

**United States Election Assistance Commission
Public Hearing**

RE: National Voter Registration Act (NVRA)

1225 New York Avenue, NW
Suite 150
Washington, DC 20005

The following are the Minutes of the Public Hearing of the United States Election Assistance Commission (“EAC”) held on Tuesday, September 21, 2010. The meeting convened at 1:34 p.m., EDT. The meeting was adjourned at 2:20 p.m., EDT.

PUBLIC MEETING

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 military voter covered by the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA).

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 Hillman's question concerning the type of comments submitted to date, Mr. Boehm stated that following the EAC's public hearing in Orlando, Florida, on August 18, 2010, written testimony was submitted from several organizations, in addition to an election director from Florida setting forth various recommendations, all of which have been posted on EAC's website. Following a brief discussion, Commissioner Hillman commented that it might be useful to receive recommendations about use of the National Mail Voter Registration form with respect to the increasing number of States that are allowing individuals under the age of 18 to register to vote.

In response to Commissioner Bresso's question of whether the public comment period could be extended in order to allow States additional time to comment, due to the federal election cycle and the possibility that some states would still be canvassing on November 23, Mr. Boehm commented, if this would be the Commission's desire, he would need to know two weeks before the close of the November 23 deadline in order to publish notice in the *Federal Register*. Commissioner Hillman enquired of Commissioner Bresso if election officials had stated they would comment if the deadline were to be extended. Commissioner Bresso explained that election officials have expressed an interest in commenting, but did not feel they could as their focus is on administering elections at this time. As this is the only forum for consulting with election officials, it would be beneficial to allow them an opportunity to weigh in on the form they will be administering, if they have a position or not. Commissioner Hillman explained that she wondered if it was a situation of "We will comment, just give us more time" or "We wish we had more time." Commissioner Hillman expressed that she would be disappointed if we extended the deadline for election officials and received no comment.

Testimony:

Brian Siebel, Legal Director, Fair Elections Legal Network (FELN), addressed the Commission to provide testimony suggesting that the EAC consider amending the regulations to permit an electronic version of the federal form to be filled out and signed by hand electronically, and then submitted via e-mail to the appropriate State election officials. Mr. Siebel also outlined how both State election officials and voters would benefit from this change in the regulations, in addition to addressing how electronic signatures are secure, current and consistent with Federal law.

Questions/Answers:

In response to Commissioner Hillman's question if there is anything in the National Voter Registration Act that would need to be amended in order to implement the use of electronic signatures, Mr. Siebel stated that it's FELN's view that the Act would not need to be changed, due to the fact that it meets the only two requirements, that of identifying information, and signing under penalty of perjury.

In response to Commissioner Bresso's question with respect to whether States would be mandated to change their voter registration form should the EAC allow/require an electronic signature on the Federal form, Mr. Siebel commented it's his view that States would only need to accept the Federal form, and therefore, they would not be required to change their individual registration forms. In response to Commissioner Bresso's final inquiry with respect to the process States would utilize if they didn't have the capability of accepting electronic signatures, Mr. Siebel explained that the way this could be accommodated is by the voter sending their signature via e-mail, as an attached PDF file, which the State would then upload and print out on a paper document.

Closing Remarks

Chair Davidson concluded the hearing by reminding everyone that the Commission's next public meeting/public hearing will be held October 14, 2010, in Pasadena, California. She encouraged the submission of comments to the proposed changes to the NVRA regulations or any other issues.

The public meeting of the EAC adjourned at 2:20 p.m.