



Comments of Common Cause
to the Presidential Commission on Election Administration

June 21, 2013

Common Cause is a nonpartisan, nonprofit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process. We appreciate the opportunity to submit this testimony in connection with the efforts of the Commission to address voting issues in our country.

Common Cause is uniquely situated to assist in your efforts as we have a robust election protection and voting rights program, and significantly, we have staff, volunteers and members on the ground in 35 states that are actively engaged in monitoring elections as they occur. In addition, Common Cause works with local election officials, state legislatures and state election officials, as well as local and national civic engagement groups, to monitor, reform and implement improvements to the voting laws and processes in states throughout the country on a year-round basis. Our programs give us a broad and deep perspective on the state of voting in our country, and we are grateful for the opportunity to share with you (i) what we learned about problems in 2012, (ii) what activities are currently underway in various states to either reform or exacerbate the policies relating to those problems, and (iii) what recommendations we have formulated as a result of our knowledge of these issues. What we learned from voters at polling locations across the country makes a compelling case for significant changes to our elections process.

Common Cause previously sent to the Commission various reports and research that it has authored, alone or in conjunction with other election and voting rights organizations, that memorialize many of the challenges that voters encounter and we suggest various solutions. As these reports make clear, the problems we face in ensuring that all eligible voters can vote and that their vote counts are not new. Common Cause has spent significant time and resources for years on these issues. A copy of our prior letter and the links to the reports are attached as Addendum A for your reference.

What We Learned About Problems in 2012

Common Cause and our partners ran a coordinated campaign with the national Election Protection coalition to protect the voters. For months leading up to Election Day, Common Cause recruited thousands of nonpartisan poll monitors and hundreds of poll workers in states all across the country – swing states, red states and blue states. We recruited volunteers from our membership and worked with allies to motivate others in places like Florida, California, Colorado, Illinois, Massachusetts, Michigan, Ohio, Pennsylvania, Texas, Virginia, Arizona and New Mexico. These volunteers were our eyes and ears – and boots on the ground – in our efforts to help voters with nonpartisan, critical election information.

The problems we saw on Election Day presented as long lines, inadequate poll worker trainings, and too few options to cast a ballot. But it is what is underneath these problems that should be the focus of our reform. The root cause of the problems we saw were antiquated voter registration systems, under-resourced election offices, and restrictive voting laws and deceptive practices targeted at minimizing participation by specific populations. Florida and Ohio have gained national attention as places with significant election administration problems. However, in our experience, problems existed in every state in the union. From Pennsylvania and Virginia to California and Arizona and everywhere in between, eligible American voters were turned away because of problems such as improper training of poll workers, faulty voter registration records and long, long lines.

Below is a summary of some of the problems voters faced. This summary is not exhaustive by any means, but simply representative of the problems voters experienced on Election Day.

Voter Registration: Plain and simple, our antiquated voter registration process prevents eligible Americans from voting. Registration issues were ***the most frequent problem*** we addressed through the 1-866- OUR VOTE hotline and with our partners at Election Protection.¹

This is a longstanding problem in our country, According to a Harvard/MIT study, in 2008, an estimated 2 to 3 million eligible Americans tried to vote but could not because of voter registration problems, and millions more were thwarted by registration deadlines and residency requirements.² Nationwide, we received reports of voters who thought they were registered but not on the rolls when they went to their precincts.

¹ The national 1-866-OUR-VOTE hotline received 127,000 calls combined on November 5 and 6, 2012, “*The 2012 Election Protection Report: Our Broken Voting System and How to Repair It*”, February 2013, presented by Election Protection and The Lawyers’ Committee for Civil Rights under Law, full report available at <http://www.866ourvote.org/newsroom/publications/document/EP-2012-Full-Report.pdf>

² Wendy R. Weiser, —We Have to Fix That,| Brennan Center for Justice, Nov. 9, 2012, http://www.brennancenter.org/blog/archives/we_have_to_fix_that/.

- In Pennsylvania, voters who were in fact properly registered and at the correct polling location were told they were not in the voter registration book. Common Cause and our partners independently verified these voters' registration records. It appears the issue in some locations was that supplemental pages of the voter rolls were not sent by the county to the polling place. Some voters felt the response by poll workers to their unjustified problems was inadequate, because the officials treated them as a nuisance rather than citizens who deserved full attention.
- In New Mexico, the Secretary of State mailed nearly 178,000 potential purge cards, which stated, "If this card is not returned and you do not vote in any election from the date of this notice through the November 2014 general election, your name will be removed from the voter registration list."³ This mailing went to many eligible voters causing confusion and fear in the lead up to Election Day.

Poll Worker Training: Poll workers serve on the front lines of our elections and can be a defining influence on the success or failure of an election. It is also true that a voter's interaction with a poll worker will have a lasting impact on the voter's sense of whether the election is being run fairly and competently, and can impact whether a voter believes it is worth voting and that her vote counted.⁴ We witnessed a consistent problem of too few adequately trained poll workers. Even worse, we received reports about poll workers and election observers who some voters found intimidating and discouraging of their effort to cast ballots.

- In Colorado, the issues arising from poorly trained poll workers included election judges asking for photo ID (which is not required), requesting more than one form of ID, requiring an address match between the poll book and the voter's ID (only a Colorado address is required), failing to properly consult the poll books and supplements and therefore informing voters that they were not registered, incomplete understanding of the emergency registration process, and inconsistent practices within and among counties on directing voters to correct polling locations versus offering them a provisional ballot.

Early Voting: We saw a serious cut-back in the number of days and hours available for early voting. We particularly note that in Florida and Ohio these early voting options were reduced and voters suffered the consequences. These reductions raised questions about partisan

³Steve Terrell, "Secretary of State's Voter Roll Cleanup Targets 'Shocked' Voting Rights Advocate," *The New Mexican*, Aug. 9, 2012, <http://www.santafenewmexican.com/Local%20News/081012SOS>

⁴Thad E. Hall, "Voter Attitudes Toward Poll Workers in the 2008 Election," VTP Working Paper #77, April 2009, available at http://vote.caltech.edu/sites/default/files/WP_77.pdf

manipulation of election rules, and ultimately resulted in longer lines, mass confusion and headaches for election officials.⁵

Polling Place Preparedness and Technology: While technology will continue to do wonders for our election, old and untested technology currently plagues our elections. Many of the machines used today were purchased with federal HAVA money and are reaching the end of their useful life, resulting in higher malfunction rates. In addition, the lack of resources available to local election officials resulted in a lack of preparedness, leading to long lines, confusion and overtaxed poll workers.

- Virginia stands out as an example of where we saw some of the longest lines on Election Day, and one of the contributing factors was the limited number of voting machines available for voters.⁶
- Rhode Island, a state that has historically not seen significant lines at polling locations, had voters waiting. In at least two jurisdictions, incorrect ballots were delivered and polls did not open. Other polling locations suffered mechanical problems with ballot scanners, as well as problems with an inadequate supply of ballots and ballot applications.

Emergency Preparedness: Hurricane Sandy wreaked destruction to homes, but also to the election process in some of the states in its path. While such a natural disaster is unpredictable in large part, the consequences were confusion and disenfranchisement, and highlight the need for more and better emergency planning.

- New York and New Jersey faced unprecedented challenges due to the intensity of Hurricane Sandy. Election officials – through heroic efforts – made voting available despite severe power outages and treacherous conditions. The last-minute crisis demonstrates the need for us to adopt national standards for emergency planning in the face of future disasters.
- New Jersey’s last-minute decision to allow voters to send ballots over the Internet was an honorable, but failed effort for voters and election officials. New Jersey law requires that voters also send in a hard copy of their ballot to provide a necessary paper back-up, but this provision was not outlined in the original directive, which caused voter confusion. Local election officials described the email voting plan as a “disaster” and “catastrophe”

⁵ Dara Kam & John Lantigua, —Dems to Justice Department: Probe Florida Election Law, | Palm Beach Post, Dec. 13, 2012, <http://www.palmbeachpost.com/news/news/state-regional-govt-politics/dems-to-justice-department-probeflorida-election-/nTWRf/>.

⁶ Anne E. Marimow, —Long Voting Lines Blamed on High Turnout, Too-Few Poll Workers and Voting Machines, | Nov. 7, 2012, http://articles.washingtonpost.com/2012-11-07/local/35504612_1_poll-workers-electronic-machinestouch-screen-machines

as servers crashed and email inboxes overflowed with voters' absentee ballots and applications, disenfranchising an untold number of voters.⁷

Photo ID Requirements: Common Cause and its allies in the voting rights community have fought against unreasonably restrictive photo identification requirements because they prevent eligible voters from participating, impose enormous and unjustified costs on states, and do not serve the goals that are used to justify such laws.

Millions of citizens residing in states with these restrictive laws do not currently possess the requisite photo ID and may be unable to exercise their right to vote. Studies show that those without photo ID are disproportionately likely to be African American, Latina, low-income voters, young adults, senior citizens and people with disabilities. For many of these eligible persons, it is no simple matter to obtain the necessary ID – the hurdles involved can make doing so difficult, and in some cases, impossible.⁸

Deceptive Voting and Intimidation Practices: Usually targeted at minorities and in minority neighborhoods, deceptive practices are the intentional dissemination of false or misleading information about the voting process with the intent to prevent an eligible voter from casting a ballot. It is an insidious form of voter suppression that often goes unaddressed by authorities and the perpetrators are virtually never caught. Historically, deceptive practices have taken the form of flyers distributed in a particular neighborhood; in recent years, with the advent of new technology, “robocalls” have been employed to spread misinformation. Deceptive practices are often targeted toward communities of color, students, and other populations to suppress turnout. They are becoming more sophisticated through the use of hacking. For example,

- Virginia voters received robocalls claiming people could vote by phone just weeks before Election Day. The suspicious phone call incorrectly informed voters of the ability to vote early and over the phone, due to the possibility of long lines at the polls on Election Day.⁹ It is unclear how many voters received this call.
- Billboards in Ohio and Wisconsin were placed in predominantly African American and Latino communities as well as around student populations which displayed a massive gavel, and written text warning that “VOTER FRAUD IS A FELONY! Up to 3 ½ YRS

⁷ Bob Sullivan, —New Jersey's Email Voting Suffers Major Glitches, Deadline Extended to Friday, | Nov. 6, 2012, NBC News, <http://usnews.nbcnews.com/news/2012/11/06/14974588-new-jerseys-email-voting-suffers-major-glitches-deadline-extended-to-friday?lite>

⁸ Common Cause, Dēmos, Fair Elections Legal Network, Lawyers' Committee for Civil Rights Under Law, —GOT ID? HELPING AMERICANS GET VOTER IDENTIFICATION, | <http://www.commoncause.org/atf/cf/%7Bfb3c17e2-cdd1-4df6-92be-bd4429893665%7D/GOT%20ID%20FINA%204-18-12.PDF>

⁹ WDBJ, —Phone Scam Targets Voters, | Oct. 12, 2012, WDBJ7.com <http://www.wdbj7.com/news/wdbj7-2phonescam-targets-voters-20121012,0,7642527.story>

& \$10,000 Fine.” These billboards were placed with the clear intent to deter responsible, eligible Americans from voting by placing a stigma on these communities.

- Some Florida voters received letters in the mail, with what purported to be the state seal, falsely notifying them that their registration was purged.¹⁰

Challenges: In the months and weeks leading up to the 2012 election, groups with close ties to the Tea Party announced plans to recruit tens of thousands of volunteers to serve as poll watchers.¹¹ Although poll watching and voter challenges are legal in most states, there was substantial concern that ill-trained volunteer poll watchers would foster a climate of fear and intimidation at the polls. A leader of one prominent challenger group, True the Vote, told an audience of volunteers in Florida that poll watchers should make polling places feel “like driving down the road and looking up in that rearview mirror and seeing that there is an officer of the law following you.”¹² Disturbingly, the self-published poll watcher training materials that some volunteer groups disseminated contained false information about the voting process that had no basis in law and could have been used to justify illegitimate challenges that disenfranchised voters.¹³

- Groups organizing poll watchers to carry out challenges on Election Day were also training volunteers with proprietary software to scour voter registration databases and challenge voters’ registrations *before* Election Day.¹⁴ Unfortunately, their dubious investigatory techniques threatened to kick many eligible voters off the rolls – including students, elderly Americans, military voters and other transitory populations.¹⁵ The problem, according to one prominent professor of election law, is that “some citizen vigilantes see the law as they want it to be, not as it is. They hunt voters registered at a business address, ignoring the fact that small business owners or managers may live where they work. They hunt immigrants, ignoring the fact that non-citizens may have become naturalized. They hunt students and others in group housing, ignoring the fact that legal residence may not be intuitive.”¹⁶

¹⁰ Associated Press, “FBI joins probe of bogus FL vote purge letters

http://www.krqe.com/dpp/elections/president/FBI-joins-probe-of-bogus-Fla-vote-purgeletters_22206013

¹¹ Stephanie Saul, —Looking, Very Closely, for Voter Fraud,| New York Times, Sept. 16, 2012, available at http://www.nytimes.com/2012/09/17/us/politics/groups-like-true-the-vote-are-looking-very-closely-for-voterfraud.html?pagewanted=all&_r=0&pagewanted=print; Mariah Blake, —The Ballot Cops,| The Atlantic, October 2012, <http://www.theatlantic.com/magazine/archive/2012/10/the-ballot-cops/309085/>.

¹² True the Vote National Summit Remarks by Bill Ouren, April 27-28, 2012, <http://vimeo.com/42865480>.

¹³ Sam Levin, —True the Vote Promoting False Information, Possible Intimidation, Says Common Cause,| Denver Westword, Nov. 2, 2012, http://blogs.westword.com/latestword/2012/11/true_the_vote_false_information_voter_intimidation_colorado_com_mon_cause.php

¹⁴ A.J. Vicens & Natasha Khan, —Voters Feel Intimidated by Election Observers,| News21, Aug. 12, 2012, <http://votingrights.news21.com/article/poll-watchers/>.

¹⁵ Justin Levitt, —The Danger of Voter Fraud Vigilantes,| New York Times, Oct. 29, 2012, <http://campaignstops.blogs.nytimes.com/2012/10/29/the-danger-of-voter-fraud-vigilantes/>.

¹⁶ *Id.*

- In Ohio, a tea party group challenged at least 2,100 names on the voter rolls.¹⁷ Hundreds of students at Ohio colleges and universities faced challenges to their voter registration for the sole reason that they failed to include a dorm room number.¹⁸ This information was not required under Ohio state law.¹⁹ Fortunately, in many jurisdictions, all of these challenges were dismissed.²⁰

What Has Happened Since November 2012

The months following the election have been marked by both successes and setbacks in terms of election reform and improvement efforts. As with many things, election law, like elections themselves, is uniquely “local.” Absent a federal mandate or uniform legislation, progress toward a more efficient, free, fair and accessible election process can only be measured beginning with the current state of affairs in a particular state. To date, successes have included the adoption and/or expansion of early vote in several states, the adoption and/or implementation of online voter registration, the expansion of voter registration to allow registration up to and through Election Day, and the authorization of pre-registration of 16 and 17 year olds in several states.

In many cases, Common Cause has been at the forefront of these efforts to improve voting rights and access to the ballot. Common Cause has been the leader of the voting rights coalition, has formed alliances with forward thinking election officials and/or elected representatives and others, and has lobbied in the halls of the state legislatures in an effort to improve the voting process and experience for citizens of that state. Frequently, these efforts have led to the adoption of policies and laws that will truly make a difference in the election administration of that state. In other cases, the work of Common Cause has been and continues to be to build positive and productive relationships with state and local leaders and election officials in order to create a foundation for future reform.

- ***States Addressing Voting Reforms:*** Colorado – Adopted the Colorado Voter Access and Modernized Elections Act, which allows for registration through Election Day, eliminates the “Inactive Fail to Vote” status that made voters inactive if they failed to vote in a single general election, requires every registered voter to receive a ballot in the mail, while preserving options for voting in person at voter service and polling centers during early vote and on Election Day. A separate bill was passed allowing the pre-registration of 16-year-olds.

¹⁷ Michael Finnegan, —Tea Party Groups Work to Remove Names from Ohio Voter Rolls,| Los Angeles Times, Sept. 26, 2012, <http://www.latimes.com/news/nationworld/nation/la-na-ohio-voting-fight-20120927,0,1010709,full.story>

¹⁸ *Id.*

¹⁹ Josh Jarman, —Voter-Roll Challenges Dismissed,| The Columbus Dispatch, Sept. 25, 2012, <http://www.dispatch.com/content/stories/local/2012/09/25/voter-roll-challenges-dismissed.html>.

²⁰ *Id.*

- Connecticut – A resolution was passed to approve a constitutional amendment making possible early voting, no-excuse absentee balloting, and the implementation of Election Day registration. The issue will go to the voters for approval in 2014.
- Florida – A bill to expand the number of days of early vote and the hours required per day of early vote was approved. There was also a significant expansion of the options for early vote locations.
- Illinois – Within the last two weeks, online voter registration was approved, a tool that has generally increased voter registration and participation. It is also one of the few election reform issues that has almost consistently received widespread bipartisan support.
- Maryland – Early voting has been expanded from 6 days to 8 days, and there has been an increase in the number of early voting sites and the implementation of same day registration during the early vote periods.

While these reforms all point to better election administration, there are an equal number of instances where legislatures or election officials have been at work to roll back previous reforms, or to continue to push for restrictive laws. The setbacks have included laws to limit the period of early vote or to rescind same day registration. It is also a setback when legislation is proposed to implement photo ID or other restrictive policies, even if it is ultimately defeated. Given the ground that needs to be covered to achieve the goal of fair and accessible elections, maintaining the status quo is not forward movement to that goal.

Restrictive Voting laws still persist:

- Indiana – Efforts were made to prohibit college students who pay out-of-state tuition from registering to vote in Indiana. While Common Cause and other activists were successful in removing this concept from the proposed bill, the legislature did succeed in reducing the number of days of early vote in Indiana.
- North Carolina – An aggressive agenda that includes photo ID, a reduction in early voting, and the elimination of same day voter registration is being pushed by the majority party in the North Carolina legislature. To date, voting rights activists, including Common Cause, have not been successful in defeating these anti-voter proposals.
- Wisconsin: There was interest in repealing Same Day Registration. However, a state committee report concluded that it would cost the state \$5.2 million initially and \$1.9 million every 2 years thereafter to repeal Same Day Registration (because of the need to comply with NVRA which Wisconsin has not had to do previously). As a result, Governor Walker put his efforts at repeal on hold.

By no means is this an exhaustive list of the state of voting reform in the states. What this short summary illustrates is that efforts to “fix that,” as President Obama directed, are hostage to the local realities of where a state is starting from in its reform efforts, the whims of the controlling party, and the lengthy process that is legislative action in most states.

The health of our democracy and our right to vote requires *decisive action now* to ensure that *all* Americans can truly participate in our elections. Uniform and comprehensive reform is not only possible, but already outlined and embodied in the Voter Empowerment Act (VEA) (H.R. 12 & S. 123) and other pieces of legislation noted below. The VEA would go a long way to reducing long lines at the polls, reducing other significant barriers to voting, and ensuring that every vote is counted as cast.

Recommendations for Reform

We must continue the fight for free, fair and accessible elections.

Modernize: Bringing our elections into the 21st Century requires us to ensure that all eligible Americans are registered to vote. Four key reforms will increase accuracy and save on costs:

- *Automated registration* would allow election officials to automatically register eligible citizens by electronically transmitting reliable information from government lists, such as motor vehicle registration or driver’s license sources;
- *Portability* would allow an eligible citizen, once on the state’s voter rolls, to remain registered and to have her record move with her so long as she continues to reside in the state. This would eliminate the persistent problem of disenfranchisement due to moves;
- A *Safety Net* is a process that would allow eligible citizens to correct errors in their voter registration both before and on Election Day; and
- *Online Access* would allow voters to register, check and update their registration records through a secure and accessible online portal.

The VEA serves as a model to modernize our voter registration process. Based on the years of experience and data that Common Cause has accumulated through its voting and election protection work, there is no more fundamental problem with our elections than voter registration deadlines, restrictions and obstacles. Addressing voter registration with these reform proposals would make a significant difference in our election process.

Improve: To reduce long lines, we need to expand access to voting by broadening voting options – particularly early voting and no-fault absentee balloting. According to George Mason University Professor Michael McDonald, 34% of Americans voted early in 2012, and 12 states

saw increases in participation during early vote as compared to 2008.²¹ Yet, 15 states do not have *any* form of early voting (including some states that otherwise might be viewed as progressive such as New York, Michigan and Pennsylvania), and for states *with* early voting, the number of days varies greatly between states and counties. We need to adopt federal standards to determine the minimum days for early voting, locations of polling places, voting machine requirements, emergency and paper back-ups, poll worker training and provisional ballots. Congressman Miller’s “Streamlining and Improving Methods at Polling Locations and Early Voting (SIMPLE) Act” (H.R. 50) is a strong model for reforming early voting and polling place preparedness. Together with the VEA, it would be a foundation for true reform.

Secure: As the Commission considers the many ideas that will be presented to alleviate the problems of lines at the polls, it is highly likely that the idea of allowing voters to cast a ballot from their home computer or other device will be suggested. We urge careful thought and deliberation before the adoption of any such plans.

We are compelled to state: **Voting by Internet, Email or Fax is NOT a solution.** Cyber security experts at the Department of Homeland Security and at the National Institute for Standards and Technology have warned that because the security tools currently available would not be able to protect these votes from cyber-attacks, Internet voting is not recommended at this time because it places our elections at risk.²² While remote voting might seem like an appealing option to cash-strapped states and localities, the cons of remote voting outweigh the pros.

Additionally, any new funding allocated towards the purchase of new voting systems should only be appropriated if those systems produce a voter verifiable paper record or ballot that the voter can review. Without a paper record of the votes cast, there is no way for election officials to conduct a meaningful recount or to conduct post-election audits. And post-election audits to verify that the outcome of the election is correct should be mandatory. Too many times simple software glitches and human errors have led to miscounts which were caught by post-election audits. For example, in a municipal election in Palm Beach County, Florida, in March 2012, a problem with election management software allotted votes to the wrong candidate and the wrong contest.²³ The official results were only changed after a court-sanctioned public hand count of

²¹ http://www.capitalgazette.com/news/government/turnout-should-be-key-factor-in-any-expansion-ofearly/article_327f712c-1389-528b-b1b8-cc61a14ed29b.html

²² NIST Activities on UOCAVA Voting, <http://www.nist.gov/itl/vote/uocava.cfm>; Nelson Hastings et al., SECURITY CONSIDERATIONS FOR REMOTE ELECTRONIC UOCAVAVOTING, National Institute of Standards and Technology, United States Department of Commerce, February 2011, <http://www.nist.gov/itl/vote/upload/NISTIR-7700-feb2011.pdf>; Pam Fessler, —Online Voting _Premature, ‘ Warns Government Cybersecurity Expert,| NPR News, March 29, 2012, <http://www.npr.org/blogs/itsallpolitics/2012/03/29/149634764/online-voting-premature-warns-governmentcybersecurity-expert>

²³ George Bennett et al., —Recount Shows Wrong Winners Declared in Two Wellington Election Races,| Palm Beach Post, Mar. 20, 2012, <http://www.palmbeachpost.com/news/news/recount-shows-wrong-winners-declared-intwo-well-1/nLhmx/>.

the votes. States which do not conduct post-election audits have no way of catching these types of errors which can lead to the wrong person assuming elected office.

Protect: Intimidation and deceptive voting practices cannot be tolerated, bad actors need to be accountable, and penalties must be increased to prevent these acts from keeping people from voting. The Deceptive Practices and Voter Intimidation Act of 2011 (S. 1994 in the 112th Congress) was designed to protect voters across the nation from election fraud and voter intimidation by creating criminal penalties for deceptive voting practices and by giving individual voters the right to take action.

Addressing challengers is critical as state law is varied on how pre-Election Day and polling place challenges are made and resolved. There are certain practices that could better protect voters from unlawful challenges before Election Day or in the wake of overzealous volunteers self-policing at the polls.²⁴

Perhaps most importantly, voters should be protected from inappropriate behavior by poll watchers, which includes communicating directly with voters, or videotaping and photographing voters inside of polling places. Under absolutely no circumstances should a poll watcher be able to observe a voter's ballot.

Conclusion

No American citizens should question whether or not they have the right to vote, or if their vote will be counted. No Americans should wait for hours in a line to vote, only to be told they are not on the registration rolls when they took the steps necessary to participate. The stories of thousands of Americans who had trouble voting in 2012 define our current election process, and threaten the integrity of our democracy.

These problems are fixable. As you consider the issues, Common Cause has significant resources both nationally and in __ states around the country that can be mobilized to assist your efforts. If you choose to hold town hall meetings or forums outside of Washington, D.C., Common Cause is in a position and stands ready to coordinate and facilitate those gatherings. Because of our longevity in this work, and our nonpartisan position, we have been successful in working with election officials, building coalitions among civic engagement groups, and leading voting rights alliances around the country. We look forward to the opportunity to share with you our accumulated experience and grassroots perspective. We have been on the ground and in the lines with the voters. We are committed to working to “fix that” problem.

²⁴ For recommendations as to these practices, Liz Kennedy et al., BULLIES AT THE BALLOT BOX (Common Cause & Dēmos), September 2012, available at <http://www.commoncause.org/bullies>

If you would like additional information, please contact Jenny Flanagan, Director of Voting & Elections at Common Cause, at jflanagan@commoncause.org.

ADDENDUM A

Common Cause is providing links to the below reports to assist with the implementation of the Presidential Commission on Election Administration. Many of the challenges that voters face have existed for years, and we have spent significant time and resources considering various solutions.

Below, please find some of our research and reports, including:

- ***Counting Votes 2012: A State by State look at Voting Technology Preparedness*** (August 2012) published in collaboration with the Verified Voting Foundation and the Rutgers School of Law. [Executive Summary; full report available at: <http://www.countingvotes.org/>]. This report ranks the states' laws and procedures governing voting equipment and ballot reconciliation and audit procedures.
- ***Bullies at the Ballot Box: Protecting the Freedom to Vote Against Challenges and Intimidation*** (September 2012), published in collaboration with Dēmos. An analysis of laws in 10 key states governing voter challenge procedures and voter intimidation statutes and recommends best practices.
- ***Deceptive Election Practices and Voter Intimidation: The Need for Voter Protection*** (July 2012), published in collaboration with the Lawyers' Committee for Civil Rights Under Law. This report considers the sufficiency of state and federal laws governing deceptive election practices and recommends model legislation to address deception and intimidation in voting.
- ***Got ID? Helping Americans Get Voter Identification*** (April 2012), published in collaboration with Dēmos, the Fair Elections Legal Network, and the Lawyers' Committee for Civil Rights Under Law. This report provides step-by-step guidance for in-state organizations assisting voters who need to obtain identification in order to vote.
- ***Voting in 2010: Ten Swing States*** (September 2010), published in collaboration with Dēmos. This report reviews election laws and policies in 10 states, including voter registration issues, voter identification, provisional ballot availability, caging and

challenge laws, issues affecting new citizens and ethnic minorities, overseas and military voters and voter suppression matters. The report makes recommendations for best practices.

- [*Deceptive Practices 2.0*](#) (October 2008), published in collaboration with the Lawyers' Committee for Civil Rights Under Law and The Century Foundation. This report describes potential online deceptive election practices through a lens of technology and cybersecurity, including the dissemination of false or misleading information over the Internet, and examines existing state and federal laws governing this behavior. The report makes recommendations for best practices.
- [*Voting in 2008: Lessons Learned*](#) (November 2008). A post-election analysis of long lines, deceptive practices, registration problems, caging and challenges, and voter fraud.
- [*Getting it Straight for 2008: What We Know About Vote by Mail Elections and How to Conduct Them Well*](#) (January 2008). Vote By Mail elections can increase turnout by four to five percentage points in general elections and significantly more in local or off-year elections. This report also analyzes the advantages and disadvantages of vote by mail elections.

We look forward to the work of this Commission, and hope you find our information and materials helpful as you carry out your duties.