

Public Hearing Testimony: Paddy McGuire, Deputy Secretary of State, Oregon - 06/03/04

**Testimony of Paddy McGuire
Oregon Deputy Secretary of State
Federal Election Assistance Commission
Optical Scan Best Practices Panel
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Mr. Chairman and members of the commission, my name is Paddy McGuire and I am Oregon's Deputy Secretary of State. It's an honor to be here today to talk about Oregon's unique system of voting—vote by mail.

Before I discuss vote-by-mail, I would like to say a note of thanks to the Congress and to the Commission for the funds that we have received to date. In what have been very difficult budgetary times for the State of Oregon—so much so that Doonesbury has lampooned our school system—having federal dollars available to improve elections systems has been fantastic. Since the first federal dollars arrived early last year, we have eliminated punch card voting systems entirely. Three of Oregon's four largest counties used punch cards through the 02 elections; so about one-third of our voters used that technology. We had a special statewide election in February and every voter used an optical scan ballot for the first time. In our May primary election, the new optical scan systems ran well and received much acclaim from the press.

We are also moving ahead with developing a centralized voter registration system. With our partners Saber Consulting of Salem, Oregon, we have completed the first of six phases of our contract and are on track to have a state of the art voter registration and election management system installed and running in 36 county election offices by the fall of next year. I hope that at some future hearing we have an opportunity to discuss our approach to this project since we are very proud of the work that we are doing.

As one of the first states to require a paper record for recount purposes from any voting machine, we have made a decision to defer purchasing accessible voting equipment until late 2005. We hope that by then the market will have matured and that there will be equipment that meets our needs.

So with that cursory look at Oregon's progress with HAVA implementation, I'd like to talk to you about how we use optical scan ballots in a vote by mail environment. First off, we've been doing vote-by-mail in Oregon for more than 20 years. What started as an experiment in a local election that spanned two counties has expanded over two decades to be the very popular way that we do the elections business. Simply put, we use the U.S. Postal Service to distribute ballots to voters and voters use the Postal Service or drop boxes to return the ballots to their elections officials.

Let me walk you through the calendar leading up to an election to show you how this works. Sixty-one days before an election, the Secretary of State certifies the ballot to county elections officials. Forty-five days before the election, the county clerks mail out the military and overseas ballots. Our voter registration deadline is 21 days before the election. Eighteen to fourteen days before the election, the clerks mail out the ballots to voters. What a voter receives is a packet like this, from my home county.

If we pull the contents out, you'll see a ballot, some new HAVA-funded information about how to complete and correct a ballot and two envelopes. A voter completes the ballot, seals it in the secrecy envelope, seals that in the return envelope, signs the outside and returns the ballot.

Upon receipt in the elections office, the bar code is scanned in and the voter registration system pulls up an image of the voter's registration card. An election worker compares the signature on the envelope with the image of the voter registration card. To my knowledge, other than New York State that has a digital image of the voter's signature in the poll book in the polling place, Oregon is the only state that does a positive match of signatures in the voting process.

If the signatures match, the ballots continue in the process. If the signatures do not match, elections officials will attempt to contact the voter to determine the cause. Often, the registration card is old and the signature has evolved over time. The voter merely fills out a new card and the ballot goes through.

We consider the signature match to be the firewall of security in the vote-by-mail process. To "steal" a vote, the thief would have to have access to the voter's mail, have access to the voter's signature and be a competent enough forger to simulate the signature. The voter would have to be unaware that an election is going on, because we encourage people that expect to receive a ballot and do not to call the elections office. A call from a voter claiming to have not received a ballot that had a ballot returned would launch an investigation.

After signature verification, the secrecy envelopes are removed from the outer envelopes, eliminating the ability to connect a voter with a ballot. The secrecy envelopes are opened and ballots removed. Because Oregon is a strong voter-intent state, we require that a bipartisan board inspect all ballots. The board looks for light marks, erasures and proper markings to ensure that the counter will accurately reflect the intent of the voter. The board can use an enhancement stamp with a particular shape that can be easily identified.

An election board duplicates damaged ballots (a more common experience outside the control of a polling place where voters will often vote with a cup of coffee). The original ballot and the duplicate are numbered so that in case of challenge, one can go back to see that the duplication was accurate. On Election Day, the ballots are counted using central count systems in county elections offices.

When people ask us about moving to vote-by-mail, the most important piece of advice we can give is to go slowly. As I said, the transition to a fully vote-by-mail system took Oregon twenty years. It started in local elections, spread to all special district elections, spread to all local elections, and then we had special statewide elections before an initiative expanded vote-by-mail to primary and general elections.

It's very popular: the initiative passed with nearly 70 percent in favor and a recent University of Oregon survey found that more than 80 percent of Oregonians like vote-by-mail. The survey also found that almost one-third of the respondents reported that they voted more often with vote-by-mail—particularly women, the disabled, homemakers and those aged 26 to 38 years.

Effectively, voters led the move to vote-by-mail with their feet, with more than 50 percent of voters signing up as long-term absentees at the time of our last non-vote-by-mail general election in 1998. We essentially had to run two parallel election processes, one vote-by-mail system and a traditional polling place system through 1998. This is the current situation in the state of Washington and in many counties of California.

Before I close, I'd like to discuss the criticisms of vote-by-mail. The criticisms fall into two categories: its impact on the sanctity of elections and their role in the community and whether it fulfills its promise of increasing turnout. I'll address each in turn.

Elections are important events. I remember well as a kid the ritual of going to vote with my parents, discussing the important events of the day and why it was important to participate. Vote-by-mail rituals are different. I make a point of sitting down with my ballot and my daughter and discuss who I am voting for and why and what measures I am voting for and against and why. It's a different ritual than I had, but I think a valuable one.

One of the most vocal critics of vote-by-mail, Curtis Gans, studies Presidential election returns and sees little positive impact from our system on turnout. I would contend that the value of increasing turnout is most evident in low-turnout election, not high-turnout elections. While turnout in special district elections in the single digits was not uncommon prior to vote-by-mail, today it rarely goes below 30 percent. While that's nothing to brag about, it's a huge improvement. Improving on 80 percent turnout in a Presidential election is pretty difficult, short of making participation mandatory.

So we consider vote-by-mail to be a best practice, but not one that we would advocate for immediate expansion around the country. We'd encourage states to get some experience at the local level and importantly get voters used to the new system before expanding it statewide. We believe that it combines excellent security provisions with voter convenience to strike the proper balance.

Thank you again for the opportunity to talk about Oregon's system.