

16 has submitted the plan to the office of the  
17 Federal Register for publication. If past  
18 practice holds true, they will probably publish  
19 that this Friday. We start counting the 30 days  
20 after which the state can submit for the seven.  
21 Michigan also received its 2003  
22 requirements payment in August of 2004. The

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1 state also requested a partial payment of its  
2 2004 allocation based on the amount the state  
3 had available for the five percent match that's  
4 required by HAVA. A partial payment of over  
5 14,000,000 was made to the state in April, 2005.  
6 To claim the remaining almost \$36,000,000, the  
7 state had to do two things. One was to  
8 appropriate the five percent match for the  
9 almost 36,000,000 remaining, and to update its  
10 state plan to report how the state would use  
11 approximately 18.3 million dollars that the  
12 state had not expected to receive. The state  
13 was able to appropriate the required five  
14 percent match for the remaining amount, and is  
15 in the process of submitting the requests for  
16 another partial payment of its FY 2004  
17 requirements payment. This partial payment  
18 would be approximately 17.6 million dollars,  
19 leaving a balance of approximately 18.3 million.

20 The state also has amended its state plan  
21 to account for the full amount of the  
22 requirements payments the state will receive.

8

1 The amended plan is going through the state's  
2 30-day public comment period, and the comments  
3 are due this Thursday. So, hopefully, we'll  
4 have that plan shortly thereafter and we'll be  
5 able to see if it's ready to go to publication  
6 in the Federal Register.

7 Once we have the plan and have submitted it  
8 to the Federal Register, the state must also  
9 wait for 30 days before it can submit for the  
10 remaining 18.3 million dollars, but it does look  
11 like we have a good shot at being through with  
12 all of the requirements payments by the end of  
13 December.

14 That concludes my report. Are there any  
15 questions?

16 CHAIR HILLMAN: Okay. I think you  
17 did clarify one point, and that is to say that  
18 when all is said and done with the various  
19 publications for Michigan, we would expect that  
20 they should be able to draw the full amount by  
21 the end of this calendar year.

22 MS. SIMS: That's correct.

9

1 CHAIR HILLMAN: Unfortunately, as we  
2 sit here, we do not have any indication that in  
3 FY 2006, Congress will appropriate the remaining  
4 600,000,000 or so requirement payment funds that  
5 were authorized under the law. So once these  
6 two payments have been issued, that will be the  
7 last of the requirements payments that we'll be  
8 sending out, as far as we know.

9 Is that so?

10 MS. SIMS: That's correct.

11 CHAIR HILLMAN: Any questions,  
12 Commissioners?

13 VICE-CHAIR DEGREGORIO: I just have a  
14 quick question about Michigan's 36,000,000 of  
15 their new state plan. Are they using some of  
16 this money to buy equipment?

17 MS. SIMS: Yes. And this is one of  
18 the reasons why they are going to submit for  
19 another partial payment now, to be able to  
20 assist in that effort, rather than wait until  
21 the state plan is published for 30 days and get  
22 the balance.

10

1 VICE-CHAIR DEGREGORIO: Okay. But  
2 that's a lot of money. I assume that would be

3 for that purpose. Delaware, they only have  
4 three counties. They have a statewide voter  
5 registration system in place. They have the  
6 full phase DREs in place for quite a while.

7 What did they use some of their money for?

8 MS. SIMS: Well, it looks like a lot  
9 of it will be, a fair amount, they are going  
10 to be holding in reserve for future maintenance  
11 that is over and above the state maintenance  
12 requirement.

13 This would be, for example, maintenance  
14 that might be associated with the statewide  
15 voter registration database in comparison with  
16 the DMV files, which is not something that the  
17 state had done originally, but is a requirement  
18 of HAVA.

19 Also, it appeared, under the state plan,  
20 there was some voter education plans they were  
21 going to mat with that money.

22 VICE-CHAIR DEGREGORIO: Thank you.

11

1 CHAIR HILLMAN: Any other questions?

2 Okay, thank you, very much, Ms. Sims.

3 Our next report is from Carol Paquette, and  
4 that would be on the status of the recommended  
5 voluntary voting system guidelines.

6 MS. PAQUETTE: Good morning, Madam

7 Chair, Commissioners. The EAC has received  
8 approximately 4,500 comments on the voluntary  
9 voting system guidelines. About 70 percent of  
10 these comments were received on the last two  
11 days of the comment period. That was  
12 approximately 700 comments that were entered  
13 onto the website, and about 2,500 e-mails.

14 Most of the e-mails, however, came from an  
15 organized writing campaign to engage EAC to  
16 maintain voter-verified, paper audit trails.  
17 However, several of the e-mails that came in the  
18 last two days came from voting system vendors,  
19 and these included fairly lengthy attachments  
20 containing a large number of individual  
21 comments, and in one instance, 48 Excel spread  
22 sheet pages of comments.

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1 We also received a small number of  
2 comments, probably about ten or 12, by fax, and  
3 postal mail. As one might expect, security and  
4 human factors were the topics in VBSG that  
5 received the most comments.

6 For purposes of tracking the comments and  
7 assisting in managing the review process, we  
8 have created a database. All of the comments  
9 that came directly to the EAC website were

10 directly entered into the database by the author  
11 of the comment, since that was the tool that we  
12 had on the website for that purpose. However,  
13 all of the e-mail comments that have been  
14 received have to be manually entered into the  
15 database, which is, as you can imagine, a fairly  
16 time-consuming task.

17 We have the assistance of Kennesaw State  
18 University, which is under contract with us to  
19 assist in the administrative aspects of this  
20 effort.

21 We have organized the review process into  
22 four subject areas; security, human factors for  
13

1 requirements which are the same areas in which  
2 the Technical Guidelines Development Committee  
3 is organized, and a fourth area of the glossary.  
4 The review groups that we have established are  
5 comprised the staff from the EAC, NIST, and  
6 Kennesaw. The chairs of the three TDGC working  
7 groups have also been invited to participate in  
8 this activity, should they care to do that.

9 We have been underway reviewing the  
10 comments for about the last week and a half,  
11 since they have been entered into the database  
12 and working on determining their disposition.  
13 Many of the comments that we have received are

14 very general in nature, comments about the  
15 electoral system in general, and the  
16 responsibilities of the EAC, and cannot be  
17 responded to specifically because they do not  
18 pertain to specific sections of the VBSG.

19 Many comments are also duplicates. For  
20 example, many comments received from national  
21 level headquarters organizations of advocacy  
22 groups, for example, and other interest groups,

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1 the local chapters would submit very similar  
2 comments. It is too early in the process right  
3 now to predict with any great accuracy when  
4 we'll be completed. However, we're having  
5 meetings of the working groups this week to come  
6 up with the proposed final schedule for  
7 completion.

8 One major element that we have been working  
9 on for quite some time is the re-formatting of  
10 the document. Many of the comments we have  
11 received pertain to the re-formatting, and of  
12 course, we're aware at the beginning that the  
13 format needs to be improved. We have presented  
14 to you, I believe it was about a week ago, the  
15 proposed re-format of the document. It is also  
16 being reviewed by individuals at NIST because we

17 want to be consistent with the next version of  
18 the guidelines that will be coming out in the  
19 future. And to facilitate that effort, we're  
20 trying to get a common format.

21 We have made good progress, I believe. We  
22 have a good set of researchers on our working

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1 groups, and we're coordinating closely with NIST  
2 in getting this work done.

3 That concludes my report. Are there any  
4 questions?

5 CHAIR HILLMAN: Commissioners,  
6 questions? No. Okay.

7 It has been our plan that we were going to  
8 schedule adoption of the guidelines at our  
9 November meeting, but because of the volume of  
10 comments that have come in, it appears that it  
11 will take longer for EAC, and NIST, and  
12 Kennesaw, to go through all of the comments and  
13 make recommendations to us.

14 And so we're awaiting an indication of a  
15 recommended time line with the expectation that  
16 we may not be complete by November 15th, but it  
17 is my understanding that the team is working to  
18 make certain that the EAC can complete its work  
19 on these guidelines by, certainly, well before  
20 the end of this calendar year.

21 But I just want to ask the executive  
22 director if that's a correct assessment of where  
16

1 we are now?

2 MR. WILKEY: That certainly, Madam  
3 Chair, is the correct assessment. I think we're  
4 trying to move as quickly as we can, but we also  
5 want to make sure that we also are as thorough  
6 as we need to be.

7 Certainly after this week, first review  
8 pass by the various core group committees, I  
9 think we'll have a better indication of the  
10 length of time that it's going to take.  
11 Certainly, there will be some issues that the  
12 Commissioners need to spend some time looking  
13 at, but I have never been one, and I think the  
14 staff has heard me say more than once that I'm  
15 not a chicken little. I don't believe that the  
16 sky is falling all the time. I would rather  
17 wait and do a thorough analysis before we make  
18 any kind of assessment.

19 So we have made the folks at NIST and  
20 Kennesaw, as well as our own staff, aware that  
21 while we will move as quickly as possible  
22 because we think this document needs to get out

1 the door as quickly as possible, we also need to  
2 make sure that it is thorough, that it is  
3 researched properly, that whatever needs to be  
4 set aside for the next generation is done so  
5 with great care, and with your approval.

6 And so I am hopeful that when we meet again  
7 on the 28th, that we'll be able to come up with  
8 a much more defined strategy than we have right  
9 now.

10 CHAIR HILLMAN: Okay. Commissioners,  
11 any questions? Okay, thank you, very much, Ms.  
12 Paquette.

13 To our general counsel, and executive  
14 director, because of the weather and some other  
15 conditions, our panel presentations for this  
16 morning are smaller than what we had  
17 anticipated. So while the agenda says that we  
18 were going to go until 2:30, it is very unlikely  
19 that we're going to 2:30. And I'm going to  
20 encourage my colleagues that we should not fill  
21 up four hours of time with five people. But to  
22 that, I am wondering if any of the panelists are

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1 coming later because they were told that they  
2 would be on later, and do we need to adjust the  
3 time of the meeting accordingly, or can we just

4 proceed.

5 MS. THOMPSON: Madam Chair, if you  
6 will give me just a moment, I believe that  
7 everyone is here, but let me just check on this.

8 CHAIR HILLMAN: If you would check on  
9 this, and in the meantime, I'll just review what  
10 the presentations are.

11 The Election Assistance Commission became  
12 aware since about October of last year that  
13 elections officials were confronted with  
14 hundreds, if not thousands, of voter  
15 registration forms that were being turned in  
16 during the last few days leading up to the  
17 various state deadlines for voter registration  
18 application. And this, of course, caused a lot  
19 of extra work on the part of the election  
20 offices having to incur overtime in order to  
21 process all of these forms in a timely manner.

22 We also know that some states have taken  
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1 measures through legislative action to, in fact,  
2 restrict how voter registration applications can  
3 be given to groups, and the time frame within  
4 which these forms will be turned in. And so we  
5 will today be listening to individuals present  
6 information, both those on the receiving end of  
7 the voter registration application, a

8 representative presentation from the National  
9 Conference of State Legislators with respect to  
10 the reactions that state legislators had to  
11 this, as well as presentations from voter  
12 registration groups about the experiences they  
13 had in 2004 that resulted in either timely  
14 submission of voter registration forms or, in  
15 fact, late or last-minute submission.

16 So to that end, let me see -- are we  
17 prepared to proceed?

18 MS. THOMPSON: All the panelists are  
19 here, except for Ms. Holliday in route and  
20 should be here by the time her panel is ready to  
21 present.

22 CHAIR HILLMAN: Okay. So what we  
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1 have this morning are three panels. The first  
2 presentation will be addressing legislative  
3 efforts to encourage timely return of voter  
4 registration applications. And we have with us  
5 this morning Susan Parnas, if I pronouncing that  
6 correctly, Frederick, who is Senior Committee  
7 Director for the National Conference of State  
8 Legislators. Following her presentation and the  
9 Commissioners' questions of hers, there will be  
10 a panel. Initially, there were going to be

11 three presenters representing voter registration  
12 organizations. We're expecting Ms. Holli  
13 Holliday, National Director from Project Vote,  
14 Adam Lioz, from the New Voters Project. And we  
15 had, as I mentioned earlier, invited the  
16 Christian Coalition, but they called yesterday  
17 afternoon to indicate that, unfortunately, they  
18 are not able to send someone today.

19 Following that, we'll be closing with  
20 presentation from a local election official  
21 perspective. We had invited two individuals  
22 with us today, is Earnest Roberson, Registrar of

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1 Voters for Caddo Parish, Louisiana. We had  
2 invited and he had accepted to come Lester  
3 Solos, Director of Elections from Miami, Dade,  
4 but I'm sure you all understand why he will not  
5 able to be with us this morning.

6 So without further delay, if we could  
7 invite Ms. Frederick to join us.

8 MS. FREDERICK: Good morning, Madam  
9 Chair and Commissioners. I am thrilled to be  
10 here this morning. It was very gracious of you  
11 all to ask me to come in and talk about this  
12 very timely topic, on the timely return of voter  
13 registration applications.

14 As you all are probably aware, there's been

15 a lot of state activity this year in this  
16 particular area with a lot of state legislation  
17 being enacted in the 2005 legislative sessions.  
18 Eighteen states have passed 48 separate pieces  
19 of legislation on this issue of voter  
20 registration dealing with one facet of the issue  
21 or another.

22 In an attempt to try to categorize them,  
22

1 that became almost an impossibility because of  
2 the great state innovative approaches to this  
3 issues, and dealing with the different state  
4 deadlines. And they are all just a little bit  
5 different, so I apologize if I drone on and on,  
6 but I want to make sure I cover what every state  
7 has done with respect to the legislation that  
8 its passed, and to give it justice that it's  
9 due.

10 The 18 states that did pass bills are  
11 Alaska, Arizona, Colorado, Connecticut, Florida,  
12 Georgia, Idaho, Indiana, Louisiana, Maine,  
13 Montana, Nebraska, Nevada, New Mexico, South  
14 Dakota, Tennessee, Virginia, and Wyoming. Out  
15 of these 18 states, 11 created new or changed  
16 existing laws regarding when voter registration  
17 applications must be received by the appropriate

18 body.

19 Seven of these 18 states passed voter  
20 registration drive bills which detailed the time  
21 and manner for processing voter registration  
22 applications obtained through voter registration

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1 drives. And those states in particular are  
2 Colorado, Louisiana, New Mexico, South Dakota,  
3 and Virginia. Six states enacted legislation  
4 pertaining to how one goes about registering to  
5 vote, and what constitutes a complete and legal  
6 voter registration application. Two states  
7 established field registrars or deputy  
8 registrars to assist in the timely registration  
9 of their state's eligible voters. Those two  
10 states were Nebraska and Montana. And two  
11 states passed bills aimed at providing notice to  
12 potential voters of voter registration cut-off  
13 deadlines, in an attempt to circumvent the  
14 influx of very close to the deadline voter  
15 registration applications, or even late voter  
16 registration applications. And those states are  
17 Nevada and Montana.

18 Montana's bill is unique in that it permits  
19 late registrations past the cut-off. And those  
20 will be valid if the elector meets certain  
21 conditions under the statute. Virginia and

1 penalties for failure to timely submit or for  
2 tampering with voter registration applications  
3 obtained through voter drive activities. And  
4 with respect to the new registration in 2005, I  
5 will address the voter registration drive bills  
6 in greater particularity because I think that  
7 they are probably the most comprehensive of the  
8 bills that we've seen this year.

9 In Colorado, a person who intends to  
10 conduct a voter registration drive must first  
11 register with the Secretary of State, and  
12 designate an agent who is a resident of that  
13 state. That person must fulfill the training  
14 requirements established by the Secretary of  
15 State, use a form specified by the Secretary of  
16 State, and deliver or mail voter registration  
17 applications from a voter to the clerk and  
18 recorder of the county in which the voter  
19 resides no later than five business days after  
20 the application is signed.

21 If the application is sent by mail, it must  
22 be postmarked no later than five business days

1 after the signature, except that an application

2 shall be delivered or mailed no later than the  
3 registration deadline established under Colorado  
4 law.

5 In Louisiana, knowing or willingly failure  
6 to submit to the parish registration of voters a  
7 completed registration application collected in  
8 a registration drive within 30 days of receipt  
9 of the completed application from the applicant  
10 shall receive a fine or imprisonment of both,  
11 even for a first offense. So they are kind of  
12 cracking down on the criminal penalty side for  
13 failure to obey.

14 In New Mexico, organizations employing a  
15 registration agent or using volunteer  
16 registration agents shall deliver a certificate  
17 of registration to the Secretary of State or the  
18 County Clerk within 48 hours of its completion  
19 by the person registering to vote or the next  
20 business day, if the appropriate office is  
21 closed for that 48-hour period.

22 It is a misdemeanor for noncompliance with

1 that statute in South Dakota. Any private  
2 entity or individual that registers a person to  
3 vote shall file the completed registration form  
4 with the County Auditor within ten days or by

5 the voter registration deadline, whichever  
6 occurs first. It is a Class II misdemeanor to  
7 violate that provision.

8 In Virginia, any person who agrees to mail  
9 or deliver a signed voter registration  
10 application to the voter registrar or other  
11 appropriate person authorized to receive that  
12 application, and who intentionally interferes  
13 with the applicant's effort to register, either  
14 by destroying the application or by failing to  
15 mail or deliver the application in a timely  
16 manner, is guilty of a Class I misdemeanor. The  
17 mailing or delivery of these applications shall  
18 be deemed timely if it is within 15 days of the  
19 applicant's signature, or the registration  
20 deadline, whichever comes first.

21 This provision exempts state and local  
22 Government employees acting in their official

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1 capacity. For non-voter drive registration  
2 applications, the deadlines vary state to state.  
3 In Arizona, it is five days after the receipt or  
4 the voter registrations must be returned or  
5 filed with the county recorder within five days  
6 of receipt of a completed registration.

7 In Connecticut, the last day voter  
8 registrars may conduct a voter registration is

9 now seven days before an election. In Florida,  
10 registrations will only be accepted if they  
11 match a DMV license or social security number.

12 The voter receives a provisional ballot in the  
13 interim. And the registrations must be entered  
14 into the statewide voter registration system  
15 within 15 days.

16 In Georgia, voter registration applications  
17 that were filed before the registration cut-off  
18 date, but were incomplete, can be completed on  
19 or prior to the date of the election in order to  
20 vote in that election.

21 In Idaho, which had perhaps the clearest  
22 statute of the bunch, I was very grateful when I  
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1 got to Idaho, because it took me all of five  
2 minutes to figure out what it said. Completed  
3 registrations must be received prior to 25 days  
4 before an election, and the legible, accurate,  
5 and complete registration card received in the  
6 office of the County Clerk during the 24-day  
7 period preceding an election shall be accepted  
8 and held by that County Clerk until the day  
9 following the election, when registration  
10 re-opens, at which time that registration would  
11 become effective.

12 In Indiana, they will not accept -- they  
13 will accept late voter registration  
14 applications, but they will be marked as pending  
15 and not deemed to be completed or active until  
16 after the election and voter registration  
17 re-opens.

18 In Montana, it is a 15-day deadline after  
19 the application is signed. They must be sent by  
20 mail to the election administrator. The new law  
21 also provides that an application for voter  
22 registration properly executed and postmarked on

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1 or before the day the regular registration is  
2 closed must be accepted as a regular  
3 registration for three days after the close of  
4 regular registration. And I believe that is the  
5 only state that passed laws this year that  
6 allows for a processing date after the close of  
7 the official registration period.

8 Nebraska requires voter registration  
9 applications obtained through the DMV to be  
10 received by the close of business on the third  
11 Friday preceding any election, in order for the  
12 perspective voter to be able to vote.

13 In Nevada, field registrars who are  
14 appointed by the County Clerk must forward to  
15 the County Clerk all completed applications in

16 his or her possession immediately after the  
17 fifth Sunday preceding an election. The County  
18 Clerk of each county is now required to publish  
19 notice of the day that registration closes in a  
20 newspaper of general circulation once a week for  
21 four consecutive weeks preceding the close of  
22 registration.

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1 In Tennessee, voter registration  
2 information is required to be transferred from  
3 the County Election Commission Offices to the  
4 state election coordinator not less than once  
5 daily.

6 And, finally, in Wyoming, their new law  
7 requires County Clerks to certify and transmit  
8 to the officer in charge of each election the  
9 poll lists for the precinct or areas involved in  
10 the election, not less than ten days prior to  
11 such.

12 Now, we anticipate there may be a few more  
13 states in the '06 legislative sessions that will  
14 address this issue. It seems to be one that is  
15 very popular right now, and very pressing in the  
16 states, and I invite you all to look at our  
17 website which is, "[www.nysl.org](http://www.nysl.org)."

18 We have a searchable database of state

19 legislation, pending, enacted, failed. You name  
20 it, it is there, which is updated periodically.  
21 So if you have a question on the status of a  
22 bill, or who was a sponsor, and how it was

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1 enacted and when, feel free to give me and any  
2 of my colleagues in our office a call, and we'll  
3 be happy to assist you in that manner.

4 And I'm happy to answer any of your  
5 questions.

6 CHAIR HILLMAN: Thank you. A quick  
7 question. I take it that all of the measures  
8 that you have addressed have been signed into  
9 law by the respective governors?

10 MS. FREDERICK: Yes.

11 CHAIR HILLMAN: Commissioners.

12 VICE-CHAIR DEGREGORIO: Thank you,  
13 Madam Chair and Ms. Frederick. Great  
14 information, many changes obviously made.

15 I think you have been doing this for some  
16 time.

17 MS. FREDERICK: Yes.

18 VICE-CHAIR DEGREGORIO: You have been  
19 following this pretty closely. You follow all  
20 legislation, not just election. I realize that.  
21 Would you say this is unusual, what happened in  
22 2005, all this legislation that dealt with

1 specific issues regarding voter registration?

2 And you didn't even touch the ID issue, you just

3 touched deadline issues.

4 MS. FREDERICK: Right, right, there

5 were much, much more. There were a lot of bills

6 introduced on voter registration, generally.

7 And I did not bring an exact count but it was

8 well over a hundred bills in the 50 states in

9 total. Not all of those bills passed, but they

10 were introduced. You can see 48 bills passed

11 just on this little piece of voter registration

12 alone, so it was a very active area.

13 It is not uncommon for the states, in my

14 experience, working on a realm of issues, for

15 them to latch on to one in what seems to be kind

16 of the popular issue or the one that is needing

17 the most attention at the moment.

18 And they all talk to each other through our

19 organization, and just through professional

20 contacts. Everybody in the election community

21 speaks to one another about what's happening in

22 their various states, and it catches on, so to

1 speak. So it's not unusual for the states to do

2 this.

3 On this particular topic, it was  
4 interesting to watch because they all sort of  
5 did it at the same time, within a very short  
6 time period. This wasn't one of those issues  
7 where they established a study commission to  
8 look at it and then figure it out. This was  
9 something that they did. The bills came out in  
10 '05. They either passed or failed in '05, and  
11 they were done.

12 VICE-CHAIR DEGREGORIO: On the one  
13 hand, looking through this, the presentation, it  
14 became clear there was greater clarification  
15 that the states made, that they were more  
16 specific on how these voter registrations would  
17 be handled in the state. And yet it show the  
18 American democracy, how we have all these  
19 laboratories of democracy in the states, and we  
20 still do it quite similar. Somewhere somebody  
21 will have ten days prior to election to get the  
22 poll book to the poll workers, and others will

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1 allow leeway on something called a pending  
2 registration, which is what Indiana indicates,  
3 which still is not as clear as I think election  
4 officials would like it would be, but it does  
5 show a trend and, I think, in a direction to try

6 to prevent some of what happened in 2004 that  
7 drove people like Ernie and others crazy in the  
8 process.

9 Are you seeing -- some of the testimony you  
10 gave talked about the training of election  
11 people who conduct voter registration, I know  
12 not all states do that.

13 MS. FREDERICK: Right.

14 VICE-CHAIR DEGREGORIO: Do you see a  
15 trend in that direction of requiring people who  
16 conduct voter registration to be trained  
17 somewhat so that they understand these rules?

18 MS. FREDERICK: I think, again, that  
19 is going to depend on a state-by-state basis,  
20 whether that state is hearing from its  
21 constituents that there is a real lack of  
22 understanding how the process works.

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1 I think in Colorado, for example, it was a  
2 very streamlined statute came through, and for  
3 very good reasons. And I think that other  
4 states may look to Colorado as an example of,  
5 well, here's the requirements that are needed to  
6 be met before someone can just go out and  
7 conduct this activity. I'm not seeing an  
8 emerging trend yet. We're not yet in the  
9 pre-filing stage for many of the states, so

10 about 30 days from now when bills are be  
11 beginning to be pre-filed for the '06 legislator  
12 sessions, we'll have a better snapshot of what  
13 emerging issues are going to come up in the  
14 legislature in '06, when they come back in  
15 January.

16 So it is a little bit early. Usually,  
17 around Thanksgiving time, we get a better idea,  
18 but certainly one that is worth discussing in  
19 many states, and it will be interesting to see  
20 if that does come out.

21 VICE-CHAIR DEGREGORIO: My last  
22 question, you cite many sites have made many

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1 changes. Was there generally bipartisan support  
2 for these changes?

3 MS. FREDERICK: Yes.

4 CHAIR HILLMAN: Thank you.

5 Commissioner Martinez.

6 COMMISSIONER MARTINEZ: Thank you,

7 Madam Chair

8 Susan, thank you for coming. It's good to  
9 see you again. I appreciate your insightful  
10 testimony.

11 I guess one of my questions, I don't have  
12 very many questions, but with regard to voter

13 registration deadlines, was there any  
14 legislative activity by states responding to  
15 some of this issue by either moving up or down  
16 their voter -- their overall voter registration  
17 deadlines, any trends in that direction?

18 MS. FREDERICK: It was really hard to  
19 pinpoint trends because Connecticut changed it's  
20 deadline, but not by very much. So if I were to  
21 say a trend, it would be that states are trying  
22 harder to make the voters more aware of when the

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1 deadlines are.

2 We saw some states passing notification  
3 language in their bills that were either going  
4 to televise this, or put it on the radio when  
5 registration closes, or by putting deputy  
6 registrars or field registrars, as in two  
7 states, out in the field to help facilitate this  
8 process earlier.

9 I think if the deadlines were to move any  
10 way, it would be maybe a little bit closer to  
11 the election, but yet far enough away to allow  
12 for the processing. The trend really seems to  
13 be in getting the word out that the deadline is  
14 coming, and if you're going to register, then  
15 you need to do it sooner rather than later.

16 COMMISSIONER MARTINEZ: You had your

17 annual meeting in Seattle, and I spoke there.

18 MS. FREDERICK: Yes.

19 COMMISSIONER MARTINEZ: One of the  
20 main topics of conversation that I spoke to was  
21 tracking of voter registration forms.

22 MS. FREDERICK: Yes.  
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1 COMMISSIONER MARTINEZ: How many  
2 states have moved in that direction to track in  
3 some manner the state forms given out for voter  
4 registration purposes?

5 MS. FREDERICK: I would have to go  
6 back and get that answer for you. I don't know  
7 off the top of my head.

8 COMMISSIONER MARTINEZ: It's more  
9 than a few?

10 MS. FREDERICK: Yes.

11 COMMISSIONER MARTINEZ: Certainly,  
12 several others were considering it, from what I  
13 gathered at meeting.

14 MS. FREDERICK: Yes, and that is  
15 something that we may see coming up in '06, but  
16 I'm happy to provide you with what happened in  
17 '05.

18 COMMISSIONER MARTINEZ: How many  
19 state legislators are actually meeting in 2006,

20 do you have an idea?

21 MS. FREDERICK: Most of them, there's  
22 only a few. I cannot recall whether Texas is  
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1 one of those states that is on this year, that  
2 was off last year. Most of them will convene in  
3 January, February.

4 COMMISSIONER MARTINEZ: And I know  
5 that a lot of the registration, as you indicated  
6 already, was passed in a bipartisan fashion, but  
7 any push back that you have been able to pick up  
8 from advocacy groups at the state level or any  
9 kind of reaction, if you will, from either the  
10 general population or from groups that conduct  
11 voter registration drives in some of the states  
12 that actually moved in that direction?

13 MS. FREDERICK: From the general  
14 public, we have not heard anything. We do get  
15 random callers every once in a while complaining  
16 about something that a state has done. This has  
17 not been one of those issues that we have heard  
18 from that way.

19 Likewise, with the voter advocacy groups, I  
20 don't know that they would think to call us.  
21 When I talked to a couple people out in the  
22 states yesterday in preparation for this

1 testimony, that was not something that I heard.

2 In fact, what I did hear is those groups who  
3 were invited in at the state level to provide  
4 input through the hearing process, when these  
5 bills were all pending in committee, to try to  
6 find happiness for all sides.

7 COMMISSIONER MARTINEZ: Thank you.

8 Madam Chair.

9 CHAIR HILLMAN: Commissioner  
10 Davidson.

11 MS. DAVIDSON: I have just really one  
12 question for you, but I noticed in Nevada, in a  
13 couple states that they have individual  
14 registration, people that they are sending out,  
15 and so that's really been trained by the local.  
16 Are they trying to stop registration drives in  
17 those states, the groups that are doing it, or  
18 is this additional?

19 MS. FREDERICK: I think it's in  
20 addition to whatever groups already exist.  
21 There is no prohibition on existing groups that  
22 want to go out and procure voter registration  
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1 applications from the general public. I think  
2 those states wanted to enact some sort of a  
3 safeguard that they were going to have trained

4 people out there collecting this stuff, and that  
5 the applications, when they were turned in,  
6 would be completed with the correct information.  
7 There wouldn't be a need to kind of backtrack on  
8 these particular applications to get them  
9 completed prior to the time of registration  
10 cut-off, so that these folks could vote in the  
11 next election. I think that was the goal in  
12 those states.

13 MS. DAVIDSON: Would you agree with  
14 me that really in accessing this, we ought to go  
15 to the state law besides just what the bill  
16 said. Because a lot of it is in with their  
17 existing laws, and so we would learn far more if  
18 we went to just new registration. We would  
19 learn more about the states if we went into the  
20 state law.

21 MS. FREDERICK: Yes. I think that  
22 these bills, they were stand alone bills in the  
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1 legislature, but they are part of a greater  
2 picture, that's certainly true. And I apologize  
3 for not being able to present a comprehensive  
4 state of the states. It would be a worthy  
5 research project, certainly, for you all's  
6 greater understanding of the issues, and how

7 things kind of relate to one another. And it  
8 would also be a good tool, again, to compare and  
9 contrast what different states have done  
10 relating to voter registration. Because as you  
11 all know, there are many sub issues within that  
12 overall topic that are probably worthy of your  
13 consideration as well.

14 MS. DAVIDSON: And my last question  
15 is, you do a good job of collecting legislation  
16 that is up in the legislature there at each one  
17 of the states. Do you do any statistical  
18 analysis after the wheel's have been put into  
19 place at how well they actually performed and  
20 how well they worked?

21 MS. FREDERICK: That's on a  
22 case-by-case basis. It is not one of our core  
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1 functions at NCSL. If there is a request from  
2 some federal agency or state group of  
3 legislators to do that kind of an assessment, we  
4 will do that. We try not to tell states what to  
5 do. We like to foster creative innovation. We  
6 don't want to tread on anybody's toes by saying  
7 this state did it better than the other state,  
8 but we would look at it in terms of what would  
9 be a best practice, for example.

10 MS. DAVIDSON: You are politically

11 correct.

12 CHAIR HILLMAN: Do you have  
13 information as to the groups or individuals who  
14 were sort of the initiators? I know sometimes a  
15 legislator on his HR other doing this?

16 MS. FREDERICK: Yes. I don't know  
17 that we put that on our website necessarily, but  
18 when we track the bills, we do look to see who  
19 the co-sponsors were. We can often times go  
20 back, and through our members, learn where the  
21 genesis of the bill came from, and they are  
22 always happy to talk about it.

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1 CHAIR HILLMAN: Do you have any  
2 incite on that, with respect to these various  
3 pieces of registration?

4 MS. FREDERICK: I would be happy to  
5 find that out for you. I did not get into that,  
6 in the preparation of my testimony.

7 CHAIR HILLMAN: It would be  
8 interesting to know if this is something that  
9 legislators, on their own, felt frustrated about  
10 if the recommendations came from election  
11 officials, either state or local, or if there  
12 were groups, outside citizen groups, that were  
13 making the recommendations. I notice that you

14 said, I think, it was Virginia and Louisiana?

15 MS. FREDERICK: Yes, yes.

16 CHAIR HILLMAN: That enacted

17 legislation that requires criminal penalties

18 that includes tampering with voter registration.

19 What is considered tampering?

20 MS. FREDERICK: That would be defined

21 by state criminal code. I am a Virginia

22 attorney, so I could tell you -- well, I

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1 I couldn't tell you by memory what it says. I am

2 not sure that Louisiana's law is the same as

3 Virginia's. I am assuming that it would be

4 pursuant to state criminal code.

5 CHAIR HILLMAN: Okay, but if a voter

6 registration group, for example, if somebody

7 filled out the form and perhaps the street

8 address wasn't quite legible, and somebody went

9 over the form to make more legible the street

10 name, is that something that might be considered

11 tampering?

12 MS. FREDERICK: It doesn't sound like

13 that would be an instance. I think in the crime

14 of tampering, you would have to have some sort

15 of intentional desire to alter in some

16 meaningful way the application. And I would

17 think that if that ever came out in a trial, for

18 example, or a hearing, if it wasn't an  
19 intentional effort to somehow change that  
20 voter's registration intent, then I wouldn't  
21 think it would be tampering.

22 CHAIR HILLMAN: Okay. And I guess my  
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1 last question, and then I'll ask Mr. Wilkey or  
2 Ms. Thompson if they have questions, how this  
3 information gets out seems to me would be quite  
4 key, so that the groups and individuals who do  
5 conduct voter registration know that the rules  
6 changed. And then I think one of the things I  
7 heard was that some of the groups did not do  
8 their homework as well as they should have to  
9 know what the laws and rules in the particular  
10 states or jurisdictions were.

11 Are you aware of any efforts that are going  
12 to be made to educate about these changes that  
13 the states have made?

14 MR. FREDERICK: I'm not sure that  
15 that would be a legislative function per se. I  
16 know that whenever legislature in the country  
17 has had a website with a legislative home page  
18 that allows you to do searches on initiatives  
19 that have been introduced into a particular  
20 state. There's also press releases by various

21 legislators when they pass a particular piece of

22 legislation. Often times, they will pat

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1 themselves on the back with a press release, and

2 sort of educate that way.

3 The press is always in attendance at the

4 state house on high profile pieces of

5 legislation. And at least in my state, there is

6 a constant write-up every week of things that

7 pass and fail, and how your legislative

8 delegation voted on those particular

9 initiatives.

10 So from the legislative perspective, I'm

11 not sure that there is a public service other

12 than their website and talking to your

13 legislator. I would imagine if you were a voter

14 advocacy group and you have an interest in voter

15 registration issues, it would just seem like

16 common sense that you would be looking for

17 things during your state legislative session

18 that would be happening or not happening.

19 I would assume also that the Secretary of

20 State's Office would put out releases on various

21 pieces of legislation that impacted that office,

22 and election administration generally.

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1 CHAIR HILLMAN: Thank you.  
2 Mr. Wilkey.  
3 MR. WILKEY: Having been on the other  
4 side on this issue, where I have seen a lot of  
5 organizations over the years who have tirelessly  
6 gone out and put a lot of effort in doing voter  
7 registrations, only to be told when they  
8 delivered them to the local election  
9 jurisdiction that it's too late or something has  
10 gone afoul here. And it is kind of heart  
11 breaking to see that kind of effort go for  
12 naught.

13 I'm just wondering, in the analysis that  
14 you may have done on this, all of these states  
15 that have enacted this legislation, are you  
16 seeing a general tendency to not just tighten up  
17 the efforts, in terms of the organizational  
18 effort to use voter registration, but are you  
19 also seeing an effort to push back the time  
20 frames, particularly with statewide voter  
21 registrations coming in for in 2006?

22 Are you seeing in your analysis that there

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1 is a tendency now to tighten up those efforts?

2 I'll give you a perfect example here. I'm  
3 looking at the state of Florida. You said while  
4 they have to do this match, the voter will

5 receive a provisional ballot. And it's going to  
6 be interesting to take a look at some of these  
7 states and see what impact some of this  
8 legislation has had on a number of provisional  
9 voters that you see after the fact. Because in  
10 Florida's case, they have a very short period of  
11 time in order to process these provisional  
12 ballots, but I am wondering if you are seeing an  
13 overall push back of deadlines in the analysis  
14 that you have done on these states.

15 MS. FREDERICK: I think it's more of  
16 a balancing act, quite frankly, because I really  
17 do believe that my members who are state  
18 legislators want to see people who are eligible  
19 to vote be able to do that, but understanding at  
20 the same time, the administrative burdens or,  
21 for lack of a better term, constraints, on the  
22 people who actually have to make that happen for

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1 the constituents, to make everybody's lives  
2 easier and get the end result that everybody  
3 wants.

4 So I think that it's hard for state  
5 legislators to kind of know what the silver  
6 bullet is, what is the magic formula. We don't  
7 want to stifle voter drive activities, because

8 whether you are Democrat or Republican, you  
9 benefit from your own party's actions. It is  
10 not a partisan issues. It is one of we're  
11 hearing from people on the election  
12 administration side that this is not working.  
13 And we're hearing from the voters that they are  
14 not getting what they need out of the process.  
15 So how do we find that happy medium where  
16 everybody is happy. And when we look for the  
17 deadline, I think the legislators are turning  
18 more to their Secretaries of State and their  
19 election officials saying, what do you all need  
20 to make this work for us.

21 So I don't know that this is pushing back  
22 or moving forward. It is really whatever the  
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1 experts in this state say they need to have.  
2 MR. WILKEY: Just one further  
3 question. I know, during your testimony, you  
4 talked about trying to get that information out  
5 to the voters. One of the phenomenons that is  
6 going on around the country that is encouraging,  
7 and that we're going to be taking a look at  
8 through some research, is the whole area of  
9 public access portals, where by once a person  
10 files an application, even with an organization  
11 that puts an application in the mail, that get

12 on a website and will be able to determine  
13 whether their voter registration has been  
14 received, are you seeing any pattern or any  
15 movement, generally, in election legislation  
16 through the country that legislators are looking  
17 at this?

18 MS. FREDERICK: I think they are  
19 looking at it. I think they are recognizing  
20 there is an expense attached to that. And I  
21 think without being able to put the funding in  
22 to put those initiatives forward, I don't know

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1 that they are doing much more than hoping that  
2 some day we can do this.

3 It would be really nice if we could  
4 automate things in that way.

5 MR. WILKEY: Thank you. Thank you,  
6 Madam Chair.

7 CHAIR HILLMAN: Just one question  
8 before I turn to Ms. Thompson. I didn't see on  
9 the list any states passing Election Day  
10 registration.

11 Were there bills introduced that perhaps  
12 didn't pass in states that don't currently have  
13 Election Day registration, but somebody might  
14 have been trying to achieve that?

15 MS. FREDERICK: I would be happy to  
16 get you that information. I'm sure there were  
17 bills introduced. I didn't look at that  
18 particular area in preparation for today, but  
19 I'm happy to get you that.

20 CHAIR HILLMAN: Ms. Thompson, do you  
21 have a question?

22 MS. THOMPSON: Just one or two very  
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1 quick questions.

2 Ms. Frederick, of the bills that did not  
3 pass, would you characterize them more in the  
4 line of voter registration drive bills or more  
5 in the line of tweaks to the registration  
6 process?

7 MS. FREDERICK: Tweaks to the  
8 registration process.

9 MS. THOMPSON: And I know you spoke  
10 earlier about the participation in the  
11 legislative groups in the process. I wondered  
12 whether there was participation in the local  
13 election officials that were interested in these  
14 solutions?

15 MS. FREDERICK: Without having asked  
16 that particular question, I don't know that I  
17 can answer it for you. I would assume, as you  
18 all do, that the legislators, that there is

19 representation from all sides of the issues  
20 during the hearing process. I would assume the  
21 legislator moving these bills or asked to move  
22 these bills on behalf of their Secretary of  
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1 State or whomever had that input as well.

2 MS. THOMPSON: Thank you.

3 CHAIR HILLMAN: Commissioner  
4 Davidson.

5 MS. DAVIDSON: Just one thing that I  
6 might add to your question. I know in the state  
7 of Colorado, by being there, we had a blue  
8 ribbon panel even before it went to legislature  
9 for them to have a hearing on, and the groups  
10 came in and testified, as well as County Clerks,  
11 on the issues. So we collected that  
12 information, and our legislator sat on that  
13 panel with us, and we had also county attorneys  
14 that were also present and the DA's, because we  
15 did see significant problems in the state, is  
16 why we addressed the legislation and tried to  
17 address it as in depth as we did.

18 CHAIR HILLMAN: Okay. Thank you.  
19 Ms. Frederick, we appreciate you coming out in  
20 this lovely weather to join us this morning.

21 MS. FREDERICK: My pleasure.

1 you don't mind, it is my understanding that Ms.

2 Holliday is still in route, but she's not here.

3 So if you could be patient, what we'd like to do

4 is flip the panel and give her more time to

5 arrive, if you don't mind. Terrific. Thank

6 you.

7 So we have with us this morning Ernie

8 Roberson registrar of voters, Caddo Parish,

9 Louisiana. Welcome. Thank you for joining us

10 this morning. Tell me, was your parish one that

11 was impacted by Katrina?

12 MR. ROBERSON: No, we were not

13 directly impacted, although we did see in the

14 three-parish area about 20,000 evacuees. We're

15 now down to where those evacuees are out into

16 the community or other states that they have

17 been transported to.

18 CHAIR HILLMAN: I think the more

19 appropriate way to ask that question of any

20 parish in Louisiana is how you were impacted,

21 because I'm sure every single part of the state

22 was impacted. So I correct myself. Thank you.

1 MR. ROBERSON: Good morning, and to

2 the Commissioners of the Election Assistance  
3 Commission.

4 Louisiana faced a major challenge during  
5 the 2004 presidential election in its four major  
6 jurisdictions with the issue of third-party  
7 voter registration applications, in particular,  
8 with the delayed transmittal of those documents  
9 to the registrar voters offices. This delay  
10 resulted in the inability to process the voter  
11 applications prior to Election Day in a manner  
12 that would allow the mailing of a verification  
13 and voter identification cards.

14 As a result of this situation, a new  
15 election offense category was added to Louisiana  
16 law which defines a period of 30 days after the  
17 application is completed by the potential voter,  
18 if it is collected through a registration drive,  
19 for submission to the parish registrars of the  
20 voter.

21 Failure to submit the application in a  
22 timely manner is an election offense, punishable

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1 with a fine of up to \$1,000 or imprisonment for  
2 not more than one year, or both. These new  
3 provisions will be effective January 1, 2006.

4 Voter registration through the mail using  
5 federal forms over the Internet or community

6 and/or national base organizations reached full  
7 bloom in Louisiana during 2004. Orleans Parish  
8 had 15,149 applications submitted during the  
9 peak period, with nearly 10,000 of those  
10 submitted in the last few days before  
11 registration closed.

12 Jefferson Parish, which is suburban New  
13 Orleans, with about 280,000 voters, had 72  
14 applications. East Baton Rouge, which is the  
15 capital of Louisiana had had 11,020 new voters.  
16 Caddo Parish, with a normal base of 153,000  
17 voters, had about 12,000 applications, received  
18 with 7,567 new applicants, and nearly 3,500  
19 changes of some sort processed.

20 While duplicate applications were not  
21 measured, it is estimated that at least 10 to 15  
22 percent of the applications received were

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1 duplicates. By comparison during the governor's  
2 race, the previous race, Caddo had less than  
3 half the new applicants.

4 It must be remembered that Louisiana  
5 jurisdictions inputs applications by hand typing  
6 them into a computer system, without any  
7 scanning or imaging. Under optimum  
8 circumstances, it takes about two-and-a-half

9 minutes to input an application. The Secretary  
10 of State emptied its office to Orleans Parish  
11 while the other major jurisdictions increased  
12 the length of work days for its employees.

13 In the case of Caddo, with only four  
14 employees engaged in voter registration, we have  
15 a total of seven, including me, who also answer  
16 phone inquiries, in-person questions, and also  
17 handling personal absentee voting, it meant  
18 exceptionally long hours.

19 Staff increase, in many ways, we have  
20 become the victims of our own successes. Motor  
21 voter has worked exceptionally well, but the  
22 need for technology has not been funded or the

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1 need even recognized. The voter registration  
2 organizations availability and capacity of the  
3 internet, especially by younger citizens, and  
4 attention by political parties to influence  
5 registration is healthy for our system.

6 However, timely submission of voter registration  
7 applications is a clear lead. Orleans Parish,  
8 some voter groups held their applications from  
9 drives in June and July, handed them in, more  
10 media attention, in October, as according to the  
11 registrar of voters in Orleans.

12 Would numbering the applications severe to

13 assist election officials? I would suggest it  
14 may have the exact opposite effect. What is the  
15 best means to encourage groups to quickly submit  
16 the applications? Would having registration  
17 staff contact organizations more frequently aid  
18 in more timely submission? It would drain  
19 precious resources. And in some cases,  
20 registration groups are difficult to pinpoint by  
21 phone, mailing addresses, or e-mails. Possibly  
22 registration groups could be required to furnish

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1 a receipt to the potential voter specifying an  
2 application's been received, name and phone  
3 number contact for the organization, and  
4 statement that the application will be submitted  
5 within seven days or some other time period.

6 I clearly believe it is the responsibility  
7 of the voter registration groups to be  
8 responsible for the application submissions.  
9 Groups represent implied fiduciary trust to  
10 submit applications in a timely manner.  
11 It is what the voter expected when they  
12 registered. To suggest administration officers  
13 handle even more details during peak  
14 registration periods is a faulty suggestion. It  
15 must be remembered that many voter registration

16 groups got the job done the way it should be  
17 done.

18 I cite the Shreveport Parish NAACP, Voters  
19 For Working Families & Individuals, a barber,  
20 Bro. Lee, who is in one of the best in our  
21 communities. One idea that I implement is  
22 working with known voter registration groups

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1 works well in advance to stress deadlines,  
2 processing times, and logistics, and submissions  
3 to the registrar's office. As a matter of  
4 personal experience, I encourage the EAC to  
5 consider the possibility that because of the  
6 terrible consequences of Katrina and what could  
7 have happened in the same time period of 2004, a  
8 presidential election bearing down on us, with  
9 parishes and counties under water, no  
10 communications, no electricity for voting  
11 machines and hundreds of thousands of displaced  
12 voters with no time to send absentee ballots by  
13 mail, possibly a disaster plan for the  
14 presidential elections needs to be reviewed in  
15 the lights of these uncertain times.

16 We have all learned lessons in recent  
17 years. I believe it is time to consider a  
18 safety net type of plan that would not involve  
19 legal and court challenges, that the absences of

20 such a plan certainly guarantees it.

21 CHAIR HILLMAN: Thank you, very much.

22 We have a table, I think, that you have

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1 attached.

2 MR. ROBERSON: Yes.

3 CHAIR HILLMAN: Could you just --

4 MR. ROBERSON: On the table, I went

5 through back after the 2004 presidential

6 election to take a look at the election season

7 registers, which begins for us about August, and

8 runs through the time that we would finish

9 processing the last application. As far as our

10 last report come out, as you know, things were

11 pending, and pending, and pending. This

12 particular table I showed in here the major

13 jurisdictions in Louisiana starting with

14 Orleans, which prior to the season, hit 305, 375

15 registered voters, and grew to 320,000 to 53,

16 which is a net of 145. I also include in there

17 the number of absentees mailed out because you

18 have to delegate a certain portion to the staff

19 doing that as well. We have absentee mail outs,

20 and then absentees in person. Louisiana, at

21 this time, did not have what is known as early

22 voting. We simply had a five-day period in

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1 which people can provide a reason that they will  
2 be out of their parish or their jurisdiction and  
3 vote in person at the registrar's office.

4 That law has changed beginning in 2006, but  
5 again, that is what we dedicate staff time to.  
6 In allocating the staff requirements, these are  
7 the three -- trifurcated process, but these are  
8 the three types of allocations that it takes to  
9 be able to get figured out who is doing what  
10 work, how it will get done, and will it get done  
11 timely.

12 As you look through, you can see by looking  
13 at the top four jurisdictions, I believe I  
14 counted roughly 235,000 new registered voters in  
15 those jurisdictions. Excuse me. That number is  
16 incorrect, just looking at it. It is 35,000, I  
17 believe, in those jurisdictions. In looking at  
18 that, for us to process those, whatever you say  
19 it takes, two-and-a-half minutes for us to input  
20 that into the computer, and that's with a  
21 skilled, trained employee, who is not answering  
22 the phone, who is not bothered with the normal

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1 routine inquiries you receive during an  
2 election. That is the optimum. For the people

3 that we were able to hire as temporaries and  
4 then, hopefully, get them along in the process,  
5 we would be lucky sometimes if they were doing  
6 it in five to six minutes. So that means about  
7 ten applications per hour, at best.

8 It's a difficult situation. It is  
9 overwhelming, to be quite honest with you.  
10 However, I got through with the 2004  
11 presidential election. I have been doing this  
12 nearly 15 years. I have told some of my  
13 colleagues, I looked at one of my staff members  
14 and I said, how many of those do I have to do  
15 before I am retired. It was that overwhelming  
16 for our staff. We just do not have the full  
17 time staff to do it, so we have to drop back.  
18 And because of that, sometimes it doesn't get  
19 done as quickly as we wish, as accurately as we  
20 wish. And, of course, with applications  
21 continuing to pour in after the deadline that  
22 can be processed because they were postmarked in

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1 time, it makes it very difficult to get the work  
2 done. And that's what makes the election run,  
3 is getting the work done.

4 CHAIR HILLMAN: Mr. Roberson, how  
5 long have you been registrar of voters?

6 MR. ROBERSON: Fifteen years.

7 CHAIR HILLMAN: Always in the same  
8 parish?

9 MR. ROBERSON: Always in the same  
10 parish.

11 CHAIR HILLMAN: What have you seen  
12 changed on this topic with respect to the level  
13 of voter registration activity and the time  
14 frame within which the activity is conducted?

15 MR. ROBERSON: A couple things. I  
16 was there prior to motor voter, so whenever we  
17 had in-person registration, and we had some  
18 pretty colorful elections in Louisiana prior to  
19 motor voter. David Duke versus Edwards, that  
20 was my first election was David Duke versus  
21 Johnson. Baptism by fire. And I have sat out  
22 on the hood of my car after it was dark with

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1 people walking up to me, and checking their  
2 voter registration applications to make sure we  
3 were getting those in.

4 We received about 2,000 in one day. That  
5 was difficult enough, but whenever voter motor  
6 came along and changed the law where we actually  
7 empowered people throughout the community and  
8 other groups to be involved, what we saw there  
9 was that, basically, the registrars or election

10 officials were kind of able to control the tempo  
11 of the work in a way, because we were always  
12 involved in the registration process one way or  
13 the other.

14 Now, that's not true. The tempo is set by  
15 the cycle of the election. The emotion of the  
16 election, whether you are a target state or not.  
17 These are all outside the election  
18 administrator's purview. So what we're seeing  
19 now, we're seeing the changes, especially with  
20 the Internet where you can pick up a form at  
21 nascar.com, or tacobell.com, or rockthevote, and  
22 down load it, in Louisiana, sign it, fill it

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1 out, mail it to us. We're seeing that that  
2 broadening of opportunity, which we all want,  
3 nobody would ever say let's go back to the way  
4 it was, but how do we administrate what we're  
5 seeing now with this large influx of  
6 applications, especially regardless of how you  
7 do it, a lot of them are going to be at the last  
8 minute.

9 People get more interested when the door's  
10 about to close than any other time. So we get  
11 more applications, but who do we process them.  
12 Louisiana uses a 30 days close of books.

13 There was a question asked earlier, had

14 anybody suggested either Election Day  
15 registration or shorter close. In 2004, there  
16 was a suggestion for an eight-day close of books  
17 in Louisiana. I was one of the people that  
18 testified in relation to the administration. I  
19 told the authorities I thought it would be  
20 wildly successful. I thought it would be great.  
21 I have no idea how I can administrate it, but it  
22 would be very successful.

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1 So what we've seen, Madam Chair, is that  
2 we've seen more interest, which is good. We've  
3 seen more interest in younger people register to  
4 vote, which I think is excellent, goes well for  
5 our democracy practices, but the ability to  
6 process those, absent of better technology in  
7 Louisiana, and I am sure we're quite  
8 representative of much smaller jurisdictions,  
9 the ability to process those applications and to  
10 let the voter know, the potential voter, that we  
11 have received it, that we have it, that we have  
12 processed it, that it's being mailed to you, is  
13 just something basic, I think, needs to be done.

14 Mr. Wilkey suggested possibly a website, a  
15 transparency. I think that's excellent. I  
16 think that's where we need to be going. There

17 needs to be a check-off that we have received  
18 your application, it is in process. And when  
19 it's processed, a check, then when it's mailed  
20 to you, another check, so that you know that.  
21 Because what I have facing me, in my job, it is  
22 heart breaking at times, people who call me

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1 after election deadline and say, I haven't  
2 gotten my card. I say, I don't have your  
3 application, or it was turned in so late, I  
4 couldn't process it. That's not what we want.  
5 so coming up with a way to make sure that  
6 the groups are turning them in timely, so that  
7 we can process the work is the real key.

8 CHAIR HILLMAN: Your comment about  
9 better technology begs the question, one  
10 question I was going to ask you was whether --  
11 if the appropriation of more financial resources  
12 to your budget would help. But what would you  
13 anticipate the implementation of a statewide  
14 voter registration database to do, either to  
15 enhance the work or add further work, add  
16 additional work for you?

17 MR. ROBERSON: Well, luckily, in  
18 Louisiana we have had a statewide database since  
19 about '86. We have worked with that. That has  
20 helped tremendously in the management of

21 intra-parish registration. So getting people

22 off this parish roll onto this parish roll. We

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1 have not upgraded where we're processing, either

2 through scanning or imaging, applications of

3 registration potential voter. We haven't got

4 that far. I think that's where we have to move

5 to. I think we have to use that technology.

6 The one thing that I would say for states

7 looking at this particular technology while they

8 are looking at their statewide voter database

9 technology, is go ahead and figure out some way

10 that you can process these applications more

11 quickly. That's going to be the key, the genius

12 out of the bottle for political groups.

13 Having been on the other side as a

14 candidate and worked for numerous candidates as

15 a consultant, I see this as a real boom for

16 candidates and parties to be able to do their

17 part in getting people interested in registering

18 to vote.

19 The problem is going to come back to how do

20 we process it. We do need better technology.

21 We need more current technology. Unfortunately,

22 in Louisiana right now, what we're zeroing in on

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1 is rebuilding our state system. Our state  
2 system was a marvel at one time, but it became  
3 kind of stale, to be quite honest with you, and  
4 somewhat out of date. It had been built as best  
5 as it could be built, changed drastically after  
6 motor voter, but it was time to rebuild a new  
7 one.

8 We're taking the time now to rebuild a new  
9 one, but that takes away time from how do we go  
10 about processing applications more quickly.

11 That is where we need to be moving to.

12 CHAIR HILLMAN: One final question  
13 from me, at least for now. Do you get your  
14 budget from the parish or from the state?

15 MR. ROBERSON: The registrars in  
16 Louisiana receive their operating funds from the  
17 parish. That also includes a portion of their  
18 employee cost. The state pays the remaining  
19 portion of the employees cost. The state is  
20 responsible for the statewide computer database,  
21 which means they also put in all of the  
22 technology in the registrars office. So

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1 whenever it comes to technology, it basically  
2 comes from the state, not the parish, which is  
3 really the better choice. We have so many

4 parishes that could barely afford any type of  
5 technology like that. So it comes from the  
6 state side.

7 CHAIR HILLMAN: And, generally  
8 speaking, do you get the operating budget that  
9 you request?

10 MR. ROBERSON: Yes, in Caddo Parish,  
11 I do. Generally, in most of your larger  
12 jurisdictions, they are adequately funded from  
13 that side. The problem comes in that on the  
14 state side, you are competing with every other  
15 interest to get that dollar, and sometimes we  
16 just don't have enough clout to get those  
17 dollars, and so that's what we wound up with.

18 CHAIR HILLMAN: Thank you.  
19 Commissioner Davidson.

20 MS. DAVIDSON: Well, obviously, we do  
21 appreciate you being here, and thank you for  
22 spending time with us. I have a few questions

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1 for you.

2 In the late registrations, did you see any  
3 that came in like as your primary cut off, were  
4 they not delivered closer to the general  
5 election where people were disenfranchised from  
6 the primary because of late registrations?

7 MR. ROBERSON: No. Luckily in this

8 particular season, we had about a 45-day period  
9 in between the primary. And we have to  
10 remember, let me point out, Louisiana has the  
11 peculiarity now we refer to it as the cajun  
12 primary system. We have the presidential  
13 election serves as the primary election for U.S.  
14 Senate, U.S. Congressional, and then we have a  
15 rather unusual situation where if there is a run  
16 off, we hold it in December after the November  
17 general elections on the federal side. We had a  
18 September election date that we were using for  
19 some other matters. And so a lot of people  
20 began to register as early as August, and got  
21 in, in time.

22 So those were already processed, and then

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1 we have this overwhelming group came in after, I  
2 believe it was like September 20th, September  
3 15th election, then we did have some time in  
4 there. We had a little, two-week extra period.  
5 Otherwise, Louisiana operates on a 30-day close.  
6 We also have 30 days in between a primary and  
7 general election, which literally means your  
8 books will only be open maybe a day, two days at  
9 the most. In some cases, they actually close in  
10 advance.

11 So the problem that we have, unlike other  
12 states because they do have a longer period, in  
13 our case with the open primary, the problem was  
14 that we were receiving them all at once, and  
15 they were coming in from not only individuals  
16 and registration groups, but they came in from  
17 national groups. I had one that did a mailing,  
18 and I'm not sure exactly which group this was.  
19 I kind of had an idea, but the mailing went out  
20 to the larger parishes in Louisiana, the people  
21 filling out federal forms and returning it back  
22 to New York. Well, those were then Fed Ex'd, I

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1 guess, back down to the Secretary of State.  
2 They got there in time, then they had to go  
3 through and start sorting out what parish they  
4 should go to. It is one of those little  
5 internal things that whenever you have people in  
6 a different part of the state and they are  
7 looking at some obscure town in Louisiana, they  
8 don't know what parish it is in, they have no  
9 clue, so they have to put those to the side. In  
10 and out, the big ones that they honestly know,  
11 they can put those in a stack or whatever. So  
12 that is part of the little administrative  
13 procedures, internally, that you go through.

14 MS. DAVIDSON: So sometimes you were

15 receiving like thousands at a time to get  
16 entered right away. And, obviously, by HAVA.  
17 Not by HAVA, but by the Voters Rights Act, you  
18 are supposed to have a card out almost  
19 immediately. So that was pretty hard to meet  
20 those types of deadlines?

21 MR. ROBERSON: It really was. It is  
22 difficult whenever you are still receiving

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1 delays from the post office, delays from groups  
2 that had rerouted their applications to other  
3 cities, but had gotten them in, in time with the  
4 Secretary of State, and you're dealing with this  
5 roughly ten to 12 days after the deadline. And  
6 we have in person absentee popping up very  
7 quickly thereafter, and you've got to have your  
8 whole staff hands on deck, ready to go with  
9 that. So what do you do. You sort of extend  
10 the hours, but you begin to notice that your  
11 efficiency goes down tremendously, as far as  
12 people being able to work and do a good job.  
13 And that's what we got into.

14 Invariably, in every election, someone in a  
15 designated registration agency forgets to send  
16 something in. And then we had some of that too.  
17 They were dated and could be accepted, but they

18 were coming in about the time we started in  
19 person absentee, which was 12 days before  
20 election.

21 MS. DAVIDSON: That was my question.

22 Did you receive some, and does your law allow

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1 you to accept those if they were done prior to  
2 the deadline? I think that has been a problem  
3 in a lot of the states. Some of their laws  
4 don't allow them to accept them if they receive  
5 them late. And so that is a very important  
6 issue within the states. I was going to ask you  
7 that.

8 The other thing is, you mentioned that you  
9 are going to refine your statewide voter  
10 registration system. And in doing are, are you  
11 going to download forms from your agency, such  
12 as motor vehicle, electronically download to  
13 your county, where you won't have to do the data  
14 entry on that?

15 MR. ROBERSON: That is what we're  
16 working towards now, is the hookup with the DMV  
17 to be able to do that straightforward. That  
18 would save a tremendous amount of time for us in  
19 Louisiana. Because the way we're doing it now,  
20 we literally get those in an envelope through  
21 the mail, and then we start hand entering all of

22 that information. We're hoping to be able to

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1 have a direct link in, but I don't know the

2 exact -- I just went to a meeting at the end of

3 September, and they are still hammering out the

4 details to, hopefully, have it done by April.

5 So if we go along, we continue to try to refine

6 the process.

7 MS. DAVIDSON: Okay. Very good.

8 CHAIR HILLMAN: Thank you, very much.

9 Commissioner Martinez.

10 COMMISSIONER MARTINEZ: Thank you,

11 Madam Chair. Thank you, Mr. Roberson. Thank

12 you for everything that you do every day in your

13 job.

14 MR. ROBERSON: Thank you. I

15 appreciate it.

16 COMMISSIONER MARTINEZ: I guess in

17 thinking about the issue when you were flooded

18 with applications for the 2004 cycle, were you

19 able to take a look at the data of the

20 application to see that a lot of these had

21 really been held for quite a period of time?

22 MR. ROBERSON: Some in Caddo were

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1 held longer than they should have been. One in

2 particular, I remember a group of applications  
3 had, basically, been placed on a car seat and  
4 forgot to bring them by. Well, he comes running  
5 in the last day and has a stack there. We  
6 received calls and, finally, we were able to get  
7 those done.

8 Orleans had the biggest problems of all the  
9 parishes with that particular situation,  
10 especially the large number that were turned in  
11 right at the close of books that had been held  
12 from June and July. And it caused a tremendous  
13 problem. In Orleans case, I have to speak to  
14 them because Louis Keller couldn't be here.  
15 Louis Keller just got back into his office.

16 But in this case, the Secretary of State  
17 emptied his office of 10 to 15 temporaries.  
18 These are still not skilled with voter  
19 registration. They don't know all the codes or  
20 peculiarities, but they are assisting in trying  
21 to get all the information put in.

22 Whenever you start saying you have got  
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1 about 10,000 to put in and conceivably in the  
2 deadline, you really should have those in within  
3 14 days, because you've still got to get it  
4 through the computer system, mail the address

5 verification, and that is another seven days  
6 probably. So you are at best 21 days after the  
7 close, so your only nine days before the  
8 election trying to make sure that all the voters  
9 who get those cards, who are calling you back,  
10 who have probably already called you several  
11 times, that's the situation that Orleans faced.

12 It was a similar situation in East Baton  
13 Rouge, to some degree, throughout the state, of  
14 course, in some jurisdictions. We all had  
15 similar cases. Orleans had it worse.

16 COMMISSIONER MARTINEZ: Prior to the  
17 passage of the law that requires submission  
18 within the 30-day period, there was no law?

19 MR. ROBERSON: There was no such law.  
20 The question was asked earlier about tampering  
21 with the applications. I looked through what  
22 was under election offenses prior to that.

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1 Basically, I think that would probably come  
2 under forging the name of another, or used an  
3 fictitious name on an affidavit, supply false  
4 answer to an election official on a document, or  
5 possibly there was one other that I don't see.  
6 But it basically dealt with trying to influence  
7 someone in the selection of a party.

8 But prior to that, this is a new law for

9 us. We have not dealt with it because it won't  
10 go into effect until January 1, 2006. It will  
11 be interesting to see how we deal with it. My  
12 plan is to use it as a gentle form of persuasion  
13 as I deal with the various groups.

14 And the one lesson I learned from 2004,  
15 when it came to the known voter registration  
16 groups that I have, if I set out for them the  
17 exact dates and times, and here's the logistics,  
18 and here's why I've got to have it in, in  
19 particular with folks for working families and  
20 the NAACP, things just got better with them, as  
21 far as their work with me. We're all on the  
22 same page.

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1 It was groups that I had no idea who they  
2 were, national groups, in some instances, that I  
3 really wasn't sure they were mailing out the  
4 federal application, and we just didn't know who  
5 they were. We're going to see more of that, I  
6 think, from the candidates side and from the  
7 parties side. They are going to use that more  
8 and more in the presidential election because it  
9 worked well for them. We'll see more of that  
10 through the Internet, regardless of what the  
11 site is.

12 COMMISSIONER MARTINEZ: What kind of  
13 training requirements are required for groups or  
14 individuals that want to conduct voter  
15 registration campaigns?

16 MR. ROBERSON: There aren't in, per  
17 say. I try to do training with groups in my  
18 parish. I have specifically look for the ones  
19 that I know are going to be out there working  
20 diligently, and I try to work with them to make  
21 sure that their workers, whether that is  
22 sorority, fraternity, Knights of Columbus group,  
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1 whoever it is, especially if I happen to run  
2 across them somewhere. I don't know who they  
3 are.

4 I did that the other day in a grocery  
5 store. There were people registering to vote.  
6 I said, "Let me work with you," but there is no  
7 specific requirement. I guess that would fall  
8 under the right or possibly freedom of speech,  
9 so there is no requirement.

10 COMMISSIONER MARTINEZ: And I guess  
11 my final question is, what do you think -- you  
12 have the tools, given this new state law, do you  
13 have the tools now, as a local election  
14 official, as a local registrar, to be able to  
15 deal with the problem that it's trying to

16 address or are there other things that need to

17 occur?

18 I know you talked about technology and so

19 forth. There are other things that deal with

20 the solution, but in terms of fixes, state laws

21 or passing state laws, or anything like that, is

22 there anything that you see that you still don't

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1 have yet to be able to deal with this issue?

2 MR. ROBERSON: I would say that will

3 help. I think technology will help me more

4 because I'm the one trying to process it.

5 Dealing with the groups, I think we're

6 going to have to deal with that more on a

7 case-by-case basis. There is nothing you can do

8 about national mail outs and those being

9 rerouted back to other parts of the country. So

10 that's just one of those things. It's a start.

11 We'll see how this works this time.

12 Louisiana does not face a U.S. senatorial

13 election in 2006. Of course, there are

14 congressional elections. So we really won't get

15 a test of it probably maybe in the

16 gubernatorial, probably the presidential

17 election in 2008.

18 COMMISSIONER MARTINEZ: Thank you for

19 your testimony.

20 CHAIR HILLMAN: Mr. Vice-Chair.

21 VICE-CHAIR DEGREGORIO: Thank you.

22 Ernie, you do a great job there in your parish,

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1 and I know you take your job seriously, but you

2 wouldn't have that opinion if you hadn't been a

3 true professional development agency and

4 election official. Your testimony today shows

5 the kind of experience that you have.

6 You mention that you are an elected

7 official. And doing a little Google search, I

8 find that you were at one time the youngest

9 elected official in the state of Louisiana?

10 MR. ROBERSON: I was, yes.

11 VICE-CHAIR DEGREGORIO: So you have

12 gone through a process as a young one in doing

13 this, and you have given us great testimony

14 today about the experiences that you had, that I

15 had when I was a local election official, about

16 this process.

17 It looks like Louisiana is doing something

18 about it. You have articulated how you take a

19 pro active approach with groups that are

20 registering voters, and that's something that we

21 want to encourage too because that is a good

22 thing.

1 You are on the Arkansas/Texas border there.  
2 Do you ever have any problems with the different  
3 laws in Arkansas and Texas, and people trying to  
4 register in your county and they are in those  
5 states?

6 MR. ROBERSON: I try not to register  
7 people in Texas. I have some that had some  
8 peculiar addresses, Commissioner DeGregorio. It  
9 is a difficult situation because some of them  
10 actually come pretty close to being in Caddo  
11 Parish. They are right on the Texas border.

12 We have a problem with that. We learn a  
13 lot from Texas, not that we don't learn things  
14 in Arkansas. We learn a lot from Texas, and to  
15 be honest with you, some of my training came  
16 from Tarrant County, Texas, when I go over and  
17 observe how they do things.

18 It is a problem. Texas has vastly  
19 different laws, especially when it comes to  
20 early voting. People in Louisiana have become  
21 confused. Shreveport, it's media market for  
22 East Texas. Also the media market for South

1 Arkansas. So whenever Texas is doing early  
2 voting which starts prior to our absentee

3 voting, voters get confused. And they call and

4 say, "Isn't it time for us to be voting?"

5 Well, not quite, but it won't be long now.

6 So I think the influence -- one of the

7 problems we have, the influence of the media on

8 close of books, and how you can do things in

9 different jurisdictions does get a little

10 confusing sometimes for our voters. I have had

11 them call me and say, I want to vote for this

12 candidate. Well, you're going to have to go

13 across the state line because he is not running

14 in Louisiana.

15 We do have a problem with that.

16 VICE-CHAIR DEGREGORIO: Your absentee

17 opens in person 12 days before the election?

18 MR. ROBERSON: Twelve days before the

19 election in the federal election, it will only

20 extent for five days because it is a Tuesday

21 election. Louisiana elections normally on

22 Saturday. We always have to do everything

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1 differently. In a Louisiana election, it would

2 be five-and-a-half days, but in a federal

3 election, it is five days. So it closes a week,

4 basically, before the election.

5 VICE-CHAIR DEGREGORIO: And that's

6 just to come in and vote?

7 MR. ROBERSON: That's just to come in  
8 and vote.

9 VICE-CHAIR DEGREGORIO: Because I  
10 notice you had more people to come in and vote  
11 in person than absentee, which is unusual. It  
12 is the other way around.

13 MR. ROBERSON: And the lines were  
14 quite long. We have one office in Caddo. East  
15 Baton Rouge, they have three. If you start  
16 going through Orleans, has 2, Jefferson has 2.  
17 We're all going to average roughly 3,000 voters  
18 in person, roughly, during the presidential  
19 election, maybe a little bit less in some, but  
20 that's a lot of people to process. We're  
21 getting one voter per minute in person.

22 VICE-CHAIR DEGREGORIO: With the  
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1 deadlines you have, what about military and  
2 overseas voters, how does that impact you and  
3 those deadlines? Are you seeing registrations  
4 that come in, in military absentee voters that  
5 are past deadlines you have, and therefore, they  
6 can't participate?

7 MR. ROBERSON: There are some cases  
8 of that. As you know, the real problem is  
9 getting the ballots out and back. I have a

10 staff member here who actually handles that.  
11 It's really a difficult task, and that has  
12 grown. Shreveport's twin sister is Bossier City,  
13 where Boxdale Airport is located, where the  
14 B-52's are located. We run about 600 military  
15 voters during the presidential election. It is  
16 difficult. And military absentee takes longer  
17 to process for us. They are our first priority,  
18 to be quite honest with you. We put them at the  
19 front of the line and we try to get them done  
20 first, and we go to the overseas voter and scale  
21 back from that, based on how much time it takes  
22 to get the ballots out.

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1 Louisiana has a law that says that the  
2 military ballots have to be received by the  
3 close of the election. Some states will allow  
4 those ballots to come in ten, 14 days later,  
5 maybe even 30 days. So Louisiana has a law that  
6 it has to be back by 8:00 on the close of the  
7 election.

8 VICE-CHAIR DEGREGORIO: Thank you.  
9 Thank you for your testimony.

10 CHAIR HILLMAN: I'm going to digress  
11 just for a minute because you peaked my  
12 attention when you talked about Saturday voting.

13 Do you think that contributes to a higher  
14 turnout? Do you think if Louisiana voting were  
15 on a weekday, it would affect voter turnout?

16 MR. ROBERSON: It hadn't given us  
17 more voters being on Saturday. I would not  
18 suggest if you are on Tuesday, switch to  
19 Saturday, you'll get more people to vote. It  
20 has not worked that way at all, but in  
21 Louisiana, of it started because of a gary  
22 economy, that's where it came from then, or

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1 federal election being on Tuesday, the turnout's  
2 higher, because I think the interest is higher,  
3 even though Louisiana gubernatorial elections  
4 are a form of porta gray into itself sometimes.  
5 So at any rate, I will say even with that, we  
6 just don't get the turnout we hoped for.

7 CHAIR HILLMAN: Well, I appreciate  
8 that. Even though we're focusing on Louisiana  
9 in your testimony, we're looking at it as an  
10 example of, and we know there are similarities  
11 with other jurisdictions, and yet as one of my  
12 colleagues said earlier, we have got these  
13 individual laboratories of democracy across the  
14 country, so any national group that's doing  
15 voter registration has got to be mindful of 55  
16 or more different procedures.

17 Mr. Wilkey, do you have a question?

18 MR. WILKEY: I just have a comment,  
19 and then a fast question. It's good to have a  
20 friend here today with us. Don't worry about  
21 getting the retirement, because I tried that,  
22 and you know, it didn't work.

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1 I also want to point out to everyone in the  
2 room that Ernie mentioned the after effects of  
3 Hurricane Katrina. I know that Ernie is very  
4 well respected among his colleagues throughout  
5 the country.

6 What people don't know is he put out an  
7 appeal, and literally was inundated with tons of  
8 materials from all over the country that you  
9 distributed.

10 MR. ROBERSON: They were wonderful.

11 MR. WILKEY: On our behalf, thank  
12 you, very much, for that effort. I am a bug on  
13 NVRA. I am one who was very active in helping  
14 to get that legislation passed. Unfortunately,  
15 it has taken a back seat to HAVA, but I'm  
16 wondering where, in terms of your motor voter  
17 program in Louisiana, what are the percentages,  
18 are you still getting good percentages from the  
19 DMV in your agencies that are participating in

20 that program? And if so, is that going to even  
21 get better, is the state anticipating in making  
22 that chart of its process when it upgrades the  
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1 statewide system?

2 MR. ROBERSON: The percentage of the  
3 usual applications that we receive that comes  
4 through DMV varies based on the scene and the  
5 election that is coming up. It will run from a  
6 low of 75 percent of our applications to 85  
7 percent of our applications. I think that's  
8 outstanding. I think, on that side, motor voter  
9 has been highly successful. It is the best  
10 thing going for reaching the common bus stop of  
11 all of us, which is going by to get your drivers  
12 license. I think that's worked very, very well.

13 The other side of that, which is, of  
14 course, the mail-in applications, we didn't have  
15 that in Louisiana. As you will remember,  
16 Louisiana has a registrar's office or maybe some  
17 location-based registering to vote. Orleans  
18 used to have a friendly rival as to who could do  
19 the most mobile locations. Louis would drive  
20 down the street with his motor home, and I was  
21 over here stopping at a Walmart or something,  
22 but from that side, it has been successful

1 because it is a way to reach people that we just  
2 don't have the staff to reach, and we don't have  
3 the time.

4 And the local people like Brother Lee and  
5 his barber stop and his church, he is able to  
6 pass out applications to people, and get it  
7 done. That has been the successful story in New  
8 Orleans.

9 CHAIR HILLMAN: Ms. Thompson.

10 MS. THOMPSON: I don't have any  
11 questions, Mr. Roberson. I want to thank you  
12 for coming, and representing the State of  
13 Louisiana, and giving us what I believe to be  
14 very insightful comments on not only the  
15 problems but processes involved in registration.

16 CHAIR HILLMAN: Thank you, so much?

17 MR.ROBERSON: I appreciate the  
18 invitation.

19 CHAIR HILLMAN: Sorry we couldn't  
20 give you better weather, but Congress didn't  
21 give us the authority to control that.

22 So our next and last panel on this

1 discussion, we have with us Ms. Holli Holliday,  
2 National Director of Project Vote. Mr. Adam  
3 Lioz, from the New Voters Project. And I

4 apologize, Mr. Lioz, but I don't have a title,  
5 so if you will wrap that into your introduction.

6 And, Ms. Holliday, before you arrived, I  
7 indicated that we were not going to fill up  
8 until 2:30, and so please, don't think that  
9 we're going to keep you here for two-and-a-half  
10 hours. We won't do that, but welcome. Thank  
11 you both for coming. And Ms. Holliday, when you  
12 begin your presentation, could you just tell us  
13 where you are located.

14 MS. Holliday: Sure, be happy to.

15 Good afternoon. Thank you for the kind  
16 accommodation while I had some travel  
17 difficulties this morning.

18 I am Holli Holliday, National Director for  
19 Project Vote. As Chairman Hillman mentioned, I  
20 am based in Little Rock, Arkansas, but we run  
21 programs throughout the United States, our  
22 largest effort being in 2004 where we partnered

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1 with the Association for Community Organizations  
2 For Reform Now, otherwise known a ACORN, and  
3 operated voter registration drives in 26 states,  
4 102 different cities.

5 I have, hopefully, prepared for you a  
6 statement that I'm not going to read in its

7 entirety, but I do want to hit some of the  
8 highlights around some of the observations that  
9 we have found through running our program and  
10 being in close coalition with election officials  
11 as well as other national voter registration  
12 groups.

13 Unlike most voter registration groups,  
14 Project Vote really prides itself on working  
15 with community-based organizations. So most of  
16 the people that we partner with, like in ACORN,  
17 have a chapter or an affiliate located within  
18 the community in which they will be conducting a  
19 voter registration drive. We think that that's  
20 essential because that becomes part of the  
21 relationship that we hope to be a catalyst in  
22 building that community-based group, and the

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1 local election officials where it's basically  
2 ground zero for where votes happen, and moving  
3 eligible potential voters to the rolls.

4 Project Vote prides itself on this ability  
5 and, ultimately, seeks to run the same or  
6 similar type of program in all 50 states. As a  
7 service provider to these types of  
8 organizations, we have learned that it's  
9 important to develop these relationships with  
10 local clerks, train volunteers and staff, and

11 review each voter registration card to achieve  
12 the highest possible quality.

13 In this, we recognize also the importance  
14 of two key factors, the first being training.  
15 Training should include everything from a  
16 state-provided or local clerk-provided training,  
17 if offered. At a minimum, a meeting with the  
18 local clerk and head state election official,  
19 assisting applicants in being able to complete  
20 cards accurately, reviewing cards on-site for  
21 error. Coding registration so that you can  
22 track who has completed which card in case of

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1 future questions, and emphasizing the  
2 responsibility of each program to strictly  
3 adhere to voter registration laws, regulations,  
4 and returning applications in a timely fashion.

5 In addition to this training, Project Vote  
6 advocates a certain level of quality protocols,  
7 which include reviewing each card at the time of  
8 collection, and then once collected,  
9 subsequently batching applications and reviewing  
10 again, taking note to look for similar  
11 signatures, alphabetically ordered names, or  
12 consecutive addresses, etc.. Finally, placing a  
13 quality control card to numbers with phone

14 numbers, inquiring about their voter  
15 registration experience, and confirming the  
16 accuracy of the submitted information.  
17 The purpose of these procedures and  
18 protocols is to try to insure the highest number  
19 of accurately completed cards. These  
20 challenges, the thoroughness of these procedures  
21 and other major voter registration programs in  
22 which we emphasize are obviously challenged when

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1 voter registration turn-in times are short.  
2 These challenges are in some cases, as in  
3 Georgia, where there is a 72-hour submission  
4 deadline, may require it to go to the  
5 registration office two or three times a week,  
6 even though they may just be a small  
7 organization, such as a church or civic group.  
8 I think to fully understand the importance  
9 of this and the need to balance the concerns of  
10 community-based or third-party registration  
11 groups, it is important to look at the impact of  
12 those groups. Voter registration is used as a  
13 centerpiece of community development empowerment  
14 campaign that has as its goal the development  
15 and nurturing of a shared political awareness,  
16 effective local organizations and strong  
17 grassroots leadership.

18 Richey Perez, who was at that time speaking  
19 to a panel in Massachusetts about the vital role  
20 in voter registration in Puerto Rico.

21 I am struck a little more than ten years later  
22 how true that is today in the United States as  
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1 we seek to extend democracy in a disenfranchised  
2 constituency.

3 I note that in 2004, at least five national  
4 organizations registered at least 350,000  
5 voters, each over that cycle with three  
6 registering over one million voters.  
7 Collectively, these organizations registered  
8 over 5.5 million voters, and I have some of them  
9 listed in my written statement. I note that  
10 during this same time period, public assistance  
11 offices reported a mere 1,547,900 voter  
12 registrations. In essence, this ambling of  
13 organizations collected five times the voter  
14 registrations in roughly half the states as  
15 public assistance offices collected in 50  
16 states.

17 I then will move to my recommendations.  
18 Having worked with election administrators in  
19 well over a hundred different jurisdictions, we  
20 agree that collecting each registration should

21 be submitted in a timely manner. We suggest

22 that this effort, we suggest this effort to

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1 increase timely registrations be weighed against

2 the value of community organizations continuing

3 their contribution to democracy. As such, we

4 make the following two recommendations; the

5 first being that the time line for submission of

6 completion of a voter registration application

7 should be no shorter than ten business days from

8 the time the application is completed. As you

9 are familiar with the National Voter

10 Registration Act, you will note that this is a

11 similar time line given to a state agency in

12 motor vehicles public assistance and

13 disabilities offices to return their forms to

14 the election office.

15 In the similar way that NVRA supports this

16 ten-day guideline to forward completed

17 applications, and as Project Vote supports a

18 submission deadline of no shorter than ten days

19 for third-party groups, we further suggest a

20 guideline to encourage election administrators

21 responsible for selecting voter registration

22 applications validate receipt to the voter

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1 within ten days by mailing those registrations a  
2 notice of failure to register, with instruction  
3 prior to voter registration.

4 This, as we've seen throughout the  
5 jurisdictions, has been one of the key problems  
6 in determining whether a person is able to cast  
7 a real ballot or a provisional one.

8 I guess, in summary, I will simply note  
9 that the efforts of third-party registration  
10 groups seek to have a more inclusive democracy.  
11 With over 40 percent of the voting age Latino  
12 population and 35 percent of the voting age  
13 African-American largely unregistered, according  
14 to the Census Bureau, it is clear that  
15 Government in it's budget ridden times, do not  
16 have the resources to rise to the occasion of  
17 fully creating a registered populous. For this  
18 reason, I ask you, please, respectfully to  
19 consider the recommend submissions. Thank you.

20 CHAIR HILLMAN: Thank you, very much.

21 We will here from Mr. Lioz?

22 MR. LIOZ: Lioz.

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1 CHAIR HILLMAN: I will get it, before  
2 we ask questions.

3 MR. LIOZ: Thank you, very much.

4 Thank you all for inviting me today to address

5 you here in the fine, Washington D.C..

6 I am Adam Lioz. I am one of the two  
7 advocacy networks of state-based nonprofit,  
8 nonpartisan, public interest organizations with  
9 chapters at more than 100 colleges and  
10 universities. Personally, I am based both in  
11 Washington, D.C. and in New Haven, Connecticut,  
12 but I am currently attending law school.

13 We have conducted volunteer basis youth  
14 voter registration drives for more than 30 years  
15 as an organization. Turning out young people  
16 presents its own particular challenges because  
17 young voters are a particularly mobile part of  
18 the population, as you all know. This mobility  
19 makes forming consistent voting habits  
20 difficult. For that reason, many young voters  
21 are forced to register nearly every year.

22 As such, we at New Voters prioritize

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1 registration in attempting to boost youth voter  
2 turnout. We follow-up with get-out-to-vote  
3 efforts.

4 In 2004, state version new conducted a  
5 voter registration drive, registered 524,000, 18  
6 to 30-year-olds in 21 states. As a result of  
7 our efforts and those of our allies and

8 partners, turnout among youth voters increased  
9 by 11 percentage points from 2000, as compared  
10 to four percentage points for the general  
11 population.

12 I'd like to begin with a quick note  
13 on the principles at stake in crafting rules  
14 about voter registration. I will continue by  
15 briefly describing our procedure for collecting  
16 and submitting voter registration applications.  
17 Finally, I will close by explaining the  
18 following three policy recommendations for  
19 consideration, rule making on this topic.

20 First, deadlines for return of applications  
21 must take into account volunteer driven  
22 campaigns. Second, law makers should take into

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1 account where returning penalty for failure to  
2 return completed applications, and third, rule  
3 makers should look to facilitate tracking of  
4 voter registration forms.

5 So first, the principles at stake. We  
6 believe that the purpose of any voter  
7 registration system should be to facilitate  
8 participation of as many eligible voters as  
9 possible. The U.S. lags behind other major  
10 democracies in voter turnout. It is our  
11 response as public officials and citizen

12 leaders to erect as few vagaries as possible.  
13 To this end, we believe its already been  
14 mentioned that we should move toward a system of  
15 election day registration in whichever eligible  
16 Americans may register up to and on election  
17 date. The six states that currently do allow  
18 Election Day registers boast turnout rates that  
19 are 18 to 20 percent higher than national  
20 average.

21 We feel that the new, computerized,  
22 statewide voter registration acts mandated by  
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1 the Help America Vote Act make this a plausible  
2 goal to support Election Day registration. We  
3 also encourage voting on weekends and holidays,  
4 as we've seen in surveys a significant number of  
5 people have reported their work obligations have  
6 prevented them from getting to the polls. In  
7 the meantime, in the situation we find ourselves  
8 again, we must focus on making the registration  
9 process as smooth as possible for the voter and  
10 eliminating all necessary barriers to  
11 participation.

12 Let me briefly describe the process that we  
13 use in registering voters. First, and it has  
14 been also discussed by former panelists, perhaps

15 most importantly, we meet with election  
16 officials prior to the start of each drive. We  
17 do this to confirm deadlines, discuss any local  
18 particularities, and to confirm rules about  
19 collect and turning in forms.

20 Next, we train our staff and volunteers  
21 based on the information that we received from  
22 those officials in outreach meetings. We then

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1 collect forms, as you might imagine, as much as  
2 possible. And where state law allows and  
3 permits, we photocopy and database forms so we  
4 have an internal record. So no problems arise,  
5 with any problems.

6 In terms of when we turn them in, we,  
7 typically, turn in the forms once per week, no  
8 later than once every two weeks. We feel this  
9 is important, as has already been mentioned. We  
10 don't want to deluge election officials at the  
11 very end of the process. We want to go do  
12 regular drop-ins, as much as possible. Of  
13 course, despite our turning in the forms in a  
14 timely manner, we often will complete a major  
15 large percentage of our registrations near the  
16 deadline, as previous panelists opined, that is  
17 when excited does come to bear on the process.  
18 In order to ease the burden this places on

19 registrars and legislative officials, we seek to  
20 make ourselves available to them to help them  
21 process the forms after the deadline, should  
22 they seek to take us up on that, if state law  
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1 permits.

2 Based on our experience, I'd like to touch  
3 briefly on the three policy recommendations I  
4 mentioned earlier. First, we do believe it is  
5 appropriate to have a reasonable deadline for  
6 the return of completed voter registration  
7 applications. We sympathize with Mr. Roberson  
8 in the efforts elected officials need to  
9 undertake to process. There is no reason for  
10 unnecessary delay in turning in applications.

11 As I mentioned, in managing our voter drives at  
12 New Voters, the process we have found it to be  
13 ideal to turn them in once a week. We do urge  
14 rule makers that a deadline of less than five  
15 days, that be can be particularly burdensome to  
16 those who are volunteers, who are not regularly  
17 able to access a central office.

18 Also, as Ms. Holliday mentioned, we feel  
19 that some adequate time for quality control  
20 measures is also helpful and valuable. We would  
21 urge rule makers to balance these, and not have

1 deluge, but also a proper time to conduct those  
2 processes.

3 Next, we take extremely seriously the  
4 responsibility to return completed applications  
5 to elected officials. We do believe failure to  
6 return applications in a timely manner should  
7 result in a penalty. We feel strongly though  
8 that the intent of the actor is critical in  
9 assessing penalties. We advocate no tolerance  
10 for willful loss or destruction of completed  
11 voter registration applications.

12 Accidental non-return, however, presents a  
13 different situation, with a different relevant  
14 policy. Severe policies applied regardless of  
15 intent would discourage especially those  
16 utilizing volunteers. Lawmakers must take care  
17 to enact standards that protect voters but also  
18 that do not chill legitimate registration  
19 efforts.

20 Finally, better tracking of voter  
21 registration forms throughout the registration  
22 process helps election officials, voters, and  
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1 voter registration organizations such as the New

2 Voters project. Solid tracking systems can help  
3 determine responsibility for errors or problems,  
4 and increase all of our ability to solve those  
5 problems.

6 We recommend including on the voter  
7 registration application a place for recording  
8 the name and contact information for the third  
9 party, either individual or the organization who  
10 has collected a completed application. We also  
11 believe so long as there are adequate supplies  
12 of voter registrations, that receipts, such as  
13 used in California, are useful in insuring  
14 integrity of the process.

15 Thank you for your time and opportunity to  
16 address the Commission. I'm sure I am happy to  
17 address questions.

18 CHAIR HILLMAN: Thank you, very much.  
19 I appreciate both of you being here.

20 Commissioner Martinez.

21 COMMISSIONER MARTINEZ: Thank you,  
22 Madam Chair.

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1 Thank you to both of you for making the  
2 time to be here, as I said to Mr. Roberson, for  
3 the job that you do. I think that's critical  
4 work that third-party organizations are doing to  
5 help insure that people can exercise perhaps our

6 most fundamental obligation as Americans, and  
7 that is, the right to vote.

8 I am thrilled to be able to have a  
9 conversation with you both. Also, I should say  
10 just prior to my taking a seat on this  
11 Commission a couple years ago, I had a solo law  
12 practice, but I also operated an executive  
13 director 501-C3 race monitor, other 501-C1's.

14 Project Vote was a recipient of several of  
15 our grants. Perhaps in the interest of full  
16 disclosure, I say that, but also because I am  
17 familiar with the work of your organization.

18 I guess I will start with you, and that is,  
19 I assume that you keep track of various trends,  
20 in terms of what state legislators are doing  
21 that we acknowledge is a problem. Mr. Roberson,  
22 at the local level, who are just as committed to

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1 insure enfranchisement of qualified voters and  
2 yet gets overwhelmed by the flood of  
3 applications at the last minute. Anything Ms.  
4 Holliday states have moved in that has been of  
5 concern to your organization, in terms of  
6 addressing any state laws that legislators have  
7 been passed.

8 MS. Holliday: I think the shortened

9 line that we're seeing in both Georgia, which  
10 has gone to 72 hours, and New Mexico, which I  
11 think is also at 72 hours, presents a real  
12 challenge. The other state that I would mention  
13 or highlight would be Florida, which also  
14 instituted substantial monetary penalties and  
15 criminal fines for late submissions, no matter  
16 the intent.

17 And frankly, it is unlikely that we will  
18 continue to do voter registration to Florida in  
19 the upcoming cycle, although we registered over  
20 200,000 in 2004. So I will mention that, and I  
21 think the other states, the other single state  
22 that looks like it may be trending in the same

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1 way would be Colorado.

2 COMMISSIONER MARTINEZ: Mr. Lioz,  
3 answer the same question, anything of concern  
4 that you have seen out there?

5 MR. LIOZ: I would mostly echo what  
6 my fellow panelist has said. It is critical  
7 that we have the amount of time. We have  
8 disbursed operations. We work a lot of times  
9 with college students who keep irregular  
10 schedules. So it is very critical to us that  
11 while balancing the concerns of the election  
12 officials, that we're able to have enough time

13 so that they are able to get into our office to  
14 get us the applications and turn them around  
15 with a level of quality control.

16 And then also on the penalty point, it is  
17 obvious that if someone is engaged in any kind  
18 of malfeasance, we want to go over those folks  
19 hard, and insure the integrity of our system,  
20 but in dealing with the volunteers, the last  
21 thing we would want to see is liability attached  
22 to the volunteers that would discourage them

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1 from getting involved in the process for an  
2 unintended act.

3 I want to echo what my fellow panelist has  
4 said. It is critical that we hold people  
5 accountable, but not chill legitimate efforts.

6 COMMISSIONER MARTINEZ: We talked  
7 about tracking of voter registration forms. Did  
8 your organization take a position on whether  
9 tracking is a good idea?

10 MS. Holliday: Yes. We agree  
11 tracking is a good idea, and try internally to  
12 develop a way to track who has completed or  
13 assisted in the completion of which cards, and  
14 who has talked to which voters, which has been  
15 extremely helpful in determining irregularities

16 when they occurred, and preventing them from  
17 going on for extended periods of time.

18 COMMISSIONER MARTINEZ: My experience  
19 in working with your organization in Texas, was  
20 you all encouraged your local candidates to,  
21 obviously, get familiar with the laws of that  
22 particular jurisdiction, but also to get to know

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1 the local registrars as well, and be familiar  
2 with their offices. I assume you do that, not  
3 just in Texas, but throughout your efforts  
4 nationally.

5 MS. Holliday: It is true. In fact,  
6 I would say that over the 23 years, that we  
7 actually have put more and more emphasis on that  
8 relationship. Now, we not only go in and meet  
9 with the local person, but we also try to meet  
10 with the state person from the state office.  
11 And then we try to, at the beginning, set up  
12 regular times to meet with them throughout the  
13 process to gauge anything that they may see that  
14 we need to be doing different or better, and so  
15 we can have a real relationship.

16 And we find that in the majority of  
17 situations, that aides greatly to the success of  
18 the program.

19 COMMISSIONER MARTINEZ: And, finally,

20 for me with regard to training of neighborhood

21 canvassers, I know in my home state in our

22 election code, if you are a neighborhood

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1 canvasser, and your walk away with somebody's

2 voter registration card, you are going to have

3 to be trained in a certain manner to do that.

4 You are going to have to go to the local

5 registrar's office, and go through a training

6 course.

7 On the other hand, if you're going to

8 assist somebody filling out the card but leave

9 it up to the person to send it in the voter

10 registration, you don't have to go through that

11 training. You can react to that specific

12 requirement, if you'd like, but is there

13 anything about training in particular that is

14 either of concern, or do you support,

15 essentially, codifying, if you will, efforts by

16 states governments to institute, to require

17 certain training for folks who are going to walk

18 away with a voter registration card?

19 Is there anything that concerns you about

20 that? You can both comment.

21 MR. LIOZ: I don't know enough about

22 that topic, specifically, to make a comment

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1 about the codification issue. I do know,  
2 internally, we take it extremely seriously. It  
3 is a very solemn responsibility, you are going  
4 to turn in someone's application. You have been  
5 trusted with that. I would have to go back and  
6 look at what we do. And, obviously, we would be  
7 fine with folks replicating that statewide. We  
8 would be fine with state standards.

9 I would encourage flexibility in terms of  
10 how the training is carried out. We try to do  
11 statewide training in states we're focusing in,  
12 but I said we work with a lot of disbursed  
13 volunteers and college students. So it is  
14 important that we promote some type training.  
15 We want there to be flexibility, geographically.

16 COMMISSIONER MARTINEZ: Ms. Holliday,  
17 any particular comment?

18 MS. Holliday: I think my comment is  
19 twofold. In the model that we use, we rely very  
20 heavily on the train-the-trainer model, and that  
21 has been effective. What sometimes is difficult  
22 is when there is a required deputization process

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1 that has even more burdensome requirements.

2 So we're in favor of local election

3 officials having a training guide or training  
4 manual. Many states are now putting out voter  
5 registration manuals which, frankly, are  
6 extremely helpful. And we take care to  
7 distribute those, and make those available  
8 throughout organizations.

9 COMMISSIONER MARTINEZ: Thank you  
10 both. Very good testimony. Thank you.

11 CHAIR HILLMAN: Thank you.  
12 Commissioner Davidson.

13 MS. DAVIDSON: I just have a few  
14 additional questions. One, I don't think you  
15 may not be aware, but I'm from Colorado. I will  
16 give you a heads up, but I have got two  
17 questions.

18 You mentioned that you partnered with other  
19 groups.

20 MS. Holliday: Yes.

21 MS. DAVIDSON: Do you analyze the  
22 jobs those other groups do as to whether or not

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1 you continue your partnership with them?

2 MS. Holliday: Absolutely. As part  
3 of when partnering with any organization, we  
4 have an ongoing monitoring process that goes,  
5 that happens throughout the voter registration  
6 drive period. We sit down with them and put

7 together firm plans that include the advocacy of  
8 their issue or position on some usually local  
9 effort, as well as the integration of our  
10 standards and quality control that we assist  
11 them in monitoring nationally, and have, in  
12 fact, gone in and shut programs down who weren't  
13 meeting those standards.

14 MS. DAVIDSON: I wish we had known.

15 We could have contacted you on that.

16 MS. Holliday: Well, contact me in  
17 the future.

18 MS. DAVIDSON: Well, I am here now,  
19 so we will let Colorado handle that.

20 Would you support your partner, on the  
21 other side, when the New Voter project has voted  
22 the individual signing that is assisting the  
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1 registrar or as the registrar will say, would you  
2 support that effort so they have to sign the  
3 registration form, so if there is a problem, and  
4 issues come up like they have changed false  
5 registrations, and false changing of information  
6 because they are being made, would you suggest  
7 that would be a good idea?

8 MS. Holliday: Yes, absolutely. In  
9 fact, part of what we do is to indicate a

10 coding, which is usually some type of unique  
11 numbering system so that we can track who has  
12 talked with which voter that is submitted, and  
13 have found that to be very helpful in tracking  
14 down problem makers.

15 MS. DAVIDSON: I'm not sure your  
16 partners are using that. That would be great.

17 MS. Holliday: I will investigate  
18 that.

19 MS. DAVIDSON: And then registration,  
20 not registration forms, but a receipt.

21 MS. Holliday: Absolutely, sure.

22 MS. DAVIDSON: I worked a great deal  
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1 with the New Voter project. They were the ones  
2 that came in. We had the most successes with  
3 your organization in the state of Colorado.  
4 They were very -- I will say, you worked with  
5 the state, you worked with the locals, and I  
6 applaud you for that because you did have a  
7 great success in the state of Colorado. We even  
8 stood up on platforms with the groups because of  
9 how well you worked. I think states would do  
10 that, if they see that the workers are really  
11 out there being trained. You came in for  
12 training up front, without it even being in the  
13 law.

14 So I applaud you for that. I guess you  
15 mentioned five days, and we had testimony when  
16 we were doing the rip, so you still feel five  
17 days, you can handle gettings forms in?

18 MR. LIOZ: We would prefer a week.  
19 Seven to ten days would be great. We  
20 highlighted that five-days, in our experience,  
21 that is when it gets to be extremely problematic  
22 to get a college student or other volunteer to  
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1 get into the office on that regular basis, do  
2 some basic quality control, to the extent it is  
3 permitted, and then turning around. That was  
4 sort of a floor. I think seven to ten days is  
5 reasonable. Obviously, different organizations  
6 have different experiences with regard to that.  
7 We wouldn't claim to be the only ones to know  
8 anything about it.

9 On the other point, you brought up  
10 something that is very important. I can't  
11 stress enough how important we found  
12 communication to be in these relationships from  
13 the outset. Any kind of relationship, I think  
14 the most common problem we experience, personal,  
15 professional, is breakdown of communication. So  
16 would if he would initiate open lines of

17 communication that are consistent throughout the  
18 process, that is going to make everything go  
19 smoother.

20 We've seen, as we do this again and again,  
21 we come back to this principle and we learn  
22 again and we didn't do it quite as well as but  
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1 let's re-double our efforts next time to reach  
2 out and communicate early.

3 MS. DAVIDSON: We realize your jobs  
4 are difficult. What you're doing in trying to  
5 increase voter turnout, increase voter  
6 registration, we see that is an issue and  
7 problem.

8 There is no way any state, I believe, wants  
9 to shut those doors because it is important  
10 really, it is. The issue is the balancing  
11 issue, is what we're trying to come in. And  
12 it's hard for you, as well as elected officials  
13 making sure that we get the information in, at  
14 the same time, never disenfranchising the voter.  
15 The balancing effort is really important.

16 So I applaud you for your work, all the  
17 groups, but definitely, we're trying to reach  
18 this balance. And we appreciate you being here  
19 today and coming from Little Rock. You had a  
20 ways to travel, but we appreciate you doing

21 that. Thank you.

22 MS. Holliday: Thank you.  
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1 CHAIR HILLMAN: Vice-Chair.

2 VICE-CHAIR DEGREGORIO: Ms. Holliday,

3 I have seen you on C-Span earlier this year.

4 You did a great job. And I am familiar with

5 your organization.

6 You have a great deal of experience that

7 you have articulated, and made some

8 registrations. You have made some

9 registrations, Ms. Holliday, of this ten-day

10 window that you have to process these

11 applications that come in to you from your

12 people and to get them to the voter registrars,

13 to get them, ten days to send out a card or

14 something to notify that the registration is on.

15 Then folks like Mr. Roberson back there, the

16 election official, then has to take that,

17 compare it to the statewide voter registration

18 list, and produce a poll book, so it is at the

19 polls on Election Day, and people have the

20 opportunity to cast their ballot in a timely

21 manner.

22 Given all that, what do you think is a  
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1 ideal time period, EAC both of you, this  
2 question of a voter registration deadline. You  
3 have advocated election day registration but  
4 absent that, most states don't have that, what  
5 is do you think is a fair balance to have in  
6 terms of a voter registration deadlines?  
7 Because states are looking at that. We see them  
8 moving various deadlines voter registration  
9 deadlines for you all to submit these things.  
10 What is a fair way to have a voter registration  
11 deadline? What would you think would be ideal  
12 to balance this approach, make the opportunity  
13 register, also make sure you can process the  
14 registration and people can vote on Election Day  
15 without having to vote by provisional ballot or  
16 something.

17 Ms. Holliday, we will start with you.

18 MS. Holliday: We have been  
19 supportive of a 15 to 20-day window prior to  
20 Election Day, again really trying to advocate  
21 for a level of consistency on all parts, be it  
22 the part of state agencies, be it the part of

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1 election administrators, as well as third-party  
2 groups.

3 So that is the time frame we have looked at. We

4 think that it really allows, and hopefully with  
5 the increase in technology and the mandate of  
6 HAVA for statewide database, that will be the  
7 new frontier in being able to move those  
8 registration dates closer and closer to election  
9 day.

10 MR. LIOZ: I would say that we would  
11 advocate a deadline of zero days, if possible,  
12 with a big caveat, which is, that the local  
13 officials need to be given the resources they  
14 need to make that happen. I don't want to come  
15 down, I am not arguing that they all have those,  
16 and I don't want to say "X" number of days  
17 because in my understanding the number of days  
18 required is a function of the resources and  
19 dedication on the state level, primarily folks  
20 being willing to invest in this process and  
21 prioritize getting every single, last voter who  
22 is interested in voting to register.

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1 I think there are things -- we have six  
2 states that do election day registration. They  
3 have shown it can be done, and have administered  
4 with significant investment in that process, and  
5 with significant prioritization. And so,  
6 obviously, it is a circumstantial decision,  
7 based on the particular situation in each

8 locality and state, but I would argue that  
9 especially with the newer technologies emerging,  
10 we should be, as much as possible, moving  
11 towards that zero goal. And I think that the  
12 primary limitation right now is our willingness  
13 to invest in that aspect of our democracy and  
14 prioritize, basically, every American who wants  
15 to vote, who is eligible to vote, should be  
16 allowed to vote. If we're putting our money  
17 where our mouth is, I think we can get there.

18       VICE-CHAIR DEGREGORIO: I appreciate  
19 that. Unfortunately, a lot of that is at the  
20 local level, and you have worked with local  
21 officials, and you know it is getting that  
22 County Commission to come up with the money to  
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1 give you the temporary employees that you can  
2 work through these voter registrations and get  
3 them on-line, and a lot of local governments  
4 don't have that money.

5       I need eight more temporary employees to  
6 get this done. Any of you, do you all pay your  
7 people who take the registrations for you, are  
8 they paid per registration, are they paid to do  
9 this, or is this all volunteer?

10       MS. Holliday: We run several

11 different types of program. Some are paid.  
12 Usually, mostly hourly or some kind of stipend.  
13 Depending on what it is, sometimes we do  
14 internships. They are stipend-based, but we  
15 also have a very large volunteer effort. So we  
16 run the gamut of programs.

17 MR. LIOZ: Basically, the same.

18 VICE-CHAIR DEGREGORIO: Now, some  
19 states, as I understand, are prohibiting  
20 registrars from being paid.

21 MS. Holliday: That's true.

22 VICE-CHAIR DEGREGORIO: Does that  
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1 affect you?

2 MS. Holliday: Well, it affects which  
3 program we run in that particular location.  
4 That can be burdensome as relates to the volume  
5 of registrations that can be done.

6 Typically, a paid program works in a higher  
7 volume because we can run them for longer and  
8 hold them more accountable for standards, but it  
9 doesn't affect our ability to operate a  
10 particular program.

11 MR. LIOZ: I would say that we would  
12 prefer the maximum flexibility. We have found  
13 you mentioned the folks come door canvassing, a  
14 lot of folks assume they are volunteers but find

15 out they are paid. It is difficult to ask for  
16 hundreds of times an hour for registered voters.  
17 We would argue for maximum number flexibility.  
18 I think that is where our tracking suggestions  
19 come in.  
20 We don't want to be turning in bad voter  
21 registration forms. It undermines credibility  
22 of our goals, our efforts, at every level. We  
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1 would argue, give us the flexibility to  
2 structure our programs and make it easier for us  
3 to track what is going on so we can isolate and  
4 solve problems immediately, and not in any way  
5 be aiding or abetting any kind of malfeasance.

6 VICE-CHAIR DEGREGORIO: Thank you  
7 both for your testimony.

8 CHAIR HILLMAN: Couple questions for  
9 you. And I say this from my having been  
10 involved in voter registration for, like my  
11 colleague, for a very, very long time. I have  
12 seen several cycles, and with every cycle, there  
13 is a new twist, but I think the reports of the  
14 holding back of voter registration forms until  
15 right up against the deadline was perhaps very  
16 troubling for me because it did suggest two  
17 things. One is that some voters were being

18 disenfranchised, that perhaps they missed a  
19 primary period. But, secondly, it inevitably  
20 was going to result in the changing of laws and  
21 procedures to deal with that.

22 And I see Jim Dixon sitting here, and I

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1 just have to comment that I came to know Jim  
2 Dixon when Project Vote was first organized back  
3 when he was a pup, and just became aware of New  
4 Voters. Somehow I missed you all in the last  
5 cycle, but I have to say in the past two or  
6 three weeks, every place I have been, I have  
7 seen somebody affiliated with New Voters.

8 It is a fascinating turn of events. I  
9 certainly wouldn't expect you all to name  
10 organizations, but I do want to get a handle on  
11 the reports that we've received. And I  
12 appreciate all the information that you have  
13 provided today and your recommendations, but I  
14 also feel the need to get a handle on  
15 information that we've been told. And so to  
16 that extent, I just want to share that with you,  
17 ask you, are you aware that situations like this  
18 happen, and what you all are doing with your  
19 colleagues in the community. I know that voter  
20 registration groups partner with each other and  
21 work in coalitions and task forces, and on the

22 local level as well as on the national level.

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1 So perhaps what you all are doing in the voter  
2 registration community, if you will, to grapple  
3 with some of these issues.

4 A couple of the reports that I heard, and  
5 these came from election officials, state and  
6 local election officials, that registrations  
7 dating from like May or June were not turned in  
8 until September or October, and that there was  
9 an intentional holding back of boxes of  
10 registrations, hundreds if not thousands, until  
11 the last week for some kind of an impact on the  
12 system. And I have to tell you that I happen to  
13 be sitting in the office of a county election  
14 official in Florida deadline day when the office  
15 received a phone call from a group that said,  
16 "Just to give you a head ups we're coming up at  
17 5:00 P.M. with 7,000 registrations." This was  
18 on deadline day.

19 Clearly for me, that was more of a  
20 political impact than it was doing a service to  
21 a voter. And I couldn't just imagine that all  
22 those forms had been collected in one or two

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1 weeks time. There were reports of registrations

2 turned in after the deadline because somebody  
3 forgot the box was in the trunk of the car, and  
4 that one of the reasons I was told that some of  
5 the delay was the time that was required or the  
6 time it took for the groups to copy the forms so  
7 they could have those forms on record or to  
8 enter the information into the database, that  
9 because of the high volumes of registrations,  
10 this took a lot longer to copy or enter the  
11 data. And so it pushed things up against the  
12 deadline.

13 It would be helpful for me to hear from  
14 your perspective, in the work that you all were  
15 doing in the communities, and in the states, as  
16 to whether or not this happened isolated  
17 incidences, more frequently than you all would  
18 have liked, did you all have any insight into  
19 it, and are you all talking about this?

20 MS. Holliday: Are we talking about  
21 it, absolutely. I think those incidences which  
22 occurred more -- I have been working in voter

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1 registration for about 12 years now, and I  
2 definitely saw an increase in those level, an  
3 increases in a variety of groups, including my  
4 own, in 2004 than we had seen previously. And I

5 think, but on the other hand, in comparison to  
6 the volume of registrations that were submitted,  
7 I think those instances represent a very small  
8 menusha. That is not to say they are any less  
9 significant or important, and that those issues  
10 shouldn't be addressed.

11 I think what we continue to do is to refine  
12 the methods in which we use to register. I'll  
13 use a couple of examples. With an incidence of  
14 a person leaving cards in the trunk of their  
15 car, we actually had that very incidence happen  
16 in Colorado. And what we ended up doing was  
17 assisting the prosecutor in that county in  
18 bringing charges against that person because it  
19 was an incidence in which we had terminated the  
20 employee, and they had told us that they had  
21 surrendered all the cards and, in fact, that  
22 wasn't true. We did not know until they showed

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1 up about -- I don't know, maybe a week before  
2 the deadline, that they, in fact, had not done  
3 so. And we were the first to call the election  
4 officials, as well as the prosecutors, with the  
5 election officials' help to present evidence  
6 against that person. And we would do that very  
7 same thing again. I think it also informed us  
8 to keep track, and stress the need to track

9 every single form that we have our hands on,  
10 which we didn't initially do, but incidences  
11 like that forced us to start doing.

12 The other incidence, in terms of the high  
13 number of voter registration cards that come at  
14 the end, we actually went to a system and  
15 encouraged our groups, we did turn-ins every  
16 day. Still I worked specifically in Detroit  
17 last year, and still, even with doing turn-ins  
18 every day, again, because of the excitement  
19 because of the higher media attention, we still  
20 turned in probably about 10,000 registrations on  
21 the last day before the deadline.

22 The Clerk of Court, enthusiastic but  
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1 extremely worried about the numbers, we had  
2 worked with her all along to let her know. It  
3 wasn't a system of them being -- it was truly a  
4 factor of people were just coming out of the  
5 wood works. There was so many more events.  
6 There was so much more media. Even with a every  
7 day turn-in schedule, the volume was still  
8 incredibly high.

9 The other point I'll speak to, in terms of  
10 tracking and copying, we have not found that to  
11 be a delay or burdensome. We have actually

12 found it to be more helpful in the sense when  
13 there have been irregularities or accusations,  
14 that has assisted us in being able to track  
15 folks down, either the person who assisted in  
16 getting the card, or the person who completed  
17 the card. And often, because we work in  
18 neighborhoods and communities, there are people  
19 that we can go back and put our hands on much  
20 easier than an election official with limits of  
21 resources.

22 CHAIR HILLMAN: Thank you.  
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1 MR. LIOZ: I probably don't have all  
2 that much more useful than my colleague to add.  
3 I want to bring attention to this brochure,  
4 which I can give to you where we do list our  
5 partners. Project Vote is one of them,  
6 enthusiastic. We're very, very much engaged  
7 with working with the community at large on this  
8 issue.

9 I want to reiterate one thing Ms. Holliday  
10 said, which is scale. We do have an  
11 unprecedented amount of this work going on.  
12 We're going to have numerically more instances  
13 than before, but going back to something I said  
14 before, I can say we're committed to spreading  
15 the message within the community that the kind

16 of hold backs your screening are counter  
17 productive on two levels. No. 1, just to the  
18 extent that they actually do then overwhelm the  
19 processes at the end and prevent the timely  
20 processing of those forms, you are not doing  
21 your job. You are not getting those voters  
22 registered. You are getting registration forms,  
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1 but that's only half the battle. You are not  
2 completing your mission.

3 And second, communication point. If has  
4 happening for no good cause and without  
5 communication, if someone's calling up on that  
6 day, then you are breaking down that  
7 communication in a way that is not going to be  
8 helpful the next time around, and not going to  
9 be helpful for that relationship. We're  
10 committed to spreading that message within the  
11 community.

12 We do have, I think, a good set of groups  
13 committed to working together, and we can agree  
14 on next time, and next time.

15 CHAIR HILLMAN: Great. Last  
16 question, I want to digress from the topic and  
17 ask, when your organizations and partners are  
18 registering people to vote, what are the reasons

19 you hear from people who don't want to register?

20 MS. Holliday: The No. 1 is, my vote

21 does not count, it will not matter. It will not

22 make a difference. And then I think the second

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1 is, there is fear or intimidation about the

2 process itself. Uneasiness about knowing how to

3 vote, how to use the machines, where to go, just

4 kind of not having enough information to feel

5 comfortable.

6 CHAIR HILLMAN: Thank you.

7 MR. LIOZ: I'd like to reiterate the

8 first point, which is, I think that voter

9 registration is easier when there is an election

10 that is perceived to be close, and people

11 understand that in some ways, that one of the

12 best things can happen to voter registration was

13 the 2000 election, where you have a three-figure

14 margin that really sends the message home to

15 people that your vote can count.

16 I think as far as youth voter participation

17 has been over the years, we have noticed that

18 there is a vicious cycle that occurs which

19 politicians study the statistics about who

20 votes. They are very aware of the age

21 differentiation with older Americans retired,

22 average Americans, and young Americans, and

1 reflective of priorities, not only in national  
2 policy, but on the campaign trail.

3 One of our prime functions of the New  
4 Voters project, I think our slogan was, make  
5 them pay attention to us. That we can change,  
6 we're responsible for undoing that vicious  
7 cycle, to a large extent. We think we're create  
8 a virtual cycle whereas more and more younger  
9 Americans, their priorities, their concerns will  
10 move up on the national agenda, causing them to  
11 recognize their vote does matter, and further  
12 encouraging them to vote.

13 CHAIR HILLMAN: Thank you, very much.  
14 Mr. Wilkey.

15 MR. WILKEY: First of all, I want to  
16 congratulate you both on your efforts. I have  
17 had the opportunity working with both of your  
18 groups in the past, technically, over the years,  
19 and I was particularly pleased when I called  
20 Neros Enstine in New York, and said, you guys  
21 must have some national organization, and that  
22 is how we found about the New Voters project. I

1 was glad to see that happen. Something struck  
2 in my craw with your testimony, Holli.

3 Back to my bug on NVRA. We worked very  
4 hard in my state to try to accommodate  
5 particularly those voters in public assistance  
6 offices. We're one of the first states in the  
7 country, maybe two or three are, where the  
8 application is part of the public assistance  
9 application. Unfortunately, that has not  
10 produced the kind of results that I particularly  
11 would have liked to have see, but I know ACORN  
12 was particularly involved in your organization  
13 with tracking that and trying to work through  
14 some of those issues.

15 I'm wondering if that is still a priority  
16 for your organization?

17 MS. Holliday: Absolutely. Not only  
18 is it still a priority, we have just released in  
19 collaboration with DeMoss and ACORN the ten-year  
20 study. We did a study in 1994 and now we've  
21 done the updated ten-year version. And what  
22 we're seeing is that shortly following the

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1 previous study and a series of lawsuits against  
2 several states for the enforcement of NVRA and  
3 the rise of motor voter, what we're seeing now  
4 has resulted in a substantial decrease in the  
5 number of voter registrations that are managed

6 through public service agency, and are currently  
7 encouraged, in working with states across the  
8 country, to increase that number.

9 MR. WILKEY: Great. Question for  
10 both of you, and I will close. We talked about  
11 the phenomenon statewide voter registration  
12 systems coming in across the country. I'm  
13 wondering how your organizations, having a  
14 national focus, have directed your energies in  
15 working with these new processes that are going  
16 to evolve, and what problems you see coming up  
17 in working with a whole different process in  
18 many of the states in the country?

19 MS. Holliday: The issue of what has  
20 been required by states under HAVA is truly  
21 humongous. In honesty, we have only taken a few  
22 slices out of all the possible things you could

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1 look at under new regulations in HAVA. One of  
2 them has been to look at the statewide database.  
3 We really see that as being crucial to opening  
4 up and creating a greater sense of transparency  
5 between an individual voter and the election  
6 administration, and breaking down some of those  
7 trust barriers, and have issued and worked with  
8 the various election administration  
9 organizations that exist, Secretary of States,

10 ACREOT, and so forth, to encourage them to have  
11 real public access through those statewide  
12 databases. That's one key issue.

13 MR. LIOZ: I can't think off the top  
14 of my head of any particular problems that come  
15 to mind. I think mostly because I tend to look  
16 at this as a huge opportunity. This is a system  
17 that I think opens up not only the prospect for  
18 more coordinated information sharing across the  
19 state which can eliminate some of the barriers  
20 that we have had to Election Day registration.  
21 It is also, in some ways, the best program  
22 available to address some of the concerns about

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1 voter integrity have been brought out throughout  
2 the process.

3 Most threats to voter integrity tend to be  
4 on an institutionalized basis that can be caught  
5 much more easily when there is coordination and  
6 communication. That, again, only helps programs  
7 like ours when voters and officials and the  
8 public have more confidence in the integrity of  
9 the process, and when there is more up front  
10 accountability on all of us, that only helps us  
11 when we're going around asking to put that  
12 solemn trust to take their voter registration

13 form and to process that.

14 So I tend to look at it more as an  
15 opportunity. I am sure there will be challenges  
16 and pitfalls, as we go through the process, but  
17 we look forward to again using open  
18 communication to working those out to the  
19 benefit of all involved.

20 CHAIR HILLMAN: Ms. Thompson, do you  
21 have any questions?

22 MS. THOMPSON: I do have one, Madam  
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1 Chair. Thank you.

2 Since a couple of others have gone off  
3 topic just a little, there is one point of  
4 curiosity. I am sure, as you are aware, HAVA  
5 puts additional identification requirements on  
6 first time mail voters, and many states consider  
7 registrations conducted by registration groups  
8 to be mail-in registrations. I was wondering  
9 what types of efforts your groups are obtaining,  
10 obtain that identifying information from the  
11 individuals, and assist with the process of  
12 allowing those persons to vote for the first  
13 time without having to provide that information  
14 at the polling place.

15 MS. Holliday: That one is a real  
16 struggle, and it becomes harder and harder as

17 state legislatures continues to pass more  
18 restrictive ID requirements. And we're really  
19 struggling across the country to try to limit  
20 the restrictions of those ID's.

21 That is a problem. I think one of the  
22 things we actually went to last year in the 2004  
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1 cycle was actually asking people to look at  
2 their ID, to say do you have ID, and then using  
3 that as a way to say, be sure to take this with  
4 you, just in case.

5 So that's the way we tried to address it.  
6 It's probably not perfect. In fact, I'm sure  
7 it's not, and it really raises concerns for us,  
8 particularly as the ID requirements become more  
9 restrictive in some states. And we also have  
10 seen situations where ID requirements have  
11 prevented us from registering people and from  
12 people being registered because they didn't have  
13 ID's that were acceptable. This is particularly  
14 true amongst low income or no income people, and  
15 in states where there is a high cost for  
16 state-issued ID's. This happens a lot on  
17 students. There's some states that will take  
18 state-issued ID's only, but if you happen to be  
19 at a private college with that college ID, they

20 won't take that, as an example.

21 We have had situations, I will go back to  
22 the Michigan example, where in 2003, Michigan  
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1 instituted that for new drivers to get drivers  
2 license, they had to also pass a road test that  
3 can cost upwards of \$300. So it then becomes --  
4 so as a result, Michigan now has a less rate of  
5 licensed drivers than it had in his history, new  
6 licensed drivers. That, obviously, has affected  
7 the results of motor voter as well as people  
8 having a state-issued ID.

9 MR. LIOZ: There was much concern  
10 about the voter ID provision when it was brought  
11 up in HAVA. Actually, Neil Rosenthal from New  
12 York was a leader within our network in raising  
13 those concerns, and there is a number of  
14 reasons. Certainly, in a place like New York  
15 City, a lot of people do not have drivers  
16 license. Low income voters and disabled voters  
17 are statistically a lot less likely to possess  
18 drivers license. Also, the student population  
19 is uniquely vulnerable to this provision because  
20 of the number of people who would like to vote  
21 in communities that they are engaged in, but  
22 they may not have originally gotten their

1 drivers license. So this was a big concern to  
2 us.

3 Obviously, we have to live with a law that  
4 was passed. The one thing that the law did from  
5 working closely with some of the advocates who  
6 worked very hard on the law, there were some  
7 acts, if you were to provide certain information  
8 with your registration, then you would not have  
9 to come to the polls with the ID's, as you were  
10 referring to. That can be very helpful. The  
11 problem is, it is very difficult to go out and  
12 get to the copy of someone's drivers license  
13 when you are running volunteer-based voter  
14 registration efforts.

15 Our policies, and I have been involved in  
16 discussing with the state-based folks running  
17 the voter projection, talks with them about how  
18 we can be aggressive in using the tools that the  
19 law does allow us to go out and prevent people  
20 from having to be surprised on polling day and  
21 not having proper ID.

22 To be frank, it is difficult, and as my  
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1 colleague mentioned earlier, the fact that  
2 states are now adding a patchwork of new and  
3 sometimes more restrictive laws on top of HAVA

4 has made it a continuing challenge. And our  
5 main message would be that states, when looking  
6 at revising these laws, should think first and  
7 foremost about what is going to provide a smooth  
8 process for the voter, and make sure that  
9 eligible voters are able to vote without  
10 unnecessary barriers. And we've seen these ID's  
11 cause unnecessary barriers in many communities.  
12 I would go back to my other point, when it comes  
13 to the concern about the integrity of our  
14 process, I think well maintained, robust,  
15 statewide databases are much more in protecting  
16 integrity than over ruling state IDs.

17 MS. THOMPSON: I appreciate your  
18 answer. My question was focused on whether or  
19 not you are collecting that information, and I  
20 gather that by and large, you are not?

21 MR. LIOZ: By and large, it is  
22 difficult. Yes, that's true.

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1 CHAIR HILLMAN: Okay. Well, I want  
2 to thank you again. The Election Assistance  
3 Commission hopes that our having this discussion  
4 at this time, we set an example for election  
5 officials and for voter registration groups to  
6 do this diagnosing, continue it, and not wait

7 until late spring or summer of next year when it  
8 is fair too late for relationships to be  
9 developed in a way that will, as you so astutely  
10 pointed out, enhance the communication that is  
11 so important.

12 So we thank you for being with us this  
13 morning.

14 Commissioners, any other comments?

15 With that, this meeting stands adjourned.

16 We thank everybody for coming out in the weather  
17 to be with us this morning. We don't usually do  
18 this. Jim.

19 MR. DIXON: Jim Dixon with the  
20 Association with People with Disabilities.  
21 Ernie Hawkins, when he was election director in  
22 Sacramento, put in place an ingenious and highly  
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1 effective system to deal with the steady flow of  
2 new voter registration forms. His system was to  
3 meet with the voter registration organizations  
4 and they worked out a deal, registrations turned  
5 in to the board of elections within -- I think  
6 it was 24, it might have been 36 hours. Ernie  
7 was able to give back to the voter registration  
8 group a list of which registrations were real,  
9 which were duplicates, which were changes, and  
10 which were not real.

11 And I would encourage the Commission to  
12 look at that type of system because it sets up  
13 the situation where it is a win for both the  
14 voter registration organization, it is a win for  
15 election officials, and because of the rapid  
16 turnaround, it is a win for our democracy.  
17 Thank you, for the ability to add that.

18 CHAIR HILLMAN: Thank you. We don't  
19 usually do this at our meeting but Jim gets  
20 special exception because he is on our Board of  
21 Advisors.

22 Thank you.

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1 COMMISSIONER MARTINEZ: Motion.

2 MS. THOMPSON: Second.

3 CHAIR HILLMAN: Thank you.

4 (Whereupon, at approximately 12:00  
5 o'clock, noon, the above meeting was  
6 adjourned.)

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2 CERTIFICATE OF COURT REPORTER

3

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

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Jackie Smith

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