

# United States Election Assistance Commission Minutes of the Public Hearing

## RE: National Voter Registration Act (NVRA)

Hyatt Regency Grand Cypress  
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Orlando, Florida 32836

The following are the Minutes of the Public Hearing of the United States Election Assistance Commission (“EAC”) held on Wednesday, August 18, 2010. The meeting convened at 3:06 p.m., EDT. The meeting was adjourned at 3:42 p.m., EDT.

### **PUBLIC HEARING**

#### **Panelist:**

Presenter: William Boehm, Deputy Director of Research, Policy and Programs, EAC, addressed the Commission to provide brief background testimony with respect to the purpose of the NVRA, after which, he set forth the content of the Notice of Proposed Rulemaking, which was published in the August 9, 2010, *Federal Register*, containing EAC’s proposed amendments to the National Voter Registration Act (NVRA) regulations, consistent with the Help America Vote Act (HAVA), in the following categories:

1. HAVA requirements.
2. HAVA-related requirements.
3. Technical amendments.

Mr. Boehm also set forth staff’s recommendation that EAC ask for public comment on the following issues, which are not required or addressed by HAVA, and would not be proposed as amendments to the NVRA regulations in the Notice of Proposed Rulemaking:

1. The use of an electronic, web-based form.
2. A proposal to add additional information on the form, such as the applicant’s e-mail address and boxes for the applicant to check to indicate whether the applicant is an overseas citizen or

3. Changing the deadline for States to certify information to EAC for the NVRA report to Congress from March 31 to 90 days after the date of each regularly scheduled general election for Federal office, which is the deadline required by UOCAVA for the certification of UOCAVA information and obtained by EAC through the same survey instrument.

Mr. Boehm emphasized the fact that any changes to the national mail voter registration form will not go into effect until after the November 2010 election.

### **Questions/Answers/Comments:**

In response to Commissioner Bresso's question regarding whether the public comment period could be extended in order to allow States additional time to comment/digest the materials due to the federal election cycle, Mr. Boehm commented it is his belief the EAC could extend the comment period beyond November 23, 2010.

In response to Commissioner Hillman's first question regarding when the regulations will take effect, Associate General Counsel Tamar Nedzar stated that while there are some exceptions, the general rule is, according to the Congressional Review Act, following adoption of a Final Rule, EAC must provide notice to the leaders of the House and Senate and the Comptroller General, and provide 30 days from the adoption of the Final Rule as the effective date. In response to Commissioner Hillman's second question regarding the process and timeline that would be required in connection with a redesign of the form, Mr. Boehm explained that if upon review of the comments it is determined that a redesign of the form is in place, another public comment period would be required to gather this information from the States, which could encompass a time period of over 30 days in length.

Commissioner Hillman encouraged the EAC to take some aggressive steps to reach out and encourage individuals to testify at its public hearing with respect to the NVRA that will be held October 14, 2010, in California in order to receive their input, so that when the changes have been completed, individuals still do not find the form difficult to fill out. Executive Director Wilkey suggested that consideration be given towards including professionals from the literacy community in the discussions of changes to the form.

### **Testimony:**

Connie Schmidt applauded the Commission for both the time and energy it is taking in studying changes to the NVRA, which will benefit both voters and election officials. Ms. Schmidt suggested that the Commission consider making the form available electronically, which will not only ensure eligibility and the submission of an incomplete form, but in addition could be used as an interactive tool to allow each individual to see what their State requirements are when registering to vote.

**Conclusion:**

The Commission expressed its thanks to Ms. Schmidt for her testimony, in addition to pointing out it anticipates the additional comments it will receive at future upcoming public hearings on this topic.

**The public hearing of the EAC adjourned at 3:42 p.m.**