

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

06-CV-00726-ANS

Exhibit F

To Assure Pride and Confidence *in the Electoral Process*

August 2001

Task Force Reports

*To accompany the Report of
the National Commission on Election Reform*

Organized by
Miller Center of Public Affairs,
University of Virginia
The Century Foundation

Supported by
The David and Lucile Packard Foundation
The William and Flora Hewlett Foundation
The John S. and James L. Knight Foundation

The Commission

Honorary Co-Chairs

President Gerald R. Ford
President Jimmy Carter

Co-Chairs

Robert H. Michel
Lloyd N. Cutler

Vice-Chairs

Stacie Gorton
Kathleen M. Sullivan

Commissioners

Griffin Bell
Rudy Boschwitz
John C. Danforth
Christopher F. Esley, Jr.
Hanna Holborn Gray
Coleen C. McAndrews
Daniel Patrick Moynihan
Lara Panketa
Deval L. Patrick
Diane Rautch
Bill Richardson
John Seligenthaler
Michael Steele

Executive Director

Philip D. Zelikow

Public Hearings

March 26, 2001

Citizen Participation
The Carter Center
Atlanta, Georgia

April 12, 2001

Election Administration
The Ronald Reagan Presidential Library
Simi Valley, California

May 24, 2001

What Does the Law Require?
Lyndon B. Johnson Library and Museum
Austin, Texas

June 5, 2001

The American and International Experience
Gerald R. Ford Library
Ann Arbor, Michigan

Contents

Task Force on the Federal Election System

Dr. John Mark Hansen, Coordinator

Preface

- I** Sizing the Problem
- II** Voter Registration
- III** Statewide Voter Registration Systems
- IV** Civic Education Programs
- V** Early Voting, Unrestricted Absentee Voting, and Voting by Mail
- VI** Verification of Identity
- VII** Provisional Balloting
- VIII** Disenfranchisement of Felons
- IX** Uniform Poll Closing and Uniform Reporting

Task Force on the Constitutional Law and Federal Election Law

Professor Daniel Ortiz, Coordinator

- X** The Federal Regulation of Elections
- XI** What Counts as a Vote
- XII** Recounts and Contests
- XIII** Congressional Authority to Regulate When Presidential Votes Can Be Counted

Organization

About the National Commission on Federal Election Reform

Organizing and Sponsoring Institutions

II. Voter Registration

Voter registration

Task Force on the Federal Election System
John Mark Hansen
July 2001

Summary of conclusions

1. Registration to vote is widespread but far from universal. In 1996, seventy-one percent of voting age citizens were registered to vote.
2. Voter registration is the mechanism of balance between two types of errors: the inclusion in the electorate of people who are not eligible to vote and the exclusion from the electorate of people who are. The trend since enactment of voter registration has been to scale back restrictions on access. Even so, the registration laws in the United States are among the most demanding in the democratic world.
3. Voter registration laws depress voter turnout by raising the cost of the exercise of the franchise. The National Voter Registration Act has mitigated many of the most restrictive voter registration practices. The most significant restriction that remains is the lengthy closing period, although it too has been capped, at 30 days.
4. The primary sufferers of voter registration are migrants and the less educated. Sixteen percent of the population changes residence each year, and the registrants among them must reregister at new addresses. The young, the poor, and renters are more likely to move and less likely to register. The less educated are less likely to be motivated to register and less likely to have the skills to manage it, giving rise to sizable differences in voter registration by education.
5. The National Voter Registration Act has complicated voter list management. In response, states have taken administrative steps to deter registration by non-citizens, to overcome the problems caused by delegation of voter registration responsibilities to driver's license bureaus, government service agencies, and third-party registrars, and to eliminate duplicate and lapsed registrations. The measures include the incorporation of separate check-offs for citizenship on voter registration applications, the adoption of statewide voter registration systems, and the use of numeric identifiers for voter registration.

Registration as a voter is the first step toward the exercise of the franchise, in every state except North Dakota. Participation in that first step is broad, but far from universal. In November 1996, 71.0 percent of American citizens of voting age reported that they were currently registered to vote. Of registrants, 82.3 percent reported that they had voted in the 1996 presidential elections.¹ Together with voter turnout, rates of reported voter registration have fallen steadily since 1968.

¹ Survey self-reports of voter registration exhibit the same sawtooth pattern as voter turnout: higher in presidential election years and lower in midterm election years. In 1998, 67.1 percent of the voting age citizen population reported registration. Sixty-eight percent of the registrants reported voting.

Maryland	4.8	8.6
Michigan	3.0	4.5
New York	13.2	19.6
Texas	10.3	11.3
Utah	4.5	5.9
Vermont	1.6	3.0
Virginia	3.4	6.6

Source: Offices of the Secretary of State, individual states; U. S. Census Bureau, "Profile of the foreign-born population in the United States, 1997," Current Population Report Special Studies, Series P23-195; 1996 Current Population Survey Voter Supplement

The delegation of voter registration responsibilities to agencies other than registrars has been a more active concern among election administrators. They cite an array of problems. Motor vehicle bureaus and public service agencies fail to forward applications in time for them to be entered onto the public registry.¹³ Third-party registrars—political parties, advocacy groups, and citizens' groups that conduct registration drives—delay to send applications or fail to send them at all, sometimes inadvertently and sometimes deliberately. Agencies and third-party registrars take applications that are incomplete or inadmissible: applications with postal box addresses rather than street addresses, applications that are unsigned. Finally, election officials cite public confusion. People arrive at the polls convinced that they are registered to vote by virtue of having obtained a driver's license.

A number of states have adopted measures to meet these administrative challenges. Closer integration of voter registration with other government records is one solution. In the late 1990s, for example, Michigan created its Qualified Voter File (QVF), which is so closely linked to motor vehicle records that the driver's license number became the registration ID number and the voter registration address became the driver's license address. Changes to one record automatically cause changes to the other. In other states, broader use of provisional ballots creates an audit trail for problem points.

Finally, election officials contend that NVRA has created new problems of voter list maintenance. NVRA set new and stricter standards for purging voter registration rolls. It allowed registrars to remove registrants from the rolls (subject to particular safeguards) only at their own request, because of criminal convictions, death, or mental incapacity, or because of a change of address. It prohibited registrars from deleting registrations on the sole basis of extended non-participation in elections or on the basis of relocation within jurisdiction. It required registrars to retain registrants who did not vote and did not respond to mailed inquiries on the list, but as "inactive" registrants, for a period of two general elections.

Because of these stricter list maintenance provisions, NVRA by all accounts has caused voter registration rolls to swell. The official number of registrants, active and inactive, exceeds the voting age population of numerous counties and two states, Alaska and Maine.¹⁴ To be sure, registration rolls have never been lean: most jurisdictions purged their lists less frequently and less completely

¹³ The most recent FEC report to Congress on the implementation of NVRA noted that the incidence of such problems had increased three-fold since the Commission's last survey.

¹⁴ After a recent purge, registration in Maine is now below 100 percent of voting age population.

than they could.¹⁵ But where informed estimates placed lapsed registrations at 15 percent of total registrations before NVRA, they now place lapsed registrations at 25 percent of the total.¹⁶

The list maintenance provisions of NVRA have given a substantial boost to efforts to create statewide voter registration lists, which have doubled in number since 1993. Statewide lists permit election officials better to eliminate duplicate registrations, in that 76.5 percent of residential relocations occur within the same state. They also enable better integration of voter lists with other governmental databases, such as motor vehicle registrations, vital records, and corrections records.

According to officials who administer voter registration, however, the greatest current impediment to efficient list management is the lack of a unique numeric identifier for each registrant. Names, addresses, and dates of birth of the same people listed in two different sources frequently do not match because of alternative forms, abbreviations, similarities to others' names, or simple data reporting or data entry errors. (Death records, for instance, originate in hospitals, where hospital staff take reports from family members in a time of bereavement.) While still subject to mistakes in data reporting and data entry, numeric identifiers would vastly reduce the number of ambiguous matches and simplify list maintenance.

The most obvious numeric identifier, the Social Security number (SSN), is prohibited from new use in voter registration by the Privacy Act of 1974. The eight states that currently require Social Security numbers for registration adopted them for use before the passage of the Act. Four additional states require the last four digits of the Social Security number. Sixteen states, in New England, the Upper Midwest, and the Pacific Northwest, do not use numeric identifiers.¹⁷ Of the rest, 16 request full SSNs, three request the last four digits, and five request driver's license or state ID numbers. Although large numbers of registrants comply with the request for an identifying number, provision of the information is not universal.¹⁸

Previous proposals to allow broader use of Social Security numbers for purposes of identification have met strong opposition. On the grounds of an abstract right to privacy, civil libertarians have resisted turning the Social Security number into a national identity number. Many citizens would be uneasy about broader and more public use of a number that is already linked to financial and credit records.

¹⁵ According to Election Data Services, 218 counties reported registrations in excess of 100 percent of county population in 1992. Two hundred nineteen reported the same in 1996. Federal Election Commission, "Implementing the National Voter Registration Act," March 1998: 5-15.

¹⁶ The problem of over-subscribed lists is not peculiar to voter registration. Thirty states currently have more driver's licenses on issue than they have population over the age of 16. The largest coverage is Wyoming's, where licensed drivers are 158 percent of population.

¹⁷ This list includes five of the six states with Election Day registration. The exception is Idaho.

¹⁸ Moreover, most states have only recently begun to request numeric identifiers, and they lack them for nearly everybody who registered prior to the request.

Numeric identifiers for voter registration, by state

State	Request			Require	
	Full Social Security Number	Last 4 digits of Social Security Number	Driver's license number	Full Social Security Number	Last 4 digits of Social Security Number
Alabama	*				
Alaska	*				
Arizona		*			
Arkansas	*				
California			*		
Colorado	*				
Connecticut					
Delaware	*				
D.C.	*				
Florida					*
Georgia				*	
Hawaii				*	
Idaho	*				
Illinois	*				*
Indiana	*				
Iowa	*				
Kansas	*				
Kentucky				*	
Louisiana	*				
Maine					
Maryland	*				
Massachusetts					
Michigan			*		
Minnesota					
Mississippi	*				
Missouri					*
Montana					
Nebraska					
Nevada				+	
New Hampshire					
New Jersey					
New Mexico				*	
New York					
North Carolina			*		
North Dakota	No voter registration				
Ohio	*				
Oklahoma					*
Oregon					*
Pennsylvania					

Rhode Island					
South Carolina				•	
South Dakota	•				
Tennessee				•	
Texas	•		•		
Utah		•	•		
Vermont					
Virginia				•	
Washington					
West Virginia		•			
Wisconsin					
Wyoming					
United States	16 states + DC	3 states	5 states	8 states	4 states

†Nevada allows use of a driver's license number or state-issued voter ID number as an alternative.

Source: Federal Election Commission, National Voter Mail-In Registration Instructions.

III. Statewide Voter Registration Systems

Statewide Voter Registration Systems

Task Force on the Federal Election System
John Mark Hansen
July 2001

Summary of conclusions

1. Twenty states currently have statewide voter registration systems in place in or process, and all but eleven states now have some form of periodic centralized statewide voter list.
2. Improved computing and data networking capabilities have made statewide registration systems possible, but the most important impetus to the adoption of statewide systems was the National Voter Registration Act (NVRA). NVRA made voter registration available through driver's license bureaus and other government offices, and states have turned to centralized voter lists to achieve better coordination between local registrars and state and local governmental service agencies. NVRA also set stricter standards for voter list management, and states have found centralized registration lists to help in list maintenance, for instance, in identifying duplicate registrations and in facilitating re-registrations by people who have moved within state.
3. Statewide voter registration systems require standardization of data formats and computing platforms, which has been a challenge to achieve in large states and in states with radically decentralized voter registration responsibilities. Michigan is the largest and most complex state yet to implement a state-wide voter registration system.

Historically, voter registration has been administered, except in Alaska and Oklahoma, almost exclusively on the local level, by city, town, and township registrars in much of New England and the Great Lakes and by county registrars almost everywhere else. Recently, as computerization has opened new possibilities and voter list management has become more difficult, states have begun to coordinate voter registration through centralized voter lists.

South Carolina was the first to create a computerized statewide registration list, a compilation of local registries, in 1968. Kentucky followed suit in 1973, consolidating local voter registration records in an active statewide database. Louisiana piloted a centralized list in 1983 and extended it statewide in 1987.

By now, eleven states and the District of Columbia have already implemented statewide registration systems that cover all their jurisdictions. Seven more states are midstream in implementation, and three more states are on the verge of adoption. The 20 states with full statewide systems in place or in process are able to give local election officials access to complete statewide registration lists, often but not always in real time. Altogether, these 20 states and the District account for 39.2 percent of the voting age citizen population of the United States.

Most of the rest of the states are moving toward better coordination of local voter registries. Fourteen states (with 17.8 percent of the voting age population) have or plan minimal systems to collect local voter lists and to check them for duplicate registrations. In between are eleven states that have coordinated systems with partial coverage of election jurisdictions. Altogether, 80.8 percent of the adult citizen population lives in one of the 39 states and the District with at least rudimentary statewide capacity for administration of voter registration.

Many factors have promoted the development of statewide voter registration systems. Computerization of records and faster communications technologies made effective statewide systems imaginable in the 1980s, and the pioneering systems in Kentucky and Louisiana worked on the model of one-way local access to mainframe databases. With innovations in networked computing and database management software, the mainframe systems were soon considered obsolete. Kentucky in fact overhauled its system in 1995, in response to the National Voter Registration Act. The new systems are superior in their capacity for interactivity. Michigan's Qualified Voter File (QVF), for instance, works on a model of two-way local access to centralized servers in Lansing via the Internet. New information is communicated from local QVF offices to Lansing and updated data are communicated back in less than an hour.

The passage of the National Voter Registration Act (NVRA) in 1993 provided a major impetus for the adoption of statewide registration systems.¹ First, NVRA required states to allow voter registration through driver's license bureaus and social service agencies. Statewide registration systems were an adaptation that made possible better coordination and data sharing between voter registration agencies and the other registration offices specified by NVRA. In the Michigan system, for example, voter registration records and motor vehicle records are fully integrated. Michigan turned the driver's license number into the registration ID number and changed its motor vehicle license code so that the voter registration address became the driver's license address. Changes to one record automatically cause changes to the other.

Second, NVRA set new and stricter standards for voter list maintenance. It allowed registrars to remove citizens from the rolls (subject to particular safeguards) only at their own request, because of criminal convictions, death, or mental incapacity, or because of a change of address. In the new management environment, statewide registration systems had attractive list maintenance capabilities. They slimmed voter registration rolls by allowing identification of existing duplicate registrations. They improved processing of in-state changes of address by pairing the incorporation of new voter registration records with deletion of the old records. If integrated successfully with motor vehicle registers, statewide systems also improved detection of changes of address to out of state, triggered by driver's license cancellations. With its new system, Michigan claims to have eliminated 600,000 duplicate and ineligible registrations. Integration with corrections records and vital records, which so far has proven difficult, may bring still greater efficiencies in list management.

An examination of the states that have yet to attempt statewide systems provides insight into the difficulties. Clearly, one challenge to the development of statewide registration is sheer size. To date, the largest state to implement a statewide system is Michigan, with about 6.8 million citizens of voting age, the nation's eighth largest electorate. If Florida goes forward with its plans, it will become the largest state to undertake the task, with an electorate of 9.8 million, the fourth largest. Prominent among the states that have not yet adopted even a partial system of statewide registration are New York, Pennsylvania, Illinois, and New Jersey, the third, fifth, sixth, and ninth most populous jurisdictions. In addition, the systems in California (largest) and Texas (second) are not very far advanced. Texas's system has only 109 of its 256 counties on line, and California's does not yet include Los Angeles County.

For the largest states, the challenge is just the absolute size of the task. For statewide systems to work, local records must be converted to common format and made to work on common platforms. The administrative obstacles of database conversion and system conversion are formidable. And, as Maryland has discovered, experienced vendors with turnkey systems in hand are in short supply.

¹ Interestingly, South Carolina's first-in-the-nation system was a response to the 1965 Voting Rights Act, which put pressure on the state to insure uniform and scrupulous administration of voter registration.

A second obvious challenge to the implementation of statewide voter registration systems is the number and diversity of the local voter registration offices that must be coordinated. Also prominent among states that have not yet adopted even a partial statewide system are Maine, New Hampshire, Vermont, and Wisconsin, all states in which elections are administered by city, town, and township governments rather than county governments. Statewide systems in radically decentralized states require reconciliation of many, vastly different local voter registration practices.

In both respects, both in size and complexity, Michigan represents an attractive model. Michigan is a large state with a large city, Detroit. Michigan is also the state with the largest number of jurisdictions that manage federal elections, 273 city and 1242 township governments. The Michigan QVF was accomplished at a considerable expense (which was spread out, in part, over a much-needed overhaul of its motor vehicle system). The State provided both hardware and software, at State expense, to 83 county clerks and to 236 clerks of cities and townships over 5000 population. Ninety-four smaller jurisdictions opted to purchase the infrastructure at their own expense. As a result, 83 counties and 363 larger cities and townships, with about 80 percent of the Michigan electorate, have direct, real-time access to the Qualified Voter File. The remaining 1151 cities and townships share access through county QVF sites. Now that the start-up costs are paid, Michigan believes that local governments realize considerable cost savings in voter list management. The most recent FEC report on the implementation of NVRA finds that many other states have found their investments in statewide computerized voter registration lists worthwhile.

As technology develops, statewide registration systems hold even greater promise. First, statewide voter registration systems might facilitate statewide provisional balloting. After Election Day, election officials could quickly verify registration in other counties and accept votes cast for common offices. Second, statewide voter registration systems with real-time access on Election Day might make same-day registration possible even in states with histories of "early and often" voting. By entering Election Day registrations directly onto registration databases, election administrators could prevent the same person from voting at multiple sites.² Finally, state-wide registration systems coupled with electronic voting systems might make it possible for voters to cast their ballots not only at their home precincts but at any precinct in the state. As of 1990, 17.7 percent of employed persons worked outside their county of residence, and 30.5 percent lived more than 30 minutes away from their workplace. The numbers of commuters and the distance of commutes continue to rise. If it were technologically possible to verify registration and call up the correct ballot anywhere in the state, citizens could vote near work, near school, or near errands and not only near home. Statewide registration systems, that is, might make it possible to make participation in elections more convenient for legitimate voters without adding to the risk of election fraud.

² Virginia already treats the entire state as a single jurisdiction for registration purposes, so that in-state migrants need not re-register in order to vote.

Selected references

Election Data Services Inc. and AutoGenesis Systems Inc., "Developing a statewide voter registration database: Procedures, alternatives, and general models," Office of Election Administration, Federal Election Commission, August 1997.

Federal Election Commission, Office of Election Administration, "The impact of the National Voter Registration Act of 1993 on the administration of elections for federal office, 1999-2000," final draft, June 2001.

InfoSentry Services Inc., "Needs and requirements for an Oregon Centralized Voter Registration System," report prepared for the Secretary of State of Oregon, 18 March 1999.

Michigan Department of State, "Michigan's Qualified Voter File system," typescript, 5 June 2001.