

Minutes of the Public Meeting

United States Election Assistance Commission

Hyatt Regency on Capitol Hill

Yorktown Room

400 New Jersey Avenue, NW

Washington, DC 20001

Held on Thursday, February 7, 2008

VERBATIM TRANSCRIPT

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission ("EAC") held on Thursday, February 7, 2008. The meeting convened at 10:03 a.m., EDT. The meeting was adjourned at 12:55 p.m., EDT.

PUBLIC MEETING

CHAIR RODRIGUEZ:

Good morning. Welcome to the United States Election Assistance Commission public meeting of Thursday, February 7, 2008.

Please join me and the Commission in the Pledge of Allegiance.

[Whereupon, Chair Rodriguez led all in attendance in the recitation of the Pledge of Allegiance.]

CHAIR RODRIGUEZ:

Thank you. Madam General Counsel, would you call the roll please?

COUNSEL HODGKINS:

Thank you, Madam Chair. Members please respond by saying "here" or "present" when I call your name. Rosemary Rodriguez, Chair.

CHAIR RODRIGUEZ:

Here.

COUNSEL HODGKINS:

Caroline Hunter, Vice-Chair.

VICE-CHAIR HUNTER:

Here.

COUNSEL HODGKINS:

Donetta Davidson, Commissioner.

COMMISSIONER DAVIDSON:

Here.

COUNSEL HODGKINS:

Gracia Hillman, Commissioner.

COMMISSIONER HILLMAN:

Here.

COUNSEL HODGKINS:

Madam Chair, there are four members present and a quorum.

CHAIR RODRIGUEZ:

Thank you, Ms. Hodgkins. We're very pleased to be here today in conjunction with the National Association of Secretaries of State and National Association of State Election Directors where it's a great opportunity for us to connect with almost every election official from all over the State.

Our first order of business is the correction and approval of the minutes from the December 11, 2007, meeting. Is there a motion to adopt or correct?

COMMISSIONER DAVIDSON:

I move that we adopt the minutes of the meeting.

CHAIR RODRIGUEZ:

Okay.

VICE-CHAIR HUNTER:

Second.

CHAIR RODRIGUEZ:

It's been moved and seconded to adopt the minutes from December 11, 2007. Are there any comments, discussion on the motion? All those in favor? Any opposed?

COMMISSIONER HILLMAN:

Madam Chair, I abstain.

CHAIR RODRIGUEZ:

Okay, thank you. Three votes in favor of adoption and one abstention.

[The motion carried. Commissioner Gracia Hillman abstained from voting on the motion.]

CHAIR RODRIGUEZ:

The second order of business is the correction and approval of the minutes from January 17, 2008. Is there a motion to adopt?

Well, the first thing we have to do is adopt the agenda. Is there a motion to adopt today's agenda?

VICE-CHAIR HUNTER:

So moved.

COMMISSIONER DAVIDSON:

Madam Chair, I'd like to ask if you'd take a friendly amendment and add the name of Lee Page to the agenda. He's going to be a presenter in our first panel and his name wasn't on the roster. So if you would accept that friendly amendment.

VICE-CHAIR HUNTER:

Accepted.

COMMISSIONER DAVIDSON:

Then I will second.

CHAIR RODRIGUEZ:

The motion as amended is up for adoption. All those in favor? Any opposed?

[The motion carried unanimously.]

CHAIR RODRIGUEZ:

Thank you. Now we go back to the minutes of January 17, 2008.

Is there a motion to approve?

COMMISSIONER HILLMAN:

So moved.

COMMISSIONER DAVIDSON:

I second.

CHAIR RODRIGUEZ:

It's been moved and seconded to approve the minutes from January 17. Is there discussion on the motion? All those in favor? Any opposed?

[The motion carried unanimously.]

CHAIR RODRIGUEZ:

Mr. Wilkey, may we have the Executive Director's report?

EXECUTIVE DIRECTOR WILKEY:

Thank you, Madam Chair. I also wanted to add my welcome to those Secretaries of State who are with us today and some of my former colleagues from the National Association of Secretaries of State. We like to do this meeting with you every year and we look forward to it, and we would look forward to being with you throughout the year as well.

So let's get started with some of the activities that have been going on since our last meeting. I want to take this opportunity to recognize EAC staff for the work they've done to provide resources for voters with limited English proficiency. Their work was cited in a recent GAO report about providing language assistance to voters. Some of our activities include our Spanish glossary of election terminology, expanded Espanol section on the EAC Web site, more material than I've ever seen on a federal government Web site in this area, poll worker guidebooks that include information on servicing voters with limited English proficiency, effective designs and an elections report which includes information on how to design ballots and polling place samples in several different languages, translating the National Voter Registration Form into Spanish. And now some of our future activities in this area will include translating the glossary of election terminology into five Asian languages, which we expect to be completed in May, and future election management guidelines about servicing voters with alternative language needs. Check the language accessibility program section of our Web site to access these resources.

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Under HAVA funds, as you know, Congress recently appropriated \$115 million in requirements payments for the States. We have provided information about applying for these funds on our Web site. You'll see even expanded information on our Web site under this category and you'll find it under our homepage which is called "In the Spotlight." This will tell you the amounts which each State will receive, the matching amounts that will be corresponding to those amounts, application instructions, and how

to contact Edgardo Cortes who will be elaborating a little bit on this process during this meeting.

Under voting system testing and certification, the Lab Accreditation Manual is out for public comment and it's available on our Web site. We encourage everyone to provide input to this important document.

Our next roundtable discussions will be held on February 29th here in D.C. Go to the calendar on the EAC Web site for more information.

We recently issued letters to ES&S and to AutoMARK regarding ES&S's acquisition of AutoMARK reminding them of the reporting requirements of our certification program. These letters are available on our Web site under the voting system section.

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And I remind all of those who periodically look at our Web site that all of this information is kept up-to-date almost on a daily basis. When we send out letters, they immediately go on our Web site so that you can keep track of them.

We have approved MicroVote's test plan, which is also available on our Web site.

Our annual report is now available also on our Web site, and we have hardcopies here outside the door. It's an excellent publication. Our communications job did a superb job this year, and we hope that you pick up a copy on your way out. Also, we have at the desk outside all of our Quick Start Guides which includes the newest ones that we have just published, and we hope that you will stop and pick those up as well.

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The EAC distributes a monthly electronic newsletter that provides updates on our activities, upcoming meetings, and other HAVA-related issues and the best way to receive frequent updates to our voting system program. To sign up you can call us at 866-747-1471 or get in touch with us at havainfo@eac.gov.

And I urge all of you who are in the audience that we have an excellent Web site. We've been told that it has more information than many other federal agencies. We work very hard to keep that up-to-date and I urge you to look at it frequently because we're always on daily activities keeping it up-to-date.

One other thing I wanted to mention you, which you will also hear in Mr. Edgardo Cortes' report today, that many of you knew our former colleague at the EAC Peggy Sims. Ms. Sims has retired from federal service. We will miss her dearly. She has been a valuable asset to our organization and has, as many of you who have been around for awhile, know her from the FEC clearinghouse where she was for many years. We certainly wish her well and I know that Edgardo will also be briefing you on that.

That is my report, Madam Chair. ~~Are there any questions?~~

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CHAIR RODRIGUEZ:

Thank you. Mr. Wilkey, I understand that our Web site had a lot of activity on "Tsunami Tuesday."

EXECUTIVE DIRECTOR WILKEY:

Yes.

CHAIR RODRIGUEZ:

I wonder if you might include that in your comments.

EXECUTIVE DIRECTOR WILKEY:

Yes, I will. In fact, we were prepared for an avalanche of telephone calls as usual and what we found that throughout the day we weren't getting the usual number of calls, but when we looked at the stats for the people who are visiting our Web site it was remarkable. And so we are in the process of adding some extra speed to that with our contractor. I don't have the exact number of visits. Is Jeannie here? Jeannie, what were the number of visits, do you recall, on primary day?

JEANNIE LAYSON:

I don't have that information here.

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EXECUTIVE DIRECTOR WILKEY:

We'll get that and put it in our report for next month, Madam Chair.

But it was a major, major increase.

COMMISSIONER DAVIDSON:

Over 25,000.

CHAIR RODRIGUEZ:

I see Brian. It was in the multiple of thousands is what I got.

COMMISSIONER DAVIDSON:

I was going to say over 25,000 in my memory.

CHAIR RODRIGUEZ:

So the voters are finding the EAC, which really is encouraging to all of us.

Are there any questions for Mr. Wilkey?

COMMISSIONER HILLMAN:

I do. Mr. Wilkey, I don't want to put you on the spot here, but I was asked a question yesterday and I wasn't sure that the answer I

gave was correct. What has been certified under EAC's certification program? Any software, anything?

EXECUTIVE DIRECTOR WILKEY:

None as yet.

COMMISSIONER HILLMAN:

Nothing?

EXECUTIVE DIRECTOR WILKEY;

None as yet.

COMMISSIONER HILLMAN:

Okay, thank you.

EXECUTIVE DIRECTOR WILKEY:

We're close to our first one I believe, but none as yet. That's why we encourage, Commissioner, everyone to check out our Web site on a daily basis because those things, the ink isn't even dry before we put it up on our Web site. But we have none yet. We will have some shortly I hope.

COMMISSIONER HILLMAN:

Was I then thinking that something might have been certified under our interim program before we adopted the -- was there anything during that phase? No?

EXECUTIVE DIRECTOR WILKEY:

We may have had a software update, but I would have to check with Mr. Hancock.

COMMISSIONER HILLMAN:

Okay, thank you.

COMMISSIONER DAVIDSON:

My memory was there was two software updates that were just very minimal type of a change during that period. But also, as Mr. Wilkey has stated, we are very close, is what the reports have been from Mr. Hancock getting through that process.

COMMISSIONER HILLMAN:

Thank you.

COMMISSIONER DAVIDSON:

Reviewers are reviewing the test.

CHAIR RODRIGUEZ:

Any further questions for Mr. Wilkey? Thank you, Mr. Wilkey.

We now move onto new business and the ~~Free Absentee Postage Study~~. I'll introduce all of our speakers and then hand it over to Ms. Lynn-Dyson who will organize testimony.

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Our first speaker this morning will be Karen Lynn-Dyson who is the Director of the EAC's Research Division and shepherd of this particular study. With Ms. Lynn-Dyson is Mr. Ernest Hawkins, a/k/a Ernie, who is an election consultant and has literally decades of experience with a number of counties in California; the City of Henderson, Nevada; Fulton County, Georgia; Montgomery County, Maryland. He's assisted us here at the EAC, the ~~Public Law Group~~ and others. And until August of 2003 he was the Director of Voter Registration and Elections in Sacramento, California. He was Elections Director for 23 years and was actually with the county for 39 years. Mr. Hawkins has held numerous positions with The Election Center, been on its Board of Directors since its inception and has served in various capacities with NACREC, the National

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Association of Clerks, Recorders and Election Officials, and NACO, the National Association of Counties. So welcome Mr. Hawkins.

Also joining us this morning is Lee Page, and Mr. Page is the Associate Advocacy Director of the Paralyzed Veterans of America. Mr. Page joined the Advocacy Program of the Paralyzed Veterans of America as an Associate Advocacy Director in January of 1990, so you've got some number of years of service. In his role as Associate Director, Mr. Page works to ensure the rights of people with disabilities by advocating for the removal of barriers through interaction with the Congress, the Administration, federal agencies like us here the EAC, other disability organizations, private business and the general public. His areas of responsibility include Medicaid, Medicare and long-term care, civil and disability rights, the ADA, and voting issues. He's a native of South Carolina and graduated from Wolford College with a bachelor's degree in government, and he's a neighbor from Falls Church, Virginia.

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Also here this morning is Mitch King. Mr. King is the Manager of Government Relations representing the United States Postal Service. He's one of several managers in government relations at the United States Postal Service headquarters in Washington, D.C. and is responsible for Congressional liaison and legislative activities. He manages Postal Service Congressional liaison activities for ten States and is responsible for postal-related legislative activity within the House Appropriations Committee, an important Committee to both of us. Mitch has also been actively involved in the Postal Service's election mail program and serves on The Election Center sponsored Election Mail Task Force. Mr.

King has a bachelor's degree in political science from Emory and Henry College and began his career with the post office in 1973.

Ms. Lynn-Dyson,

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MS. LYNN-DYSON:

Thank you Commissioners, General Counsel Hodgkins, and Executive Director Wilkey. I'm pleased to come before you today with the results of an 18-month study on the topic of free or reduced postage for the return of voter absentee ballots which has been conducted by The Election Center and several of its contractors, namely Braun Research and IFES. EAC staff has reviewed this final report along with the findings from the national voter survey and the focus groups that were conducted and have found these studies to be methodologically sound. We have also determined that the findings and conclusions that are presented in the report are accurate, to the best of our knowledge.

The random sample of 1,200 voters and the series of focus groups conducted in seven different locations have provided us with a very good read of the attitudes and opinions of select groups of voters on this topic of free postage for absentee ballots. Furthermore, the contractors have done a good job of identifying and framing an initial series of policy issues and key concerns related to making a free absentee ballot postage voting program operational.

The Election Center has provided EAC with a beginning set of questions for the Commission to consider as it performs a more in-depth inquiry into the various financial costs that would be incurred by the U.S. Postal Service and by local election

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jurisdictions who might be responsible for implementing a free absentee ballot postage program. The results of this qualitative research into the topic of free postage for absentee ballots provides us with valuable information from the voters' perspective. It also provides EAC with a backdrop against which the Commission can frame its next stage of inquiry.

The results of the national survey also provide interesting insights into voters' overall understanding of the voting process and their voting behavior during the past two general elections. These insights are of interest to EAC as it considers future research studies and projects, namely, initiatives the Commission might undertake to educate voters about the absentee voting process.

In order to fulfill our statutory requirements under HAVA regarding study of this matter, I anticipate that EAC will as a next step perform an in-depth assessment of the risks, costs and benefits, along with a detailed policy and gap analysis that will examine the advisability and feasibility of implementing a free absentee postage policy.

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I conclude my remarks by recommending to the Commissioners that the EAC accept the study and its findings as they have been presented by The Election Center in a final report submitted to EAC on January 26, 2008. Thank you.

CHAIR RODRIGUEZ:

Thank you, Ms. Lynn-Dyson. And now how are we going to proceed?

MS. LYNN-DYSON:

Pardon?

CHAIR RODRIGUEZ:

How are we going to proceed?

MS. LYNN-DYSON:

Mr. Hawkins will make his remarks and -- make his presentation and then his colleagues will follow with their testimony.

CHAIR RODRIGUEZ:

Thank you. Welcome.

MR. HAWKINS:

Chair Rodriguez, Commissioners Hunter, Davidson and Hillman, Counsel Hodgkins and Executive Director Wilkey it's a pleasure to be here today and to present our report, and thank you for allowing us to participate in this process.

Before I begin I want to publicly thank your staff, particularly Karen Dyson and Laiza, for their assistance with this project for the last 18 months. And even though the process looks relatively simple it has been time consuming and complex.

The purpose of the study was to examine the feasibility and advisability of establishing a program under which the United States Postal Service shall waive or otherwise reduce the amount of postage applicable to absentee ballots returned by voters in general federal elections. For your Commission to appropriately determine a recommendation to Congress you awarded a contract for the study of free or reduced postage to include a national survey, as well as input from focus groups like the Postal Service and from those in the elections community. I'd like to take this opportunity also to thank the Postal Service for their cooperation and assistance throughout this project.

The overall contract was managed by The Election Center and included a survey of voters by Braun Research, and I'll tell you a little more about them later, and the focus group studies which were coordinated by IFES.

For ease of reading, the report that you have before you it's divided into three parts. The first is an executive summary integrating all of the data including the survey and the focus group and the expertise of the researchers, a section on the survey itself and the data analysis, and a section on the focus group data.

There were four activities that I would like to tell you about. The first was a literature review, the second was the use of free postage already in use, the survey itself, and the focus groups.

Before beginning the research project The Election Center completed a literature search. More information about the methodology and results are part of the PowerPoint presentation. We did this with no cost to the Election Assistance Commission. It was conducted by Dr. Robert Montjoy, Professor of Political Science at New Orleans University. The searches that were used included the databases that are shown on the screen, which some of them are unique to institutions of higher learning. The literature review included such search terms as are shown up here on the screen; absentee, absentee vote, free postage mail, mail-in vote, postage absentee ballots, return postage, return postage vote, vote and postage, and voting. The literature review revealed that there was very little or actually nothing directly on point. There was other literature available that included the effects of postage on mail surveys, specifically an invitation to scholars where postage was

applied to half of the invitations and not to the other, and there was some literature on the cost of voting. I provided references in an earlier draft that staff has for your reference should you need it. Because this was beyond the scope of the project, that's as far as we went. We also asked the National Association of State Election Director members if they knew of any literature on point and none did.

We also asked the State and local election officials through the NASED membership if any of their jurisdictions were already providing free or reduced postage to voters for the return of absentee ballot. We contacted each of the jurisdictions that were identified by the State election directors and asked them for before and after data, specifically data on voter participation prior to applying free postage and after. Many of the jurisdictions were asked many times for this information. We provided an incomplete draft of this informal survey in the original draft that you received back in the summer, but again this was beyond the scope of the project it wasn't completed.

Before we began the survey, questions were drafted and submitted to your Commission, to the Postal Service, to The Election Center's National Postal Task Force, to several State and local election officials, and to advocacy groups surveying the targeted audiences. Once we had agreement from everyone we began the survey process.

The survey results are based on telephone interviews conducted under the direction of Braun Research. Braun is a privately held marketing and public opinion research firm

headquartered in Princeton, New Jersey. They've been recognized by USA Today and several others for their efforts in the public opinion industry. Braun Research has been providing services to both commercial and non-profit organizations since 1995. Braun operates four telephone call centers in the United States. One call center is located at their headquarters in Princeton, New Jersey, the others in Stanton, Nebraska; Memphis, Tennessee; and, Portland, Oregon. They operate over 200 computer-assisted telephone interviewing equipped stations.

The national survey included a sample of 1,205 adults that were at least 18 years of age. The interviews were conducted during the period of August the 7th through 30th of 2007. These data were collected by using a random digit dial methodology to generate random samples of telephone households in the United States. With each household one respondent was selected by choosing the one with the most recent birthday. These data were weighed using demographic weighting parameters derived from the 2000 census. The results were weighted for age, race, education and region. With the results of the total sample one can say with 95 percent confidence that the error attributed to the sampling is plus or minus 2.8 percent of the findings.

The survey findings indicate that while free postage is an attractive option for some it may have only limited effect on voting behavior. The survey data indicates that a system of free postage compounded with other measures to enhance awareness of the State's policies and improvement in the reliability and security of the overall absentee voting process is likely to generate a more

positive impact on voting behavior than a stand-alone system of free postage alone.

The survey findings essentially indicate that Americans welcome the opportunity of choosing whether to vote in person or by absentee ballot. About two-thirds of the respondents say that they strongly are somewhat in favor allowing people to vote either by mail before Election Day or at a traditional polling place on the day of the election while only a quarter of the respondents are opposed to having that option.

When asked whether having the option to vote in person or by mail before Election Day without having to pay postage would increase their ability to vote, about 30 percent indicated that they expected free postage to make it more likely they would vote, yet two-thirds of Americans believe it would make no difference in their ability to vote. Young Americans age 18 to 29 are more likely to expect free postage to increase their tendency to vote, as 40 percent of them say free postage makes it more likely that they will vote. In comparison, only 17 percent of those who are 65 or older believe that free postage will make them more likely to vote.

In the 30 percent who say the option of free postage would increase their likelihood of voting, when probed further on the issues a strong majority, 70 percent, say it is a lot more likely that they would vote, with 29 percent who say it is only somewhat more likely. Across the age group there's overwhelming agreement among those who say free postage would increase their likelihood of voting, majorities agree that free postage makes them a lot more likely to vote.

Individuals with disability and those without share a similar opinion on the option of being able to vote by mail without paying postage. Indeed, individuals with disabilities do not demonstrate a greater likelihood of voting as a result of free postage than those without disabilities. The results indicate that individuals with disabilities and those without have a roughly equal likelihood of voting by mail if free postage is available. Similarly, low-income and middle to high income Americans also demonstrate a roughly equal likelihood of voting if they do not have the option of voting by mail without paying postage. Of those who say voting by mail with free postage increased their likelihood of voting, about half attribute this to the convenience and flexibility of this option. Within the same context, a quarter of the respondents say that the option will help them avoid the hassle of finding transportation to polling places, getting there on time, and fighting crowds at the polls. Some 23 percent of the respondents say that voting by mail makes the process much faster than if they had to vote in person.

This next chart that is on the screen now is not the easiest to read, but in your briefing book it's under tab six, page 15, and I'll be referring to that chart for a few minutes. When those who expect the option of free postage to increase their ability to vote when asked whether they would still vote if they were required to pay postage, 70 percent of the respondents say that they would still vote versus two in ten who declare that they would rather vote in person in that case. Respondents with disabilities are more likely to say that they would vote by mail anyway is confirmed by a sweeping majority, 89 percent. Meanwhile, African-Americans are

more likely to say that they would resort to voting in person, 37 percent; while white respondents, 16 percent, say that they would be more likely to vote at the polls if they had to pay postage and were to vote by mail. Majorities across all age groups say that they would vote by mail whether postage was paid or not if given that option.

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When asked why they would still vote by mail if postage is not free 46 percent of the respondents reiterated that voting by mail is convenient, some 15 percent said that voting by mail helps them save time explaining that they were too busy to vote at the polls. For some respondents, 12 percent say that even if they have to pay postage voting by mail would still be cheaper than the cost they would incur for gas or other transportation to get to their polling place on Election Day. Similarly, 11 percent of the respondents argue that by voting by mail helps them avoid the hassle of getting to the polls and waiting in long lines. Meanwhile, 9 percent of the respondents considered that voting by mail even when postage is not free remains a good alternative for the sick, disabled or elderly voters, as well as those with low-income or those stuck in adverse weather conditions.

This next slide shows you the demographics of the sample population. Again there were 1,205 total respondents roughly equal number of male and female. Voters who identified themselves with disabilities was 14 percent, 85 percent without disabilities, 22 percent low-income, and 60 percent middle to high income. A summary of that, 14 percent were voters with

disabilities, 22 percent low income, and 29 percent over 55. Those were our three target groups.

The raw data for the survey was provided to your staff and is a part of your files for this project.

Before beginning the focus groups, the Moderator's Guide, which included the subjects to be covered, and the proposed locations of focus groups were reviewed by the Postal Service, The Election Assistance Commission staff, and members of The Election Center's Postal Task Force. The original Postal Task Force was chaired by then Colorado Secretary of State Donetta Davidson. The current chairs are Jill Lavine, Registrar of Voters in Sacramento County, California, and Bill Cowles, Supervisor of Election in Orange County, Orlando, Florida.

All of the suggestions from all of these groups were incorporated into the guide and in the case of the Postal Service additional focus groups were scheduled. This involved an additional agreement with the Election Assistance Commission which was obtained and approved by the Commission. Once everyone was satisfied, the focus groups were scheduled.

As a part of the effort to determine the effect of free or reduced postage on absentee voting, a series of focus groups were held throughout the country. Three focus groups were held with each of the three key populations thought to benefit from the use of reduced or free postage and/or the use of vote by mail ballots; citizens with disabilities, senior citizens, and citizens in low-income communities. These focus groups took place over a four-week period. The research team auto-rated the focus groups and the

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average time for each group was approximately one hour.

Participants for the focus groups were recruited by local civic society organizations serving the three communities being studied. The participants were selected under the direction of the research team who performed the final step in the recruitment process by interviewing interested individuals over the telephone and making the final selections of the participants for the focus group sessions.

The focus groups took place in facilities provided by the local civic society organizations or in public facilities which were available for use. All focus groups were held in rooms that were secure with both a video recorder and an audio recorder for follow-up analysis or archival purposes. I have copies of the tapes and will make them available to you or your staff on request. In addition to the moderator, an assistant took notes and assisted with the logistics during the meeting. I have copies of these notes and I have made them available to your staff in earlier drafts of the report.

One or two observers represented the contractor and the Postal Service were present during each of these focus group meetings. The targeted groups of low income, elderly, and/or individuals with disabilities on the issue of voting through the mail and whether postage for such an effort should be reduced or free is structured in a manner that may give answers that would not necessarily be representative of all voters or perhaps even greater numbers if greater numbers were studied. Therefore, readers of the report should be cautioned and reminded that the study deals with very small subsets of voters talking through an issue that they

may not have given great consideration to prior to gathering for the focus group. While the results of the focus groups are valuable in a sense of discovery, time, and money, they did not permit the researchers to do enough groups to compare extensively the responses of these respondents to a larger sample such as voters at large. The study does present findings of the participants in the focus groups where the findings are sufficient to draw policy conclusions needs to be viewed with some caution.

The findings from the focus groups indicate that the participants in the groups within all three populations are generally supportive of a system of free or reduced postage. The findings also suggest that free or reduced absentee postage could play a small role in increasing access to voting and voter turnout if the system were to become an option for voters where it is not already, and especially voters in the population that were the target of this study.

This finding is tempered by the fact that most respondents have significant concerns about absentee balloting in general and feel that they must be addressed in order for free or reduced postage to be viable. One of the interesting statistics from the focus groups was that over 30 percent of the individuals that were in the focus group didn't know whether they were eligible to vote by mail or not.

Recommendations for absentee balloting in general and free postage in particular are detailed in the report. There's a lot of information that I won't cover today that dealt with the question of voting by mail in general and not specifically on the issue of free or

reduced postage. I'm going to cover only the free or reduced postage portion of the responses.

One specific recommendation for free or reduced postage is that the system of free postage is much more preferable than a system of reduced postage for absentee voting by mail. Many of the respondents in the focus groups stressed that the attractiveness of free postage derives not from the cost factor but from a convenience factor. They believe that if one does not have to obtain the correct postage for mailing in an absentee ballot it will increase the convenience and make voters more likely to use absentee ballot. The convenience factor is particularly important for voters who suffer from limited mobility due to a disability or age related ailment. Conversely, many participants felt that if voters had to first determine the proper amount of postage even though it was reduced it may cause inconvenience that would not make reduced postage an option for many voters. While the focus group findings suggest that free and not reduced postage for absentee balloting may be an attractive voting option for the groups that are represented in the focus groups, it may not be viable or even advisable until specific concerns about absentee voting by mail are addressed, even though specific measures are being taken to address these concerns or through informing voters about steps already in place to address their concerns. The number one concern of the focus groups was fraud.

An overview of the demographics for focus group participants is included in the report and is on the slide.

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The focus groups, there were 62 people. The breakdown of gender, there were 32 males, 34 females. You can see the race breakdown there, 32 black, 31 white. Education level is shown on the next slide. The highest level of education: high school or less, 18; some college, 23; college graduates, 12; post-graduates, 11. Age group: you can see there, 18 to 25 year olds there were two; 25 to 34, seven; 35 to 44, nine; 45 to 54, 14; 55 to 64, ten; and 65 and older 22. Total sample 67. I think I said 62, but it was 67.

In conclusion, it may be more appropriate to read this study as considering free or reduced postage for the return of absentee ballots without specifically considering whether it is the United States Postal Service that will have to absorb the cost of implementing either reduced or free postage. In working with the Postal Service, and I'm sure you'll hear it later from Mr. King, it's clear from information provided that Congressional authorizations for reduced rate funding for certain mailers resulted in a \$1 billion shortfall for the USPS back in 1990. The question for policymakers then, has to be at least twofold; Is it desirable to have free/reduced postage for mailed ballots? And if so, how should funding for such a program evolve?

One cautionary note about all of the information that we provided in the report is that readers must consider that surveys of voters sometime lead to conclusions not born out by actual experience. Historically voters respond to surveys by the U.S. Census Bureau and other interviews with numbers saying that they had voted at considerably higher percentage rates than statistics would show. While the survey instrument for this survey attempted

to survey actual voters, there was no matching of data of survey respondents with actual voters. Similarly when asking voters why they don't vote or conversely, if changes were made to voting would they vote, none of the changes made to the process seemed to work to increase voter participation, with the possible exception of those States that have expanded voting by mail, such as Oregon and Washington. And even then it may be too soon to tell if voting by mail will eventually return participation numbers to historical patterns.

The study of voters included in the study indicate that 84 percent of Americans reported that they voted in person at a polling place in recent elections and only 13 percent of the survey respondents indicated that they voted prior to Election Day. While the survey data shows that the focus group studies validation is a mixed message while voters conclude that free or reduced postage may increase voter participation, the overwhelming majority of voters conclude that it will have little influence over their decision to return a ballot or to vote. 30 percent of Americans indicate that they would be more likely to vote if postage were provided, 70 percent of those with disabilities say that they would be a lot more likely to vote if postage is free, but 89 percent of the group say they will still vote even if postage is not free. 70 percent of those with disabilities would like to have the option of voting by mail and free, not reduced, postage becomes necessary for them since they have limited mobility to find a location selling stamps and have limited income. 65 percent of Americans favor having the option to vote by mail whether free postage is provided or not.

On the issue of free versus reduced, what has become clear in our analysis is the question is not one of reduced but one of free. If a program is sought, it will have to be with free postage. Reduced postage does not help targeted groups. It still leaves them having to find and obtain stamps or a place to vote. What happens if they're one or two cents short or a nickel short or a dime short? The difficulties exist for the voters, the election officials, and even the Postal Service is whether to deliver ballots that don't have enough postage or to return them to a voter with a voter perhaps missing the ballot receipt deadline. While some may disagree with this assessment, our first recommendation is that reduced postage should not be considered an option.

Target audience versus all voters. When considering whether to implement a program for free postage for returning mailed ballots, it seems clear that these efforts are unlikely to work when limited to target audiences. Therefore if free postage is provided by Congress, to be desirable then it must be free for all voters, not selected voters. The administrative difficulties of evaluating need or entitlement on a voter-by-voter basis for perhaps as little as 41 cents is not practical. Lawsuits would also be likely since voter "X" would be getting free postage and voter "Y" would not. Additionally, there appears to be a Constitutional problem of unequal treatment of voters if all voters were not offered the same option. Our second recommendation then is, if a program is considered that it be for all voters and not for the selected target groups that were studied.

Cost factors. Once the decision is made to provide free postage and to offer it to all voters, then Congress has to determine whether the cost to implement the program is desirable. As long as the consideration of mail ballots is limited to the scope of absentee ballots, then the costs are high but not overwhelming. From a procedural point of view for local election officials, we believe the impact would be minimal. Primarily the redesign of an envelope, which is provided already. However, the price of absorbing the postage cost is likely to be opposed by local jurisdictions unless it is funded by Congress. To be effective it is likely that only postage paid business reply envelopes would be sufficient to assure that postage is not wasted and that ballots are given high priority by the Postal Service. Jurisdictions are unlikely to purchase pre-cancelled stamps or first-class stamps and affix them to ballots because of the enormous waste on ballots that would not be returned by the voter.

Considering that only federal elections would qualify for the program and only general elections would qualify, the cost to implement a program of free postage is likely to have numbers such as these. Using the benchmark of 122 million actual voters in 2004, which is according to the Election Assistance Commission data, the cost per ballot would be as much as \$2.01 each for a three or four-ounce ballot and a postage paid envelope. The total if every voter voted by absentee ballot and mailed it free of postage the total cost nationally could be as much as \$245.3 million. However, for estimating purposes and assuming that only one-fourth of the voters are likely to use an absentee ballot initially, the

cost would be roughly \$61 million. That could increase in later years as more and more voters are choosing to vote by mail and more and more jurisdictions are going to no excuse or permanent absentee voting. Obviously, these costs would be lower if the return ballots weighed less than three ounces.

For the source of funding, they often mention a easy target is the U.S. Postal Service but the Postal Service is under mandate by Congress to operate without continuing subsidies and they have on more than one occasion stated that it is not their mission to assume the cost for socially or Congressionally desirable programs. Congressional entitlement or a Congressional appropriation may be desirable, but in the past when budget priorities shift, funding for reimbursement for the cost of elections may disappear. Congress can remedy that situation by providing an entitlement program on a election mail cost. Even at maximum cost, this is unlikely to be an overwhelming budget item for the federal government. Leaving it to States and local government to fund the increase, however, will be significant and would undoubtedly be opposed if not funded by State and local jurisdictions as another unfunded federal mandate.

Additional recommendations. We started the literature review and didn't complete it and that may be useful for you to complete or to have someone complete. There is data in the literature that relates to non-election specific programs where postage has been applied to a portion of the desired responses and not to the others. I think the studies will demonstrate that you will find that it does make a difference in the rate of return.

And the other suggestion is to complete the study on the States and local jurisdictions that are currently or have in the past provided free postage to see if it makes a difference in the rate of return. And that may be a more complicated study in that you really have to compare apples to apples. As we saw last Tuesday, we had record turnout in many places for a Presidential primary and so if this had been the election that had been studied with free postage we might have attributed the increase rate of return to free postage while in fact there were other factors at play. And even with one of the jurisdictions that we studied in Missouri, the election official gave us before and after numbers, and what they thought were similar elections and the number of responses with the free postage actually went down, the election official attributed that to other factors. And we all know that that's the case; what's on the ballot, how attractive the ballot is to the voters, how much they want to vote, how much attention is being paid to the election, whether it affects their pocketbook or not all affect the rates of turnout. And so it's risky to make assumptions based on data without knowing everything about the data that you're collecting.

We believe that the two additional pieces of information will be useful to you and your Commission and to the Congress as you consider whether free postage on returned absentee ballots would likely increase voter participation.

I'll be happy to answer any questions that you have.

CHAIR RODRIGUEZ:

Thank you, Mr. Hawkins. Mr. Page?

We'll take questions I think at the end of all the presentations.

MR. PAGE:

Thank you. Good morning, Madam Chair. Thank you Madam Chair, the Commissioners and the staff. On behalf of PVA I'm happy to be here to submit comments in reference to the draft report that The Election Center has just provided. And the answer is, yes, I concur that if free postage is determined by Congress to be desirable for absentee or mail-in ballots, then it must be free to all voters and the cost should be appropriated at the federal level, not passed on to the States and the post office as an unfunded mandate.

Inside the study of voters included in the survey said that 70 percent of those with disabilities would be far more likely to vote if postage was free on absentee ballots. However, 89 percent of this group said they would still vote by absentee ballot even if the postage was not free. What this shows is that people with disabilities are a determined segment of the U.S. voting population who want to vote. However, people with disabilities still face many barriers in exercising their right to vote. People with disabilities are the most disenfranchised segment of the U.S. voting population. People with disabilities are least likely to be employed, least likely to have transportation or access to accessible transportation, least likely to have any form of I.D., and are economically poor and low-income or are on fixed incomes.

Free postage for mail-in or return of absentee ballots would be one less burden that the disabled and seniors community would

have to face. It might not sound like much, but a first-class stamp can be a burden/barrier. This population might not have access to stamps, they do not have or pay bills, they could be homebound or in institutional settings, low income, or have no transportation to procure a stamp.

Just recently the Senate Special Committee on Aging held a hearing on older voters' opportunities and challenges in the 2008 election. Testimonies received focused on the disenfranchisement of aging seniors and those with disabilities that are in long-term care facilities and/or institutional settings. 29 States have no guidelines for voting accommodations for residents in long-term facilities and those States that do are pretty inadequate on their regs. They lack proactive steps to register residents. They rely on residents to apply for an absentee ballot. Federal long-term care regulations mandate nursing homes respect the residents' voting rights, but they do not provide any guidance on how a facility can ensure this requirement.

And I believe the Committee Chair and -- the Rules Committee Chair is in the process of sending you a letter to look more in to this issue and your excellent staff.

The majority of people vote at the polls as already said. Voting by absentee ballot and no-fault absentee or early voting is on the rise. The main reason is the convenience for the voter and the cost savings for the State and local jurisdiction. It allows the voter more time to go over the issues and the candidate's position before casting a ballot.

Free postage for mail-in and absentee voting will only increase the participation of the voting populous, which should be a priority in ensuring our strong Democracy.

Thank you.

CHAIR RODRIGUEZ:

Thank you, Mr. Page. Mr. King?

MR. KING:

Chairman Rodriguez, members of the Election Assistance Commission, Executive Director Wilkey, I am very happy to be here today. I appreciate the opportunity to speak on behalf of the United States Postal Service regarding the findings of the free absentee postage study. I also appreciate the work that Ernie Hawkins and The Election Center have done on this study.

From the perspective of the Postal Service, we recognize the vital role that mail plays in the American Democratic process and we are extremely proud to be able to participate in that process. The most basic activity in our innovative system of self-government is the selection of our leaders through the ballot box. And with our basic mission to bind the nation together is through the correspondence of the people, we at the Postal Service are excited about the opportunity to serve the growing numbers of Americans who choose to cast their ballots through the mailbox.

We recognize that our role has expanded through no-excuse absentee voting in more and more jurisdictions and the switch to all-mail voting in Oregon and most of the counties in the State of Washington. We recognize that this role may continue to expand as other States explore the aspects of vote by mail. And we

recognize that mail can enhance the election process, helping to reduce election costs while contributing to higher voter turnout.

States have the responsibility and the accountability for running elections and it's not the role of the Postal Service to say how elections are conducted. However, when States choose to conduct elections by mail, the Postal Service is ready to do everything it can to make sure voters experience a smooth, well organized process, one that provides them with the highest levels of trust and confidence when they cast their ballots by the mail.

To this end we have developed a national election mail program which has as its primary objectives to understand the mailing needs of the nation's election officials, to provide easy access to postal products, services and information to meet those needs, to educate postal employees on the importance and proper handling of election mail pieces, and to work with State and local election officials to develop new ideas or innovation.

We enthusiastically embrace our role in supporting the most important exercise in Democracy experienced by Americans, but the role of providing free postage for mail-in ballots raises significant concerns. The Postal Service is a unique federal agency in that it receives no taxpayer funding to support its operations. The cost of the daily collection and delivery of mail to over 147 million addresses is paid for by the users of the mail. And one basic tenet of that system is that each user pay their own cost and not those of another. Consequently, in a requirement to provide free postage raises a concern as to how this will be funded.

As a background, for many years the Postal Service received Congressional appropriations to fund free and reduced rates of mail. In the 1980s this funding requirement for those special categories of mailers reached nearly a billion dollars annually. These categories of mailers included free mail for the blind and for overseas and military voters and reduced standard mail rates for certain preferred mailers and non-profit organizations. To address a developing shortfall of monies owed for services rendered, Congress passed the Revenue Forgone Reform Act of 1993. This Act ended our annual appropriation for reduced rate mail by phasing those rates upward over a period of six years but continued the free mail for the blind and for overseas voters. Because of previous funding shortfalls and the costs associated with phasing in those rates, the Postal Service was owed over \$1.2 billion which the Congress has promised to pay off with an interest free installment of \$29 million a year for 42 years. Now in the 16th year of those payments the Postal Service is carrying still approximately \$750 million in debt on our books that remains to be paid. Each year during the annual appropriations process the Postal Service is never certain that the next installment will be paid. In fact, for the past three years the Administration's budget has recommended not doing so. Even the remaining funding for free mail for the blind and for overseas voters is not without problems. Because of federal budget constraints in 2000, Congress began to delay the Postal Service's receipt of these funds until the first day of the next fiscal year. So essentially we've provided this service and were paid a year later. So even the funding to pay for the cost of

the ballots for our military men and women overseas is still a problem and is at jeopardy at times.

The funding problem has been exacerbated by a new law that was passed in 2006, the Postal Accountability and Enhancement Act. It had been more than 30 years since any major postal reform legislation had been passed and we needed additional flexibility to operate and change with the times and so Congress passed this law, which took them nearly 14 years to pass. It provides us with some additional rate flexibility but it also saddles us with a new requirement that we not raise rates higher than the rate of inflation at the CPI. So unlike the old law where we could simply raise rates to cover our costs, we can no longer do that. So any proposed increased costs for handling election mail for free could force the Postal Service to have to make operational cost cuts elsewhere.

Certainly free postage could be provided through an appropriation, but because of our experience with funding for preferred rates the Postal Service would urge that that appropriation be directed to the potential mailers and not directly to the Postal Service. In this manner funds could be provided through a central entity directly to States to assist them with financing postage paid return envelopes. As suggested in this study, postage paid return envelopes provide an excellent, well-established method to allow voters to return ballots without the need for postage.

There is nothing more basic to our nation than a citizen's right to vote and the Postal Service sees its role in today's process

as fundamental. Whatever the future holds, the Postal Service is committed to continuing to work with Secretaries of States and local election officials to provide the tools and information they can use to meet the needs of the voters. We believe mail is a smart choice for elections.

Thank you. That concludes my remarks and I'd be happy to answer your questions.

CHAIR RODRIGUEZ:

Thank you, Mr. King. I'll open it up to the Commission for questions and/or comments for the panel. Commissioner Hillman?

COMMISSIONER HILLMAN:

Sure, thank you. Appreciate it. Thanks to the panel for providing the information.

Just as a point of clarification to Ms. Lynn-Dyson, your recommendation to the Commission would be a vote to accept the study versus approve, we're accepting and not approving?

MS. LYNN-DYSON:

That's correct.

COMMISSIONER HILLMAN:

Okay.

MS. LYNN-DYSON:

We are accepting -- I am recommending that you accept but not adopt. You are accepting.

COMMISSIONER HILLMAN:

Accepting, not approving, because on the agenda it says "approve" and I just wanted to make sure we're all on the same page about

the action that we'll be taking your recommendation. Okay, thank you.

Mr. Hawkins going to the page you provided on the costs where you talked about the average \$2.01 per absentee ballot.

MR. HAWKINS:

Right.

COMMISSIONER HILLMAN:

Did your study reveal if jurisdictions notify the potential absentee voter what the cost will be to return that ballot? Or does the voter have to go to the post office or some place to determine the amount of postage required to get that envelope back to the election office?

MR. HAWKINS:

It's been my experience that most jurisdictions put something on the return envelope that says, "Apply proper postage" because those are printed up prior to the time that they know how much the ballot is going to weigh.

COMMISSIONER HILLMAN:

Right.

MR. HAWKINS:

And in some instances they will have -- a jurisdiction may have several hundred different styles of ballot. One voter may have one ballot card, one might have two, one might have three. And so from an administrative point of view it's difficult to tell the voter how much postage to apply.

I know there was a major situation last year in California where the ballots were all more than one ounce and so voters were putting a 41 -- or at that time I think it was a 39 cent stamp on the

return envelope and most, if not all, made arrangements with the Postal Service to set up a postage due account where if a voter hadn't applied the proper amount of postage the jurisdiction would accept the ballot and pay the difference.

But in answer to your question, I don't believe most jurisdictions tell the voter how much postage to put on the envelope.

COMMISSIONER HILLMAN:

Okay. What is the most expensive return postage that we know of? I know some ballots get awfully long with multiple pages. Did your study reveal the most expensive that we know of?

MR. HAWKINS:

Based on the survey that we did, we feel like what we gave you was the worst case scenario. It was three ounces on a return. There may be isolated incidents that were more and others may be aware of more, but we didn't come across any more than that.

Now in the primary on Tuesday in California the ballots all weighed one ounce, and so that estimate that we provided obviously would be too high. And I don't know, what is the postage due -- or postage return post-paid? Is that...

MR. KING:

It gets complex because there's different programs for different volumes anticipated and there are also application -- there's an application fee. So I don't have a specific answer as to what the cheapest one ounce perhaps first-class would be. It would be depending on how many pieces you anticipate getting back. It

could be as little as additional 41 cents plus 5 cents or it could be considerably more.

COMMISSIONER HILLMAN:

Well this would be if the voter is returning it.

MR. KING:

I know, but the person opening the account is the one who is on a postage paid return envelope.

COMMISSIONER HILLMAN:

No, I'm not talking -- I'm saying if I have to put postage on it.

MR. KING:

41 cents first-class mail.

COMMISSIONER HILLMAN:

Right, but if the envelope is oversize?

MR. KING:

Oversize jumps it up to 80 cents. Size...

COMMISSIONER HILLMAN:

Right.

MR. KING:

In our recent rate case last May we began to focus on size as a cost factor to the Postal Service, and so that jumps it up considerably.

COMMISSIONER HILLMAN:

Okay. So we're talking, if I understand correctly then, it's probably anything between 80 cents to \$2.00 depending on what goes in the envelope and how large the envelope is.

MR. HAWKINS:

There's -- right, correct.

COMMISSIONER HILLMAN:

Right, okay. And...

MR. HAWKINS:

We tried to give you the worst case scenario.

COMMISSIONER HILLMAN:

Right, right. And so the voter would need to determine if they're going to put enough postage. If not, hope that the Election Office has set up a postage due account. Okay, thank you.

And to Mr. King at the post office, first let me say I think the States share the Postal Service's pain about unpaid pledges because many States are still waiting for the full HAVA requirements payments that Congress promised back in 2003. So, you know, on that end they share your pain about incurring costs and hoping for full payments. How is pre-paid postage charged to an organization? Is it based on what is actually returned?

MR. KING:

Yes.

COMMISSIONER HILLMAN:

Okay.

MR. KING:

In other words, we literally count the number of pieces of mail that you've gotten back in. And most postage -- what we call business reply mail is the most common term used by businesses, they're all like envelopes. In other words, you send out a solicitation or you send out a bill and you want it back, what comes back usually every envelope is the same. So you can readily account for that and deduct it from the account. You don't get varying size/shapes of

piece of mail. Occasionally somebody gets mad and tapes one to a brick or something like that and mails it.

COMMISSIONER HILLMAN:

Okay, thank you. Appreciate it.

CHAIR RODRIGUEZ:

Thank you, Commissioner Hillman. Commissioner Davidson?

COMMISSIONER DAVIDSON:

First of all, Mr. King, I really appreciate the work the post office has done. I, as Mr. Hawkins related, I worked with the post office as the Chair of that Committee back years ago even when the logo was formed and really appreciate the willingness that the post office gave us -- the national post office gave us. And I know it's very difficult and at that time I think that -- really I don't think your position has changed any. At that time you said, "We're more than happy to do and work with election officials throughout the nation in providing if you can get free postage through." But the concern was even if it was, it went through and became law then if it was appropriated that was the concern because many a times the appropriation didn't show up at the same time if it was a national effort for Congress to pay for it. So that would be a concern that we would have to address almost year -- well every two years for the general election. Am I correct that that would be a concern every two years?

MR. KING:

Well under the proposal, since this just applies to federal elections but you can have off-year elections for vacancies in Congress, so you might have a special election in a State that this would apply to.

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COMMISSIONER DAVIDSON:

True.

MR. KING:

And this year we saw that the primaries began almost after the first of the year. I don't know where they're going in the future. We could be having Presidential primaries in the 18 months before, I don't know. So that's an uncertainty.

And another concern from our part, our experience is that when someone in the mailing community receives a benefit there are a lot of other noses that want to get under that tent. And so while this may be targeted to the federal elections, if you're a voter and you can mail this ballot back for free but, "I can't vote for the school board for free." So are the States then going to apply free ballot postage for local elections? And how confusing might that be to a voter if they can only get free postage for one and not the other? It's just our experience that once you create an opening there are others who want to drive through it, sometimes justifiably.

COMMISSIONER DAVIDSON:

Mr. Hawkins, I was interested in your comment in your report that a lot of electors said, yes, it would be nice to have free postage but no matter what it's cheaper for me to drive the ballot to the post office or put it in my mail than it is to drive to my precinct polling place. Was there any type of amount of people that kind of gave that response in your survey?

MR. HAWKINS:

There were. On page 15, under tab six, that's the best summary document that you've got, that page, when folks were asked

suppose you were going to vote by mail but you had to put postage on, would you vote anyway? And this is a breakdown according to all of these different groups, and the overwhelming majority say they're going to vote anyway.

And in the focus groups is where some of the folks said, "Well, there is a cost of voting to everyone," or almost everyone, because you've got to get to the polling place which takes transportation in most cases, or you've got to apply postage. And whether that would become an issue if postage were provided and folks then said, "Well then I need for you to, you know, buy me a tank of gas to go to the polling place," I doubt it. But most people say they would vote anyway.

COMMISSIONER DAVIDSON:

Okay. I guess my last comment that I would make is, it seems like definitely the free postage is far better to work towards than a reduced postage. If we went one way or another, the reduced postage I think is more complex of educating your electors of what the reduced postage could be, and there again we're getting into the issue that it's going to be different for every type of ballot and it's almost -- it would be I think very complicated for States. I know in even trying to educate not only our State officials and our county officials on bulk rate that they have the ability to use because of the law, it was -- I went through the steps of also helping train the postal, and we all have turnovers, so you're constantly training on those issues of what the benefits that are there right now and what the rules and regulations are. So I see that there's a lot of efforts that would be put into that arena, also of not only training our locals

in elections but also all the post offices. They have the same problems. They aren't all large post offices. You have some very small ones that it's hard to get that information down to their area. So I understand your problems are a lot like ours.

Thank you very much for being here. I appreciate the panel.

MR. HAWKINS:

There's definitely -- I would say there is an overwhelming desire at least in the focus groups for more information. The focus groups that I sat in on, the conversation went immediately not to the free postage. You had to keep bringing them back to free postage. It was they wanted more information about voting by mail. And when you look at the report itself, I didn't cover that today, but there is a need for voter education in the area of voting by mail. Even in California, where I think they approached 50 percent of the votes that were cast in Tuesday's election were by mail, in the focus groups that were in California there was still a large number of people who said, "We don't know whether we're eligible to vote by mail or not." And in California anybody can vote by mail permanently or on election-by-election basis. They're even mailed. In every election they are mailed an absentee application that's filled out except for a signature. And for them still not to know, you wonder what more education you can do, but there obviously is a concern on the part of voters that they don't know what the laws are. And I think we all knew that anyway. And even before we began I think we would have all said what is likely to come from this study. And if given a choice with your utility bills to put a stamp on them to pay them or not, you would obviously opt not to put

postage on. And I think the same analysis would apply to a voter. If they're given a choice they're not going to put a postage stamp on, and when asked they would say they would rather not. But I think they were honest, and particularly the voters with disabilities 89 percent of them said they're going to vote anyway. If they vote by mail, they're going to vote anyway whether you apply postage -- free postage or not.

COMMISSIONER DAVIDSON:

Which we should applaud.

CHAIR RODRIGUEZ:

Commissioner Hunter?

VICE-CHAIR HUNTER:

Thank you. And thank you all the panelists for your time and attention to this issue today.

Mr. King my question is to you. You mentioned in your testimony that you would urge Congress if they were to appropriate the funds not to fund the monies through the United States Postal Service but instead through a central entity. I was curious what exactly do you mean by that?

MR. KING:

Well, first let me explain a little bit about that concept. The mail that the Postal Service receives and then processes and delivers has already been paid for. Even the business reply mail there's money on account. Before we deliver it we draw down the money. By giving money through a central entity down to the States and if they were to develop a postage paid return envelope program for absentee ballots, then the Postal Service would essentially already

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be receiving -- just like any other mail, we would have postage paid mail that we're dealing with. So a central entity could be something like the Elections Assistance Commission based on which States had established absentee ballot programs, where they were in that program, and certain funds could be allocated to the States to help them pay the cost of the postage.

VICE-CHAIR HUNTER:

Thank you.

CHAIR RODRIGUEZ:

Thank you. Mr. Wilkey or Ms. Hodgkins do you have any questions?

EXECUTIVE DIRECTOR WILKEY:

Very good job on this. I think when you look at the topic you wouldn't think that all of this hard work went in to it, but obviously a lot of hard work went in to it.

I've always been skeptical of surveys to some respect. Did you find, because I know you were at all of the focus groups, that the results of the survey corresponded to what you heard from these same groups during the focus groups? Was there...

MR. HAWKINS:

If you set aside the fact that most of the participants in the focus groups wanted to talk about voting by mail and not free postage, I would say yes. When you got down to talking about the issues of free postage and of course we didn't -- it wasn't something where you could draw conclusions and there would be statistical analysis that you could look at for the focus groups because it was all conversation, I would say that the concerns were the same as with

the survey. They agreed that reduced postage didn't serve any useful purpose. I think there was overwhelming agreement that it's not the cost of postage that keeps people from returning their ballot but rather the inconvenience of going and finding a postage stamp. So I think both the focus group and the survey concluded that.

In terms of our second recommendation, I think it was the focus group discussion and the survey reached the same conclusion that it needed to be for everybody and not for special groups. So for the most part I would say, yes, there was agreement. And there wasn't unanimous agreement on anything. I mean we didn't have a hundred percent on anything, so...

EXECUTIVE DIRECTOR WILKEY:

Also of the jurisdictions, and I know there were only a handful that provide this, did you get a sense of what the rate of return was?

MR. HAWKINS:

It was all over the place. One of the reasons that we stopped the survey is we decided it was going to take way more effort than we thought. As you know, election officials are surveyed to death and to even get them to respond to a simple survey with a "yes" or "no" question or one piece of information. In some of the States we called five, six, seven times, you know, we sent emails, we sent letters and still didn't get any responses. When we went to the jurisdictions that had -- the local jurisdictions. As I said, one in Missouri the before and after was -- the after was smaller than the before. So if you look to just that one piece of information you say, "Oh goodness, we don't want to provide free postage because the rate of return is going to decrease" and obviously

there were other factors. In the studies that we looked at the return rate -- the initial return rate in the literature research was that there was a greater rate of return, a significantly -- a statistically significant difference in the rate of return where postage was applied and not. And I would assume that we would see something like that with absentee balloting, although the numbers that we had in the limited number of jurisdictions I don't know that we could -- I would be willing to risk a conclusion because the numbers were all over the place.

EXECUTIVE DIRECTOR WILKEY:

Thank you. Was there any comparison done for example of a State like Oregon that is all mail and providing just the absentee?

Because I would assume, and I see John back there he can nod his head "yes" or "no," if there was cost savings between setting up the election and providing machines and shipping and paying poll workers compared to just doing it all by mail?

MR. HAWKINS:

As you know, we're working on another project for the Commission and one of them is to look into...

EXECUTIVE DIRECTOR WILKEY:

Okay.

MR. HAWKINS:

...vote by mail Oregon, the Oregon experience. And at least the numbers that we're looking at and the numbers that will be recorded in the case study are participation increases. And they're not applying postage. They're not providing free postage.

EXECUTIVE DIRECTOR WILKEY:

Right.

MR. HAWKINS:

Some jurisdictions, the jurisdiction that I worked in for 23 years for example, we can draw some conclusions from their statistics because California allows any polling place that would have less than 250 voters assigned to it, at the discretion of the election official they can designate it a mail precinct. And the voters in those precincts are not assigned to a polling place. Instead they're provided a ballot by mail and a return envelope with pre-paid postage. And the reason that that's done is because there was an interpretation or an opinion by Counsel that to do otherwise could constitute a poll tax since you're saying to those voters, "You don't have any choice. We're not assigning you a polling place. You must vote by mail." And so if you do another study, and I think there are other jurisdictions that do things that are similar, I would include those to determine whether the rate of return in the mail ballot precincts where postage was applied was greater than the general population of permanent absentee voters where postage was not applied.

EXECUTIVE DIRECTOR WILKEY:

Thank you very much. And while I have the opportunity, it's always good to see you Lee. You've worked very hard over the years for all of us in elections and we appreciate you being here and your work.

MR. PAGE:

Thank you.

EXECUTIVE DIRECTOR WILKEY:

And thank also to the Postal Service. That's all Madam Chair I have. Thanks.

CHAIR RODRIGUEZ:

Commissioner Davidson?

COMMISSIONER DAVIDSON:

I just have a follow-up, Mr. Hawkins. You mentioned that a lot, you know, in your study that individuals had trouble deciding -- deciphering how much postage went on and getting -- acquiring the stamps some place or another. I know that most States, and I believe nearly all of them, also have drop-off sites. Would a part of your study say how many -- that people would choose to even drop off the ballot at a location rather than to put postage on it? Did that -- was that included?

MR. HAWKINS:

There was discussion in the focus groups about voters who did not -- would not trust their ballot to the mail and chose to go to a polling location or to the central office to drop it off to give it someone because they didn't trust. There was a lot of discussion in a couple of the focus groups about that. In the survey itself I don't believe there was a question that was asked about drop off, although some voters were given -- I believe the question that was asked would have given them the option of voting on Election Day by mail or -- I'm sorry -- voting by -- at the polling place or voting by mail, getting a mail ballot and dropping it off in person. And I know Oregon in order to, and I believe the State of Washington, in order to avoid the issue of a poll tax do have drop-off locations.

MR. KING:

If I could offer a comment, too, about the confusion on the amount of postage on a return envelope. One of the things the Postal Service has learned in working with the Elections Task Force is understanding their needs better, and as a result of that we have been communicating with everybody we can in the elections world that we have mail design specialists in many locations around the country. And as election officials design their ballots, if they work with one of our mail piece design experts you will readily know what the return postage is and as you go to print the ballot or print the envelop that it's going to be returned you can put that right up in the corner and leave no confusion to the voter as to what the return cost is.

CHAIR RODRIGUEZ:

Very good. Thank you all of the panel this morning. I have a couple of questions I think for Ms. Lynn-Dyson, and that is you're suggesting that we accept this study this morning.

MS. LYNN-DYSON:

Correct.

CHAIR RODRIGUEZ:

Is there -- are you going to make recommendations in the near future about the recommendations that Mr. Hawkins made in this study?

MS. LYNN-DYSON:

Yes, I am Madam Chair. I have suggested, and as is probably implied in my introductory remarks, I think that this is a very, very good first step for the Commission to take. I think that the findings from this study were, in our opinion, very sound and well done. I

believe that for us as a Commission we must go back and look at the HAVA mandate and the mandate to present to Congress a piece of work that talks about the feasibility and the advisability of doing this. I think that the work that Mr. Hawkins has done in consultation with the Postal Service provides us with a backdrop, provides us with the underpinning that we need to go forward and do a piece that very precisely talks about the advisability, the feasibility, and does a policy analysis that we will present.

CHAIR RODRIGUEZ:

Thank you, Ms. Lynn-Dyson. Commissioner Davidson discussed the fact that there are some postal products available to the jurisdictions now. Have we done any guidance that the States can take advantage of or any management guidelines or anything?

COMMISSIONER DAVIDSON:

I don't believe we have done any guidance. I do know that the post office, and I don't want to speak for you Mr. King so you can add, but at the time I was working with them, did about a three-inch binder that helped educate and it was sent out to States and locals educating them on design, on lay out, and working with the people. And I know that they've been keeping that up throughout, after I was finished with the Task Force. And I know they've been continuing doing things like that, as well as training their own postal people. So I know there's a manual that has been done. Definitely I think it would be very useful if we would also work with the post office and that would be something that we maybe, if there's other things they feel that need to be done, we could help in that arena or at least do a link to that on our Web site that we can make available

that information more readily to other people. Sometimes in turnovers in offices things are destroyed or they can't find them and so election officials obviously, going to our Web site would be able to utilize that information and I know they keep that updated all the time of their new costs and regulations and so on.

CHAIR RODRIGUEZ:

That would be great.

MS. LYNN-DYSON:

I would also, Commissioner Rodriguez, note a shameless commercial for the effective designs project that we did. I do know that in the process of developing those ballot design templates that our contractor did touch base with the Postal Service on, you know, various requirements for the ballots that would be designed and would be sent by mail.

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CHAIR RODRIGUEZ:

Thank you. And then finally I'll just -- I see Mr. Lewis. The Election Center had a discussion of Representative Davis' bill I think, the no-excuse absentee program, and a couple of the election administrators said, "Well if you provide free postage in federal elections, voters are going to expect it in every single election." So that certainly should be something that we consider in our future work.

Thank you again. Is there a motion to accept the free absentee postage study?

VICE-CHAIR HUNTER:

So moved.

COMMISSIONER HILLMAN:

Second.

CHAIR RODRIGUEZ:

It's been moved and seconded to accept the recommendation to accept the free absentee postage study. All those in favor?

COMMISSIONER HILLMAN:

Aye.

COMMISSIONER DAVIDSON:

Aye.

VICE-CHAIR HUNTER:

Aye.

CHAIR RODRIGUEZ:

Aye. Any opposed?

[The motion carried unanimously.]

CHAIR RODRIGUEZ:

Okay, very well, then we accept the study. And we're going to take a 15-minute break. Thank you.

[The Commission recessed at 11:36 a.m. and returned to open session at 11:54 a.m.]

CHAIR RODRIGUEZ:

Okay, we're ready to reconvene. We have three items of business and about just over an hour, so we're going to work hard to stay within our timeline.

Commissioner Hillman, we're ready to discuss and vote on the ~~I~~nterim ~~P~~olicy for ~~C~~hanges to State ~~S~~pecific ~~I~~nstructions on the National Mail Voter Registration Form.

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COMMISSIONER HILLMAN:

Okay, thank you. I think before we can get into the actual consideration of the proposed policy, it's important to put it into context. And it appears, at least to me, that EAC is now needing to operate on two, if not three, simultaneous tracks to allow us to be in the proper place to exercise our responsibility for the National Voter Registration Act. And the reason I say that is, we go back to September when we voted to start the process to transfer the existing NVRA regs from the Federal Election Commission to the Election Assistance Commission. And that process began, we posted for a comment period in the Federal Register, and we did receive some comments from the public about the EAC's desire to do that. At the end of 2007 we did hit something outside of our control which is the Federal Election Commission no longer, at least at this current time, does not have enough Commissioners to conduct business and so, therefore, their piece of what would need to be done is temporarily stalled. EAC has not made a decision to the contrary and so we are waiting for the FEC to be back in the position to take the action it would need to take to complete the transfer of the regulations.

In the meantime and since we began talking about this, actually since the Commissioner's subcommittee and I believe that was Commissioner's Hunter and Rodriguez began talking about this, there have been discussions about what EAC's authority is,

and there are differences of opinion on this on the Commission, what EAC's authority is under the National Voter Registration Act with respect to making changes on the form, especially when it comes to the State-specific instructions. And we have talked about how we have that conversation and come to decision on that. And I certainly have felt that the appropriate vehicle to do that was when EAC engaged its rulemaking process and established its regulations under the NVRA, and that brought us to September when we voted to what we thought would help us expedite our process, transfer the regs from the FEC to EAC, and so we're now confronted with that little bit of stalling.

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There are now requests from several States to make changes to the form. Prior to, or maybe even in 2007, but certainly prior to 2007 when EAC had not yet even begun the process to consider NVRA regs, when what were considered purely administrative changes to the State instructions portion of the form came in, EAC processed them. Under the general guidance that if it was already on the form, if it was not a new item and it was simply changing an address, for example, then it certainly made sense to do that. And EAC felt comfortable that despite the fact that we had not engaged the rulemaking process and promulgated regulations we certainly did have a responsibility and authority to do that. And so several of those have stacked up.

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Now beginning in October through to December a number of different proposals have been submitted by staff and Commissioners to sort of help us have an EAC adopted and approved process by which requests from States would be

considered with respect to State-specific instructions. And so far we have not found one that meets the common ground for a variety of reasons, and those requests covered everything from voter eligibility, administrative matters, procedural matters, reconsideration of decisions, changes of address, all matters but changes of address, and we didn't seem to be in a place.

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In December I submitted what I thought was a proposed -- I may have even called it policy, but certainly to establish procedures based on what I was hearing from my three colleagues, from the three of you, as common ground, on the belief, and I do believe this, that there are things we agree on, there are things we do not disagree on. My proposal did not get consideration in December because it was not on the agenda and so it was placed on the agenda for January.

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The day before our January meeting the staff came in with a proposal, because in December we all agreed that we would make the effort to try to figure out common ground that we could move on, knowing we have some fundamental disagreements, still knowing there is some common ground we agree on. And the staff did its due diligence to collect information and meet with every Commissioner to identify that common ground and they came in with what we have before us today "Proposed Interim Procedure for Updating the Federal Mail Voter Registration Form." It is different from the one that I put on the table, but I was willing to hold back on my proposal because I believe that the staff had further refined what the common ground was -- or is and that we should consider that -- and I know that each of us has seen this, I have talked with

each of you about this. ~~Because I do not believe we should stop~~
the whole train if one car isn't in agreement, that is, that we can
figure out a way to keep the train running. And by that I mean that
on the things we agree on, and none of us disagree that a change
of address should be made to the form. Now there were groups on
the outside, including members of Congress, who observed that it
was not appropriate for the Election Assistance Commission to take
action when it did not have a policy and procedures in place and
there were groups who expressed that about our consideration of
changes to the NVRA Form. And I understand that and I believe
that. I believe that EAC should have proper policies and
procedures in place so that we aren't doing what some would call
case-by-case rulemaking and regulation setting, so that at least it is
clear to everybody that when a change comes in, why that change
is being considered and made. And I do believe that EAC has a
responsibility to review and make certain that changes that are
submitted by States are in fact consistent and compliant with
federal law. Now people can disagree about that and I appreciate
all the disagreements, including the statements that Commissioners
Davidson and Hunter put forth last night. And I have seen
differences of opinion, much as we see in a court of law. We're not
a court of law, but I have seen many different opinions about what
EAC's authority is and should be under NVRA and we have not yet
-- because we haven't transferred the regs and engaged any
consideration of that, we have not yet had the chance or the forum
to fully flesh that out. So that's why I say there is a track on which
EAC must and should consider and adopt what we believe is the

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policy and what the procedures should be as would support an agreed upon EAC authority under NVRA.

In the meantime, I do believe that we have a responsibility to move forward on what are purely administrative changes to existing informational elements that are already on the form. We agree that's what's on the form is already there; that the existing FEC regulations cover the informational elements that are already on the form and most of the requests that we have received pertain to those existing elements. We have fundamental disagreement about how to handle requests for elements that are not currently on the form and are not currently specified or covered in the regulations that we agreed that we would accept transfer of. And it is my opinion that the staff did an incredible job to come forward and they even changed some of the language calling it "Interim Procedure" and not getting bogged down in policy for updating versus changing "the Federal Mail Registration Form."

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And so that is the matter that we have before us. I do believe that if EAC accepted this policy and proceeded with those kind of administrative changes things -- we don't tell Secretaries of State where to have their office, we don't determine their address. States are perfectly able to determine the number of days within the NVRA requirements that a voter registration form must be submitted -- that we could move forward to accommodate those changes of requests. And to the extent that people believe that our inaction is "disenfranchising" voters, while I don't necessarily subscribe to that certainly taking action on the majority of the requests before us would not further "disenfranchise" any voters

who might mail a form to a wrong address or who might have an extra three days to return a form but not know that unless they contacted the Secretary of State's Office. It did not appear to be necessary to have the staff do a formal presentation of this since we all had the document and we've all considered it, but they certainly are here to answer any questions that we might have.

And with that, Madam Chair, I make a motion that we approve the "Proposed Interim Procedure for Updating the Federal Mail Voter Registration Form" that was submitted to the Commission by the staff on or about January 15 of this year 2008, and it is the document that we have before us in our meeting binder.

CHAIR RODRIGUEZ:

Thank you, Commissioner Hillman. Is there a second to the motion? Not even for discussion purposes?

VICE-CHAIR HUNTER:

Second for purpose of discussion.

CHAIR RODRIGUEZ:

Thank you, Commissioner Hunter. And now we have the proposed "Interim Procedure" placed on the floor by Commissioner Hillman. Is there discussion on the "Proposed Interim Procedure"? Commissioner Hunter.

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VICE-CHAIR HUNTER:

Madam Chair, thank you. And thank you Commissioner Hillman for your thoughtful background on where we are at this point. And I agree with you that all -- I think it's fair to say that -- it is fair to say that all four of us are very interested in moving forward on this issue

and we would like nothing more than to come up with an interim policy, procedure, whatever you want to call it, to satisfy State requests. I don't think anybody disagrees with that.

However as Commissioner Hillman mentioned, there is a fundamental disagreement on the Commission with respect to the kind of authority that the Commission has to determine whether or not to place a State-specific instruction on the instructions portion of the form. And as Commissioner Hillman also referenced, Commissioner Davidson and I released a statement last night that explains our position on this very proposal that we're talking about and I believe there are copies in the back of the room. It is also posted on our Web site.

But just briefly I think the fundamental problem, and I agree with much of what Commissioner Hillman was saying, she referenced I believe, and correct me if I'm mischaracterizing, that right now we're in the process of transferring FEC regs to the EAC. And obviously the EAC hasn't done its own rulemaking on the NVRA issue and so in the interim I think we're bound by the FEC regulations, they still are in effect, and yes it will be nice when they are transferred to our CFR Section. But we're still bound by them.

And I think Commissioner Hillman even said that if you look at the form, you know, the way that the FEC adopted it back in 1994 it does have, you know, kind of a list of different things that the States can send in. And one of my fundamental disagreements with some of the other Commissioners and with some of the members of the staff is I think, and I believe very strongly and I hope I spelled it out along with Commissioner Davidson in the

statement, that every request before the Commission now is perfectly permissible under both the plain language of the NVRA statute and all of the regulations that the FEC has promulgated. I really don't believe in any sense that any of the five or six requests, I believe it's six requests that States have before the Commission, fall outside of the scope of the types of things that the FEC put on the form and I might add that the EAC has put on the form since the form was developed. And specifically, the FEC regulations specifically note and incorporate by reference the State-specific instructions, the regulations state that, "The State-specific instructions shall contain the following information for each State arranged by the State: The address where the application should be mailed, and information regarding the State-specific voter eligibility, and registration requirements." So that to me covers it all; the address, State-specific voter eligibility, and registration requirements. So I can't imagine anything that doesn't fall within that definition.

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Now there are some who have said that State-specific eligibility requirements should be read in, what I view, as a very narrow way which is not based on anything in the regulations. For example, the proposed policy before us says something like voter -- it does say, "Voter eligibility requirements traditionally include voting age, citizenship, residency, mental capacity, criminal conviction, and oaths." Well I'm not sure what 'traditionally' comes from. I mean I'd like to know where is this tradition coming from because it's not coming from the regulations. The regulations specifically get into a little bit more detail on what does eligibility mean, and the

actual regulation which I've quoted in a footnote says that States shall send in their eligibility requirements and also send in the specific State law so that the EAC would have specific reference to the State law that it incorporates and it says "including, but not limited to, the specific State requirements, if any, relating to minimum age, length of residence." And it goes through a whole list of things and it includes "and whether the State is a closed primary State". So clearly the FEC thought of the word eligibility very broadly and they even say right in the regulations "including, but not limited to" a whole list of things, including whether or not a State has a closed primary. So to me it's perfectly permissible that even if we wed ourselves to the FEC regulations, which I think we should, that every request that we have before us would most certainly fall within the definition of the FEC regs and that we would be able to place every single one of those requests on the State-specific instructions.

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And the statement gets into a lot more detail on why I think, you know, the EAC has no authority whatsoever to determine which State laws it will put on the State-specific instructions portion of the form. It's not a determination that the EAC has. We don't have the authority to decide what State laws may be placed on the form. That's a determination that the States have every right to make and it's protected by the United States Constitution.

Thank you.

CHAIR RODRIGUEZ:

Thank you, Commissioner Hunter. Do you have anything to add Commissioner Davidson?

COMMISSIONER DAVIDSON:

Not at this time.

COMMISSIONER HILLMAN:

Madam Chair, I would just add...

CHAIR RODRIGUEZ:

Commissioner Hillman?

COMMISSIONER HILLMAN:

Yes, I would just add that with respect to State-specific instructions that are submitted by States I think EAC absolutely has a responsibility to consider in a formal process those requests that are at least on the face of them contradictory to the provisions of the NVRA and HAVA. Now we can agree or disagree on how broadly the FEC defined eligibility and what it means that they cited specific things in the regs and did not cite others, but if a request is contradictory and, you know, the States can obviously implement what they need to implement in their State law. I feel as a member of the EAC that the Commission has a responsibility to really consider through a formal process those requests that are contradictory to the provisions of federal law.

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CHAIR RODRIGUEZ:

Commissioner Hunter?

VICE-CHAIR HUNTER:

I don't -- this policy doesn't say anything about whether or not it violates the plain language of HAVA. And is your position that one of the requests violates the plain language of the NVRA and/or HAVA?

COMMISSIONER HILLMAN:

I am simply saying -- I will go back to the question of why we aren't moving forward to consider those elements that are already on the form, and if the element isn't on the form then we should go through a process that allows public input and discussion about the request and whether or not it complies with NVRA and HAVA.

CHAIR RODRIGUEZ:

Commissioner Davidson?

COMMISSIONER DAVIDSON:

I guess my question is, I don't understand why you don't believe that it's an element that's on the form because the FEC rules are pretty specific that eligibility, to quote it, "Specific voter eligibility and registration requirements." I don't know how you could split that.

COMMISSIONER HILLMAN:

I'm not saying that I am splitting that. I am simply saying that if you look at the State-specific instructions for each of the State with respect to the requirements and then you look at -- and, you know, let's call it as it is. There was one request for specific identification that is not included in the identification options offered by NVRA or HAVA. It is much more restrictive. And I am simply saying we may end up in a position where that State-specific instruction gets approved. I am simply saying that I do not believe EAC should engage in case-by-case rulemaking by approving a request from a State until we have thoroughly considered. And we haven't done that yet except for, you know, this kind of volleying. We haven't done it with a public hearing. We haven't done it by posting what it is that we are about to do in the Federal Register, okay. For me

that just needs to be clarified and considered because I don't see the request consistent with the provisions of HAVA and the NVRA.

CHAIR RODRIGUEZ:

I'll chime in at this point. I am prepared to adopt the proposed procedure. It proposes a very safe harbor for the EAC by addressing elements that are on the form today and included in instructions today. We can confidently adopt this proposed procedure and go forward as we prepare for the November 2008 election. It is a very -- these are all, with the exception of one of the State requests, something that all four Commissioners agree that the majority has voted on in one form or another with the exception of one request over the past three or four months. And that safe harbor, I appreciate Commissioner Hillman's leadership and the staff crafting this document, this proposed procedure. I very much appreciate her leadership and the staff's work on this, and I'm prepared to adopt it in order that at least a majority -- to outline a policy under which a significant majority of the requests before the Commission today might be adopted.

COMMISSIONER HILLMAN:

And Madam Chair, might I just add that, and I think I made this point earlier but I want to reemphasize, that to the extent that I would describe what I was seeking to achieve in December and prior December is sort of a lofty position where EAC would have this very well articulated and carefully prescribed interim or temporary, whatever word we would use, set of policies and procedures to move forward, I have been willing to back away from that to say that we would find the common ground with fairly simple

procedures so that we could move forward. And in my opinion by adopting this we are in no way stopping or precluding the consideration of anything else. I am just asking that we sort of move forward -- and I don't know where the FEC will be with respect to how much longer EAC will wait with respect to the transfer of regs -- that we do it in a way that acknowledges what I think is right, that EAC should not be just case-by-case making decisions without having at least a Commission-approved process to do that. And I don't think any one of us disagrees on that despite the fact that each of the individual State requests were presented to us for a vote one, two, three, four, five, six and they didn't pass that way. I have not heard, and when you look at the list of the various proposals that each of us have presented, I hear that we're saying, yes, we should have a Commission-approved/established procedure, even on an interim basis, so that it's clear to the public and to everybody what it is we are doing and why we are doing it.

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CHAIR RODRIGUEZ:

Ms. Hodgkins?

MS. HODGKINS:

Madam Chair, I feel it's incumbent at this point to make a correction with regard to some statements that have been made heretofore with regard to items that are on the form. And in keeping with Commissioner Hillman's proposal here that we stick with items that have specifically been included on the form, I think it's instructive to go back to the Federal Register notice wherein the FEC adopted the items that would be included and those which would be excluded from the form.

And I'm reading from page three, 32,316 of Volume 59 of the Federal Register wherein the FEC published its final rule. And the language states as follows: "The Commission has determined in consultation with the States to exclude the following items from the National Mail Voter Registration Form because they do not meet "the necessary threshold" of the NVRA to assess the eligibility of the applicant or to administer voter registration or other parts of the elections process." The language goes on to identify a number of different items. Included in those items in paragraph (d) is information regarding naturalization, and in paragraph (e) place of birth, both of which relate to the citizenship of the individual. I just wanted to make that clarification for the record. Thank you Madam Chair.

CHAIR RODRIGUEZ:

Thank you, Ms. Hodgkins. Commissioner Hunter?

VICE-CHAIR HUNTER:

I don't believe that anything -- I'm not sure if you're referencing my statement or not, but I don't believe anything in the statement contradicts what you just read, and of course I've read that and have it right in front of me. Those items -- where it is true that the FEC decided to exclude those items from the form, and yes the definition of the form includes the actual first page of the form, the federal instructions and the State-specific instructions. Those determinations were made not to ask those questions on what I called the first page of the form, the piece of paper that voters actually mail back to their States. That's not what we're talking about here. The policy before us specifically states that this is a

way of handling State updates, State instructions. I mean everything in the policy before us is about State instructions. We're not talking about what should or shouldn't be on the first page of the federal form. And I'm just -- some people at the EAC want it both ways. They want to be able to say the federal form incorporates all parts. Yes, that's true. The regulations are very clear about that. However you can't have it both ways. You can't say it incorporates all parts, but yet our policy before us just deals with the State instructions. I mean clearly there's a different determination made as to whether or not the federal government wants to ask a specific question to every voter in the United States and whether or not the federal government wants to preserve the right of the State to determine their State voters' eligibility requirements which is why the FEC smartly decided to incorporate State-specific instructions so a voter could look at the first page of the form and they're referenced specifically to turn the page to their State-specific instructions and find out what, if any, additional information their State requires in order to be registered.

CHAIR RODRIGUEZ:

Thank you. Commissioner Hillman?

COMMISSIONER HILLMAN:

Let me just say that since the form is paginated I do not separate State instructions pages from the form and say that there's only one part to the form. And since EAC is not considering nor has proposed, nor has any State proposed changes to the first, I forget which number of questions it is, because all, including the State instructions, it's numbered one through whatever, nine or ten or

whatever it is, that the only items we're considering are changes to certain numbers of the form. So I for one am not separating the form as two separate actions.

CHAIR RODRIGUEZ:

I think this is the crux of our disagreement and again we're not going to resolve that one issue today, but we can agree on a number of other issues. And so I'm going to ask my colleagues again to go where it's safe with me and adopt the "Proposed Interim Procedure" that we have before us today. I'll ask if we're ready to vote.

COMMISSIONER HILLMAN:

I would call the question, Madam Chair.

CHAIR RODRIGUEZ:

Thank you. All those in favor of adopting the "Proposed Interim Procedure for Updating the Federal Mail Voter Registration Form" indicate by saying aye.

COMMISSIONER HILLMAN:

Aye.

CHAIR RODRIGUEZ:

Aye. Those opposed?

VICE-CHAIR HUNTER:

Nay.

COMMISSIONER DAVIDSON:

Nay.

CHAIR RODRIGUEZ:

Any abstentions? Okay, the motion fails for lack of a majority.

[The motion failed for lack of a majority.]

CHAIR RODRIGUEZ:

The next agenda item is Consideration and Vote on Disclaimer
Proposal to State Instructions Portion of the NVRA Form.
Commissioner Hunter.

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VICE-CHAIR HUNTER:

Madam Chair, thank you. This is a proposal that I brought up in the January meeting and there were some questions about it, so we agreed to sort of table it at that meeting and bring it up for consideration here today.

As you may know, we adopted a disclaimer for our Web site at the January public meeting which states, "As of," and then the date, the date by which it's updated, "the following States have requested a change in their State instructions. The list of the States is included." And then the Web site disclaimer says, "The Commission has not yet approved these requests." So that disclaimer is there on the EAC's Web page just before one would click on the Voter Registration Form.

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And we were told when we talking about Super Tuesday action on our Web site that there were thousands and thousands, and I can't give you an exact number because we can't verify it, but that there were thousands and thousands of people who downloaded the form this week. So I'm glad that the disclaimer was on there for that purpose, but I propose this disclaimer today because obviously there are those who don't have access to the Web or, you know, somebody else printed it for them, made a

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photocopy and they're given the federal form whether it's through a registration drive or wherever else the federal form appears.

So I thought it would be important that we at least inform voters of those States for the States that have requested a change only to their State instructions portion of the form that we provide sort of what we're calling internally a disclaimer. And the disclaimer does not instruct a State to accept or not accept -- I should say it doesn't instruct a State not to accept the federal form. It doesn't get into that issue at all. It simply states, and I'll read it for those of you who don't have a copy in front of you, "The State of, " blank, "has requested a change to its State instructions. The Election Assistance Commission has not approved this request. For further information please contact your State election official or refer to the following Web site." And then a Web site would be listed there, one that was provided by the State. And again it does not characterize whether or not the EAC acted appropriately or inappropriately. It doesn't tell a State how to handle ~~the~~ form. It just provides a little bit of information for voters who may need to know -- who do need to know what their State eligibility requirements are.

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And just to give you a specific example, one of the requests that the EAC has before it now, if I can find my notes, is a request from the State of Rhode Island. The current instructions read that, "In order to be an eligible voter you must be neither serving a sentence, including probation or parole." And just to paraphrase, their new instructions just state that "you must not be currently incarcerated in a correctional facility." So obviously their law now allows those who are not incarcerated but are serving probation or

parole to register to vote. But if somebody from Rhode Island went to the State instructions portion of the form they would not know that. So in theory they would just take the form and say, "Oh well, I can't register so I'm not going to register now," and that person won't be afforded the opportunity to vote.

So I just propose this as sort of, you know, further information for the voter and the voter can go and confer with their State election official.

Thank you.

CHAIR RODRIGUEZ:

Thank you, Commissioner Hunter. Was that a motion?

VICE-CHAIR HUNTER:

Yes, I move to adopt the disclaimer for the State instructions portion of the form as spelled out in our briefing and as I read a few minutes ago.

CHAIR RODRIGUEZ:

Is there a second for purposes of discussion?

COMMISSIONER DAVIDSON:

Second.

CHAIR RODRIGUEZ:

Thank you. I'll just chime in. Last month we discussed this, but I had a question for the General Counsel and I asked, was adding the disclaimer to the printed form an amendment of the form. And she prepared a memo. We all have copies of it and I wonder if anybody would like her to -- I guess I would like you Madam General Counsel to talk about your conclusion.

COUNSEL HODGKINS:

Thank you Madam Chair. I'll just start with a bit of background and that is in preparing this memorandum, as well as in preparing the proposal that was considered previously, the staff has relied on 73 years of precedent, the U.S. Supreme Court and Circuit Courts upholding the difference between State eligibility requirements and voter registration process. We relied on a case from the 11th Circuit in which the very question of whether or not the federal form had to be accepted and used by the State was tried and tested. And the court found that contrary, State law must bend. So we...

COMMISSIONER HILLMAN:

I'm sorry, say that again. Contrary...

COUNSEL HODGKINS:

Contrary, State law must bend. They must accept and use the form regardless of whether or not the State law says that, as in this case only registrars or deputy registrars could accept voter registration forms, the court said, "No, that's not accurate. You have to accept and use the form." Deriving from that the general principle then that the form is as it is developed through regulation, formally by the FEC and currently now by the EAC and maintained by this office, that if we add a disclaimer that says the information on this form is not correct, it certainly begs the next question and that is, "Then what is correct?" And what is it that I am supposed to do with this form?" And I believe it fundamentally erodes the concept that the courts have upheld that States must accept and use the form. It has to call that into question.

And as such I cannot recommend to you that you accept this proposal. And I do encourage the Commission to continue its

efforts to try to find a way to correct the form. Let's make sure that the form is accurate so that voters can have the ability to rely upon it, not to their detriment but to their benefit, and that election officials will know what to do with it when they get it.

CHAIR RODRIGUEZ:

Further discussion? Commissioner Hunter

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VICE-CHAIR HUNTER:

I think everyone agrees that we again want to come up with a way to make the form as accurate as possible, but obviously we haven't been able to do that again today. So I obviously support this idea at least as an interim step until we're able to come up with something.

Again I've never -- the disclaimer doesn't say that the instructions are inaccurate. I went out of my way to make sure that it was a very neutral comment and that people may go gather more information from their State election official if they so choose. I don't know how it would -- if anything I think it hurts the form by not giving the voter as much information as possible. Again in many of these circumstances, including the one in Rhode Island that I just spoke about, and in the State of Colorado, you know, voters will either not know that they are able to register to vote. Or in the example of Colorado they will be mailing -- if they rely on the federal form, they will mail their application to an address that is not accurate. And I just -- I don't understand how it hurts the form to provide voters with as much information as possible.

Thank you.

CHAIR RODRIGUEZ:

Commissioner Hillman? Are we ready to vote on the proposed disclaimer? All those in favor indicate by saying aye.

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COMMISSIONER DAVIDSON:

Aye.

VICE-CHAIR HUNTER:

Aye.

CHAIR RODRIGUEZ:

Those opposed?

COMMISSIONER HILLMAN:

No.

CHAIR RODRIGUEZ:

No. The motion fails for lack of a majority.

[The motion failed for lack of a majority.]

CHAIR RODRIGUEZ:

We now have an update on HAVA funding issues from Mr. Edgardo Cortes. Mr. Cortes is an Election Research Specialist at the United States Election Assistance Commission.

MR. CORTES:

Good afternoon Commissioners. I was asked to come today to kind of give a brief update as to several funding issues that we have out there. My division currently handles all the HAVA funding that was distributed to States, as well as most of the grant funds that have been dispersed for EAC to distribute.

The first thing I want to start off with, and Tom mentioned it earlier today, there have been several changes in our division within the past month, month-and-a-half. The first was the

retirement of Peggy Sims. As you know that's, and Tom mentioned it, that's going to be a great loss for our agency as she has really been in this area first with the FEC's clearinghouse on election administration and then over here at the EAC. And she will be missed in our division. Now going from there we have in the past month also added two new employees. One of them I introduced during last month's public meeting, Julianna Milhoffer, and she was formerly with the Minnesota Secretary of State's Office. We have also added Julia Ruder (ph) who comes to us from the Wisconsin State Board of Elections. And so we have, you know, new staff members that are starting now to get into the swing of things and we hope to be much more responsive to the States and are much better able now to handle the amount of questions and things coming from the States.

The first point that I want to touch on is the 2008 requirements payments. The Congress at the end of December passed the Omnibus Appropriations Act and in that was included \$115 million in additional requirements payments under Section 251. We have added a new section to EAC's Web site particularly dealing with these requirements payments. We know there's a lot of questions out there from the States in terms of what the states need to do to apply for the funds. We have up under that section of the Web site a listing of the funding that each State will be eligible for, the amount of matching funds that each State will be required to provide, instructions for how to apply for the funding, and also some frequently asked questions that we've gotten about the requirements payments.

Basically the process for applying will be the same as it was previously in that States have to -- most States will probably have to amend their State plans to account for the new funding. All the States have already submitted their administrative complaint procedures, and then they have to file a certification that they're in compliance with several federal laws as they apply to HAVA and that these funds will be used to meet the Title III requirements. And then in addition they'll have to appropriate 5 five percent matching funds. And that listing is on the Web site.

The next issue is the issue of Section 102 funds. As you all know, the deadline for the use of Section 102 funds was extended to this year. For many States it will be the -- if their election is for -- the first federal election after March 2, 2008, is now the current deadline. So those States that originally applied for a waiver of the Section 102 deadline will have until later this year to comply with the requirements of Section 102. However, the extension was not granted to those States, which did not request a waiver in the first place. So those States which had a deadline of the general election in 2004, we'll be reviewing certifications which they've submitted about their use of Section 102 payments so that we can close out those accounts and if there's any repayment that needs to be made to collect those funds. I'll remind you that under this funding section, it's the only funding that had a specific deadline to it, and if those funds weren't used or obligated prior to the deadline those funds come back to EAC and we're required to distribute them out to the States as additional requirements payments.

The next issue is the annual financial reports. These are due very soon. The Section 101 and 102 reports which cover the calendar year of 2007 are due at the end of this month, and then the Section 251 reports which cover the 2007 federal fiscal year are due at the end of March. And so we have on our Web site, as we put up last year, we have a whole section on reporting, some model forms, some sample narratives, all sorts of information to help States properly fill out those reports. Once we get those reports in we'll also be doing an update to the report that we provided to Congress last year concerning how States have used their HAVA funds to date.

The last issue that I'll touch on is just a brief update on audits. We have to date issued 23 audit resolutions and those include ten audits that were conducted by our Office of Inspector General and 13 single audits conducted by the States under the Single Audit Act. These audit resolutions have resulted in almost \$16 million in requested repayments due to either misspent funds or in many cases funds that were not properly put into the election fund. So that accounts for lost interest, as well as under-matching by the States.

And so all of this information again is available on our election official center portion of the EAC Web site. And I'd be happy to take any questions that you may have about this.

CHAIR RODRIGUEZ:

Thank you very much. Are there any questions for Mr. Cortes?
Any comments?

COMMISSIONER HILLMAN:

Well, I have a couple...

CHAIR RODRIGUEZ:

Commissioner Hillman?

COMMISSIONER HILLMAN:

Yes, two questions. You referred to the 2008 requirements payments and you talked about frequently asked questions. Clearly there's a lot that States have to do on their end with respect to amending the State HAVA plans and the required posting for public comment and so on and so forth.

MR. CORTES:

Yes.

COMMISSIONER HILLMAN:

Have you received any questions/observations from States about anything that EAC could or should be doing to help expedite the process so that they can receive the funds sooner rather than later? And I don't -- I mean obviously what they do to get to the point that they're ready to submit the package to us is on them, but in terms of what we do, information we hand out, our process, anything?

MR. CORTES:

We have gotten several questions about what exactly is an amendment to the State plan and what exactly the States are supposed to do. They know they have to amend it, but what is the process. And so in our instructions on how to apply we list the sections that would need to be updated, as well as what the process is for the public comment period because there is a State comment period that they have to go through before they submit it to us, and then it gets published in the Federal Register.

In terms of issues and questions that have come up, I guess one of them would be what is a material change to the State plan? Because that's in HAVA what prompts the need for amending the State plan is when you have a material change. We've never issued direct guidance on what exactly is a material change. We've kind of given some parameters based on other federal funding, usually in other federal funding programs. If for instance the budget changes more than ten percent, you know, whatever grant or funding recipient is required to submit a new budget, a new plan. So we've given some general things, but we never gave them specific guidance to what the EAC considers a material change to the State plan.

I think the other thing that we have discussed at the staff level at least and we've now presented yet is trying to figure out what the quickest way to -- we foresee a rush at some point this year in terms of State plans coming in and getting those out the door quickly, and so we will work with the Commissioners to prepare some internal procedures to make sure that those get reviewed, processed, and published in the Federal Register as quickly as possible so that we do not hold up any, you know, funding that the States are eligible for.

COMMISSIONER HILLMAN:

A follow-up on that, and then I have a question for you about audits. Is developing a budget for the amount of funds each State is estimated to receive under this 2008 requirements payments allocation, is that likely to constitute a material -- what is it you said a significant...

MR. CORTES:

A material change to the State plan.

COMMISSIONER HILLMAN:

...a material change to the State plan?

MR. CORTES:

I think in most cases it will. Most of the State plans originally covered only the first two or three years after they received their funding, and so we're now into 2008. Many of the State plans didn't address this far into the future. And we've become aware through our audit process. Even when they have gone out and reviewed the State plan, in some instances the auditors are already telling them that they've had material changes and they need to update their State plan. So my guess is that a great majority of States will have to update their plans this year in order to receive the funding.

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COMMISSIONER HILLMAN:

And about the audit process, you said 23 total and then you broke it out, ten initiated by EAC and then the other 13. What was that process called?

MR. CORTES:

They're a single audit.

COMMISSIONER HILLMAN:

Single audit.

MR. CORTES:

Each State that's the recipient of federal funds has to do a yearly audit that the State conducts of all the federal funds the State has received. That's under the Single Audit Act. So those are -- it's

either conducted by the State auditor or by an auditing firm contracted by the State auditor, and it covers all federal funds that a State has received. And we've seen because of the amount of HAVA funding that's being spent that we've had some coverage in those single audits, and so any issues that come up in those -- dealing with HAVA funds get referred to us.

COMMISSIONER HILLMAN:

Okay. And if there aren't any issues referred to us, does EAC receive copies of those single audits? I mean, is there something available to the Commissioners that we can see this was the finding of the State auditor?

MR. CORTES:

There's a clearinghouse, they call it, of single audits that all federal agencies have access to, and so we can access the clearinghouse of single audits. You can download and view all the single audits that are conducted because they're all required to be posted here so that all agencies have access to the same information.

COMMISSIONER HILLMAN:

Okay. I'm just going to do a little administrative detail and ask Maisha to get with you to get the difference between -- well, to find out the 13 single audits versus the ten that we've done. And is the California special audit of 2005 included as part of the ten?

MR. CORTES:

I'll have to go back and look. I don't believe so because that was conducted by the -- or we contracted out with the Department of Interior at that point because we hadn't established our Office of Inspector General yet. But I can go back and double-check.

COMMISSIONER HILLMAN:

Thank you.

MR. CORTES:

Uh-huh.

CHAIR RODRIGUEZ:

Any further questions for Mr. Cortes? Commissioner Hunter?

VICE-CHAIR HUNTER:

Thank you Madam Chair. I have one quick question, Mr. Cortes. Is there a different standard of review that the EAC uses for those funds that the State is using for 251 or for the ones that the States have certified that they've made the penalty requirements and therefore they can use the funds for other administrative purposes, or whatever the language is? Do we look at the funds differently for audit purposes?

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MR. CORTES:

When we go out for audit, and again the audits are conducted by the Office of Inspector General, which is kind of an independent function within the EAC, but when they go out in terms of the 251 funds the States have to -- 251 funds, the main purpose of them is to help the States in meeting their requirements of Title III. And so the main purpose of those funds is to do that. Now the States can use those funds for what HAVA calls improving the administration of election for federal office, but they can only do that if they have filed the certification with the EAC.

Now there's two certifications they could file with us. The first is the State could tell us, "EAC, you know, our State has met all the Title III requirements and so now any remaining Section 251

funds that we have will be eligible to be used for improving administration of federal elections.”

The other certification they could do is say, “We have not met the Title III requirements yet but we’re going to use up to the minimum payment amount,” which at this point is about \$11.6 million. We will only use up to that amount for improving the administration of election for federal office.

So those are kind of the two certifications. And they have to -- if they haven’t submitted those certifications to us, then the auditors will flag them if they have used those funds for anything but meeting Title III requirements.

VICE-CHAIR HUNTER:

Okay, but if they have certified that they’ve met Title III and therefore they want to use the money for other improvement of administration of elections, does the auditor have a different standard for looking at the use of those funds in those two different circumstances? Or he is just looking at, you know, exactly how the funds were used? In other words, does he have some kind of guidance as to whether or not the EAC believes that that money was in fact used to better the administration of elections?

MR. CORTES:

They use pretty much the same protocol I think that they use for the 101 funds because the 101 funds -- we have used Section 101 as kind of a general guide as to what our improvements to the administration of federal elections, because Section 101 delineates a list of about 12 or 13 specific things that you can do that we feel are improvements to the administration of federal elections. And so

they use sort of the same guide. We would have to ask the Inspector General exactly what the criteria are, but any questions that they come across during the audit they'll flag them and they'll come to us and get our view as to whether or not something falls within that realm.

VICE-CHAIR HUNTER:

Okay, thank you. The purpose of my question is, I think it's probably to say that we'll have more States using that latter category because they've had -- obviously HAVA passed a number of years ago and more of them will be able to certify that they've met the requirements of Title III so they'll be using the money in that category more this time than they were last time.

MR. CORTES:

Yes. And I think, too, one of the -- when we provided our report to Congress last year in one of the appendices was a list of States that had filed certification and I think there was a lot of surprise actually that more States hadn't...

VICE-CHAIR HUNTER:

That there weren't more, right.

MR. CORTES:

...certified yet.

VICE-CHAIR HUNTER:

I think there were only a few. It was only a handful.

MR. CORTES:

Yes, there was only a handful that have certified that they've met the Title III requirements. So I think there was actually some

surprise that there aren't -- I think we were kind of surprised that there aren't more States that have sent in those certifications.

VICE-CHAIR HUNTER:

But they may not have felt the need to because they weren't going to use the funds for other purposes, so that could be why.

MR. CORTES:

Yes.

VICE-CHAIR HUNTER:

Thank you very much.

MR. CORTES:

Uh-huh.

CHAIR RODRIGUEZ:

Thank you. Any questions?

COMMISSIONER DAVIDSON:

No questions at this time.

CHAIR RODRIGUEZ:

Thank you very much Mr. Cortes.

MR. CORTES:

You're welcome.

CHAIR RODRIGUEZ:

And now we have reached the end of the meeting. I'm going to offer each of the Commissioners an opportunity for closing remarks. Commissioner Davidson, do you have anything?

COMMISSIONER DAVIDSON:

I'm fine, thank you. I just appreciate everybody being here today and I look forward to all the meetings with NASS and NASED.

CHAIR RODRIGUEZ:

Vice-Chair Hunter?

VICE-CHAIR HUNTER:

I'm okay for now, thank you.

CHAIR RODRIGUEZ:

Commissioner Hillman?

COMMISSIONER HILLMAN:

None, thanks.

CHAIR RODRIGUEZ:

I just will say that I was thrilled to go to my precinct caucus in Denver Tuesday night and see really unprecedented involvement of both parties. I went to a panel discussion the following morning with the Chairman of the State Republican Party, Dick Wadhams in Colorado, and the Chairman of the State Democratic Party, Pat Waak, and everybody was on cloud nine because of the level of interest and participation out in the hinterlands. It was just thrilling. And if you haven't had a chance to vote yet in a primary or a caucus it's something to look forward to greatly.

The EAC has a couple of roundtables coming up in the D.C. area and out in the country that we have scheduled for some in-depth analysis of the voluntary voting system guidelines. The first one scheduled is February 29th where we're going to invite voting system manufacturers in to look at the VVSG at the EAC. On March 19th we're going to hear from the voting system test labs in Denver. And on March 27th we're going to hear from the accessibility and usability professionals here in Washington at Gallaudet University. We have several others pending.

All this information is on the Web site. And you too can join the hordes that are accessing the Web site. On February 3rd, which was Monday, we had 107,000 hits on the EAC Web site. On February 4th we had almost 77,000 hits. So people -- again people have found us and that kind of quantifies the number of people that have found us. It's greatly encouraging to the work of the Commission and the staff.

Mr. Wilkey, do you have anything to add?

EXECUTIVE DIRECTOR WILKEY:

No, only that I think that the audience has seen again today the great work that the entire staff that EAC does on a daily basis. We're very, very proud of the work they do, as I am.

And just so that you know that the EAC keeps you up to date, we just have a news bulletin from the Washington Post that apparently Mitt Romney has suspended his bid for the Republican nomination. Just so you know.

Other than that, I don't have anything else.

CHAIR RODRIGUEZ:

All right, thank you very much. We're adjourned and we'll see you in March, in Denver, March 20th. Thank you.

[Whereupon, the Election Assistance Commission meeting adjourned at 12:55 p.m.]

bw/add

