



Los Angeles County REGISTRAR-RECORDER/COUNTY CLERK

DEAN C. LOGAN

Registrar-Recorder/County Clerk

October 31, 2011

The Honorable Gregg Harper, Chair
Subcommittee on Elections
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairman Harper:

This letter is in response to your request for recommendations that identify steps Congress can take to reduce the costs of complying with federal mandates and of elections, in general. I thank you for the opportunity to provide input to this important discussion. The following is solely informational, reflecting perspectives and observations based on the operational impacts of election practices. This is not intended to serve as formal policy recommendations.

Within the current economic climate, the operational requirements set by election related federal mandates may seem more burdensome to election officials as we manage with shrinking budgets and navigate a changing regulatory environment. In general, however, many of the requirements put in place by major federal election laws have played an invaluable role in fostering election procedures that help protect the legitimacy of our democratic process by ensuring that all eligible citizens have access to the process. It is my belief, as the Election Official for a County with more than 4.5 million registered voters (the largest county election jurisdiction in the nation), that the most significant step Congress can take to help election officials do their job and reduce mounting election costs is to modernize the outdated and costly voter registration system in the United States.

1. The impact of federal mandates on our current election operations are not the burden. Key federal mandates have provided Election Officials more tools and practices for conducting better elections.

Federal mandates like the Voting Rights Act, National Voter Registration Act (NVRA) and Help America Vote Act (HAVA) have placed significant requirements on the conduct of elections, especially as they pertain to providing language assistance for voters with limited English proficiency, expanded options for voter registration, and the improvement of voting systems. At the same time, these requirements have put practices in place that have helped millions of eligible citizens register and vote, and made elections more accessible for voters with disabilities, as well as standardizing and improving important aspects of the administration of elections.

Voting Rights Act (Sec. 203 and Sec. 4(f)4)

The language provisions of the Voting Rights Act require election officials to provide translated election materials and language assistance to eligible voters who may not have a strong enough command of the English language. This has helped Los Angeles County educate and serve hundreds of thousands of voters who may not be able to read or speak English proficiently enough to navigate the elections process.

While serving these voters requires significant resources, it actually helps to significantly reduce voter confusion at the polling place, thereby improving the voting experience for all voters. Voter confusion at the polls can lead to delays in the voting process, longer lines for voters or voter disenfranchisement. By requiring translated materials and bilingual election workers, the Act helps to reduce confusion or delays that might be caused by linguistic or cultural barriers.

National Voter Registration Act of 1993 (NVRA)

The NVRA or "Motor Voter Act" was enacted by Congress to increase access to voter registration and to prevent practices that arbitrarily removed voters from the voter rolls. The Act has dramatically increased the number of registered voters by making voter registration available via mail-in forms and at a number of covered agencies (e.g. Department of Motor Vehicles, social service agencies, and military recruitment stations).

More importantly, the NVRA has fundamentally shifted a significant share of voter registration activity to NVRA covered agencies, thereby coupling the process to other administrative transactions. According to the Federal Election Assistance Commission (EAC) report submitted to the 112th Congress, of the more than 45 million citizens who registered to vote between 2008 and 2010, 43% registered to vote through an NVRA covered agency -- 37% from Motor Vehicle Licensing (DMV) agencies alone. Another 48% of voter registrations were received via mail-in forms. The shift in how citizens register to vote is also changing the role of third-party voter registration efforts.

Help America Vote Act of 2002 (HAVA)

Two of the principal improvements to the administration of elections brought about by HAVA were the push to modernize voting systems and requirements to ensure that these systems provide greater access to voters with disabilities. The impact of the Act was bolstered by the federal government's unprecedented investment of funding to help jurisdictions replace voting systems. Because of the Act, we witnessed the most significant attempt to modernize voting systems throughout the country. In Los Angeles County, the Act provided the necessary support to transition from punch-card voting technology to mark-sense (optical scan) technology. While that need remains of critical importance today, it is the bureaucratic process and lag in the adoption of regulatory requirements that are hindering progress more so than the mandates themselves.

Prior to HAVA voters and election officials relied on voting systems and equipment that was outdated, often unreliable and had limited capacity for meeting voter accessibility and usability needs. In 1980, about 70% of all voters were voting on antiquated lever machines or punch card voting machines. Aging systems not only jeopardized voters' ballots, but as time went on were becoming more expensive to maintain.

As you can see, these laws have made significant contributions to improving elections and voter participation in the United States. In that regard, I believe that the intent and requirements of set forth by these laws are not as much of a burden on our operations; however outdated and inefficient processes (like the current manner of administering voter registration) require so much time and resources that execution and implementation of the requirements set forth by these mandates often seems like a burden to election officials. This makes exploring possible

reforms such as modernizing our voter registration system critical to assisting Election Officials and reducing election costs.

2. The current voter registration system in the United States is antiquated and places an undue burden on citizens and results in unnecessarily high administrative costs for election officials.

Registering to vote remains a paper-based transaction initiated by the voter. Voter registration forms received by election officials are, for the most part, processed through a labor intensive manual data entry process that requires significant time and resources. More importantly, the process lends itself to significant error rates that not only impact the voter's experience but often lead to additional costs associated with returned mail or efforts to correct these errors.

Voter Registration is multi-transactional and duplicative.

Under the current voter registration system, most states require an eligible citizen interested in voting to complete a voter registration form. Once the citizen is registered to vote, they are required to complete another voter registration form whenever there is a change in address, name, or party affiliation. This means that voter registration is not a single transaction but an ongoing transaction. If the voter continues to reside in the same state and moves an average of once every 1 to 2 years, as is the case in California, the same voter must submit a new voter registration form prior to every federal election. In these instances, Election Officials are processing an entire voter registration form to, in essence, simply update voters' information.

Data contained in the EAC's 2011 report on the NVRA underscores the multi-transactional and often duplicative nature of the current system. According to EAC statistics, in the two year period between 2008 and 2010, nearly 3 million voter registrations received were duplicate voter registrations. In addition, an even greater number of voter registrations processed (18.4 million or 40% of total voter registrations) during this period were from voters simply updating their information (e.g. address, name, party affiliation).

The current process requires significant resources.

Our current paper-based process requires significant resources that voter registration modernization could otherwise free up for other services, improved security or cost avoidance. Election officials spend a significant share of their budgets administering the voter registration process. Los Angeles County devotes approximately \$13 million annually to administering associated functions related to voter registration. If you isolate the raw cost of just processing the voter registration form (data entry costs), it still pencils out to more than \$2 million annually.

3. The voter registration system must be modernized to achieve greater efficiency and better serve a mobile and automated society.

For many years, Election Officials have been clear about and witnesses to the increasing inefficiencies and exorbitant costs of our current voter-initiated, paper-based voter registration process. It is clear that we must realize a move away from this current process to a more dynamic process that can streamline the enrollment of eligible citizens, and automatically update their information as it changes over time. The automation and data sharing capabilities are already well-developed between various government agencies to assist with such

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improvements. More importantly, other important sectors of society are experiencing dramatic successes from more automated information and data collection and cross-referencing, while maintaining data integrity and security. The information revolution that is taking place in the healthcare industry is a prime example.

Several states are already moving away from exclusively paper-based voter registration systems. In recent years, eleven states have implemented Online Voter Registration applications. In some of these states, nearly half of recent voter registrations are being submitted completely electronically, and the data on cost savings is convincing. Another 17 states have initiated or begun to experiment with some sort of interstate voter data sharing system to reduce voter duplications and identify voters moving from one state to another, thereby reducing the costs of manually processing voter registrations and resulting in a higher degree of list integrity.

For your reference, enclosed is a list of links to reports that you may want to review for more information. I would be more than happy to provide additional information that might help further this discussion or to assist in any reasonable way possible.

The environment is ripe for Congressional leadership on the issue of voter registration modernization. I encourage your Subcommittee to consider action sooner rather than later.

Sincerely,



DEAN C. LOGAN
Registrar-Recorder/County Clerk

Enclosure

ENCLOSURE

Additional Resources:

1. Pew Center on the States (2011). Upgrading Democracy.
http://www.pewcenteronthestates.org/uploadedFiles/Upgrading_Democracy_report.pdf
2. Caltech/MIT Voting Technology Project (2009). Interstate Voter Registration Database Matching: The Oregon-Washington 2008 Pilot Project.
<http://www.vote.caltech.edu/drupal/node/289>

ENCLOSURE

VOTER REGISTRATION MODERNIZATION FACT SHEET **Dean Logan & Matt Damschroder**

What is the state of the current voter registration system?

Registering to vote is an individualized act – self-initiated or completed by a registrant after being prompted by a third party. In any case, our present system requires a voter registrant to engage in a timely act to join the rolls and stay current as a prerequisite for voting. With rare exception, joining and staying on the list of registered voters are entirely manual, paper-based processes prone to human and administrative error. Even when completing a voter registration application at the Division of Motor Vehicles through the federally mandated Motor Voter Program – in most states, it remains a paper-based transaction with information manually transferred between multiple agencies and levels of government.

When paper voter registration records are received by elections officials, the forms must be hand-keyed into the agency's voter registration database. While most election offices have protections in place to detect and correct data entry errors, the nature of interpreting applicants' handwriting, and the all-too-common submission of incomplete applications, leads to inaccurate voter rolls, duplicate voter records, and, in the worst possible case, leaving otherwise eligible citizens off the rolls – often without a remedy prior to the election due to administratively driven registration cutoff dates.

What does the current system cost?

Some estimate that fully 15% of the cost of administering an election is the expense created by our manual, paper-based voter registration system. The nature of the current system results in a compounding of voter registration volume and activity during the weeks and months leading up to an election – at the very time election officials' resources are stretched in administering absentee, vote by mail and early voting programs – and as they are establishing poll sites and Election Day staffing. As a result, most elections officials must rely on temporary employees to complete this data entry work and on costly manual processes to safeguard the integrity of the voter registration rolls on Election Day.

Despite these heroic efforts, elections officials are prohibited by law from processing the thousands of otherwise complete and accurate registration and change-of-address forms received after their state's registration deadline leading to increased Provisional Ballot and Election Day Registration rates, or worse: unintended disenfranchisement – at the very time in which the eligible citizen has become engaged in the democratic process.

Additionally, federal and state laws require expensive and extensive voter file maintenance activity that could be eliminated through Voter Registration Modernization. The current manual system requires elections officials across the country to mail

hundreds of thousands of notices to voters every year that are returned as undeliverable by USPS – even though existing databases already reflect that the voter is no longer at the address on file with the elections office.

In an environment with growing competition for increasingly scarce local public resources, Voter Registration Modernization represents the potential to redirect existing election appropriations from the current manual, paper-based system for registering voters to other important election functions such as poll worker training, poll site accessibility, voting systems security and voter education.

What is the impact of this system on the voter?

Voters expect their interaction with the election process to be as efficient and automatic as their experiences in conducting other routine personal business; however, the current model falls short of these standards in a number of ways:

- eligible citizens remain unregistered due to language, social, economic, or other disadvantages;
- absentee and vote by mail ballots requested by some voters cannot be issued or are returned as undeliverable due to out-of-date registration information or delayed processing of new registration applications;
- provisional ballots cast by otherwise eligible voters are held for weeks after Election Day until the voter's information can be verified and updated – and standards for determining eligibility to count provisional ballots vary broadly from state to state; and
- in States with Election Day Registration (EDR), more than 10% of all ballots are cast by voters who were not on the rolls where the voter cast the EDR ballot.

Even though elections administrators across the country are professional, ethical, and hard-working, their best efforts cannot meet voter expectations relative to voter registration without Voter Registration Modernization.

Who are we missing?

Sadly, despite significant effort and allocation of resources, in every major election, thousands of otherwise eligible citizens are unable to vote because of the constraints associated with the voter registration process -- in many instances because they fail to update their registration after moving, do not properly complete the voter registration form, or miss the voter registration cutoff date. The most impactful reason is the close of registration, when an individual may have learned that they need to register or re-register in order to vote, however, they miss the deadline and are ineligible to vote in the election.

As an illustration, in 2008, Los Angeles County received about 64,000 voter registration forms just one day after the close of registration and an estimated 100,000 completed applications between the cutoff date and Election Day. While these records are added to the rolls after the election, there is an immeasurable loss of citizen engagement associated with their lost opportunity to vote in the current election.

Despite the unprecedented levels of voter registration witnessed in 2008, a significant number of potentially eligible citizens remain unregistered. Furthermore, demographic analysis indicates under-represented populations comprise a significant share of the unregistered population. Mobility and migration patterns across the nation further enhance the need for ensuring voter registration is accessible and that a more efficient and accurate process of updating and maintaining records is employed.

What is Voter Registration Modernization?

The concept of Voter Registration Modernization envisions a move away from the current voter-initiated, paper-based, resource-intensive system we have now and replacing it with a present-day system to accurately identify eligible voters, streamline their enrollment as registered voters, and automatically update their information as it changes over time.

There are several ways to approach Voter Registration Modernization. While the exact path Voter Registration Modernization will take is not yet fully evident, it is clear that our present system is inefficient, inadequate and out of alignment with the way in which Americans live and expect their government agencies to function in the 21st century.