



June 21, 2013

To: Members of the Presidential Commission on Election Administration
From: Jacqueline Salit, President, IndependentVoting.org
Re: Statement for Public Comment

Defects in the electoral process are a serious matter. President Obama's decision to take a harder and more systematic look at such problems is timely. The question, of course, is *what* you look at and *how* you do the looking.

Defining the problems at hand is the Commission's first challenge. To do so effectively and without any partisan bias means taking into account a new development in the makeup of the electorate, namely that 40 percent of Americans identify as independents. The specific shortcomings and violations these voters encounter should be part of the Commission's agenda.

This Commission is bipartisan in design. We have noted that the Executive Order was amended to change the Commission from nine members to ten, perhaps to ensure an even partisan split. Whatever the motive, the Commission must take pains to be *nonpartisan*, not simply *bipartisan* in its approach.

I am the president of the largest organization of independent voters in the country. Access, ease and inclusion are top concerns of our movement. While the President's Executive Order does not distinguish between different stages of elections (primaries, run-offs, general) these different stages of elections raise distinctive concerns.

Primary elections—run as they are on a partisan grid except in two states—present a different set of shortcomings and violations, especially with regard to independent voters.

How primaries are conducted—and who can participate in them—is a controversial issue, the subject of ongoing litigation, legislative action and grassroots protest. The landscape is constantly changing and will continue to do so. While the scope of this Commission's

mandate is not to restructure the primary process (though we need to!) it must protect the rights that independents currently have.

For many independents, the voting experience on primary day can be discouraging.

- State and local boards of elections, as well as poll workers and supervisors, (generally limited to only Republicans and Democrats) are often ill-informed about who can and cannot vote in primaries. They misinform and miseducate the public accordingly.
- Non-aligned voters have been told they were not eligible to cast ballots in primaries where they were, in fact, eligible. In one instance, 50,000 independent voters were incorrectly turned away from the polls in a presidential primary.
- Some jurisdictions mail ballots to Democrat and Republican registrants, but independents are deprived of this convenience and have to visit their local board to request a ballot.
- Independent voters can be forced to sign loyalty oaths to be eligible to vote in some primaries.
- Voter lists are often provided to Democrats and Republicans free of charge, but not to independents.
- Poll workers don't understand the rules and, most importantly, election agencies do not invest in adequate voter education prior to the primary. This is especially a problem in states that have reformed their voting processes to include independents. This constituency is not informed and educated about their new status.

Independent voters are repeatedly given second class status. We have previously asked Congress to consider these problems, to no avail. I hope the Commission, operating at the behest of the President, will take a more enlightened and nonpartisan view of us. We want to be a vital part of our democratic process and we have every right to be fully included.

My organization and our network of independent leaders across the country are ready to assist the Commission in identifying and redressing these shortcomings. We hope you will call on us to do so.