American Voting Experience: Report of the Presidential Commission on Election Administration

National Conference of State Legislators
Legislative Conference
Minneapolis, MN August 20, 2014

- Presidential Commission on Election Administration
- Key Recommendations of the PCEA
- Post-Report Activity
General Election 2012:
According to survey data, although most voters waited for less than 15 minutes in order to vote, there were 5 million voters who waited more than an hour—up to 7 & 8 hours in some places, and an additional 5 million who waited more than 30 minutes.

"Defending our freedom, though, is not just the job of our military alone. We must all do our part to make sure our God-given rights are protected here at home. That includes our most fundamental right as citizens: the right to vote. When any American, no matter where they live or what their party, are denied that right because they can’t afford to wait for five or six or seven hours just to cast their ballot, we are betraying our ideals. **So tonight, I’m announcing a nonpartisan commission to improve the voting experience in America.** And it definitely needs improvement. I’m asking two long-time experts in the field -- who, by the way, recently served as the top attorneys for my campaign and for Governor Romney’s campaign -- to lead it. We can fix this, and we will. The American people demand it, and so does our democracy."

President Barack Obama
State of the Union,
February 12th, 2013
Full biographies are available at www.supportthevoter.gov
Stakeholder Meetings

Meetings In:
- Alaska
- Washington
- California
- Colorado*
- Kentucky
- Georgia
- Ohio*
- Florida*
- Pennsylvania*
- New York
- DC

Members of the Commission attended conferences of various organizations and met with groups interested in the Commission's business. Commissioners attended meetings of the National Association of Secretaries of State, National Association of State Election Directors, the Election Center, the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT), National Conference of State Legislatures, and the Future of California Elections.


At a virtual public meeting held by conference call on November 14, a recording of which was made available on the website and a transcript of which is provided in the Appendix, Commissioners summarized these meetings for the Commission as a whole and the public.
But we heard from officials in all of these states*:

*according to my notes

Public Hearing Format:
1) State & Local Election Officials

Denver Hearing
Public Hearing Format:
2) Academics & Topical Expert Testimony

In Ohio we had our only 2-day hearing with the first day being solely devoted to voting technology:

State and Local Election Officials
Scientists from NIST
Certification Leaders
Testing Laboratory Representatives
Usability Experts
Manufacturers
Academics
Public Hearing Format:
3) Public Testimony

What did we hear?

- Jurisdictions are frustrated and do not feel that their voices are heard:
  - In legislation (the “least powerful lobby”).
  - In appropriations (“elections tend toward the lower end of the scale of priorities, behind education, public safety, and health care, to name just a few resource competitors”).
- Elections are awash with data, but many administrators don’t know what to collect to tell their story most effectively.
What did we hear?

- Jurisdictions are struggling with resources:
  - lack of,
  - quality of,
  - distribution of,
  - & options available to them in the current market.

- Concern with the stymied standard setting process and potential impact on voting equipment certification for new innovations.

What did we hear?

- Jurisdictions want to utilize new technology to provide services to their voters.
- The voters are increasingly expecting their voting experience to be familiar—to be able to vote on a machine or devise that is as easy to use, and may actually be, their tablet or smartphone.
What did we hear?

- After the passage of the Help America Vote Act (HAVA) there was an influx of federal dollars to upgrade voting equipment.
- That equipment has been aging at a consistent rate across the country and is now 10 years old and counting.
- Replacement is necessary, and soon.

What did we hear?

- **ONE SIZE DOES NOT FIT ALL**
All of the recommendations in the Report are successfully implemented programs or procedures which have been tried and tested in elections conducted in this country.

Although they may not all be applicable to every jurisdiction, the adoption of any will improve the voting experience for many.
What’s NOT in the Report:

- No specific legislative recommendations, although some states may feel enabling legislation is necessary for implementation.
- No comments on pending legislation such as the introduced Voting Rights Act Amendment or the SENTRI Act.
- No discussion on any litigation such as ID requirements or the KS/AZ Voter Registration case.

I. Definition of the Charge

Here are 11 items that do “Fit All”:

- Voters at all points of contact with the electoral process should find that it is accessible and dependable.
- Voters should not need to wait more than half an hour to vote.
- Ballots should be well-designed and simple to understand.
- The registration process should be efficient and reliable.
- Voter rolls at the polling place should be accurate.
- Voting information provided by officials should be clear and comprehensive.
- Ballots delivered by mail should arrive in a timely fashion and should be tracked from delivery to return.
- Military and overseas voters should receive their ballots on time and be confident that the election authority has received them in time to be counted.
- Polling places should be well-organized, well-equipped, and accessible.
- Well-trained and informed poll workers should supply useful guidance, answer questions, and resolve issues as they arise.
- Accommodations should be made for populations requiring specialized support, such as voters with disabilities or limited English proficiency.
Commission on Political Reform

- Commission on Political Reform chaired by:
  - Former Senator Olympia Snowe,
  - Former Senate Majority Leader Tom Daschle,
  - Former Senate Majority Leader Trent Lott,
  - Former US Secretary of Agriculture and Representative Dan Glickman,
  - Former Governor of Idaho and US Secretary of the Interior Dirk Kempthorne.

- Overlapping recommendations will be noted with the CPR Report’s cover.

RNLA Response to Report

- It is important to note that the Report received bipartisan support for many of the PCEA Recommendations.

- Those supported by the RNLA will also carry their Response icon.
Key Recommendations:

- Voter Registration Modernization:
  - Online voter registration
  - DMV and other government agency data transfer improvement in compliance with National Voter Registration Act

- Statewide voter list comparisons:
  - Interstate Voter Registration Cross Check (IVRC)
  - Election Registration Information Center (ERIC)

Online voter registration, when implemented correctly, can streamline office processes and improve the quality of the voter rolls:

- reduces the high potential for error that exists with traditional paper-based systems;
- saves jurisdictions a significant amount of money;
- increases the accuracy and currency of the voter rolls, thereby reducing delays and congestion at the polling place; and
- improves the voter experience because voters get immediate feedback when they are registered or when their information (e.g., address, party, etc.) has been updated.
Key Recommendations:

➢ Expansion of voting opportunities before Election Day & improvement to polling locations such as schools having an in-service day on Election Day.

Key Recommendations:

➢ Address the pending voting equipment crisis
➢ Reform of the standard-setting and certification of voting equipment.
Key Recommendations: Polling Place Efficiency

- Use of resource allocation tools and techniques to manage polling places,
- Publication of data to empower voters to make informed decisions,
- Goal of 30 minute wait.

About that 30 minute goal.

The Commission has concluded that, as a general rule, no voter should have to wait more than half an hour in order to have an opportunity to vote.
30 Minute Goal

Of course, there will be circumstances that strain this goal, such as when a busload of people shows up unexpectedly at a polling location, or a hundred-person line of enthusiastic voters is waiting to greet the poll worker who opens the polling place in the morning. Nonetheless, local officials should be able to plan the allocation of their resources such that during the normal course of the day, nearly all voters can be processed within the 30-minute standard. Any wait time that exceeds this half-hour standard is an indication that something is amiss and that corrective measures should be deployed. Furthermore, knowing that the process will inevitably break down somewhere within a jurisdiction on Election Day — it may not be possible to predict exactly where breakdowns will happen — these corrective measures need to be developed in advance and activated as necessary to handle these situations. Excessive wait times are avoidable if the jurisdiction has undergone proper planning and develops systems to inform the responsible authorities when a breakdown occurs.

There is research data from the Pew demonstrating that 30 minutes is the “sweet spot” of voter tolerance for waiting in line before leaving—testimony we heard was that it varies from EV to ED.

There are many recommendations that will contribute to getting us to the goal:

- The use of resource allocation tools will aid in resource placement and maximize efficiencies.
- More accurate voter registration rolls streamline voter processing, check-in, and reduce the more time-consuming provisional voting process.
- Expansion of voting opportunities shifts some voters away from Election Day lines.
- Improved ballot and voting material usability decreases the time necessary to cast a ballot or receive complicated instruction.
There are many recommendations that will contribute to getting us to the goal:

- Advancing **voting equipment standard** setting will allow for voters to mark their selections prior to getting to the polling place, thus cutting down on the time needed to vote.
- **ePollbooks** can further expedite checking in voters.
- Allowing for **16-17 year olds to work the polls** and establishing new pools of potential workers with government employee and corporate programs increases the ability to fully staff the polling place.

And:

- Continued need to improve service to UOCAVA voters.
- Polling place facility management necessary --as well as allowing for varied types of locations (IE “policymakers mandate the use of any particular type of building”).
Legislative Action May Be Necessary

- Online Voter Registration
- Expansion of voting opportunities before Election Day
- Funding for replacement of aging voting equipment and potential for ePollbooks
- Vote Centers
- Ballot usability: format, content, length
Legislative Action May Be Necessary

- Require a school in-service day on Election Day
- Allow for 16 & 17 year olds to work as pollworkers
- Accept FPCA & FWABs as full voter registration forms with time period relating to just the absentee ballot request
- Require Sample Ballots to be available online
- Pollworker training requirement change if not already required for each election.
- Enable data sharing with other states via ERIC & IVRC

Legislative Action May Be Necessary

- Are state systems working in concert with one another—DMV & assistant agencies fully compliant with the NVRA?
  - Is a single residence required for voting, vehicle registration & licensing? Or can multiple addresses be used?
  - If a single address is required, is it enforced?
  - If multiple addresses are possible, would there be benefits to making a single address required—such as the efficiencies gained in Michigan and Delaware?
- What accommodations can be made for First Responders? Can UOCAVA processes be extended to them?
- Are disaster response & recovery laws sufficient?
Senate

- Senate Rules has held a series of hearings on various topics relating to the PCEA Report and its recommendations:
  - 2/12/2014 Bipartisan Support for Improving US Elections
  - 3/12/2-14 Innovation, Administrative Improvements & Cost Savings
  - 5/14/2014 Collection, Analysis & Use of Data: A Measured Approach to Improving Election Administration

- The SENTRI Act did have amendments to it that directly reflect the Report.
Portions of the SENTRI Act have been incorporated into the National Defense Authorization Act FY 2015.

Senate staff have alluded that other portions *may* be added in the Senate where the Bill now resides.

House Administration recently held its first hearing relating to the Report.

Post PCEA Report Activity

- In addition to the Commission on Political Reform (CPR) and Republican National Lawyers Report (RNLA) there has been great interest in, and furthering of the recommendations of the Report.
- Many Commissioners have been busy testifying at State and Federal levels regarding the PCEA Recommendations, presenting at national, state, and local conferences, and meeting with stakeholders.
- Because of this momentum, the Democracy Project at the Bipartisan Policy Center (BPC) has established a post-Report Initiative.

Bipartisan Policy Center

- “As the only Washington, DC-based think tank that actively promotes bipartisanship, BPC works to address the key challenges facing the nation.”
- BPC has been an active participant in the PCEA process and is the perfect home for post-Report work which is being made possible through generous support from private foundations.
The Democracy Project is poised to assist with your efforts to enact or advance any of the PCEA Recommendations.

The PCEA Co-Chairs and former Commissioners are committed to assisting in implementation activity.

Senior Advisors to the Democracy Project: State and Local Election officials, Don Palmer and Tammy Patrick.

Our efforts will be three-fold:
- Application of the Online tools & Polling Place Management
- Expertise
- Partnering

Application of Online Tools

Second-stage of the PCEA Report will identify jurisdictions which would welcome members of the team to assist in utilization of the Online tools to review the upcoming mid-term election.

Depending on the needs of the state or local administrator, this could include actions such as:
- Resource allocation analysis
- Wait time capture
- Poll worker training review
Bipartisan Policy Center (BPC) Support

- The team will offer expert witnesses and speakers:
  - Election Administration Expertise
  - Statistical Analysis
  - Legislative testimony
  - Town Hall/citizen forums to support your initiatives
  - State Election Association meetings
Partnership with Bipartisan Policy Center (BPC)

- We are forming a variety of working groups around key recommendations and with vested stakeholders:
  - Voting System Technology standards and certification
  - Large jurisdiction challenges
  - Effective early voting and absentee processes
  - Online Voter Registration & Address updates
  - Data Matching Efficiencies & Recommendations
  - Serving military & overseas (UOCAVA) voters

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