

**Minutes of the Public Meeting
of the United States Election Assistance Commission
October 25, 2005**

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) held on October 25, 2005, at 1225 New York Avenue, NW, Suite 1100, Washington, D.C. 20001. The public meeting convened at 10:00 a.m. and ended at 12:20 p.m.

PUBLIC MEETING

Call to Order:

Chair Gracia Hillman called the meeting to order at 10:00 a.m.

Pledge of Allegiance:

Chair Hillman led all present in the recitation of the Pledge of Allegiance.

Roll Call:

EAC Commissioners

EAC Election Research Specialist Brian Hancock called roll of the members of the Commission and found present: Chair Gracia Hillman, Vice-Chairman Paul DeGregorio, Commissioner Ray Martinez III, and Commissioner Donetta Davidson.

Others Present

Executive Director Tom Wilkey and General Counsel Juliet Thompson.

Presenters

Susan Parnas Fredrick, National Conference of State Legislators; Holli Holliday, Project Vote; Adam Lioz, New Voters Project; and Ernest R. Roberson, Caddo, Parish, Louisiana.

Adoption of the Agenda:

Chair Hillman announced that the Christian Coalition was invited but not able to send a representative to present at this meeting. Commissioner Martinez moved to approve the revised agenda. The motion was seconded.

Motion carried unanimously.

Adoption of Minutes:

Chair Hillman asked for a motion concerning the minutes of the previous meeting. Vice Chairman DeGregorio moved that the minutes of the meeting of September 27, 2005 be approved. The motion was seconded.

Motion carried unanimously.

Reports:

Ms. Margaret Sims reported that over \$14,000,000 in requirements payments have been processed for Hawaii and Montana since the last public meeting. Michigan and Delaware are the only two states that have not received all of their FY 2004 appropriated funds. Both must submit amended state plans. Michigan has received a partial payment and will be requesting another such payment to buy voting equipment. Delaware will use its share of the money to maintain equipment mandated by HAVA and for voter education.

Ms. Carol Paquette reported that EAC received approximately 4,500 comments on the Voluntary Voting System Guidelines and EAC staff organized the comments into four subject areas: security, human factors, core requirements and testing, and glossary. Many comments focused on the document's format but the majority of the comments involved security or human factor issues. The Nation Institute of Standards and Technology (NIST) and EAC staff will develop a common format. Established review groups are comprised of staff from EAC, NIST and Kennesaw State University. The chairs of the three Technical Guidelines Development Committee (TGDC) working groups were also invited to participate.

Chair Hillman acknowledged that the adoption of the guidelines would be delayed due to the volume of comments. Executive Director Tom Wilkey agreed and stated that EAC understood the need to move as quickly as possible on the guidelines but reminded everyone of the need to make sure the review is thorough and properly researched.

Chair Hillman reported that conditions related to the recent hurricane prevented Lester Sola, Supervisor of Elections (Miami-Dade County, FL), from being able to participate in this morning's meeting. As a result, the one-hour break was eliminated and the agenda was adjusted accordingly.

Chair Hillman gave an overview of the three panels that were to present on the timely return of voter registration applications. The first panel would address the legislative efforts to encourage timely return of voter registration applications; the second panel would present the perspective of local election officials; and the third panel would close with the viewpoint of voter registration organizations.

Presentations:

Legislative Efforts to Encourage Timely Return of Voter Registration Applications

Presenter: Susan Parnas Fredrick, National Conference of State Legislators

Ms. Fredrick reported that in 2005, eighteen states passed 48 separate pieces of legislation on voter registration. The most comprehensive of the bills addressed

voter registration drives. New requirements for voter registration drives were established for Colorado, Louisiana, New Mexico, South Dakota, and Virginia. Additionally, Colorado requires a voter registration drive agent to register with the Secretary of State Office, fulfill training requirements, and use approved forms.

Twelve other states established new requirements for non-voter drive registration -- Arizona, Connecticut, Florida, Georgia, Idaho, Indiana, Montana, Nebraska, Nevada, New Mexico, Tennessee, and Wyoming. Montana's bill is unique in that it permits late registration past the cut-off deadline.

Ms. Fredrick's presentation summarized each state's legislative effort as follows:

- **Created new or changed existing legislation:** Arizona, Connecticut, Florida, Georgia, Idaho, Indiana, Maine, Montana, Nevada, New Mexico, and Wyoming.
- **Passed Voter Registration Drive Bills Featuring Timeframes and Process:** Colorado, Louisiana, New Mexico, South Dakota, and Virginia
- **Enacted Legislation Detailing How to Register to Vote and What Constitutes a Complete and Legal Application:** Alaska, Arizona, Montana, Nevada, New Mexico, and Wyoming.
- **Field Registrars or Deputy Registrars to Assist With Timely Registration:** Montana and Nebraska
- **Notification of Registration Cut-off Deadlines:** Nevada and Montana

Question and Answers:

EAC Commissioners and senior staff asked Ms. Fredrick a number of questions about the support for the new legislation and the reactions to the resulting changes; any trends resulting from the legislation; and the analysis of possible impacts from the legislation.

Ms. Fredrick reported that all of the measures had been signed into law by respective governors and that generally there was bipartisan support for the legislative changes. Election Day registration bills were introduced but were not passed and she suspected that the number of voter registration bills introduced was high because it was a popular issue. Louisiana and Virginia enacted legislation that calls for criminal penalties for tampering with voter registration.

Ms. Fredrick announced that her organization had not received any calls about the legislation from the public, advocacy groups, or third-party voter registration groups. She assumed that state legislators provided an avenue for interested parties representing all sides of the issues to

participate in finding solutions to the problems addressed by the legislation.

Ms. Fredrick stated that she did not see an emerging trend in regards to requiring voter registration agents to be trained, but thought that other states may look to Colorado as an example. She went on to say the legislative focus was to facilitate the registration process for voters and improve the notification process for registration cut-off dates. Ms. Fredrick did not feel that the new requirements were enacted to change voter registration deadlines or to stifle voter registration drives. She characterized the bills as being tweaks to the registration process rather than voter registration drive bills

Ms. Fredrick reported that her organization tracks the bills and one could find out who sponsored the new legislation. On the other hand, she noted that she had to do further research to determine the initiators (legislators, election officials, outside citizen groups) of a bill. Ms. Fredrick stated groups and individuals who conduct voter registration could learn about the new changes by going to state legislative websites, reviewing press releases, and checking with their Secretaries of State.

Ms. Fredrick said she would get back to the Commission with the number of states moving in the direction of tracking the state voter registration forms given out. She also stated that she could provide a list of election-related bills that were introduced but did not pass.

Local Election Officials

Presenter: Ernest R. Roberson, Caddo Parish, LA

Mr. Roberson reported that the state of Louisiana faced a major challenge during the 2004 Presidential election due to the delay in transmitting third-party voter registration applications to the Registrar of Voters offices. This hindered mailing address verifications and voter identification cards to applicants. As a result, the new election offense category was added to Louisiana law -- knowing or willful failure to submit an application from a registration drive within 30 days leads to a fine (up to \$1,000.00), imprisonment or both for a first offense, effective January 1, 2006.

Mr. Roberson stated that there was an increase in voter registration through the mail, over the internet, and through national based organizations. Since voter information is entered into the database manually, the Secretary of State Office had to assist Orleans Parish with its data entry, while other parishes relied on temporary workers and longer workdays for their employees. Mr. Roberson added eight additional workers to his staff so the information was entered in a timely manner.

Mr. Roberson went on to say that “Motor Voter” had worked well but the need for technological developments in many jurisdictions had not been funded or ever recognized. He went on to say that the growth of voter registration organizations, the power of the internet, and the attention by political parties to influence registration is healthy to our system. But the downside is that voter registration applications are not always submitted timely.

Mr. Roberson recommended that registration groups be required to furnish a receipt to the potential voter specifying that their application has been received, a name and phone number contact for the organization and a statement that the applications will be submitted within seven days. He continued by stating he would work with known voter registration groups well in advance of the voter registration season to stress deadlines, processing times and logistics in submissions to the Registrar’s Office.

Mr. Roberson encouraged EAC senior staff to consider the possibility of Hurricanes Katrina and Rita hitting in the same time period of 2004. He asked what would be done if there was a Presidential election? Mr. Roberson recommended a disaster plan for Presidential elections be reviewed in light of these uncertain times. Mr. Roberson concluded with the idea to consider a safety net type plan that would not involve legal and court challenges that the absence of such a plan guaranteed.

Question and Answers:

EAC Commissioners and senior staff asked Mr. Roberson a number of questions involving the table he had handed out, the impact of the voter registration process on local election officials, Louisiana’s statewide database, and his strategy for processing military and overseas voters.

Mr. Roberson went over the table he presented to EAC senior staff, which illustrated the workload during the 2004 Presidential election, for some of Louisiana’s major jurisdictions. Nearly 40% of Louisiana registered voters reside in five parishes. Although voter registration was overwhelming, there was not a problem with late registration because Louisiana had a September election in 2004 and many people began registering in August. The problem stemmed from receiving a large influx of applications downloaded from the internet or from voter registration groups all at once and close to the cut-off date. This caused administrative problems.

Mr. Roberson stated that Motor Voter had been extremely successful but election officials felt that they had more control over the tempo of their work before Motor Voter. To address the problem, he recommended that Louisiana update its current statewide voter registration database to interface with the Department of Motor Vehicle computer to avoid having election staff manually enter voter information. Many parishes cannot

keep up with emerging technology and it has been difficult for them to compete for the state funding needed to upgrade. Technological improvements and Louisiana's new law (effective 1/1/06) requiring submission of applications from a registration drive within 30 days should assist in improving efficiency.

Mr. Roberson reported that his office processed about 600 military voters in 2004. Military absentee ballots take longer to process so they are a priority in his office since Louisiana law states that military ballots have to be received by 8:00 p.m. on the close of the election.

Mr. Roberson recommended a pro-active approach when working with voter registration groups. Although training is not required, he has worked with known groups in his area for years to ensure they all are operating from the same page.

Voter Registration Organizations

Presenters: Holli Holliday, Project Vote and Adam Lioz, New Voter Project

Presentations:

Ms. Holliday reported that Project Vote partnered with the Association for Community Organizations for Reform Now (ACORN) in 2004 to operate voter registration drives in 26 states and 102 different cities. She stated that it is essential to work with community-based organizations to build relationships where votes happen and to register eligible potential voters. Ms. Holliday acknowledged that educating voters, training volunteers (state-provided and local clerk-provided) and working with local election officials would facilitate the process.

Ms. Holliday recommended that (1) the timeline for third-party groups to submit completed voter registration applications be the same as that given to a state agency under NVRA, no shorter than 10 business days from the time the application is completed; and (2) a guidance be developed to encourage election administrators responsible for selecting voter registration applications to validate receipt to the voter within 10 days.

Mr. Lioz reported that young voters are particularly mobile and this mobility makes forming consistent voting habits difficult. For that reason, many young voters are forced to register every year. Mr. Lioz advocated for Election Day registration to ensure that every eligible American may register up to and on Election Day. He also encouraged voting on weekends and holidays.

Mr. Lioz recommended (1) a reasonable deadline for the return of completed voter registration applications; (2) a penalty for knowing or willful failure to return applications in a timely manner; (3) better tracking of

voter registration forms throughout the registration process; and (4) a place on the voter registration application for recording the name and contact information of the third-party responsible for submitting the application.

Question and Answers:

EAC Commissioners and senior staff asked Ms. Holliday and Mr. Loiz a number of questions regarding their concerns about newly enacted legislation for voter registration activities, the third-party registration process, the reasons people do not vote and I.D. requirements.

Mr. Loiz stated that the new legislation enacted by the states on top of those mandated by HAVA is a continuing challenge for everyone. Shortened deadlines to submit voter registration applications in Georgia and New Mexico brought great concern to third-party registration groups. With Florida's instituting substantial monetary penalties for late submissions, regardless of the intent, Project Vote is discouraged about doing registration drives there. Ms. Holliday thought Colorado may follow suit. Mr. Loiz agreed with Ms. Holliday and affirmed that it was critical to hold people responsible for willful acts but at the same time, you don't want to chill legitimate efforts.

Project Vote supports a 15-20 day window prior to Election Day as an ideal time period for voter registration deadline. Ms. Holliday further stated that an increase in technology and the HAVA mandate for statewide databases would allow registration dates closer to Election Day. Mr. Loiz added that a deadline of zero days could be achieved if local election officials had the tools to do their jobs.

Ms. Holliday reported that Project Vote relies on the train-the-trainer model to train volunteers and have found it effective. She stated that there is an on-going monitoring process throughout the voter registration drive period and programs have been shut down if Project Vote standards were not being met. In addition to the training, Ms. Holliday relies on local election officials having a training guide or manual that Project Vote can distribute to registers.

Project Vote has a large group of volunteers but does have paid (mostly hourly) and stipend-based programs. The makeup of New Vote Project is basically the same. States prohibiting paying registers impact the type of program Project Vote will run in that state. Ms. Holliday reported that paid programs run longer, result in a higher volume of registrations and can be held more accountable for adhering to standards. Mr. Loiz agreed that flexibility to structure New Vote Project would make it easier to track what's going on and isolate problems that could be solved immediately.

Mr. Loiz and Ms. Holliday saw the implementation of statewide voter registration databases as an opportunity to open up and create a greater sense of transparency between individual voters and election administrators. Mr. Loiz felt that the databases would coordinate information sharing and eliminate barriers to Election Day registration. Ms. Holliday announced Project Vote's newly released 10-year collaborative study with Demōs and ACORN. They found a substantial decrease in voter registrations managed through public service agencies due to lawsuits against several states for enforcement of NVRA and the rise of Motor Voter.

Ms. Holliday acknowledged the stories of groups holding applications until the last week of closing or turning them in after the deadline, but cautioned that these instances represented a very small minutia compared to the volume of applications submitted. When irregularities were found, Project Vote referred to application copies to track who was accountable. Since Project Vote works in neighborhoods and communities, they can track faster than election officials with limited resources. Ms. Holliday stated that Project Vote continues to refine the methods used to register potential voters.

Ms. Holliday reported that many people do not register because they feel that their vote does not count or won't make a difference. She continued that many fear or are intimidated about the process due to uneasiness about how to vote, how to use the machines, or where to go. Mr. Loiz stated that his organization did not have such a problem because the youth feel they can make a change and their vote does matter.

I.D. requirements have been a struggle for third-party registration groups. Ms. Holliday reported that Project Vote focused on asking voters to look at their I.D. to check if it's acceptable and then to take it with them to vote. Stringent state requirements have prevented her organization from registering people, particularly the low income and those with no income, if they did not have acceptable I.D. This is especially true for students because of the high cost of state-issued I.D. in some states. Mr. Loiz added that requesting a driver's license as I.D. posed a problem for many.

Jim Dickson, a member of the EAC Board of Advisors, encouraged the Commission to look at a system Ernie Hawkins, former Sacramento County Registrar of Voters, had put in place to deal with the timely processing of new voter registration forms.

Adjournment:

Chair Hillman adjourned the meeting at 12:20 p.m.