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April 9, 2014

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# ELECTION ADMINISTRATION: INNOVATION, ADMINISTRATIVE IMPROVEMENTS AND COST SAVINGS

WEDNESDAY, APRIL 9, 2014

UNITED STATES SENATE,  
COMMITTEE ON RULES AND ADMINISTRATION,  
*Washington, D.C.*

The committee met, pursuant to notice, at 10:08 a.m., in Room SR-301, Russell Senate Office Building, Hon. John Walsh, presiding.

**Present:** Senators Walsh and Roberts.

**Staff Present:** Jean Bordewich, Staff Director; Stacy Ettinger, Chief Counsel; Veronica Gillespie, Elections Counsel; Ben Hovland, Senior Counsel; Abbie Sorrendino, Legislative Assistant; Phillip Rumsey, Legislative Assistant; Jeff Johnson, Clerk; Benjamin Grazda, Staff Assistant; Julia Richardson, Senior Counsel; Mary Suit Jones, Republican Staff Director; Paul Vinovich, Republican Chief Counsel; Trish Kent, Republican Professional Staff; and Rachel Creviston, Republican Professional Staff.

Senator WALSH. We will now proceed to our hearing schedule for this morning.

This hearing is the committee's third in a planned series on improving the administration of elections. Today's hearing focuses on making the voter rolls more complete and more accurate.

Chairman Schumer wanted to be here today, but was not able to attend due to other business. He has a statement that, without objection, will be entered into the record.

[The prepared statement of Chairman Schumer was submitted for the record:]

## OPENING STATEMENT OF SENATOR WALSH

Senator WALSH. I would like to now make a few opening remarks.

Montanans are very proud of their election system. Our country's democratic tradition is something that should make all Americans very proud. At the core of this tradition is the fundamental right to vote. Of course, Americans' ability to exercise their right to vote is only as good as our system of election administration. We must work to make sure voter registration is accessible and accurate. That is why this series of hearings is so needed and why I am pleased to be here today to discuss these very important issues.

This bipartisan Presidential Commission on Election Administration identified common sense State and local innovations that are

improving how elections are run. These are not partisan proposals. They are simply matters of good governance that will make voting easier while saving taxpayers dollars. Registering to vote and voting should be as accessible as possible, regardless of where voters live.

At the hearing held by this committee last month, we heard from State and local administrators about their implementation of online voter registration and electronic poll books. We heard how these reforms have the potential to save States money and free up local government.

I support these proposals. These common sense innovations, like online registration, would have an enormous impact in rural States like Montana, where distance can be a barrier to voting and voter registration for seniors, voters with disabilities, veterans, farmers and ranchers, and Native Americans.

Today, the Rules Committee is holding a third hearing on the Presidential Commission's recommendations. Today's focus is on innovations that help Americans get registered to vote or ensure their registration is current, while also making sure their voter rolls are as accurate as possible.

The committee is fortunate to have a panel of current and former State elected officials who are working every day to improve how elections are run in their States. The reforms they will talk about focus on the voter registration process. As we learned from the Presidential Commission report and from Commissioner Tammy Patrick's testimony at the March hearing, many of the issues that occur on election day can be prevented by making improvements early in the registration process. Making registration easier and more accurate will reduce lines, expand access, and save money. Solving issues before they become problems is the type of common sense solution that we should be providing to our constituents.

Also during the March hearing, Senator Coons highlighted the efforts of one of our witnesses, Elaine Manlove, the State Election Commissioner from Delaware. I am interested in learning more about the e-Signature program that Delaware has used to streamline the voter registration process at motor vehicle offices.

We also have witnesses here today to tell us about a multi-State effort known as the Electronic Registration Information Center, or ERIC. This program, which aims to improve the accuracy of voter rolls, is making a difference for the member States. So, I look forward to learning more about the ERIC program and how it is helping to engage voters, improve the quality of the voter list, and improve election administration.

I would like to thank all of our witnesses, and I look forward to your testimony.

With that, Senator Roberts, do you wish to make any opening remarks.

#### **OPENING STATEMENT OF SENATOR ROBERTS**

Senator ROBERTS. Well, thank you, Mr. Chairman, for agreeing to chair this hearing. It is my pleasure to welcome you to the committee, sir.

We have a good panel of witnesses here today. I look forward to hearing their testimony. I will have some questions following the

testimony, but at this point have no further statement at this time to expedite the hearing.

Thank you, sir.

Senator WALSH. It does not look like we have any other members who are going to make any comments today. Do we have any members that have submitted anything to be added to the record?

Okay. We will now hear from our panel of witnesses. First, Ms. Elaine Manlove, the State Election Commissioner of Delaware.

**STATEMENT OF ELAINE MANLOVE, DELAWARE STATE  
ELECTION COMMISSIONER, DOVER, DELAWARE**

Ms. MANLOVE. Good morning, and thank you for inviting me to discuss Delaware's e-Signature program.

Let me start with a little background. I began working in the Department of Elections for Newcastle County in 1999, so my first big election was in the 2000 general election. While the country focused on Florida, I was concerned about the 50 court orders that we had requested for voters who came to their polling place assuming they were registered voters but were not on the poll list. Sometimes, this was a husband and wife. Only one would be on our rolls, while they were both certain they had registered at DMV. Our Election Offices could check DMV records and see that they had been there, but we had no application or declination.

Our process was paper, and if we did not get the paper, the voter did not get registered. There were too many reasons for this—there were many reasons for this, but at the end of the day, the voter was the loser. Some of the problems with the paper process were DMV would be out of applications in the printer, the printer would jam, the voter would leave without signing.

Every day, we picked up the applications from DMV and matched them with the electronic list of the applications we should have received. They were then mailed new applications to those citizens whose applications we did not receive. About half of those came back to Elections.

I knew there had to be a better way to do this. As is always the case, every idea we had cost money and there just was none. Then came HAVA. Since Delaware's voting machines were fairly new and we had already met the Statewide database mandate, we decided to focus on the use of technology to improve all of our services. Our Department of Technology and Information hired two HAVA-paid programmers to focus on what we called the Elections Wish List—all the projects that we knew would improve our services, but were too large in scope to be handled by the programmers assigned to Elections by DTI.

I thought the struggle was behind us until we started meeting with DMV. No one said, no, this cannot be done. However, our meetings never seemed to move forward. DMV worried that our solution would slow their lines. Then, on the election side, when we were in election mode, we would have to move our focus back to that.

In 2007, a new DMV Director was appointed and this project moved forward quickly. Early in 2009, e-Signature went live. It was a success from day one. I want to emphasize that this was not

rocket science, just a common sense solution to an ongoing problem.

The DMV clerks work from a script that is in front of them on their computer screen. They can tell if their customer is a new registrant or is already registered to vote. That fact determines which screen comes up in front of them and the questions they ask. They collect name, address, Social Security numbers, and date of birth, as well as any additional information for DMV use.

The customer verifies their voter information on the screen of the credit card device on the counter. If their information is correct, they are asked if they want to register to vote or update their information with the Department of Elections. On the next screen, the voter affirms their citizenship, chooses their political party, and signs. All of this is captured and transmitted to Elections in real time.

Customers can go to any DMV in the State. Their voter registration application will be sent to a queue in the Election Office in their home county. The Elections Office will determine if this is a duplicate, run a felon check, and process their polling place card. All voter registration decisions are made in the Election Office, removing that onus from DMV.

My goal when we started this project was just to ensure that we received every application. What I did not anticipate were the unintended consequences. We had no paper, no paper to pick up at DMV, no paper to file, no paper to verify, no paper at all. This saved us space in all three county offices. Rows of filing cabinets were eventually eliminated. Time, no paper to file, and no files to go through on election day when we needed to prove that a voter was registered, and money at both DMV and Elections. Elections eliminated five vacant positions for a \$200,000 annual savings.

Once phase one was complete, we changed the process for mail applications. We began scanning in any paper applications that came into our offices, Federal mail applications, et cetera. Our clerks still have to do data entry on those applications, but they electronically link that entry with the paper application containing the signature. The paper application can then be shredded.

Our next phase was to take this technology to Delaware's Health and Social Service Agencies as well as our Department of Labor, the other two agencies in Delaware that do voter registration. We began first at Health and Social Services and provided computers and credit card signature devices. However, the numbers have not increased as much as we had hoped. In today's economy, both agencies are being encouraged to offer online applications for their customers. Our solution is in the works. We will very soon link our online voter registration process to their online system for both of those agencies.

In closing, the initial cost for DMV project was \$600,000. With newer technology today, it would be less. It has paid for itself by savings to both DMV as well as Elections. It has also saved time. DMV's initial concern was that we would slow their lines, because they allocated 90 seconds for the elections piece of each customer transaction. It is now 30 seconds.

Delaware has shared our solution with many States. It is an easy solution that works well for both agencies and could work well for other States.

Thank you.

[The prepared statement of Ms. Manlove was submitted for the record:]

Senator WALSH. Thank you, Ms. Manlove, for your testimony.

Second, Mr. John Lindback, the Executive Director of the Electronic Registration Information Center. Mr. Lindback.

**STATEMENT OF JOHN LINDBACK, EXECUTIVE DIRECTOR,  
ELECTRONIC REGISTRATION INFORMATION CENTER, WASHINGTON, D.C.**

Mr. LINDBACK. Thank you, Mr. Chairman.

ERIC, as you said, stands for the Electronic Registration Information Center. The mission of ERIC is to assist States to improve the accuracy of voter rolls, reduce costs, and improve the efficiency for State and local election offices. ERIC does that by using state-of-the-art sophisticated data matching technology to match voter registration records against motor vehicle licensing records in its member States. It also matches those records against databases such as the Social Security Death Index and the National Change of Address Information from the U.S. Postal Service.

ERIC was initially formed with the generous financial and technical support of the Pew Charitable Trusts, but it is now fully operational, self-governing, self-supporting, and an independent organization governed by the States. The current members are Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington. Those are the seven States that originally formed ERIC. Since that time, the District of Columbia, Oregon, and Connecticut have joined.

The organization is State run. It is governed by membership agreements and a set of bylaws. There are two full-time employees. The States are now receiving routine uploads and reports and we are recruiting new members.

The reports that the States receive after the matching of all that data is they get information about people who have moved—people on their voter registration lists who have moved within their State, people on their voter registration list who have moved across State lines to other ERIC States, people on their lists who have died. They get information on in-State duplicate registrations, in case you have a registration for the same person in more than one county, for example. And, they get a report on potentially eligible but unregistered individuals that reside in their State.

The numbers so far, and these are from the seven original States that formed ERIC that have reported back to them, is that there is a total of about 1.6 million records that have been reported back to the States. That includes almost 1.3 million people who have moved within their State and they had a more recent address on file with their DMV. It includes about just shy of 230,000 people who have moved across State lines within the ERIC States, about 47,000 people who were on the rolls and were deceased, almost 30,000 duplicate registrations within those State voter registration databases. In addition, ERIC has reported to them the names of

about 6.1 million people who are on their DMV list but are not registered to vote, spread out among all those States.

The benefits to the States are numerous of ERIC. There are financial benefits. When you have a more accurate list, you get financial benefits, for example, because there is less returned mail. There are savings by joint purchases of Death Index data and NCOA data that the States are now individually purchasing on their own, but ERIC now purchases as a group.

On election day, cleaner rolls mean savings at election time because there will be fewer problems at the polls. Pre-election day, it means a reduced spike in registration activity at election time. It is uncanny, if you look at registration activity in the States. It is fairly even until you get to a Presidential election. Then, there is a huge spike in virtually every State that you look at, and that presents an administrative issue. You have to bring in extra people to hand-input all those registrations, et cetera. If you can even out that activity and get those updates taken care of earlier in time, you can reduce that spike of activity.

Also, additional benefits include a proactive approach by the ERIC States. It discourages election-eve matching by interest groups who are sometimes fond of doing that match very close to an election and then claiming that the voter rolls are full of people who are deceased or are otherwise inaccurate. It also demonstrates for the ERIC States that they are doing everything they can to keep their rolls clean and up to date.

And I will wrap up my testimony there, Mr. Chairman, and remain open to questions.

[The prepared statement of Mr. Lindback was submitted for the record:]

Senator WALSH. All right. Thank you, Mr. Lindback.

Next, we have Dr. Judd Choate.

**STATEMENT OF JUDD CHOATE, DIRECTOR OF ELECTIONS,  
COLORADO SECRETARY OF STATE'S OFFICE, DENVER, COLORADO**

Mr. CHOATE. Good. Thanks. My name is Judd Choate. I am the Election Director for the State of Colorado and Chairman of the Board for ERIC, the organization that John just described.

Under the leadership of Secretary of State Scott Gessler, Colorado has implemented mobile optimized voter registration, worked with the Federal Government to identify non-citizen voters, and actively participates in the ERIC project, making Colorado a national leader in voter initiatives. For instance, during the 2012 Presidential election, Colorado helped lead the way with some of the highest voter turnout levels in the country. I am happy to be here today to share our experiences and best practices.

Let me tell you about Colorado's experience as an initial ERIC State. Colorado joined ERIC in July of 2012, along with the six States that John just listed. Two months later, in September of 2012, we sent postcards to 723,000 people, encouraging them to register to vote prior to the 29-day registration deadline for the Presidential election. Just over ten percent of those contacted, 74,528, registered to vote prior to the deadline. Of those, 32,000, or about 44 percent, voted in the 2012 election.

ERIC also provided Colorado with data to clean their voter rolls. ERIC has the unique ability to link files in various formats, using minimum matching criteria. This process marries data to find electors that have moved. ERIC provides the States four kinds of data to clean their rolls, matching data to indicate a move within a State, a move from one State to another State, matching data indicating that two files are actually the same person, and matching data indicating that a person on the State's voter rolls died outside of the State and is listed on the Social Security Administration Death List.

Colorado's most recent Clean Report, which is the report we receive from ERIC, covered the months of January and February of 2014. So, for only those two months, we received from ERIC 26,320 in-State movers, 1,181 people who have moved out of State—and just to clarify, that is only out of State with those States that are participating; if we had all 50 States in, we would receive a lot larger number—112 voters who have more than one registration—the reason why that number is so low is because we have used ERIC over the last several months and that number has been reduced because of our participation in ERIC—and 2,180 dead voters who died outside of the State of Colorado in only those two months.

Colorado developed and rolled out online voter registration in 2010. By using online voter registration both in the mailing to voters encouraging them to register and in mailing to people who have moved out of State, encouraging them to cancel their voter registration, Colorado has maximized the integrity of their voter rolls. Online voter registration makes it easy and straightforward for people to register, update their registration, or cancel registration when that voter moves to another State.

ERIC is the future of elections. It cleans rolls. It finds possible new voters. It allows jurisdictions to proactively work with their voters, our customers, instead of reacting to bad mailing addresses 12 months after that voter has moved. And, as more States join, the system will work better because there will be more data to match.

Another program lauded by the Presidential Commission and important to Colorado's efforts to improve list maintenance is the Kansas Cross-Check. The Cross-Check is also a data matching program where 28 States send their voter files to Kansas following the general election. Since 2008, Colorado has identified approximately 15 people who very likely voted in Colorado and another State in the same election. Several of these suspected double-voters received a visit from the FBI, and a handful were charged with double-voting in our partner States of Arizona and Kansas.

Colorado's experience in ERIC and the Kansas Cross-Check has been very positive. We have registered new voters at an impressive rate. Our voter registration database is improving all the time. And, we protect the database from fraud and double-voting.

Thank you for the opportunity to speak, and I will take any questions you might have.

[The prepared statement of Mr. Choate was submitted for the record:]

Senator WALSH. Thank you, Mr. Choate.

And, fourth, Mr. Chris Thomas, the Director of Elections in the Michigan Department of State and a member of the Presidential Commission on Election Administration.

**STATEMENT OF CHRISTOPHER THOMAS, DIRECTOR OF ELECTIONS, MICHIGAN DEPARTMENT OF STATE—BUREAU OF ELECTIONS, LANSING, MICHIGAN**

Mr. THOMAS. Good morning, Mr. Chairman and Senator Roberts. I thank you for the opportunity to testify today. It is a pleasure to be here to talk about the Presidential Commission on Election Administration's recommendations about the Motor/Voter Program instituted by the National Voter Registration Act of 1993.

I know of no other voter registration program that has the scope or diversity as motor voter. No other program offers the level of potential improvement to the election system of this country.

I began my career in election administration in 1974 here in Washington and have served as Michigan's Elections Director since 1981. I am pleased to see the Pew Report on Election Performance again showed Michigan as a high-performing State.

In 1975, Secretary of State Richard Austin came up with the idea of Motor/Voter. In Michigan, the Department of Motor Vehicles (DMV) and the elections are controlled by the Secretary of State, and he thought it was a great idea that if people are standing there to get a license, that they ought to be asked to register to vote. Our Motor/Voter system is totally integrated with the DMV data. For example, our law requires that people use the same address for both voting and driving, and all of the electronic data that comes from the DMV gets sent to the local clerks, which means they do not have to reenter that data. Over 80 percent of our annual voter registration transactions come through the DMV.

I was honored to be on the Commission and to serve there. We did not have a legislative agenda, so I am not here advocating any legislation today.

We found that the DMVs come up short in terms of implementing the Motor/Voter law, which is over 20 years old. We used the U.S. Election Assistance Commission (EAC) data and testimony as the basis for this conclusion. In addition to Michigan and Delaware, represented by my colleague who is here today, are the only two States that are fully compliant, in my view. Seven other States have made a concerted effort. In my view, if a State receives less than 50% of its total transactions, from the DMV, the DMV is not doing its job.

The Commission took a strong position on this because the negative consequences of a bad administration in DMV are reflected on election day. So, I would like to make the following points about DMVs and Motor/Voter.

First of all, DMVs have an extremely complex mission. They have a huge workload. In many States, they have aging legacy computer systems, and many of them are undergoing modernization now.

The beauty of Motor/Voter is it cuts across all political and socio-economic strata. For example, in Michigan, 75 percent of those receiving public assistance who are registered voters registered to vote with the DMV, not in a public assistance agency. An inac-

curate list will increase the cost of mailings. About 75 percent of all transactions are change of address transactions, which are critical to keeping the lists accurate.

When the lists are not accurate, you end up with increased provisional ballots. Provisional ballots mean you have longer wait times, some voters have a bad election day experience, there is extra work. Our neighbors to the south of us, Ohio, had over 200,000 provisional ballots. In Michigan, we had 2,600 provisional ballots. Only 14 percent of Ohio's voter registration transactions come from the DMV. I will note they have made some efforts since 2012 to improve that. A good DMV would eliminate most of those provisional ballots.

And it is important to remember that every voter registration application that comes through a DMV is from a person who has had a face-to-face transaction at some point, who has had their identity and their legal presence verified. So, that also increases the integrity of the voter file.

The Commission highlighted Delaware because the state was able to design a system that did not integrate voter registration data with the DMV, which is a costly and lengthy process. Their e-Signature interface basically sends the driver license data directly to the voter registration system. They have created a lower cost solution without integrating their voter registration data into the DMV, which can be much more quickly accomplished.

Twenty States, the Commission has noted, have also gone to online voter registration, and these systems at some point, will become portals for DMVs that are not in compliance.

In conclusion, I would say that a better Motor/Voter performance through full compliance will substantially improve the accuracy of voter registration files and improve the election day experience of many voters. With lower-cost options available, DMVs now have a clearer, less expensive path to fulfill the letter and the spirit of the NVRA.

Thank you very much.

[The prepared statement of Mr. Thomas was submitted for the record:]

Senator WALSH. Thank you, Mr. Thomas, and thank you to all of our individuals for speaking today.

We are going to open it up for questions now, and my first question is for Ms. Manlove. I have two quick questions. First is, in discussing this e-Signature program with election officials from other States, have you heard any good reasons that this would not work in other States? And, second, because Delaware is also an ERIC State, I wanted to give you a minute to discuss your experience participating in that program, as well.

Ms. MANLOVE. Now, I have met with other States. We have had several States come to Delaware. And if I have been in a conference in their State, I have gone to meet their DMV. I have not had a reason why this would not work. It is such a simple solution, I am actually always surprised that we get so much good press out of it. For us, it was just a way to solve the problem at the end of the day.

And ERIC has been wonderful for us, and it has even shown our in-State—I think all the States show that. But, even our in-State

addresses are not always as accurate as we would like, and we have a great DMV process. We have removed voters who are deceased that were deceased in the State, and we went back and checked with our Vital Statistics and found out it was a time when they were having some change-over and we did not get good records. So, we have cleaned up a lot of our records. We mailed out, I think, 26,500 postcards to eligible but unregistered voters and about 4,000 of those registered to vote before election day.

Senator WALSH. Thank you.

Next is for Mr. Lindback. I want to ask you how ERIC protects privacy of voters. Montanans value their privacy, and you mentioned the privacy protocols that govern the ERIC program. Can you elaborate on how ERIC protects the privacy of voters?

Mr. LINDBACK. Absolutely. Thank you, Mr. Chairman. ERIC uses a technique called anonymization to anonymize data that would be considered confidential within an ERIC State. So, they can—and in virtually all of the States, that would include data such as date of birth or the last four digits of their Social Security number.

The anonymization process is also called one-way hashing, and this is done to the data before it leaves State control. And so the States are issued the anonymization program by ERIC. They run their date of birth information and the last four digits of the Social Security number, as examples, through the anonymizer. It translates that into an indecipherable string of, like, 40 letters and numbers. Then when that data reaches ERIC, it is anonymized a second time. It is run through the data matching process, and so ERIC is matching anonymized data against anonymized data from other States.

When the States receive their reports back, they are told, for example, that the date of birth matches in the other State, but they are not told what the date of birth actually is because that data has been anonymized. They do not need to know that. They only need to know it is a match.

And so that data is anonymized before it leaves State control. The data center itself, of course, follows all the security protocols.

When ERIC was created, we ran the plan through the Center for Democracy and Technology, one of the leading privacy and advocacy organizations in the United States. They were impressed with the plan. They issued a report that is on the ERIC website issuing recommendations on how ERIC should minimize risk to security and privacy, and ERIC is following each of those recommendations. So, I think it is fair to say that we are doing everything possible to minimize risk of disclosure of that data.

Senator WALSH. Thank you very much.

I would now like to open it to the Ranking Member, Mr. Roberts, to ask any questions that you may have. Senator Roberts.

Senator ROBERTS. Well, thank you, Mr. Chairman.

Ms. Manlove, your statement references your use of the Help America Vote Act, i.e., Federal money, to build your system, and you also talk about the savings that it has generated. I think I read your statement to the effect that \$600,000 enabled you to get up and running—

Ms. MANLOVE. Yes.

Senator ROBERTS. —and that you were able to achieve \$200,000 savings. Within your oral statement, you indicated that came from letting five people go. Is that correct?

Ms. MANLOVE. We did not let five people go. We had vacant positions—

Senator ROBERTS. Oh, I see.

Ms. MANLOVE. At that point in time, there was a hiring freeze in the State—

Senator ROBERTS. I cannot imagine anybody in government letting anybody go.

Ms. MANLOVE. No. We did not let anyone go.

Senator ROBERTS. All right. But, do we need Federal incentives to get States to adopt reforms that will save them money? I think it is obvious. I mean, you have stated it very clearly that once you explain it to States—I guess my question is, why do we need the Federal start-up money when States know they are going to save themselves money?

Ms. MANLOVE. I do not know. We would not have been able to do it without the HAVA money. It just was a project that was, in scope for Delaware, too big at that point in time.

Senator ROBERTS. Right.

Ms. MANLOVE. We really did not look at it as a money saving process. We looked at it—it started as just a way to get everything. We were—

Senator ROBERTS. But now, you are—

Ms. MANLOVE. In hindsight, yes, we did save funds.

Senator ROBERTS. Yes. All right. Okay. You are the proof of the pudding. In other words, you did not know you could have the pudding until you made it, and then after you made it, you saved money. And so I guess my message to other States is that you do not have to ask us, and we have very limited help because of the budget and all of that.

Are other States starting to realize they can quickly recoup any initial cost by the savings when you talk with them?

Ms. MANLOVE. Well, I explain that with every presentation I give. I use practically the same presentation every time I talk about e-Signature. But, we have continued on using our HAVA funds to do other projects that otherwise would not have been able to happen.

Senator ROBERTS. Pardon my lack of experience here, but how do you use the e-Signature? Is it compared to anything, or is it just e-Signature?

Ms. MANLOVE. Well, it comes to us in real time, was the biggest issue. What was happening with the paper process is, we just were not getting the actual application and we needed that signature to process the voter registration application. So now, rather than picking up paper and physically bringing the paper, everything comes to us electronically in real time. So, none of the issues of losing applications happen.

Senator ROBERTS. I understand that, but is it legible? I mean—

Ms. MANLOVE. Oh, yes, it is.

Senator ROBERTS. It is legible?

Ms. MANLOVE. Yes.

Senator ROBERTS. So, it is not like my signature when I am trying to sign on a credit card screen—

Ms. MANLOVE. It is the same credit card screen, but it is—

Senator ROBERTS. —it looks like some child who is three years old.

Ms. MANLOVE. I think it is pretty stable, and because everyone at DMV is signing on that, so they are secured to the countertop, and we are getting really pretty good signatures.

Senator ROBERTS. Is it compared to a signature on paper?

Ms. MANLOVE. No, because in a lot of cases, we do not have another signature. That is the only signature we have.

Senator ROBERTS. No, I mean just in terms of legibility. You think it is roughly the same?

Ms. MANLOVE. Yes.

Senator ROBERTS. I see. Thank you.

Mr. Lindback, you mentioned the National Voter Registration Act, or motor voter requirements for the removal of registrants. My question is, how do States participating in your program that receive death notices remove voters? Is that immediately or after going through the NVRA process? And, I would add, it is my understanding that that process requires the voter be mailed a notice. They are only removed if they do not respond to the notice and then fail to vote in two subsequent Federal general elections, is that correct?

Mr. LINDBACK. Thank you, Mr. Chairman. I think there may be a difference between—maybe my other panel members can confirm for me, but I think there may be a difference between what the NVRA requires for confirmation of death notices and confirmation of voters who have moved. But, there are processes in place by the NVRA. There is nothing about membership in ERIC that changes any of those requirements. The only thing that changes for the States is that they are getting information about voters who have moved and voters who have died sooner than they otherwise would receive it.

Senator ROBERTS. Okay. That is what I was trying to get at. My next question was, and you have just answered it, does ERIC speed up that process?

Mr. LINDBACK. Yes.

Senator ROBERTS. And that answer is yes.

Mr. Lindback, Mr. Thomas mentioned a House bill to require States to remove registrants who have moved to another State and declared that State as their voting residence. How do States in the ERIC program remove voters when they receive a change of address notification? Do they still go through the NVRA process or are they removed immediately?

Mr. LINDBACK. Thank you, Mr. Chairman. The States go through the NVRA process, and the bylaws are specific that the NVRA mandated mailings must be followed by the States.

Senator ROBERTS. Mr. Chairman, my time has expired. I would like to ask permission for another, oh, two minutes so I may conclude.

Senator WALSH. Permission granted.

Senator ROBERTS. Thank you, Mr. Chairman.

Last week, there was an ABC report about a couple in California that received a registration application with their party affiliation premarked. They were already registered Republicans, but they were mailed a registration application with the Democrat box premarked. They received an application because they had signed up for health care through an Obamacare exchange run by the State of California.

Apparently, some groups have been arguing that the States are obligated to offer registration services through the Obamacare exchange and then find out that their party affiliation has already been premarked. Just a question for the panel. What is your view of that and how is your State handling this issue, or are you even aware of it?

Mr. CHOATE. So, the State of Colorado has determined, based on our interpretation of both State and Federal law, that our exchange is not obligated to give the opportunity to register to vote because our exchange is not technically operated by the State of Colorado. However, under the NVRA, if the exchange or health care provider, the provider of that service, is operated by the State, then I think under the NVRA, they would have to provide an opportunity to register.

Senator ROBERTS. So, you have both the DMV and the State exchange operating together?

Mr. CHOATE. So, the DMV has to do it. That is one section of the NVRA. But then, also, the agencies that provide social services have to provide an opportunity to register to vote, as well, under a different section.

Senator ROBERTS. Where you get hunting licenses, is that also—

Mr. CHOATE. That would not be a social service that would be covered by the NVRA.

Senator ROBERTS. I was part of that voting determination in the House 23 years ago. I am not going to go into that, but at any rate—

Well, I think it was you, Mr. Choate, that said that there were 15 votes that were double-counted in Kansas and Colorado.

Mr. CHOATE. Yes. So, Kansas—

Senator ROBERTS. Do you realize you just cost me 15 votes during that check?

[Laughter.]

Mr. CHOATE. Well, they were not all in Kansas, but some of them were in Kansas. I think—

Senator ROBERTS. Do you know how hard it is to find the State line in Western Kansas and Eastern Colorado?

[Laughter.]

Mr. CHOATE. I do, actually. I am from Hays, so that is—I am a little familiar with Kansas.

Senator ROBERTS. Hays City, America?

Mr. CHOATE. I am from Hays City, America. That is right.

Senator ROBERTS. How about that. Have you climbed Mount Sunflower?

Mr. CHOATE. I have climbed Mount Sunflower. I am one of the many.

[Laughter.]

Senator ROBERTS. Yes. The trick is not to climb it. The trick is to find it.

Mr. CHOATE. Exactly.

[Laughter.]

Mr. CHOATE. Well, there is a big post there identifying it.

Senator ROBERTS. I know that, but you drive to Colorado first and then somebody tells you, whoops, you are in Colorado. Go back.

Mr. CHOATE. That is usually the way it works.

Senator ROBERTS. I have a feeling that is where those 15 votes came from.

[Laughter.]

Mr. CHOATE. That is certainly possible.

Senator ROBERTS. All right. I have obviously overstayed my time, Mr. Chairman. Thank you all. Thanks to the panel.

Senator WALSH. Thank you, Senator Roberts.

Dr. Choate, as an election administrator from a State that participates in both the ERIC program and the Interstate Voter Registration Cross-Check program, can you highlight the differences between the two, focusing on costs and potential savings?

Mr. CHOATE. I would be happy to. So, the Kansas Cross-Check, which is the second of the two that you just described, and ERIC are actually very different programs that sort of get you to a similar spot. So, the way that the Kansas project works is that 28 States send their data after a major election, after a Presidential election, to Kansas. Then Kansas checks all of those, compares all of those to identify who may be on multiple lists, so, whether a voter is potentially listed as a registrant on a list in, say, Colorado or in Kansas. Then we, as a staff, then go through that and figure out if that data was correct and if those voters voted, and then drill down to whether, in fact, we have people who have voted across State lines. That is a pretty labor intensive process, so the cross-check requires quite a bit of labor on the back end.

ERIC, by contrast, does not actually involve all that much work on the back end. It is much more labor intensive on the front end. So, once you have collected the data and sent that data to ERIC, ERIC gives you a report and you then distribute that report to your jurisdictions. So, in our case, that would be the counties, and the counties use that information to process their voters. So, it is actually very seamless.

Kansas is much more labor intensive. So, one costs money, so ERIC costs money to be in, to be a member, but you save money because you are not using that for personnel costs that you would have to use for the Kansas project. So, they both have expenses. They both have time obligations. But, the ERIC one is much more front-loaded and Kansas is sort of on the back end.

And in our particular circumstance, we use ERIC for a much broader kind of analysis. So, we use ERIC to analyze who our voters are and to help clean the data and to identify potential new voters. We only use the Kansas project to identify people who have potentially double-voted.

Senator WALSH. Thank you very much.

On behalf of the Rules Committee, I would like to thank all of our witnesses today for your important testimony and appreciate

the work that you have put into this project. This concludes the panel for today's hearing.

Without objection, the hearing record will remain open for five business days for additional statements and post-hearing questions submitted in writing for our witnesses to answer.

Again, I want to thank my colleagues for participating in this hearing and sharing their thoughts and comments on this important topic.

This hearing is now adjourned.

[Whereupon, at 10:50 a.m., the committee proceeded to other business.]

## **APPENDIX MATERIAL SUBMITTED**

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**United States Senate Committee on Rules and Administration**

**Hearing – “Election Administration: *Making Voter Rolls***

***More Complete and More Accurate”***

**Statement of Senator Charles E. Schumer**

**April 9, 2014**

Today the Rules Committee is holding the third hearing in a series on the Presidential Commission on Election Administration’s “best practice” recommendations. Earlier we heard an overview of the Commission’s reports from bipartisan co-chairs Bob Bauer and Ben Ginsberg. Last month we heard about the innovations of online voter registration and electronic pollbooks from state and local election administrators who have successfully implemented these reforms.

At today’s hearing we will continue looking at specific recommendations made by the Presidential Commission. Today’s hearing focuses on reforms that both increase the number of Americans that are registered to vote and ensure that the voter rolls are as accurate as possible. These issues, as much as any we have discussed, are integral to fulfilling the promise of our democracy.

Every Election Day, there are too many stories of American citizens who are not able to cast a ballot that counts because either they are not registered to vote or their registration information is not current.

Even more common is the number of Americans that must spend additional time at the polling place because so many registrations must be updated on Election Day. This can be very time consuming for individuals who need to update their information, poll workers, and even voters whose information is updated, but who must still wait in line for others to provide correct information. Fortunately, in many instances there is still an opportunity for individuals who have moved within the jurisdiction to update their information and still cast a ballot.

Today’s hearing is focused on ways to prevent these problems instead of trying to fix them at the polls. The solutions that our witnesses will testify about today will help all Americans, not just the voters who need to be registered or update their registration information. In addition to increasing the speed at which voters can be checked-in on Election Day, more accurate voter rolls save money and time, which are precious resources for local election officials.

We are fortunate today to hear from current and former state election officials who have already applied innovative solutions to improve the way they handle elections. At our last hearing, my colleague Senator Coons mentioned that his state of Delaware has developed a program that seamlessly integrates the voter registration process into the routine process of obtaining or

updating a driver's license. This program, known as "eSignature," is helping to fulfill the promise of the 1993 National Voter Registration Act in Delaware. Today, Delaware's State Election Commissioner Elaine Manlove will tell us about this program, which she has championed and turned into a national example of good governance.

We will also hear about the Electronic Registration Information Center or ERIC. This program, started by the Pew Center on the States, is now owned and governed by its member states. ERIC allows partner states to share resources, compare lists for potential duplicates and identify potentially eligible citizens who are not registered. While still in its early stages, the ERIC program has already proven that it improves the quality of the registration rolls and helps states to identify citizens who might want to register and vote. I look forward to learning more about the ERIC program from the testimony of our witnesses.

I am pleased that we have another outstanding panel to discuss the important topic of improving election administration. Our witnesses have worked at the cutting edge of their field to improve how our elections are conducted. I am hopeful that their success in their states can be spread throughout the country.

I would like to thank all of our witnesses for being here today, and I look forward to their testimony.

**Delaware E-Signature Project  
Testimony to U S Senate Rules Committee  
April 9, 2014**

- **Elaine Manlove  
State Election Commissioner  
Delaware**

Good Morning and thank you for inviting me to discuss Delaware's e-signature project. Let me start with a little background. I began working in the Dept. of Elections for New Castle County in 1999, so my first big election was the 2000 General Election. While the country focused on Florida, I was concerned about the 50 court orders that we had requested for voters who came to their polling place assuming they were registered voters but were not on the poll list. Sometimes this was a husband and wife. Only one would be on our rolls while they were both certain they had registered at DMV. Our Elections offices could check DMV records and see that they had been there, but we had no application or declination. Our process was paper and if we didn't get the paper, the voter did not get registered. There were many reasons for this, but, at the end of the day, the voter was the loser.

Some of the problems with the paper process were:

- DMV would be out of applications in the printer
- The printer would jam
- The voter would leave without signing

Every day we picked up the applications from DMV and matched them with the electronic list of who applications we should have received. Then we mailed new applications to those citizens whose application we did not receive. About half came back to Elections.

I knew there had to be a better way to do this. As is always the case, every idea we had cost money and there just was none. Then came HAVA. Since Delaware's voting machines were fairly new and we had already met the statewide database mandate, we decided to focus on the use of technology to improve all of our services. Our Dept. of Technology and Information hired two HAVA-paid programmers to focus on what we called "the Elections wish-list" – all the projects that we knew would improve our services but were too large in scope to be handled by the programmers assigned to Elections by DTI.

I thought the struggle was behind us until we started meeting with DMV! No one said "no, this can't be done", however, our meetings never seemed to move forward. DMV worried that our

solution would slow their lines. Then, on the Elections side, when we were in “election mode”, we would have to move our focus back to that.

In 2007, a new DMV Director was appointed and this project moved forward quickly. Early in 2009, e-Signature went live. It was a success from day 1.

I want to emphasize that this was not rocket science, just a common sense solution to an ongoing problem. The DMV clerks work from a script that is in front of them on their computer screen. They can tell if their customer is a new registrant or is already registered to vote. That fact determines what screen comes up in front of them and the questions they ask. They collect name, address, social security number and date of birth as well as any additional information for DMV use. The customer verifies their voter information on the screen of the credit card device on the counter. If their information is correct, they are asked if they want to register to vote or update their information with the Department of Elections. On the next screen, the voter affirms their citizenship, chooses their political party and signs. All of this is captured and transmitted to Elections in real time.

Customers can go to any DMV in the state. Their voter registration application will be sent to a cue in the Elections office of their home county. The Elections office will determine if this is a duplicate, run a felon check and process their polling place card. All Voter Registration decisions are made in the Elections Office removing that onus from DMV.

My goal when we started this project was just to insure that we received every application. What I didn't anticipate were the unintended consequences. We had no paper - no paper to pick up at DMV, no paper to file, no paper to verify - no paper at all!! This saved us:

- Space in all three county offices - rows of filing cabinets were eventually eliminated
- Time - no paper to file and no files to go through on Election Day when we needed to prove that a voter was registered
- Money - at both DMV and Elections - Elections eliminated 5 vacant positions for a \$200,000 annual savings.

Once Phase 1 was complete, we changed the process for mail applications. We began scanning in any paper applications that came into our offices: Federal Mail Applications, etc. Our clerks still have to do data entry on those applications, but then they electronically link that entry with the paper application containing the signature. The paper application can then be shredded.

Our next phase was to take this technology to Delaware's Health and Social Service agencies as well as our Dept. of Labor. We began first at Health and Social Services and provided computers and credit card signature devices, however, the numbers have not increased as much as we had hoped. In today's economy, both agencies are being encouraged to offer online applications for their customers.

Our solution is in the works. We will very soon link our online voter registration process to the online systems of both of these agencies.

In closing, the initial cost for the DMV project was \$600,000. With newer technology, today it would be less. It has paid for itself by savings to both DMV as well as Elections.

It has also saved time. DMV's original concern was that we would slow their lines because they allocated 90 second for the Elections piece of each customer transaction. It's now 30 seconds!

With advances in technology, this project would cost less today. Delaware has shared our solution with many states. It's an easy solution that works well for both agencies and could work as well for other states.

**Delaware E-Signature Project  
Testimony to U S Senate Rules Committee  
Summary  
April 9, 2014**

**- Elaine Manlove  
State Election Commissioner  
Delaware**

Delaware's E-Signature Project is an electronic, real-time connection between DMV and our Election offices for the purpose of voter registration.

It is a common sense approach that saves time money and paper. It has worked well for Delaware and we have shared this technology with other states.

Delaware is currently working with other agencies mandated to conduct voter registration to enable them to use this same technology. It makes it easier for their agencies to do voter registration and keeps them compliant with NVRA.

**Elaine Manlove**  
**State Election Commissioner**  
**905 S. Governor's Avenue**  
**Dover, Delaware 19904**  
**302.739.4277**  
**[elaine.manlove@state.de.us](mailto:elaine.manlove@state.de.us)**

Elaine Manlove has been employed by the State of Delaware as Election Commissioner since 2007 following eight years as Director of the Department of Elections for New Castle County. She was formerly employed by New Castle County Government as an Executive Assistant.

In both Elections positions, she has seen many changes from both sides of the election process – local and state perspective. She has overseen Delaware's electronic signature project to allow voters to have their registration information transmitted in real-time from the Division of Motor Vehicles to the Departments of Election in each county. As Commissioner, she is responsible for the Help America Vote Act funds, the statewide voter registration system, campaign finance and the Parent/Student Mock Election.

Under Elaine, Delaware was the second state to join ERIC (Electronic Registration Information Center). This project has allowed Delaware to share information with other member states in an effort to make our voter rolls more accurate as well as give us the ability to reach those eligible to vote, but not registered.

Elaine is a graduate of The Election Center's Certified Election Registration Administrator (CERA) program and is member of NASED (National Association of State Election Directors).

A native Delawarean, born and raised in the City of Wilmington, she graduated from St. Elizabeth's High School and Goldey Beacom College. She lived in Hockessin for many years with her husband and three sons. Now that her sons are grown, Elaine and her husband reside at the Delaware beach.

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**Statement of**  
**John W. Lindback**  
**Executive Director**  
**Electronic Registration Information Center (ERIC)**

**Before the U.S. Senate**  
**Committee on Rules and Administration**

**Hearing on**  
**Election Administration:**  
**Making Voter Rolls More Complete and More Accurate**  
**April 9, 2014**

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### **Executive Summary**

Statement of John W. Lindback, Electronic Registration Information Center (ERIC)  
Before the U.S. Senate Committee on Rules and Administration  
Hearing on Election Administration: Making Voter Rolls More Complete and More Accurate  
April 9, 2014

The Electronic Registration Information Center (ERIC) is a non-profit consortium of state election agencies that launched operations in 2012. Nine states and the District of Columbia are currently members. The organization is self-supporting and self-governing. Each member state appoints a representative to the ERIC Board of Directors.

The mission of the organization is to improve the accuracy of voter registration records and improve access to voter registration for all US citizens. Research shows that one in eight voter registration records are inaccurate or out of date, usually because the voter has moved and failed to update his voter registration. Out-of-date and inaccurate records result in voters showing up at the wrong polling place, the necessity of using provisional ballots for some of those voters, and longer lines at the polls.

ERIC seeks to rectify these issues through the use of a sophisticated data-matching tool that compares voter registration records with a state's driver's license data base, Social Security death records, and change-of-address data from the U.S. Postal Service. ERIC is the only organization in the country providing comprehensive data matching for continuous and sustained maintenance of voter registration rolls. Privacy protocols govern the system, with all sensitive data anonymized to protect individual records.

On behalf of the seven states who were members in 2013, ERIC sent reports that identified about 1.6 million voters had moved from their address on file or had died or who had a duplicate registration within the same state. The states were able to contact the voters who had moved to encourage them to update their registrations.

ERIC was initially created and financed with contributions from the Pew Charitable Trusts. Its funding now consists only of member dues and the initial fee each state pays to join. The current annual budget is approximately \$500,000.

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### Introduction

Thank you for the opportunity to testify today on behalf of the Electronic Registration Information Center (ERIC). I am the Executive Director of ERIC, which was incorporated in May, 2012, as a non-profit consortium of elections agencies from seven states – Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington. The District of Columbia and Oregon joined ERIC at the beginning of 2014. Connecticut signed the membership agreement last week.

ERIC was formed with generous technical, financial, and organizational support from the Pew Charitable Trusts. It now stands as an independent, self-governing, and self-supporting organization. ERIC is governed by a board of directors with members representing each participating state. ERIC's bylaws and membership agreement are available on its website: [www.ericstates.org](http://www.ericstates.org)

### What does ERIC do?

It uses a sophisticated, data-matching tool that helps participating states identify voter registration records that are out-of-date or otherwise inaccurate. It also identifies individuals residing in a state who are not yet registered to vote, which enables elections officials to contact them with information on how to register.

States were moved to form ERIC when evidence continued to mount that one in eight voter registration records are inaccurate or out of date and that one in four Americans are not registered to vote. The most common reason that a voter registration becomes out of date is that the voter moves and fails to update his/her registration.

Inaccurate records contribute to bad experiences on election day: longer lines at the polls, voters showing up in the wrong polling place, provisional ballots, dissatisfied voters and frustrated elections officials. Pioneering leaders from seven states formed ERIC to clean up their records, improve access to voter registration, and improve the election-day experience.

The Presidential Commission on Election Administration recently endorsed state participation in ERIC to “ensure that voters are correctly registered at one location, that registration lists are more accurate and not a source of polling place congestion, and that these more accurate lists can assist in identifying individuals who are eligible to vote, but are not registered.” The commission stressed that an accurate voter registration list provides the foundation for any well-run election.

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#### ERIC's Data Matching Process

ERIC uses sophisticated data-matching technology to match records from each participating state's voter registration and driver licensing databases. It also matches the data against Social Security Administration death records and has checked data using National Change of Address information from the U.S. Postal Service. The technology is able to catch simple transpositions of numbers and name variations between different data bases, such as a person who uses the name "Robert" in one database and "Bob" in another.

Sensitive data are anonymized before leaving a participating state's control, thus protecting the privacy of citizens.

#### ERIC's Reports to the States

ERIC matches all the data submitted and sends reports back to the states that identify individuals who have moved within a state, individuals who have moved across state lines, duplicate registrations within a state, deceased individuals still on the voter rolls, and individuals who are potentially eligible to vote but not yet registered. State officials then contact those who have moved and encourage them to update their registrations (in-state movers) or permit cancellation of their registrations in their previous state. When deceased voters are identified, states can begin the process of removal from the rolls. All the states are required, of course, to follow voter inactivation and record cancellation procedures as mandated by the National Voter Registration Act (NVRA).

The numbers so far are both encouraging and impressive. The following chart shows the total number of inaccurate or out-of-date voter registration records identified to the seven original participating states, as of February, 2014:

List maintenance report type	Records sent to states
In-state movers (More recent activity in DMV record)	1,295,405
Cross-state movers (More recent registration or license in other state)	227,596
Deceased (Appears on Social Security Death Index records)	47,263
Duplicates (Duplicate voter records in the same state)	28,986
<b>Total</b>	<b>1,599,250</b>

In addition, ERIC has identified for participating states the names and addresses of 6.1 million individuals who were not registered to vote. That list is derived from matching each state's voter registration list against its DMV list and reporting back the names and addresses of individuals who have a driver's license or state-issued ID but are not on the voter registration list. Participating states contacted these individuals with information on how to register.

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**ERIC's costs and cost-savings:**

Each participating state pays a one-time, \$25,000, initiation fee to join and annual dues to support a budget of approximately \$500,000. The annual dues formula, adopted by the Board of Directors, currently includes as factors the size of each state's voting-eligible population, and the number of ERIC members (10). Thus, large states pay a bit more than small states.

ERIC states enjoy cost savings that help offset the dues. ERIC, for example, purchases Social Security Death Index data and NCOA data on behalf of all its members while non-ERIC states pay for it individually. Also, more accurate voter registration lists result in less wasted postage on returned mail, less waste when sending out sample ballots or other voting information, fewer provisional ballots, and other election-day savings that help reduce costs.

**Success stories**

ERIC states are required by the membership agreement to help document results of ERIC's work. Early results reveal significant progress. Judd Choate, the Director of Elections from Colorado, is here today to talk about his state. Lori Augino, the Director of Elections in Washington, reported to her fellow ERIC states last week that her staff has successfully updated 53,000 voter registration records since they first received ERIC list maintenance reports last year. Previous to joining ERIC the Washington Secretary of State's Office had been routinely matching its voter registration list against the Social Security Death Index. Because ERIC's matching software is more powerful and sophisticated in catching name variations and number variations, ERIC identified 834 deceased individuals on Washington voter rolls that the state's more rudimentary matching had missed.

Research Triangle Institute researchers studied the results of voter outreach mailings sent to individuals who were identified by ERIC in 2012 as not yet registered to vote. The study's findings included the following:

- Total voter registration: ERIC states showed a net improvement in voter registration of 1.23 percentage points over non-ERIC states.
- New voter registration: ERIC states showed a net improvement in new registration of 0.87 percentage points over non-ERIC states.
- Voter turnout: ERIC states showed a net increase in voter turnout of 2.36 percentage points over non-ERIC states.
- Voter file errors: State officials found that the data ERIC makes available enable them to make valuable corrections to birthdates and other fields in voter files.

The full results of the RTI study: <http://www.rti.org/publications/abstract.cfm?pubid=21769>





**Testimony of Judd Choate  
Director of Elections, Colorado Secretary of State's Office  
Chairman, ERIC Board of Directors**

**U.S. Senate Rules Committee  
Washington, D.C.  
April 9, 2014**

My name is Judd Choate. I am the State Election Director for Colorado and Chairman of the Board of ERIC.

Under the leadership of Secretary of State Scott Gessler, Colorado implemented mobile-optimized online voter registration, worked with the Federal Government to identify non-citizen voters, and actively participates in the ERIC project, making Colorado a national leader in voter initiatives. For instance, during the 2012 presidential election Colorado helped lead the way with some of the highest voter turnout levels in the country. I'm happy to be here today to share our experiences and best practices.

Let me tell you about Colorado's experience as an initial "ERIC State."

The Electronic Registration Information Center – ERIC – is a nonprofit organization created by the states, with the funding and assistance of the Pew Charitable Trusts, to improve state voter registration rolls. ERIC was established in 2012 by seven initial states: Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington. Since then, Oregon, Connecticut and the District of Columbia have joined. Several other states appear close to joining as well.

Using a sophisticated IBM algorithm, ERIC combines data from participating state voter files, motor vehicle records, change of address notifications, and death records. The states receive reports they use to contact eligible voters and clean voter rolls as part of list maintenance activities, consistent with the National Voter Registration Act (NVRA).

Colorado joined ERIC on July 1, 2012 along with the other six states. Two months later, in September of 2012, we sent postcards to 723,000 people encouraging them to register prior to the 29-day registration deadline for the presidential election. Just over 10% of those contacted, 74,528, registered to vote prior to the deadline. Of those, 32,430, or 43.5%, voted in the 2012 General Election.

ERIC also provides Colorado with data to clean the voter rolls. ERIC has a unique ability to link files in various formats using minimum matching criteria. This process marries data to find electors that have moved.

ERIC provides states with four kinds of data to clean the rolls...matching data indicating:

1. a move within the state or
2. a move from one state to another state
3. Matching data indicating that two files are actually the same person
4. Matching data indicating that a person on the state's voter rolls died outside of the state and is listed in the Social Security Administration Death List.

Colorado's most recent "Clean" report from ERIC, covering the months of January and February 2014, found the following:

1. 26,320 in-state movers
2. 1,181 out-of-state movers
3. 112 voters with more than one registration
4. 2,180 dead voters who died outside the state of Colorado

Colorado developed and rolled-out online voter registration in 2010. By using online voter registration both in the mailing to voters – encouraging them to register – and in the mailing to people who have moved out-of-state – encouraging them to cancel their registration online – Colorado has maximized the integrity of our voter rolls. Online Voter Registration makes it easy and straightforward for people to register, update a registration, or cancel a registration when that voter moves to another state.

ERIC is the future of elections. It cleans the rolls. It finds possible new voters. It allows jurisdictions to proactively work with their voters – our customers – instead of reacting to a bad mailing address 12 months after the voter has moved. And as more states join, the system will work better because it will have more data to match.

Another program lauded by the presidential commission and important to Colorado's efforts to improve list maintenance is the Kansas Cross-Check. The cross-check is also a data-matching program, where 28 states send their voter files to Kansas following a General Election. Since 2008, Colorado has identified approximately 15 people who very likely voted in Colorado and another state in the same election. Several of these suspected double voters received a visit from the FBI and a handful were charged with double voting in our partner states of Arizona and Kansas.

Colorado's experience in ERIC and in the Kansas Cross-Check has been very positive. We have registered new voters at an impressive rate, our voter registration database is improving all the time, and we protect that database from fraud and double-voting.

Thank you for the opportunity to speak to you today. I am happy to take questions.

Dr. Judd Choate is the state elections director for Colorado, Chairman on the Board for the Electronic Registration Information Center (ERIC), and is in line to be the 2017 President of the National Association of State Election Directors (NASED). Judd has a J.D. from the University of Colorado Law School and both a Ph.D. and M.A. in political science from Purdue University. Prior to joining the Colorado Department of State, Judd practiced election law at the Denver firm of Kelly Garnsey Hubbell + Lass. He also served as a law clerk for Colorado Supreme Court Justice Alex J. Martinez and as a summer clerk for Judge Timothy Tymkovich of the 10<sup>th</sup> Circuit Court of Appeals. For several years prior to law school, Judd was a professor of political science at the University of Nebraska, where he taught courses on campaigns and elections. Judd is the author of a book and several peer-reviewed articles on political behavior. In a previous life, Judd was a scout for the Kansas City Royals.

The State of Colorado has benefitted greatly from its participation in ERIC – the Electronic Registration Information Center. ERIC matches up records from different state databases to increase the number of old, out-of-date voter files that can be cleaned, consistent with the National Voter Registration Act. Further, ERIC provides a list of those Coloradans in the DMV database who appear eligible to register. Then the state sends postcards inviting them to register to vote. Over 10% of those contacted in 2012 registered to vote and over 40% of those who registered voted in that election. Colorado is one of nine member states and jurisdictions in ERIC, with several other states poised to join. ERIC is a great program that will only improve as more states join.

**Testimony of Christopher M. Thomas, Michigan Director of Elections, before the U.S. Senate Committee on Rules and Administration on April 9, 2014.**

The Honorable Charles E. Schumer  
Chairman, Committee on Rules and Administration  
Washington, D.C. 20510

Dear Chairman Schumer:

Thank you for the opportunity to testify before the Committee on Rules and Administration concerning the Report issued by the Presidential Commission on Election Administration (PCEA). Specifically, I have been asked to comment on the sections of the Report addressing the impact of the motor/voter provision of the National Voter Registration Act (NVRA), being Sec. 1973gg-3 Simultaneous application for voter registration and application for motor vehicle driver's license.

My career in election administration began in 1974, and I have served as Michigan's Director of Elections since 1981. I currently work for Secretary of State Ruth Johnson, who sends her regards to the members of the Committee. Today the PEW Charitable Trust will release its third Elections Performance Report showing Michigan as a high-performing state. Our success is due in large part to a high-functioning motor/voter program. Michigan has a highly decentralized election system with over 1,500 voter registration jurisdictions.

I come from one of two states that have fully implemented the motor/voter provisions of the NVRA, the other state being Delaware. I am fortunate to be on the same panel today with Ms. Elaine Manlove, Delaware State Election Commissioner, who will provide you with details of their excellent program.

In 1975, Michigan enacted the first in the nation motor/voter program. Secretary of State Richard H. Austin proposed this program to provide the citizens of Michigan with a more effective way to register to vote. Michigan voters and drivers are by and large the very same people. Secretary Austin thought it made imminent sense to offer our citizens the opportunity to submit a voter registration application at the same time they were applying for or updating their driver licenses. Consistently more than 80% of the total registration transactions each year are handled in Michigan by the motor/voter program administered by the secretary of state. The success of Michigan's program was, in part, responsible for the motor/voter provisions of the NVRA.

I had the honor of serving as a commissioner on the PCEA under the leadership of two outstanding co-chairs, Mr. Robert Bauer and Mr. Benjamin Ginsberg. The Commission was not charged with developing a legislative agenda; consequently we did not offer one. Our findings and recommendations were unanimous and generally have been well-received. I am not advocating for any legislative initiatives coming from the recommendations of the "The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration" (PCEA Report). However, I am recommending for your consideration H.R. 2115, sponsored by the Honorable Candice Miller, Chair of the Committee on House Administration,

which addresses a needed enhancement to the NVRA, but was not commented on by the PCEA.

One of the topics considered and addressed by the PCEA was the performance of departments of motor vehicles (DMV) in the execution of their responsibilities under the NVRA. Our conclusion that the DMVs have not fully implemented the motor/voter provisions is based on data published in the U.S. Election Assistance Commission's 2012 Election Administration and Voting Survey (EVAS) and testimony received at public hearings. The Report concludes

"DMVs, which are supposed to play the most important registration role in the statute, are the weakest link in the system. Some DMVs appear to disregard the law. Others erect impediments to the seamless transfer of registration data to election offices managing statewide registration lists. This noncompliance leads to preventable inaccuracies in the voter registration lists. Voters who think they registered or updated their address at the DMV show up at polling locations only to find out they are not registered or are in the wrong polling location." (PCEA Report, page 17)

I have attached the PCEA Report findings and recommendations concerning administration of the motor/voter programs as Attachment #1.

The PCEA's conclusions are based on data reported by the U.S. Election Assistance Commission (EAC) in the 2012 Election and Voting Survey and testimony presented at public hearings. The data for 2012 demonstrates that two states have fully implemented motor/voter and only 7 have made adequate progress toward full implementation; DC, GA, KY, NY, PA, RI, & UT: See Attachment #2: "Total Forms Received – Motor Vehicle Offices." This chart shows 1) the number of voter registration transactions from DMVs and 2) the percent DMV transactions represent of total voter registration transactions in each state. My conclusion is that states with less than 50% of their total transactions generated by DMVs have not fully implemented the motor/voter provisions of the NVRA.

The PCEA Report takes a strong position on this topic because when motor/voter is not properly administered there are negative consequences to the election day experience of voters. Likewise when there is a well-functioning motor/voter program the integrity of the voter registration file is enhanced and voters experience fewer problems on election day. I offer the following considerations for a well-functioning motor/voter program:

- The beauty of motor/voter is that it cuts across all political and socio-economic strata. There is no other voter registration program that serves such a large and diverse segment of the population. Motor/voter programs offer voter registration to both driver license applicants and state personal identification card applicants. For example 75% of voters who are recipients of public assistance in Michigan registered to vote through the motor/voter program administered by the Secretary of State.

- Every voter registration application coming through a DMV is from a person who has had a face-to-face transaction where both identification and legal presence are verified. This is a built-in verification that benefits the integrity of the election process.
- Because approximately 75% of annual motor/voter registration transactions are changes of address, each transaction is both a registration in a new location and a cancellation in the former location of residence. The voter registration file accurately reflects where the voters currently reside. When the file inaccurately reflects voter actual residence, mail lists are likewise inaccurate causing a huge waste of money by those using the lists to send campaign literature and other materials.
- When voter registration files do not reflect the current residence, the number of provisional ballots cast on election day increases. Provisional ballots cause longer wait times to vote, create a bad election day experience for voters and cause extra work for election officials on election day and the days immediately following an election. When motor/voter is properly working, the number of provisional ballots dramatically decreases. For example, Ohio had over 200,000 provisional ballots in 2012, most of which were cast because of address updates were not made prior to the election. By comparison, Michigan had 2,675 provisional ballots. If the Ohio motor/voter program, which only generated 14% of the total transactions in 2012, was fully implemented the vast majority of their provisional ballots would disappear.

Delaware rather than Michigan is highlighted in the Report because Delaware's elections and motor vehicle programs are administered by two different agencies and the motor/voter solution does not require integration into the motor vehicle computer system. One advantage Michigan has is that the Secretary of State is both the chief election officer and motor vehicle administrator, which makes implementation of motor/voter much less complicated. There is no question that DMVs have demanding missions and huge workloads that are supported by complex computer systems. Further, many of these complex computer systems are currently involved in 'modernization' projects. Integrating motor/voter into existing computer systems is difficult. Delaware has sidestepped the difficulty of integrating systems by transmitting voter registration data from the e-signature interface (credit card-style signature device) directly to the state voter registration database, which requires very little integration with their DMV system. Delaware has paved the way for any state where elections and motor vehicle administration are managed by two different agencies (nearly every other state) to implement the NVRA mandate at a lower cost and in a shorter time period after work begins.

Twenty states have adopted online voter registration programs as another avenue for voters to become registered and update their records. As the PCEA Report notes, there is potential for states to use online voter registration programs to implement NVRA motor/voter mandates. Similar to the Delaware process, online voter registration offers an easier and lower cost solution over full scale integration into DMV legacy software.

On March 27 and 28, 2014, the PEW Charitable Trust, Election Initiative Program hosted a discussion with the election directors and motor vehicle directors from more than 30 states. The topic of the conference was increasing the participation by DMVs in the voter registration process. There was a good exchange of challenges involved in moving to full compliance and excellent presentations on possible avenues that minimize the difficulties. The American Association Motor Vehicle Administrators and the National Association State Election Directors will continue to work together with the PEW Charitable Trust on takeaways from the conference.

In conclusion, I believe better motor/voter performance through full compliance with the NVRA will substantially enhance the accuracy of voter registration files and improve the election day experience for many voters. With lower cost implementation strategies it may be more feasible for DMVs to fulfill both the letter and spirit of the NVRA. I know that state election officials across the country stand ready to assist in this objective.

Finally, I would be remiss if I did not recommend your consideration of H.R. 2115, which seeks to keep registration files more accurate by removing voters from the state voter registration file when they move to a new state. When a driver moves to another state, the DMV in the new state of residence makes sure the former state of residence is notified that the driver is now licensed in the new state. H.R. 2115 would require the DMV of the new state to ask the driver/voter whether the new state will be the state of residence for voting purposes. If the driver answers 'Yes' that information would be transmitted to the former state and the older voter registration would be canceled. Approximately 100,000 Michigan residents move to another state each year and are issued a driver license in their new state of residence. Under the NVRA it can take from 3 to 5 years before these old registrations can be removed from the file. H.R. 2115 offers an opportunity to keep the voter registration file current based on information provided by the voter. See Attachment #3: Testimony of Christopher M. Thomas before the Committee on House Administration on June 4, 2013.

Thank you for the opportunity to testify on the Report of the Presidential Commission on Election Administration.

**ATTACHMENT 1**

**Excerpts from the Presidential Commission on Election Administration Report  
"The American Voting Experience: Report and Recommendations of the  
Presidential Commission on Election Administration"**

**Excerpts from the Presidential Commission on Election Administration Report “The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration” (Endnotes omitted.)**

However, the election statute most often ignored, according to testimony the Commission received, is the National Voter Registration Act (NVRA or “Motor Voter”). Designed to assist prospective voters by facilitating registration, the statute requires Departments of Motor Vehicles (DMVs) and public assistance agencies to provide registration materials and to ensure that their customers have the opportunity to register to vote. By all accounts, states vary considerably in the degree to which such agencies register voters and transfer registration data to election administrators. (Also, as evidenced by the biennial NVRA report issued by the EAC, several states are unable to account for the source for many, if not most, of their new registrations.)

DMVs, which are supposed to play the most important registration role in the statute, are the weakest link in the system. Some DMVs appear to disregard the law. Others erect impediments to the seamless transfer of registration data to election offices managing statewide registration lists. This noncompliance leads to preventable inaccuracies in the voter registration lists. Voters who think they registered or updated their address at the DMV show up at polling locations only to find out they are not registered or are in the wrong polling location.

The DMVs do not shoulder all of the blame; the other public assistance agencies required by the NVRA to register voters also often fail to comply with the law. Disability rights groups identified the lack of voting assistance available at state offices for the disabled. Military advocates offer similar criticisms of recruitment centers. As assistance agencies shift their client services to online channels, compliance with the NVRA often drops further because voter registration is left out of the online portals and website designs of these agencies.

When the NVRA was passed two decades ago, the revolution in data sharing and integration was just beginning. Now, Americans experience every day a world in which data-sharing is commonplace and expected. Indeed, the challenge of data-sharing envisioned and required by the NVRA — principally, exchanging names and addresses between agencies — pales in comparison to most modern-day data integration challenges. However, by all accounts, the root of many registration difficulties occurs at the point where one agency receiving a registration form or updated address fails to transmit that information accurately and seamlessly with the voter registration database held by the election authority.

PCEA Report, pp. 17-18.

**Recommendation: States should seamlessly integrate voter data acquired through Departments of Motor Vehicles with their statewide voter registration lists.**

The Department of Motor Vehicles (DMV), known in each state as the agency issuing driver’s licenses and state personal identification cards, plays a pivotal role in the registration of America’s voters. As a critical actor in the creation and maintenance of each state’s voter registration file, the DMV can also contribute to the degree of orderliness and efficiency of operation in each community’s polling places on Election Day. The NVRA, enacted more than 20 years ago, mandates that each state’s DMV offer an opportunity to register to vote for every

citizen applying for a driver's license or state personal identification card or changing an address on one of those documents. If there is any identification document that citizens will keep current, it is the state-issued driver's license or personal identification card. Universally, this NVRA program, commonly known as "Motor Voter," is embraced across political party lines because such a wide swath of the American electorate frequents these offices on a regular basis.

Yet the data compiled biennially by the EAC reflect poorly on the efficacy of Motor Voter. Significantly less than one-third of new registrations are processed through motor vehicle departments. Only seven states and the District of Columbia report total motor vehicle department registrations accounting for more than 50 percent of the total registrations received in the 2011-2012 election cycle. The low level of participation by DMVs leaves no doubt that Motor Voter is not working as intended.

Delaware and Michigan have designed systems that seamlessly integrate the Motor Voter transaction into the DMV driver's license application program in such a manner as to keep a large number of voter records current and to save the DMV money in reduced staff time committed to this program. The Delaware DMV Director and the Election Commissioner together developed an interface called "e-signature." It began because of the number of voters who appeared at polling places believing they had registered at the DMV, but were not on the voter rolls. When citizens go to the DMV for driver's license services, they provide their information to the DMV clerk. By following a script on their computer screen, the DMV clerks now ask citizens if they would like to register to vote or update their information if they are already registered. They view their information on a screen that is also a credit card-style signature device. On that screen, voters certify that they are citizens, select their party affiliations and sign the forms. All of this information is then transmitted in real-time to the Department of Elections for the voter's county. The election office no longer processes registration applications from the DMV by hand. All information is now entered and transmitted electronically, saving time every day and especially on Election Days.

An improperly functioning DMV can naturally lead to Election Day confusion. Voters who appear at their polling place after moving can find that their voter registration records have not been updated to conform to their new driver's license addresses. As a result, a greater number of provisional ballots are cast, leading to congestion in the polling place and unnecessary post-election verification work for county and local election officials. In other states, the voters are directed to their old polling places to vote, which may be located in another jurisdiction within the state. *The Commission strongly recommends that states follow the Delaware model and adopt procedures that lead to the seamless integration of data between DMVs and election offices.*

The Commission notes that the adoption of online registration will provide DMVs with a ready-made portal to facilitate seamless transmission of voter registration data to the election office. An online registration portal can open at a specific point during the driver's license transaction, thus providing the convenient opportunity to register contemplated by the NVRA. Indeed, with online voter registration, a registration widget or portal can be placed on any state website to facilitate registration either by a voter or an administrator who is filling in a voter's information for other purposes.

**ATTACHMENT 2**

**Total Forms Received – Motor Vehicle Offices**

**NVRA Election Administration and Voting Survey**

Summary - Table 2a. Application Sources: Total Forms Received - Motor Vehicle Offices

State	2012 Totals		
	Total	Cases	Pct.
Alabama	22,023	60	1.4
Alaska	82,224	1	32.9
Arizona	394,446	15	20.3
Arkansas	179,919	75	31.6
California	703,751	57	13.8
Colorado	469,786	64	22.8
Connecticut	20,537	169	4.8
District of Columbia	93,174	1	63.9
Florida	681,185	67	42.4
Georgia	431,759	159	54.1
Hawaii	74,411	4	40.3
Idaho	808,272	0	0.0
Illinois	694,386	92	33.3
Iowa	113,525	99	4.5
Kansas	273,224	105	44.4
Kentucky	647,063	120	54.7
Louisiana	576,577	64	46.3
Maine	27,820	500	11.0
Maryland	925,948	24	34.6
Massachusetts	293,432	351	18.8
Michigan	1,133,466	322	28.4
Minnesota	98,651	87	7.7
Mississippi	19,239	53	7.0
Missouri	268,191	116	20.9
Montana	36,534	56	14.8
Nebraska	162,286	93	35.9
Nevada	138,368	17	28.2
New Hampshire	0	320	0.0
New Jersey	520,206	21	43.0
New Mexico	24,572	15	5.9
New York	638,065	62	62.6
North Carolina	616,206	100	23.2
North Dakota	0	0	0.0
Ohio	447,946	88	14.1
Oklahoma	144,183	77	25.6
Oregon	244,283	36	30.5
Pennsylvania	2,187,386	67	67.4
Rhode Island	67,099	39	56.2
South Carolina	555,496	46	38.9
South Dakota	40,389	66	37.3
Tennessee	300,432	94	35.6
Texas	1,547,626	254	16.4
Utah	591,119	29	49.4
Vermont	12,440	204	19.0
Virginia	1,206,659	134	40.0
Washington	352,290	39	31.2
West Virginia	0	0	0.0
Wisconsin	0	0	0.0
Wyoming	0	0	0.0
American Samoa	0	0	0.0
Guam	0	0	0.0
Puerto Rico	0	0	0.0
Virgin Islands	0	0	0.0

**ATTACHMENT 3**

**June 4, 2013 Testimony of Christopher M. Thomas, Michigan Director of Elections, before Committee on House Administration, Washington, D.C. on H.R. 2115 – Election Administration: Making Voter Rolls More Complete and More Accurate.**



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

**Testimony of Christopher M. Thomas, Michigan Director of Elections, before Committee on House Administration, Washington, D.C. on H.R. 2115 – Election Administration: Making Voter Rolls More Complete and More Accurate**

It is a pleasure to appear before the Committee on House Administration particularly with Chairman Miller at the helm. I extend Secretary Ruth Johnson's greetings to Chairman Miller and members of the Committee. We very much appreciate the introduction of and hearing on this important legislation.

I had the distinct honor of working for Chairman Miller for the eight years she served as Michigan's Secretary of State. Not only was she Michigan's chief election officer, but she was also the state's chief motor vehicle administrator. This legislation combines both elections and driver license administration.

In Michigan, we recently observed 38 years of Motor/Voter as the first State to implement this uniform and nondiscriminatory service to Michigan citizens. The National Voter Registration Act (NVRA), now 20 years old, has substantially improved our election process. However, there are improvements that can be made to the NVRA to further increase efficiencies and integrity and reduce costs of voter registration for state and local election officials.

**THE PROBLEM**

The problem addressed by the legislation is the unnecessary retention of voter registration records of individuals who have left the State and applied for a driver's license in their new State of residence. The vast majority of voters who move from one State to another have no intention of remaining a resident in their former State for voting purposes. Each year Michigan is notified by other States that tens of thousands of voters have moved and applied for a driver license in the new State. In FY 2012 more than 73,000 individuals were reported to Michigan as having moved to another State. Under current practices, these individuals must remain on our Qualified Voter File for two November Federal elections after a cancellation notice is sent to them. These records can remain on the file for as long as four years after the notice is sent.

To be clear, there are rare instances where an individual who makes a temporary move to another State is required to apply for a driver license, even though the individual is not relinquishing residence in the former State.

Both the NVRA and Help America Vote Act (HAVA) have as their purpose the improvement of the accuracy and integrity of voter registration files used in Federal elections. Retaining tens of thousands of non-residents on our voter registration file does not further the purpose of either Federal law. How can the relationship established by the NVRA and HAVA between election officials and motor vehicle administrators be leveraged to ensure that those who have established a residence in another State for voting purposes can be removed from the voter registration files of their former State of residence?

## THE BACKGROUND

This legislation was requested as the result of litigation in 2008 (United States Student Association Foundation (USSAF) v Terri Lynn Land, 585 F. Supp. 2<sup>nd</sup> 925 (E.D. Mich. 2008)) challenging the cancellation policy of Michigan under the NVRA with regard to voters who moved to another state and surrendered their Michigan driver license when applying for a driver license in the new State. Based on written advice received by Michigan election officials in 1996 from the Office of Election Administration at the Federal Election Commission, we sent cancellation notices to voters who surrendered their Michigan license in another State and cancelled them after 30 days if no response was received.

The U.S. District Court concluded that:

"[T]here is no reason to believe that the kind of "residence" that any given state requires in order to issue a driver's license is identical to "residence" for voting purposes....

"[T]he appearance of an out-of-state address on a driver's license application simply does not establish that the applicant is no longer an eligible Michigan voter."

Id. at 941. Essentially, the Court concluded that an individual can be a resident of one State for driving purposes and a resident of a different State for voting purposes. An application for a driver license in the new State does not satisfy the requirement that the individual indicate whether the residence is for voting purposes. An affirmative statement from the individual that the new State is the residence for voting purposes was a necessary requirement under the Court's reasoning.

In light of the Court's decision, we now send cancellation notices provided by section 8(d)(2) of the NVRA resulting in the retention of voter registration records of persons who moved out-of-state for two November Federal elections – up to 4 years.

Secretary Johnson successfully sought legislation in 2012 transferring the cancellation notice requirement for these voters from local election officials to the State Bureau of Elections to spare them from the costs involved. The new legislation was recently implemented with a mailing to 26,000 voters who have moved out of state and surrendered their Michigan driver license. This mailing cost approximately \$13,000.00 in addition to the costs of maintaining these records in our statewide Qualified Voter File.

We live in a very mobile society with millions of people moving from one state to another every year. The Departments of Motor Vehicles (DMV) have worked diligently over the years to manage this migration, ensuring that citizens are not carrying multiple driver licenses in their wallets and purses. The American Association of Motor Vehicle Administrators (AAMVA) has adopted a common sense policy: one license/one driver control record. Their policy states:

"A person shall have one license and one driver control record (DCR). The jurisdiction that issued the last license shall be designated as the jurisdiction of record, shall maintain the DCR of the individual and shall follow procedures as outlined in Appendix G. The DCR shall be the record on which licensing and withdrawal decisions are made. [Adopted 1995]."

Michigan has implemented this policy through the Michigan Vehicle Code, MCL 257.301(2):

“A person shall not receive a license to operate a motor vehicle until that person surrenders to the secretary of state all valid licenses to operate a motor vehicle issued to that person by this or any state or certifies that he or she does not possess a valid license. The secretary of state shall notify the issuing state that the licensee is now licensed in this state.”

This policy is implemented in each state at the point of application for a driver license or personal identification card. A person moving from one State to another will typically apply for a driver license or state personal identification card in the new State of residence. The DMV will require the applicant to surrender the driver license issued by the former State of residence and will then notify the former State of residence that the applicant has been issued a license or personal identification card in the new State of residence. This enables the former State to cancel the license or personal identification card of the former resident. See Attachment #1, a sample of notification received from Minnesota and Attachment #2, a Michigan driver license record showing the former state of residence of the driver.

Additionally, recent federal legislation and interstate driver license compacts/agreements all have similar requirements in regards to residency, one license, and one record. The Federal REAL ID Act of 2005 prohibits a REAL ID driver license applicant from holding more than one REAL ID card or driver license. The Commercial Motor Vehicle Safety Act of 1986 made it illegal for commercial driver license (CDL) holders to possess more than one license. The Driver License Compact and Driver License Agreement require the one license, one record concept.

#### THE SOLUTION

H.R. 2115 requires a driver license applicant to answer two questions:

1. Did the individual reside in another State prior to applying for the license? (If so, identify the State);
2. Does the individual intend for the new State to serve as the individual's residence for voter registration purposes?

The first question is already being asked within the current driver license application process, leaving the second question as the only additional information to be obtained from the applicant.

Under the amendment the DMV will attach an indicator to the list of those who have surrendered their license that is already being sent to the former State of residence. The indicator could be as simple as a “YES” or “NO” under the column heading: Resident for Voting Purposes Where Now Licensed. The residence information will then be transmitted by the DMV to the State election official, thus providing the confirmation from the applicant necessary to retain or cancel the voter registration.

This amendment is a common sense adjustment to the NVRA that protects voters who are only making temporary moves to another State while enabling States to more efficiently manage the voter registration file for the vast majority of applicants who are making a permanent move to a new State.

I thank the Committee for the opportunity to testify on this amendment and personally thank Chairman Miller for introducing this legislation.

**Testimony of Christopher M. Thomas**  
**Executive Summary**

- Michigan enacted the first motor/voter program in the nation in 1975. More than 80% of the total voter registration transactions in Michigan each year are done through the motor/voter program. The success of Michigan's program is, in part, responsible for the motor/voter provisions of the NVRA.
- The Presidential Commission on Election Administration Report concludes that some states' departments of motor vehicles are the weakest link in the voter registration system. When states are not compliant with the law, it leads to preventable inaccuracies in the voter registration lists.
- Each voter registration applicant has had a face-to-face transaction with DMV staff where identification and legal presence are verified.
- Motor/voter cuts across all political and socio-economic strata. No other voter registration program serves such a large and diverse segment of the population.
- When motor/voter is not properly administered there are negative consequences to the election day experience of voters.
  - The number of provisional ballots cast increases, causing longer wait times for voters and extra work for election officials.
  - Voters arrive at their polling place only to find out they are in the wrong polling place or not registered.
- When motor/voter programs are properly administered the vast majority of provisional ballot may be eliminated.
- Delaware has successfully implemented an automated motor/voter system requiring no intricate integration with the motor vehicle administration computer system at a reasonably lower cost.
- With assistance from the PEW Charitable Trust election directors and motor vehicle administrators have begun a positive dialogue on fully implementing the NVRA mandates.
- H.R. 2115 will further increase the accuracy and integrity of each state's voter registration file.

**Christopher M. Thomas**  
**Biography**  
**(5/31/13)**

Christopher M. Thomas is employed by the Michigan Secretary of State as the Director of Elections and has served in this capacity since 1981. He administers the Michigan election law, campaign finance act and lobbyist disclosure law. He began his election administration career in 1974 in Washington, D.C. with the U.S. House of Representatives and the Federal Election Commission.

Chris earned a Bachelor of Arts Degree in Political Science from Michigan State University, received his Masters Degree in Urban Affairs from St. Louis University in St. Louis, MO, and graduated from Thomas Cooley Law School in Lansing. He is currently a member of the Michigan State Bar Association. Chris has been an Adjunct Professor at Thomas M. Cooley Law School since 2001 teaching election law.

Chris is a founding member of the National Association of State Election Directors (NASED) and was elected NASED's President in 1997. At the NASED Conference in January 2013, he became NASED's President for the second time. He served as Chair of the Board of Advisors to the U.S. Election Assistance Commission from 2006-2008. This Board was created by the Help America Vote Act to review guidelines and studies before they are issued by the Election Assistance Commission.

At the NASED Summer Conference in 2012 he was honored to receive NASED's Distinguished Service Award.

On May 21, 2013, he was appointed by President Obama to the Presidential Commission on Election Administration.