

**Minutes of the Public Meeting
of the United States Election Assistance Commission
March 14, 2006**

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission ("EAC") held on March 14, 2006, at 1225 New York Avenue, Northwest, Washington, DC 20005. The public meeting convened at 10:00a.m. and ended at 12:30p.m.

PUBLIC MEETING

Call to Order:

Chairman Paul DeGregorio called the meeting to order at 10:00a.m.

Pledge of Allegiance:

Chairman DeGregorio led all present in the recitation of the Pledge of Allegiance.

Roll Call:

EAC Commissioners

EAC General Counsel Juliet Thompson Hodgkins called roll of the members of the Commission and found present: Chairman Paul DeGregorio, Vice-Chairman Ray Martinez III, Commissioner Donetta Davidson, and Commissioner Gracia Hillman.

Senior Staff

Executive Director Tom Wilkey and General Counsel Juliet Thompson Hodgkins.

Presenters

David Pierce, Virginia Department of Motor Vehicle Association; Sarah Ball Johnson, Kentucky State Board of Elections; Robert Saar, DuPage County Election Commission, IL; and Brenda Wright, National Voting Rights Institute

Adoption of the Agenda:

Chairman DeGregorio requested a change to the agenda to reflect that there will be one panel with four speakers, instead of three separate panels. Larry Goolsby of the American Public Human Services Association was scheduled to present his testimony, but was unable to attend due to a death in the family. He agreed to send his written remarks for the record.

Chairman DeGregorio asked for a motion to adopt the agenda. Commissioner Hillman moved to approve the agenda. The motion was seconded.

Motion carried unanimously.

Adoption of Minutes:

Chairman asked for a motion to adopt the minutes of the previous meeting. Commissioner Davidson moved that the minutes of the meeting of February 2, 2005 be approved. The motion was seconded.

Motion carried unanimously.

Reports:

None

Presentations:

National Voter Registration Act (NVRA): Perspectives from voter registration agencies, organizations and election officials

Presenter: David Pierce, Virginia Department of Motor Vehicle Association

Mr. Pierce discussed the process the Commonwealth of Virginia uses to register voters or change voter information under Motor Voter. Customer service representatives are prompted to ask customers who apply for a drivers' license or change of address if they want to update their voting status. If the customer declines, the representative continues the transaction. However, if the customer wants to update their voter registration, the computer system generates a pre-filled voter registration form and acknowledgment form. After customers sign their forms, all voter registration applications are submitted to an audit clerk at the end of each business day.

The audit clerk then reviews the voter registration applications and submits them to the customer service manager for his or her signature. Once signed, the applications and audit reports are sent to the State Board of Elections, where the applications are sorted and sent to local registrars. At the local level, each registrar processes applications and mails customers either a letter explaining why their application could not be processed or a voter registration card.

Mr. Pierce concluded that in an effort to improve the voter registration process at the request of local registrars, interest groups, state legislators, federal and state agencies, and citizens, the Virginia Department of Motor Vehicles (DMV) has enhanced its processes, and revised procedures,

forms, and computer systems. The current paper process is outdated and cumbersome. The DMV and State Board of Elections would like to make the process fully electronic.

Presenter: Sarah Ball Johnson, Executive Director, Kentucky Board of Elections

Ms. Johnson reported that the Commonwealth of Kentucky was the only state to fully comply with NVRA mandates by the January 1, 1995 implementation date. Of the many modifications Kentucky had to implement to comply, the most notable was the complete overhaul of the Kentucky statewide voter registration database. The database was originally created in 1973, and changes were enacted to accommodate the on-line connection with driver's license offices and social service agencies. In addition, modifications allowed for the addition of codes to adequately track registration source. In a ten year period, 1.5 million people registered to vote; 73% used NVRA sources.

Kentucky continues to face roadblocks, including getting motor vehicle and social service agencies to gather complete applications; and once complete, sending them to the local election officials in a timely manner. Another impediment is the cost of list maintenance required under NVRA, which requires two mailings before marking a person as inactive.

The NVRA form is easy to understand, considering all states have variations required information to register to vote. Some discussion has centered around changes to the ID section on the form. Kentucky strongly urges that the current language found in box 6 on the card and in the instructions should not be altered. Kentucky and several other states use full social security number as their unique identifier.

Ms. Johnson concluded that Kentucky vigorously opposes any changes to the form that would enable a customer to register to vote with a drivers' license number or the last four digits of a social security number. In addition, the NVRA should be modified to require only one mailing before marking a voter inactive.

Presenter: Robert Saar, Executive Director, DuPage County Election Commission (IL)

Mr. Saar reported that implementation of the NVRA in Illinois can be separated into two periods. Before the 2000 General Election, problems with the NVRA registration process were virtually unknown. Although strong suspicions regarding the process arose during this period, there were no systems in place to track or quantify these issues.

On General Election day in 2000, the full scope of suspected problems became a reality. Thousands of individuals went to the polls and found that no records existed that they were ever registered to vote. In response, the Secretary of State studied the deficiencies.

In cooperation with election officials, The Secretary of State created improved information systems to audit the registration process. One of the new features is a transmittal report, which was submitted with each update to the registration lists. In addition, monthly audit files are matched against local voter registration database to effectively identify registrations administered but never received. Finally, improved training and feedback for motor vehicle facility employees; better signage in Secretary of State Offices; and access to the Secretary of State database for verification of individual identities and driver's license number verification have all been effective in identifying errors and minimizing lost registrations.

After implementation of these enhancements, only 11% of all motor vehicle registrations are deficient. Typical deficiencies include the following: registrations voided by motor vehicle facility staff after the individual has left the facility, form not signed by voter, citizenship box not checked or checked by motor vehicle facility employee, and missing information on the registration form.

Another problem Illinois has faced is the unintentional registration of illegal aliens. Illinois elections officials are required to submit a letter of explanation before canceling such a registration; and they issue a certification of cancellation for the illegal alien's records. The citizenship box on the registration form has been an ineffective deterrent to illegal aliens because English remains an obstacle and some customers do not understand what is being asked of them.

Although there is no system for auditing or tracking errors for the Federal mail-in registration, the process appears to work well. Mail-in registrations account for as much as 40% of new registrations received before large elections. Most mail-in forms are sent directly to the proper election authority, which is an efficient and well-developed process. The biggest problem with the mail-in forms remains illegible handwriting. To counteract the problem, elections officials often contact individuals by mail.

The combination of amended state registration laws and NVRA has created some complex problems in Illinois. One solution is to simplify the registration process, which could lead to a problem similar to the Florida situation in 2000. Another solution is to address the problem with technology.

Mr. Saar concluded by noting that Illinois has witnessed NVRA's success in increasing the percentage of voting age citizens registered to vote in DuPage County.

Presenter: Brenda Wright, Managing Attorney, National Voting Rights Institute

Ms. Wright reported that poor state implementation of Section 7 of the NVRA is neither inevitable nor irreversible. Using nationwide data collected by the Federal Election Commission and the Election Assistance Commission, the National Voting Rights Institute found that voter registration applications from public assistance agencies had fallen 59% by 2003-2004 as compared with 1995-1996; while applications from all other sources increased by 22%. Eighteen of 40 states reported decreases exceeding the national figure, and 11 states, including Alaska, Arkansas, Connecticut, Indiana, Iowa, Louisiana, Mississippi, Missouri, Texas, Utah, and Virginia, reported declines of over 80%.

While caseloads in some public assistance programs have declined overall since the NVRA went into effect, these declines are not sufficient to explain the declines in voter registration applications through public assistance agencies. Demos, Project Vote, and ACORN have encountered public assistance offices that fail to offer voter registration services at all. In addition, when offered, some offices fail to offer voter registration at all required points of contact.

The most common violation is failing to offer voter registration services to clients changing their addresses, even though the NVRA specifically requires it. The NVRA Implementation Project has been providing technical assistance to fourteen states over the past two years to improve compliance with the law and create more effective and efficient voter registration services. The Project has found that small procedural changes can increase compliance.

Successful best practices have included:

- The Commissioner of an agency issuing a memo reminding all staff of their responsibilities under the NVRA.
- Ensuring that caseworkers encourage clients to complete voter registration applications in the office.
- Designating a voter registration coordinator in each public assistance office and one coordinator for the entire agency.
- Posting signs about voter registration in office waiting rooms and instructing workers to wear voter registration buttons.
- Assigning waiting-room voter registration responsibilities to a caseworker or receptionist in every office.

- Providing comprehensive and regular training to all employees on their responsibilities under the NVRA.
- Including voter registration materials in all mailings sent to clients who apply or recertify their benefits by mail.
- Using an automated, web-based system to improve tracking of all agency voter registration activities.

The increases in compliance from states that have made recommended changes are encouraging. In 2005 Demos worked with New Jersey's WIC program to clarify their understanding of the law and to aid in the development of new procedures. As a result, they expect a 350% increase in the number of individuals who will be offered voter registration services.

As the body charged with reviewing implementation of the NVRA and making recommendations for improvements in federal and state procedures, the EAC can play a powerful role in enhancing implementation of the public assistance provisions of the law. EAC should send a letter to governors, chief elections officials, and public assistance administrators reminding them of their responsibilities under Section 7 of the NVRA and suggesting best practices to facilitate effective implementation of the law.

The EAC has the potential to serve as a centralized clearinghouse for best practices, providing states with real-world tested solutions for effective and efficient NVRA implementation. While previous FEC and EAC reports have provided important insight into NVRA, data analysis has not focused on states' performance or trends over time. A more comprehensive analysis would be helpful in identifying states that are performing well and those that are experiencing problems. In addition to helping the states, more complete data tracking would facilitate a much more comprehensive analysis of NVRA's impact.

Ms. Wright concluded that while a great deal of attention is paid to the Act's "motor voter" provisions, the NVRA's public assistance provisions have been allowed to deteriorate with little notice. The NVRA Implementation Project has documented states' failures to implement the law; as well as steps states can take to significantly improve compliance.

Questions and Answers:

In response to questions by EAC Commissioners, Mr. Pierce reported that DMV employee training and Motor Voter are important issues in Virginia. The state trains new employees and performs refresher training.

Although Virginia would like to employ a fully automated system, including electronic information transfers, and digital signature, it needs funding for a system redesign.

Commissioner Hillman added that EAC should schedule another discussion on NVRA at a future meeting so that we could hear directly from representatives of Human Service Agencies and others affected by this important law.

In response to questions by EAC Commissioners, Ms. Johnson reported that the decline in social service agencies' voter registration is symptomatic of the national decline in voting. The training process and training manual at the Kentucky DMV are much like the Virginia process.

In response to questions by EAC Commissioners, Mr. Saar reported that the Motor Voter process should be automated. The statewide voter registration database will be complete and functional late 2007.

In response to questions by EAC Commissioners, Ms. Wright reported the need and benefits of an electronic process; and the effectiveness of the implementation project.

Adjournment:

Chairman DeGregorio adjourned the meeting at 12:30p.m.