

# FEDERAL ELECTION REFORM

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HEARING  
BEFORE THE  
COMMITTEE ON HOUSE  
ADMINISTRATION  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTH CONGRESS  
FIRST SESSION

HEARING HELD IN WASHINGTON, DC, MAY 10, 2001

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## FEDERAL ELECTION REFORM

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THURSDAY, MAY 10, 2001

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOUSE ADMINISTRATION,  
*Washington, DC.*

The committee met, pursuant to call, at 4:49 p.m., in Room 1310, Longworth House Office Building, Hon. Robert W. Ney (chairman of the committee) presiding.

Present: Representatives Ney, Mica, Reynolds, Hoyer, and Davis. Staff present: Roman Buhler, Counsel; Paul Vinovich, Counsel; Jeff Janas, Professional Staff; Chet Kalis, Professional Staff; Luke Nichter, Staff Assistant; Sara Salupo, Staff Assistant; Bob Bean, Minority Staff Director; Keith Abouchar, Professional Staff; Matt Pinkus, Professional Staff; and Cynthia Patton, Professional Staff.

The CHAIRMAN. The committee will come to order.

Today the Committee on House Administration is holding a hearing on election reform issues. I would also like to advise members of our audience here today that all cellular phones, pagers, and other electronic equipment must be silenced to prevent interruption at the hearing. Thank you in advance for that.

Also, today's hearing is being broadcast on the Internet. It is available on the committee's Web site at [www.house.gov/cha](http://www.house.gov/cha). Accordingly, the hearing will also be available on the Web site. We want to welcome you to visit the site and tune into the proceedings.

I have a brief opening statement. We have witnesses who have traveled a long way, so I promise I will be brief. It is a pleasure to be here today with the members of the committee.

I want to welcome you to the second in a series of election reform hearings held by the Committee on House Administration. At this hearing, the committee will hear testimony from working election officials, those who actually administer the election process.

At the committee's first hearing on April 25, we heard from secretaries of state and representatives of national groups interested in election reform.

Next week, the committee will hold an exposition and a hearing in this room featuring vendors of voting equipment, their technology, and their views on the election reform process.

I want to mention these things just to show a brief history, since we were officially given the task of having the hearings on this, and I want to stress that—and a release is being passed out as we speak, a joint release by our distinguished member, Mr. Hoyer, the Ranking Member from Maryland, announcing an agreement in substance to proceed on a piece of legislation together on a bipartisan

basis, welcoming all members from both sides of the aisle, and it outlines a few items in principle that we are looking at.

That does not mean that we have written a bill up. We have ideas, and you are here today, and we want to hear from you. But I believe and know that by announcing this today, we are showing that we are completely serious about this.

This committee also produced—I think I am correct, the first bipartisan House funding measure in 25-some years, as I understand it, in a bipartisan manner that funds the institution of the House. I believe that we can produce a bill that Members on both sides of the aisle will like, and in that make sure that the votes are counted.

As we come up to the 21st century, we stress local control. That is why we appreciate your input.

I just want thank Mr. Hoyer and the members of this committee, especially Mr. Hoyer, for working together. People have said, well, you know, the issue really is not being talked about every day. I believe that the average American expects and demands and knows in their heart that we are going to do something beyond technology. There are also training issues, disenfranchisement issues, military voting, all those issues that are out there.

I just want to let you know that this announcement, in my opinion, is a major step and shows that we are heading in the direction of producing election reform very soon.

With that, I yield to the gentleman from Maryland.

Mr. HOYER. Thank you, Mr. Chairman. I have a statement, but I want to make a comment on your announcement.

The tone of this committee is what I think President Bush had in mind when he said he would be changing the tone. It is a tone that is set by Chairman Ney. It is a positive tone that we want to do something together.

There will be things on which we disagree, but on those matters that we can agree, Chairman Ney has made it very clear that he wants to move those matters forward so that we can make progress and not simply yell and scream and posture with one another.

Our witnesses—I think this is probably your first hearing this year at the House Administration Committee, but I am sure some of the members of the press and others, maybe the staff, get tired of hearing Ney and Hoyer say that the other guy is a good guy and doing good things. Somebody shook their heads in the back of the room, yes, we are tired of hearing that.

But I think it bears repeating, because I think the citizens ought to know that there is an opportunity and there is the reality of positive cooperation on moving towards something that is important for America. I think this is one of them.

This is the second hearing that the House Administration Committee has held on electoral reform in as many weeks. In a real sense, today's hearing is a tutorial for this committee on the nuts and bolts of election administration taught by the people who know the subject best, State and local election officials who do it for a living, who are the professionals, who are the most knowledgeable people in this Nation on this issue.

Today's hearing thus continues the learning process we began on April 25, during which we learned what State secretaries, county officials, and State legislators are doing right now.

John Herson, as you recall, Mr. Chairman, said there were over 1,500 bills introduced around the country. This is an issue that is receiving extraordinarily high attention at the State level.

We have in this committee some 45 or 50 bills, and maybe more now, dealing with either campaign finance reform or election reform, or both, so there is a high level of interest in this committee.

All of us on the committee listened last week and asked hard questions, and we learned. We learned, for example, that Federal assistance is welcomed by Republicans, by Democrats, by State Legislatures, by secretaries of state; by essentially everyone who testified.

We learned that States and counties want to partner with the Federal Government to develop voluntary election codes. I stress "voluntary." That was clearly the theme throughout.

Historically, States and local subdivisions have run our elections, but, just as well, they have run Federal elections during that process without any compensation from the Federal Government. As you know, the Constitution gives to the Congress, and we have the jurisdiction over elections of Federal officials, so we need to work in partnership.

We learned that the cost of running elections is both very expensive and a low-budget priority, unfortunately, for most State and county governments. That may have changed slightly, but it has been a reality.

All of us on the committee will continue to learn. Next week we will host a demonstration, as the Chairman has said, of the latest voting technology, and learn what voting machine experts have to say. I would hope future hearings will explore such key issues as provisional ballots, registration practices, and military and overseas voting, clearly very important issues for us to deal with.

Make no mistake, Chairman Ney and I will use this knowledge to craft, as he has just said, a bipartisan electoral reform measure that recognizes the legitimate role Congress can play in modernizing our democracy's infrastructure without infringing on the rights of States and local communities.

Clearly, momentum for genuine electoral reform in my opinion is picking up. There has been broad cynicism frankly, in this town, that nothing would happen on this issue. I have told people that I am optimistic, largely because of the positive leadership displayed by our Chairman.

I want to say also that Roy Blunt, with whom the Chairman and I have both talked and Speaker Hastert asked to head up an effort, has also been very positive. I expect him to work with us as well.

Since House Administration held its first hearing, the Senate Governmental Affairs Committee has held two hearings on this issue. Just this week, Senator McCain's Committee on Commerce held its first hearing on this. The emerging lesson is that electoral reform, for all its complexity, is not on the back burner. There is a growing consensus that immediate steps must be taken to update voting equipment, improve poll worker and voter education, and

develop voluntary codes and best practices for election administration.

I am happy to say that all of these immediate steps can be taken by House Administration under Chairman Ney's leadership. I am confident they will be. Right now it is the States that are leading the way. It is time for Congress to step up and help them, in partnership, complete this task.

Just yesterday, Governor Jeb Bush signed into law Florida's just-passed election reform bill. I am going to leave any further discussion on that to my colleague, Jim Davis. But it is a very significant step, and it comes as other States are seriously engaged in electoral reform, such as Georgia, and as my own chief election official from the State of Maryland, Linda Lamone, former Assistant Attorney General of our State, will I am sure set forth.

Among other strengths, Florida's new law will eliminate punch cards and many other things. Again, I am going to leave that to Jim Davis to discuss.

That is short-term, in some respects, electoral reform. We also need long-term electoral reform. The Florida vote, Mr. Chairman, as you saw, was extraordinarily bipartisan. There were only two votes against it in the entire legislature; none in the Senate, and only two in the House. That is an extraordinary accomplishment and an important one. It is powerful testimony that when government's executive and legislative branches put politics and institutional prerogative aside, they can do great things for the people they serve.

This House, as well as the U.S. Senate, can take inspiration from that accomplishment. I would hope, Mr. Chairman, that the White House, as Senator McCain asked and observed the other day, the White House would respond to our request and Senator McCain's request to set forth their principles on where they think we ought to go.

Mr. Chairman, I had the opportunity of questioning Mitch Daniels, the director of OMB, this morning as we heard his budget. He indicated that the President thought this was an important issue, one that needed to be addressed. He would look forward to talking with us about resources to accomplish this objective. So I thought that was very positive.

Again, Mr. Chairman, I want to thank you for your leadership on this issue, and thank our witnesses for taking the time to be with us so late in the day.

I want to thank the members of the press who are here. It is now 5 o'clock on a Thursday afternoon. Most Members have left town. I want to thank them for being here, because obviously to the extent the people know what we are doing, they can then communicate their desires and energy and their expectations to the Members.

This is something we must do. I have referred to it as the civil rights issue of the 107th Congress. I believe that. There is no more fundamental right in a democracy than the right to have one's voice heard in the decision-making process of our Nation, of our States, and our local governments.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. We have been joined by three distinguished members, Mr. Reynolds of New York, Mr. Mica of Florida, and Mr. Davis of Florida.

We appreciate your participation.

Any comments?

The CHAIRMAN. Mr. Davis.

Mr. DAVIS. Mr. Chairman, I will be brief. The witnesses are ready to testify.

I just want to briefly mention the Florida situation for Mr. Reynolds and, I am sure, John Mica as well. Welcome, Pam Iorio, my supervisor of elections from Tampa and president of the State association, as well as our other distinguished witnesses.

The Florida legislature indeed did pass a bill which Governor Jeb Bush has expressed his intention to sign that has as its top priority replacing the punch card machines. I think it is fair to say there was an enormous temptation, I believe on both sides, to play politics with this issue. We all understand how that temptation, when it comes to election reform, comes up.

But the legislature came through and adopted a bill, and Pam Iorio will talk more about the bill today and how we can help. I think one of the reasons it happened is that Floridians did exactly what the Chairman just said. There was some polling done, some conversations took place, and there was a high percentage of Floridians that said to the legislature, you had better fix this or else, and they came through.

I share your view, Mr. Chairman, that the rest of the country expects us to step into the breach as well. I am very encouraged about the news from you, Mr. Hoyer, about getting ready to work on something.

The CHAIRMAN. Thank you.

Other comments? Mr. Mica?

Mr. MICA. Well, I don't know if I am pleased if the Florida legislature has acted in such rapid fashion. I think a lot has been made about some of our problems in Florida, and I think we have heard that the solution, at least in the preliminary hearings that we have heard here, the solution is very expensive.

We had one state secretary testify it was, I think, \$130 million. We spent \$30 million, I believe, in our effort this week. I think some of this is expensive window dressing.

What is funny is that they replaced it with—we are going to get rid of the punch cards which have been some of the problem. Other jurisdictions still have this. But what they are replacing it with—I sat and watched for days the recounting and the counts—they are replacing it with some of that other equipment. And I saw countless ballots so simple to fill out, all you had to do was take a pen and complete one line like this, and I saw hundreds of ballots where people circled them, x'd them, drew lines across them.

I would not take too much consolation in spending \$30 million to get rid of part of the problem.

This is not the civil rights issue of our era. I think we have long passed an era when anyone is denied a vote, at least in Florida, that I have seen. I would strongly support enforcement on Election Day to make certain that remains in place, but I don't think that was the case, and it should not be portrayed in that fashion.

Even if it passed by two votes, I still think it was, it does not educate the elector, which is so important. As I said, Thomas Jefferson—at our last hearing—he said it was the cornerstone of democracy. So we will still continue to have problems. But if it makes people feel good, I want to feel good, too, and I am pleased that everybody else is feeling good today. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Mica.

Mr. Reynolds.

Mr. REYNOLDS. Mr. Chairman, I think both you and our Ranking Member, Mr. Hoyer, have set the tone and the tenor and goals of the House Administration Committee.

While I am new on this committee, I am an up-through-the-ranks legislator that has watched town, county, and State address election issues and fairness of elections in New York.

I very much look forward to the testimony today to talk about what I call the front-line practitioners of fair elections.

We have had the opportunity of hearing how the State wades through those, from the secretaries of state and other forms of election officials. We have the opportunity today to listen to this committee hearing on our front line, and that might help us find awareness of how practices differ in other parts of the country, both good and bad, things I may be an expert on in New York.

I think this will be a very important opportunity for us to listen to the front-line message, where the Federal Government might become more aware of what we should be doing in the investment of solid elections across the country.

I thank both of you for setting the tenor and goals of what this committee needs to do.

The CHAIRMAN. Thank you very much.

With that, we will introduce the panel.

We have Doug Lewis, Director of the Elections Center; Conny McCormack, Los Angeles County Registrar Recorder, County Clerk; Connie Schmidt, Elections Commissioner, Johnson County, Kansas; Carolyn Jackson, Administration of Elections, Hamilton County, Tennessee; Pam Iorio, Supervisor of Elections, Hillsborough County, Florida, President of the Florida State Association of Supervisors of Elections.

We also have Linda Lamone, Administrator, Maryland State Board of Elections.

I want to thank all of the witnesses for coming here to the Capitol.

**STATEMENTS OF DOUG LEWIS, DIRECTOR, THE ELECTION CENTER, HOUSTON, TEXAS; PAM IORIO, SUPERVISOR OF ELECTIONS, HILLSBOROUGH COUNTY, FLORIDA; CONNIE SCHMIDT, ELECTION COMMISSIONER, JOHNSON COUNTY, KANSAS; CAROLYN JACKSON, ADMINISTRATOR OF ELECTIONS, HAMILTON COUNTY ELECTION COMMISSION, CHATTANOOGA, TENNESSEE; CONNY McCORMACK, REGISTRAR-RECORDER/COUNTY CLERK, LOS ANGELES COUNTY; AND LINDA LAMONE, ADMINISTRATOR, MARYLAND STATE BOARD OF ELECTIONS**

The CHAIRMAN. I will start with Mr. Lewis.

**STATEMENT OF R. DOUG LEWIS**

Mr. LEWIS. Congressman, thank you.

Actually, quite frankly, I am extraordinarily pleased to hear the tenor and the tone and the commitment that seems to be yours in terms of trying to find the right solutions here.

Election 2000 was not really a crucifixion of Florida, because it was an indication of what we have known are systemic problems throughout elections in America for quite some time. There was also some new information that we learned.

Certainly learning that voting systems allowed more voter errors in some cases than others because new information to us, and particularly in terms of the depth of that information. So we are going to have to learn to do some things to make sure that does not happen again.

Certainly, even though we have been inclined to know that inexperienced voters apparently did not know how to vote, we did not really know the depth of that until we saw this election, so we are learning something there in terms of what we are going to have to concentrate on.

I am going to direct my comments, because more often than not I keep getting asked, what is it that we can do—meaning you, the Congress—what is it that is necessary to be done at a Federal level in terms of elections in America, and how do we do that?

The Election Center has a National Task Force on Elections Reform that had 37 State and local election administrators on it, and will be presenting its information sometime next month, that covers basically 30 subject matter areas with 80 specific recommendations.

I am not going to try to prerelease that today, because it is more detailed than you are going to be able to withstand today or and have interest in, and we have other folks that need to be heard, too.

Let me say, though, that there are some areas in which all of us, I think, in this elections community welcome your input and your support and your Federal dollars.

Certainly when it comes to voting equipment, I am not going to defend the punch cards any longer. I have done that because part of what they were attacked about was incorrect.

Let me try to make some statements. So you all know, voting systems do not count votes inaccurately. That is a myth that developed in this election and that the news media did not get straight until almost recently.

Voters make more errors on certain types of voting systems, but voting systems are tested to make sure that they have an accuracy of counting votes to 1 vote within 1 million votes; so that you understand, there is a distinct difference here.

Having said that, you know, it is not enough for us to then just say that we can ignore voter error, because we cannot. But the truth is, we have not tracked any of the data that is related to that, either at the local level or at the State level or at the Federal level.

Without having that kind of data in terms of how many overvotes are cast, how many undervotes are cast, and to then establish a benchmark norm, and for us to know what is it then that devi-

ates from the norm so we can bring information to you and say, folks, we obviously recognize we have a problem and we are going to go after it and fix these problems, so we are going to have to start tracking that.

In terms of database, the disconnects between voters and the voting systems showed us—the voter registration systems thought they registered at DMV or Social Services or wherever, and that information did not get translated and sent to the elections community, we have to fix that problem. We know we have to fix that problem.

But that is not an easy solution, because actually the NVRA sets up nobody in charge. It gives us new agencies to handle this and makes them responsible for having voter registration, but then does not make them accountable to an election official anywhere for whether they deliver that data appropriately or not.

So whether we ever get charged with that or with the responsibility for that, we are going to find a way to make sure that disconnection does not happen in the future.

Certainly the most important part of all of this, let me say to you, voting systems today are better than they were 7 years ago because of the Federal voting system standards. Voting systems are better today than they were 3 years ago because of the Federal voting systems standards.

We need your involvement and your commitment to put that in law and to give that to the OEA as its responsibility with earmarked funds. You see in my testimony where I have kind of estimated what that will cost you.

We need the operational practice standards as the component part of that, so that we know what to do in terms of specific types of voting systems; what is good practice, what is not good practice; what is it you must do every time, what is it you should do, and what becomes good practice. We need that.

We know that those standards are probably going to take us—if we threw a lot of money and talent at it, we could maybe do it in 2, 2½ years; but more likely it will take us 4 years to actually develop those to where they become good standards. You see kind of what I estimate that would cost to do that.

Voting systems research is what I just talked about. We need to gather data. In fact, the Federal Election Commissioner of the Office of Election Administration—I don't care if it is housed with FEC, as long as it is with the OEA, but certainly they need to be the ones who know what voting systems are in America.

We actually gave a Federal grant to them, to a private company, to do that. The private company then took the data, and it sells the data to this day, because we cannot keep that because we do not have staff or funds assigned to that project. Certainly we need that.

So it is not just over- and under-votes that we track, but it is also when problems occur with those systems, so we know what those problems are and can tell others in the country, and so we can also not have to rely on the vendors when one of these people wants to buy a system; that they know who else in the country has that system, so they can find out what the foibles and flaws and support levels and so on are with it.

We certainly need a new elections class of mail. NVRA said we were going to get first-class mail service at third-class rates, which the Postal Service said, “No, that is not exactly what it said. Congress knew that it did not exactly word it correctly, and therefore we are not going to give that to you.”

Not only that, then it sets up so many restrictions that most of our people, it turns out, after really trying to apply it, cannot use it.

We are saying to you, we need a new level of first-class mail called “elections mail” that then gives us 50 percent of whatever the current first-class rates are. Then there are a whole lot more complicated things that I won’t go into here.

But in order to make sure that the Postal Service understands that we are going to follow that all the way through, we have a whole series of recommendations on that. That is probably going to cost us in the order of \$100 million a year in order to fund that, because the Postal Service does not want to subsidize it, obviously, out of their budget. We would not expect them to.

But at the same time, it will help us then with all those NVRA mandated mailings to actually be able to pay for them; and not only with those, but then in terms of voter education programs, of sample ballots, voter pamphlets, voter information of where the polling place is, or even how to vote, sending out instructional materials on how to vote and how to use a voting system. It is important that we have this kind of subsidy.

I will not then go into all the State issues, but let me wrap up with some things that we think need to be done.

Obviously, the States are going to have to define what constitutes a vote. Voter intent is not a standard, and it became hugely clear that in Florida, the absence of knowing what constituted a vote before they started the counting process is what screwed up the process.

It was not that these folks are—particularly Pam and those Florida folks, not that they were not going to try, but Pam had her definition of it, and Jane Carol had her definition of it, and Teresa Lapore had her definition of it, and when the lawyers descended upon them, none of them liked any of those definitions, so they all kept trying to make up their own definition of what constituted the vote.

I don’t blame the campaigns for that. That is what they have to do in that situation.

In terms of uniform poll closing hours, please do not do that to us. It does not solve a problem. It is a solution with no problem. The truth is that the networks, the news networks, take and use manufactured news. They get out there and they take that, based on the sampling of people who have voted, and then report that as if that were actual votes.

It is the networks that ought not to be let off the hook here, but they are the ones who are behind the Uniform Poll Closing Act, so we can have a very complicated act to try to follow that really still does not solve the problem. So do not give us that, please.

Certainly weekend, 3-day holiday voting, we are willing to buy into holiday voting if you all want to attempt it. Most of us think

it is going to end up meaning a 4-day weekend, and that we will have more trouble getting poll workers, rather than less.

But if you all want to try that and want to try a national holiday on that, at least it frees up polling places for us so that we have those. Maybe it will free up some additional Election Day workers, particularly if we can pick up Federal Government, State government, and local government employees and roll them in as poll workers, and maybe we can improve the situation with poll workers.

I could go on. Internet voting is the other one. I am surprised how often we continue to hear very responsible people who continue to say, oh, yes, we ought to have Internet voting. I even listened to Donna Brazil on C-Span the other day talking about how we ought to have Internet voting.

Folks, look, we have had the best technological mind in America say it is not safe and secure and cannot be used as a technology yet. Despite the fact that Bell Telephone—I remember 30 years ago when Bell Labs went out there and told all of us that we were going to be voting on the new invention they had, a touch tone telephone. And 30 years later, we are not doing it.

We may be able to make Internet voting yet, and hopefully most of us want to be able to make it work, but only if we can do it safely and securely. That is my testimony. Thank you.

The CHAIRMAN. Thank you very much.

We will move on to Pam Iorio.

#### **STATEMENT OF PAM IORIO**

Ms. IORIO. Thank you, Chairman Ney, and Members of Congress. I appreciate this opportunity to address the House Administration Committee.

My name is Pam Iorio. I am serving my third term as the supervisor of elections in Hillsborough County, Florida. I am also the president of the Florida State Association of Supervisors of Elections.

The closeness of the Presidential election of 2000 highlighted the frailties of many aspects of our election system. In Florida, our election infrastructure was revealed as a hodge-podge of voting systems, ranging from the paper ballot to lever machines to punch cards to optical scan.

The voting system used by almost every major urban county in the State was based on 1970s technology, and that led to a large number of errors made by voters on Election Day that effectively negated thousands of votes.

During the past Presidential election in Florida, a race won by 537 votes, there were 105,000 votes for President that were discarded because the voter voted for more than one candidate for President. This is called overvoting.

The number of overvotes varied dramatically according to the voting system used by each county. The number was higher in punch card and central count optical scan counties, and lower in precinct-based optical scan counties.

Some analysts look at the combined over- and undervote when judging the performance of voting systems. An undervote is when a voter skips a race altogether. This is usually a conscious decision

on the part of the voter, but can be attributed to ballot design or unfamiliarity with a particular type of technology.

In the Florida 2000 Presidential election, the combined under- and overvote differed among voting systems. Punch card counties had a 3.93 percent rate; central count optical scan had a 5.68 percent rate; the one county that utilized the paper ballot had a 6.32 percent rate; and the lowest rate was the precinct-based optical scan at .83 percent.

Thus, we can see that the type of voting system used had an effect on the number of votes that were counted for President in each county.

Now, last week the Florida legislature passed the most sweeping election reform in Florida history. The focus of that reform was on change in voting technology.

The new law decertifies the use of punch card systems and any other voting system that is not precinct-based. The law specifically states that a county must use an electronic or electromechanical precinct count tabulation voting system; and further, that the voting system at the precinct must be set up to reject a ballot and provide the elector an opportunity to correct the ballot where the elector has overvoted a race.

Many States are debating whether they too should discard their punch cards and other older technologies. The lesson from the November election is that election technology and investment in that technology must at least keep pace with the technological advances in other aspects of our lives.

When it comes to the administration of elections, the Nation should utilize the very best technology. We must not stand still, and we must move forward and bring about positive change.

Many counties across the Nation cannot change technologies because of the expense. The Florida legislature recognized this in their Election Reform Act by allocating grants to counties to help pay for the transition to new technology. Counties with populations of less than 75,000 will receive \$7,500 per precinct, and larger counties will receive \$3,750 per precinct.

This is an appropriate distribution of funds, since many small counties in Florida have a very limited tax base and cannot possibly afford funds for new equipment. However, many of the larger urban counties across the Nation will be looking at a paperless direct recording system, and those systems cost sometimes four times as much as precinct-based optical scan.

For example, in my county, we can move to precinct-based optical scan for \$3 million, but a move to touch screen would cost at least \$12 million.

Large urban counties in Florida such as Hillsborough, Broward, Orange, Duvall, Miami-Dade and Palm Beach have large infrastructure needs. It is difficult for local governments to allocate funds for expensive direct recording systems.

Yet a paperless balloting system makes sense for large urban centers. We have here today the election official from Los Angeles County, 4.1 million voters, and the requirement to produce a ballot in seven different languages; a supervisor in Miami-Dade, 1 million voters and ballots in three different languages. Printing paper bal-

lots for these large jurisdictions is cumbersome, inefficient, and very expensive.

So what is the role of the Federal Government in helping counties move to new technology? Perhaps we should first ask what has been the historic role of the Federal Government in the elections process.

We know that the Federal Government involves itself in the election process to ensure fairness to all citizens, to level the playing field for all voters.

The 1965 Voting Rights Act, for example, told States they could not enact a poll tax or literacy test as a prerequisite for voting. There the Federal Government recognized an inequity: that some voters were being treated differently than others.

The passage of the National Voter Registration Act in 1993 was another milestone piece of legislation. It mandated a uniform method of registration across the country so citizens everywhere would have equal access to the registration process.

Today the issue is one of difference in technology that creates an unequal playing field for voters. A voter in Florida in 2002 will have an opportunity to correct an error before his or her vote is actually counted. A voter in Illinois, still using the punch card system, will not be afforded that same opportunity.

A county with a strong tax base will be able to afford the very best technology that eliminates the overvote. A county with a poor tax base is stuck with technology of the 1970s.

Is this fair to the voters of our country? Does not the Federal Government have a role to play to ensure that all citizens of this Nation, regardless of the economic circumstances of their particular county, have the right to the best voting technology?

The Voting Improvement Act that is before your committee today represents the involvement of the Federal Government in ensuring that all voters across this Nation have access to better, more advanced election technology.

The threshold for election technology in all 3,155 counties across this Nation should be precinct-based systems that can alert the voter that he or she has made an error, and gives the voter an opportunity to correct the error.

The current figure in the bill of \$6,000 per precinct is a good start, but again large urban counties will need a greater funding level to help them move to the more advanced direct voting devices.

I believe that ultimately the Presidential election of 2000 will be about how we as a Nation responded to the problems and challenges we faced. Florida has responded well to the challenges of November. We identified the problems, crafted and passed legislation, and formed a funding partnership between State and local governments. We have striven for a model election system.

The question today is how will the Federal Government respond to the problems of the past election? Will the Federal Government play a role in bringing technological equity to all voters?

The problems revealed through this election process gives us an opportunity to do what Americans do best: bring about positive change. Through the work of Federal, State, and local governments, it can be the lasting legacy of this past election.

Thank you very much for this opportunity to address your committee today.

The CHAIRMAN. Thank you for your testimony.

Next will be Connie Schmidt.

#### STATEMENT OF CONNIE SCHMIDT

Ms. SCHMIDT. Chairman Ney, distinguished members of the Committee, thank you for the opportunity to appear before you to discuss election reform issues.

My name is Connie Schmidt, and I serve as the election commissioner of Johnson County, Kansas. We are located in the greater Kansas City metropolitan area.

Our county has a history of growth in population and leadership in voting systems. In 1987 we were one of the first in the country to purchase direct record electronic voting equipment. Today, population growth, advances in voting technology, and changes in our State laws affecting elections have brought our county to another decision on the purchase of touch screen voting computers.

Our county, like others throughout the country, is not immune to voting disasters. The high voter turnout of the 1992 Presidential election created very long lines at polling places throughout the country. Johnson County also experienced a 27 percent increase in voter registration in the 3-month period prior to that election. That translated to extremely long lines at our polls in November, 1992 with a record 89 percent voter turnout. Many of our voters waited in line for 3 or more hours to cast their votes.

The Secretary of State's Office in Kansas and the State legislature recognized the importance of making voting convenient and accessible, and in 1995 they approved an early advanced voting law which actually provides for "no-excuse" voting, in person or by mail.

Advanced voting is extremely popular in Johnson County. In the 1996 and again in the 2000 Presidential election, our advanced votes represented over 35 percent of the total votes cast in our county. We had minimal lines at the precinct voting locations on Election Day, and most importantly to us, the voters were pleased that they had an option of casting their ballots at their convenience.

Kansas law also provides for provisional ballots to be cast by voters. No voter is turned away on Election Day. Every provisional ballot is researched individually between Election Day and the canvass of the election, with a recommendation to count or not count based on State law.

As a member of the Election Center's Election Reform Task Force, I have had the privilege of participating with my colleagues in an honest evaluation of the election process, including exactly how well we do our jobs.

I must tell you that election administrators are the most dedicated and committed group of individuals you will ever meet. We are perfectionists and control freaks, and we are proud of it. We are the gatekeepers of democracy, and we are committed to excellence, the highest level of integrity, and, most importantly, to open and impartial elections.

We take great pride in the public's confidence and trust in our ability to do our jobs, and we are deeply saddened that the aftermath of the November 2000 election has eroded some of that trust. We can rebuild voter confidence, and we believe that it has to start at the grassroots level.

To local government, elections are an unfunded mandate. This means that election administrators are always vying for funding against libraries, roads and bridges, Meals on Wheels, and park and recreation activities, all items that impact residents on a daily basis.

Elections are at the bottom of the funding list because they are perceived as only a once- or twice-a year activity. Any effort to replace aging voting equipment is a very, very hard sell. To say that we all need additional dollars is a given, but to say that we all need the same type of voting equipment is not.

For example, Kansas has 21 counties that vote on hand-counted paper ballots, and it works; 81 counties vote on optical scan paper ballots; and 3 large counties cast their ballots on electronic voting machines.

This diversity in Kansas exists throughout the entire country. What works for one county does not necessarily work for all. The reality is that there are flaws in the system, and the media magnified them during the November 2000 election.

If we as election administrators could live in a perfect world, the voter registration records would be accurate, complete, and always up to date. But the reality is that the voter files are inflated due to mandatory compliance with the NVRA.

In a perfect world, there would be an abundance of accessible voting locations, but the reality is that it is difficult to find those locations, and often not possible to find accessible ones.

In the perfect world, elections would be easy to program and the voting equipment would always work, but the reality is that elections are complicated and machines break down.

In the perfect world, there would always be an abundant pool of trained election workers to choose from for every Election Day, but the reality is that approximately 98 percent of our election workers are senior citizens, and the pool is not being replenished.

In the perfect world, budget dollars would be available to educate the voters, purchase new voting equipment, and increase election workers' salaries, but again, the reality is that elections are an unfunded mandate.

In the perfect world, the voters would research candidates and issues prior to Election Day, and everyone would celebrate democracy by casting their vote. But as we all know, the reality is that voter participation is declining, particularly among 18- and 24-year-olds.

In the perfect world, election administrators would have access to an election resource library of best practices, but the reality is that that does not exist, and it will require Federal funding.

In the perfect world, election administrators would receive mandatory federally funded training on Federal and State election procedures, but the reality is that while the Election Center has an excellent certification program, many election administrators cannot afford to attend.

In the perfect world, there would be uniform, voluntary voting system standards and operating procedures maintained by election administrators at the State and local level. But the reality is the Office of Election Administration of the FEC is seriously underfunded. Voting system standards are not up to date, operational standards do not exist, and there is no clearinghouse for reporting problems with voting systems.

In the perfect world, there would be clear rules to determine voter intent within each State. But the reality is that voter intent standards do not exist in all States.

With Federal funding, it is possible to address many of these issues. We must join together collectively, at the local, State, and Federal level to share resources and to find creative and innovative solutions.

In our county, we have implemented several election worker recruitment programs involving civic organizations, corporate business owners, and 16- and 17-year-old high school students.

Since 1998, we have recruited a total of 506 election workers through those programs. In late 1999, again in response to a lack of funding for voter outreach activities, our office recruited citizen leaders, including high school students and college students, to create a nonpartisan, nonprofit Promote the Vote Foundation.

In election 2000, over 13,000 students participated in programs sponsored by that Foundation. Many similar programs are ongoing in other communities, and they are all focused on increasing voter education and participation.

So we are asking for Federal funding for voting equipment and centralized voter registration software for election administrator certification training programs and for sufficient funding of the Office of Election Administration to develop and maintain those uniform voluntary voting system standards.

As election administrators we believe that nurturing and protecting democracy is a team effort, a community-wide, statewide, and nationwide team effort. We ask that you join with us as we work to improve the administration of elections in America and to rebuild voter confidence.

Thank you very much for the opportunity to be here today.

The CHAIRMAN. Thank you for testifying.

Next, Carolyn Jackson.

#### **STATEMENT OF CAROLYN JACKSON**

Ms. JACKSON. Chairman Ney and other members of the Committee, it is an honor to be asked to appear before you to present my views from the local level of election administration.

I have been an election official since 1982. I will attempt in the time allotted to present to you a brief analysis of the problems and needs on the local level.

It is a dreadful feeling to know that you are expected to produce flawless elections with equipment that is antiquated and no longer serviceable. A better understanding of the requirements and needs from election officials would enhance the final product.

The publicity from the November election has caused a level of interest from all walks of life, which can be beneficial in that the

attention received has resulted in a long overdue dialogue among all levels of government and voters of our great country.

It is my hope this dialogue will produce a final product that will ensure quality equipment and a means of communication to the voters we serve. The voters deserve and expect education and the assurance their vote is counted on Election Day, whether it be early, absentee, or on the regular Election Day.

Voters should accept the responsibility of maintaining an accurate and up-to-date voter registration and change of address. This process can be stressed through voter education, which may require additional funding from sources that normally do not understand the importance of voter education nor the process itself.

There are mandates from the Federal and State levels that have caused additional financial burdens on the election commissions that are already underfunded, such as the postage rates we must endure in implementing the NVRA.

Hopefully, out of this current crisis you will take time to pursue the concerns surrounding the NVRA. Again, it has been an honor to be among the local officials given the opportunity to present some of our concerns.

The CHAIRMAN. Thank you very much for your testimony.

Next, Conny McCormack.

#### **STATEMENT OF CONNY McCORMACK**

Ms. McCORMACK. Congressman, it is definitely an honor to be here today to give you testimony on this very important topic of election reform.

This is my 20th year as an elections administrator in this country. I started in Dallas, Texas, where I was election administrator for 6 years, and then moved to San Diego, California; and now for the past 5 years, I have been the head of elections of Los Angeles.

Los Angeles has the largest voter base in the country. We have 4.1 million registered voters and 5,000 voting precincts. Last November, we voted a record high 2,770,000 voters, which was more ballots cast in our county and counted in my office than in 41 of the 50 states.

Indeed, we had more absentee ballots in my country than were cast in eight of the States. We have 520,000 absentee by mail ballots.

For a Presidential election, the logistics are similar to a military deployment. We hire 25,131 poll workers. As we said, we deal with over 500,000 absentee ballots. Some days we have 35,000 applications a day. We turn them around in a one-day turnaround time. Clearly this takes hundreds of additional staff to do that.

We have been on the same voting system in Los Angeles County. I would like to think it was a 1970s system, Pam. It is a 1960s system, the punch card voting system, because we started it in Los Angeles in 1968. I can tell you, to this moment we are a long way away from getting rid of it, because we have no money. To do it is something we would love to do.

We started on this process in conjunction with the November election, before what happened in November. Starting in October, we instituted a pilot program of the DRE, touch screen voting in Los Angeles. It was a huge success. Out of the 2.7 million voters,

we had 27,963 of our voters, including myself, who cast their ballot on a DRE system during the early voting period at one of the nine locations we set up around the county, where any one of our 4.1 million voters could have gone to any of these locations and cast their ballot.

To do this was a huge technology challenge, because the first thing that happened when they walked in was to have to qualify that voter and then set up which ballot they were going to get on the DRE. Because we have 17 congressional representatives in our county, and many assembly and water boards, we had 263 different types of ballots, depending on which one, what area you lived in—in seven languages—and we had to count them into one of the 5,000 precincts.

When you multiply 5,000 times 263 times 7, each one of our DREs had 9 million combinations in them and were activated within 4 seconds of pulling up the correct ballot for that voter.

It was a huge success to the voter. Ninety-nine percent of them filled out a survey and said they loved it so much better than punch cards. Not a single overvote can be cast, and not a single one was cast because you cannot overvote on a DRE system.

This was not the case with our punch card system, where we had a half a percent of our voters in the precincts vote for more than one candidate for President. I have to believe that was inadvertent. That was 13,000 people who lost their vote. We had a 2.2 percent undervote.

There is a natural undervote for President. We had a .5 percent undervote on the DRE, as did Riverside County, which is all DRE. So it is probably about a half a percent of the people who did not want to vote or were confused, or were just in the middle of indecision, like the rest of the country on who to vote for.

So take away that half percent, that means we have 1.7 percent of the people who probably did not mean to undervote and could not understand the system. That was another 61,000 people.

So taken together, these are a lot of people who did not have their votes counted that would have if we did not have a 1960s-based system.

Ms. MCCORMACK [continuing]. Additionally, the DRE system that we put in place for the pilot program allowed blind and visually impaired voters to vote without assistance, and this was a huge success. We partnered with the Braille Institute and the Center for the Partially Sighted at their own expense, since we have no money to do this.

They mailed out to 8,000 of their own members a brochure that we developed with them, letting the blind know that they could go to one of these nine locations and vote without assistance. We had hundreds of voters, many accompanied only by Seeing Eye dogs, come into our sites to vote for the first time in their lives without anyone helping them, and it was a wonderful experience.

Similarly, for people who use a different language, whose first language is not English—and we are very diverse in Los Angeles, propositions on the ballot are complex, they are hard to understand in English—and we had hundreds of our voters choose one of the seven languages, and we are very, very pleased that they were able to understand the ballot in a much better way than in the past.

None of these are available on punch card. We cannot do this type of work with a punch card system. We have a translation of the punch card ballot, which is cumbersome and is very costly, so clearly we would like to move into a more modern voting system.

So what are the obstacles to doing that? Well, the obstacle is, one—and all of you know what it is—we don't have sufficient funding, and our pilot project only cost us \$70,000 to institute it. But for us to go countywide on a modern DRE voting system in Los Angeles County would cost, initial purchase of \$100 million. We don't have \$100 million, and as Pam Iorio mentioned, the op-scan system does not work in Los Angeles, and part of my testimony explains why that doesn't work with seven languages. And replacing one piece of paper with another paper ballot, we would be spending millions of dollars on ballots every election, and it would just be inappropriate, and we would need another building to store them in. So that isn't going to work.

Our election last November, with a 7-cents-a-ballot-card, the cheapest system you can have—we only spent a half a million dollars on ballot cards. It was a very low cost. Our election costs us \$20.4 million to put on. We had old, fully depreciated voting equipment; it still cost us \$20.4 million.

There were water districts on the ballot. There were cities on the ballot, and each one of the people who were on the ballot in jurisdictions paid their proportional share, with the very noted exception of the Federal Government. We listed the President, the Vice President, Senators and U.S. Representatives, and for that, we did not get a dime.

Each of these other jurisdictions cannot afford to pay for their share of the ballot, but they do. I do think it is time the Federal Government paid their fair share to be on a ballot, which they are on for every election.

We also have tremendous unfunded mandates. Out of our \$20.4 million for the election, \$2 million of that was for compliance with the Voting Rights Act and to produce the ballot in the seven languages and the translations and the oral assistance at the polls, again, an unfunded mandate that we would like to see some dollars come to us.

But how are we going to get this money? Our local government, currently our county board of supervisors, is very much interested in converting, but they don't have the money, and our health department has a \$184 million deficit right now. We will remain frustratingly elusive that the top 10 priorities of government, that voting is always the 11th. We forever are relegated to the 11th on the top 10.

In our State government, we have bills right now. We are hoping to get money, but if we weren't spending an additional \$54 million a day on the spot market to buy electricity, we would probably be getting the \$300 million that our speaker of the state assembly wants to give us, but we have spent \$5 billion since January that was unbudgeted on electricity with no end in sight, and so the obscurity, at best, and oblivion, at worst, that bill at the State level, we will not be seeing the money.

I would like to echo, elections class of mail would sincerely help us as a means to do this. And I would also like to say that the Fed-

eral Government spends \$30 million every year to support democracy building overseas. We don't spend a dime here. I do think that democracy here is worth at least what it is worth to support the countries overseas that we support in democracy building. I think it is time that we did that.

The Census last year, the \$100 million was spent by the Federal Government on an advertising campaign. That was very valuable, and it really helped in Los Angeles. We had a much higher turnout of people filling out the Census. They understood what it was for, and they understood the importance of it. And a similar type of campaign at the national level to advertise the process of voting, the deadlines, the voter registration, how you actually vote, PSAs, how you touch the screen or push a—punch a card would go a long way toward making our process more effective.

I have many things else I would like to say, but I see I am over my time. I am sure you have lots of questions, so I am going to finish my testimony at this time.

Thank you.

The CHAIRMAN. Thank you very much.

Our last witness, Linda Lamone.

#### STATEMENT OF LINDA H. LAMONE

Ms. LAMONE. Thank you very much, Mr. Chairman. It is an honor to be here. I feel like the little sister to Conny, who has only 2.7 million registered voters in Maryland. But in any event, Maryland is in a very fortunate position, because we started election reform some time ago.

We had a very close gubernatorial race in 1994, and the emphasis has been on addressing some of the issues that were raised as a result of that election. The governor and the general assembly have directed us to create a total election management system, which we have done. We are in the process of finally implementing a statewide voter registration system. We have rewritten all the software, created new software for all of the processes that occur in the period of conducting an election from defining the ballot to posting the election results on the Web page, to developing campaign finance reporting software and database for campaign expenditures and contributions that is on a searchable Web—on the Web page on a searchable database.

The last piece of the pie was approved by the Maryland general assembly at this last session, this last winter, and that is a uniform voting system that can accommodate individuals with disabilities. We are not going to be purchasing it; we will be leasing it. The State is going to be providing half of the funding to this, and of course would welcome Federal dollars to assist us in doing this. The governor and the general assembly would like me to accomplish this by the September election in 2002. We hope that we will be able to meet that desire.

As I said, Maryland has been undergoing election reform now for approximately 5 years. The general assembly completely rewrote the election code in 1997. They have centralized election administration in Maryland under the State board of elections with me as its administrator. I am a nonpartisan, appointed official. I am a public officer of the State board of elections. There are five people

appointed by the governor, confirmed by the Senate, three of the majority party, two of the minority party.

We have a very centralized authority in the State board over the administration of elections. There is much greater State funding in Maryland than, I think, in a lot of other jurisdictions. All of the software development and most of the new hardware that we have placed in the counties have been paid for by the State. All the communications costs are paid by the State of Maryland. The result is that we have very consistent standards. We are very lucky.

We have one voter registration application for the State. We have uniform procedures for virtually every process that the local election boards have to follow, and I submitted some testimony to the committee which outlines a lot of the things that we have done in the last 5 years.

And I recognize that this is not particularly typical of what goes on in many other States, nor may it be welcome, but it is what Maryland decided to do, and it seems to be working well for us.

You have heard a lot of suggestions for solutions. I will not repeat them. I think we all agree with what has been said here today, probably nationally. I would like to add two of my own that haven't—one of which has not been mentioned today and one that is sort of—we are implementing in Maryland for the first time.

As you all know, our society is very mobile, and it is very difficult for all of us to keep track of our registered voters. We have no way of knowing whether or not people are registered in two different States. There is no national database like there is for commercial drivers licenses, so we have no way of checking.

In Maryland, if you are convicted of a second infamous crime, you are forever disenfranchised. I have no way of knowing if people have been convicted of a crime in another State, let alone if they have been sometimes convicted of two crimes in Maryland, although we are working on that. It could be a Federal conviction in one State and a State conviction in Maryland, but still, unless the person affirmatively tells us that he or she has had that second conviction, there is no way of tracking the voters, is what I am saying; and the bottom line is, we need some sort of identification number that we can use to track voters. Even if it is within a State, it would help us a long way to keeping our voter registration records cleaner and track our voters and not have the motor voter problems that we had in this last election. As I am sure you have heard from other people, under motor voter, people would go to the Motor Vehicle Administration, which is what we call the agency in Maryland, to change their address. There are signs all over the place, "Register to vote here," "Vote here," "Get your voter registration application here"—change their address. And it has a block on there that says, which is required by NVRA, "Do you want this to be for voter registration purposes as well?" The voter checks it and thinks that that changed their voter registration address as well.

They move to their new county, change their address, check that little box. Then they go to the polls on Election Day where they think they are supposed to go, and they are not on the precinct register. And it caused—I know anecdotally—I have heard from my colleagues around the country, it caused tremendous problems on Election Day, and it was an embarrassment to us, and it showed

us the weaknesses in having an outside agency, particularly as large as the Motor Vehicle Administration with the number of changes of address and license transactions that they handle, being responsible, in essence, for voter registrations.

So be it. That is the way the law reads.

What we have done in Maryland is, we are going to implement what I call a “once registered, always registered to vote” process in Maryland. You get one driver’s license when you move to Maryland. You should not have to reregister to vote every time you move within the State, as long as you remain a qualified voter, and so we are working closely with the MVA. It is going to be a paper process, probably for 6 months to a year, but we are working very closely with them to make it a paperless transaction so that their database will tell my database that Linda Lamone has moved from one county to another. Their record will be transferred, and I will be sent a new voter notification card, which is what we call the “notification of registration” in Maryland. I am hoping that that alleviates the problem.

The general assembly has also given me the ability to use provisional ballots in the future. I am hoping that with this new process of treating the State of Maryland, in essence, as a one large jurisdiction for voter registration purposes, that that will greatly reduce the need for provisional ballots down the road.

Thank you.

The CHAIRMAN. Thank you very much for your testimony.

Questions?

Mr. DAVIS. One of the issues that received a lot of attention in Florida was the need to improve the database that was the voter registry. When Secretary of State Katherine Harris testified here, she talked about the fact that Florida was moving out of the privatization model back to the clerk of the court model in Florida and that it was going to cost a significant sum.

Linda, I think you referred to some information—you referred to some issues concerning the integrity of the database or the registry of voters. And so I guess my first question is, all of y’all have stated the case that you would appreciate the Federal government funding some of the costs of improving your voting equipment; and would you include the database as part of that?

Mr. LEWIS. Absolutely, yeah.

Ms. LAMONE. We spent about \$4.5 million developing our state-wide voter registration system on software development and hardware for the county.

Mr. LEWIS. North Carolina has at least that much money invested in theirs. Some of the other States have spent that much or more trying to get to that point, and so it is an expensive proposition to get it to work.

And, secondly, we are probably going to have to find a way to marry up to DMV, their database. They have funds, they have resources; we don’t. And their resources were 70 percent—if you look at what the Federal Government says—the OEA says, 72 percent of all the transactions in voter files belong through the DMV, and so that is certainly a place that we are going to have to get closer.

Michigan and Kentucky already have made this a one-step process so that it is not a two-step process, it is one database. It is one

transaction, not two transactions, and that makes it a whole lot easier.

Mr. DAVIS. My second question pertains to whether you all believe, on behalf of your own voters, as well as generally, we can realistically expect many of the changes we have been discussing to take place in time for the 2002 election. I know in Florida that is the intention, as well as the intention to begin building on some more, superior changes in time for the 2004 election. That will influence how compelling the case is we can make to the appropriators in terms of funding this year.

And my second question related to 2002 is, if we do try to appropriate some funds and we get that done by the fall or late summer, is that soon enough for your planning purposes for changes for 2002?

Ms. JACKSON. May I address that?

Mr. DAVIS. Yes, ma'am.

Ms. JACKSON. Number one, I feel very strongly that until the concept of an election is a Federal election, we are not going to move too far. All elections are important, no matter what level. If the money is going to be appropriated, then I feel that it needs to be appropriated in time for us to produce the type of elections in 19—I mean, in 2002 that we have to produce. It doesn't need to be changed.

I will have elections in May of 2002, my county elections. If I get no money from the Federal Government, there will just be certain things that I will not be able to do. If the money should come for the August or the November election—the November election is the Federal election—I have got to change my operation in midstream, and that is not good for the voters, nor is it good for the election commission.

Our credibility has been stomped, and we are working hard to bring it back up. I would almost rather that—if we can't have the money late 2001 or early 2002, we not get it until 2003 in an off-year so that we begin the even years doing the same thing that we started out doing.

Mr. DAVIS. If we can appropriate the funds and you know they are coming by this fall, does that give you enough time to use those funds to make the changes you need to make for the 2002—

Ms. JACKSON. That should be ample time.

Ms. MCCORMACK. I would like to make a comment on that. First of all, we would need to know what kind of funding we are talking about. Are we talking about matching grants that are going to States and then counties apply? So there is a process. Clearly, these processes take time, and indeed determining a vendor and a contractor process takes time as well.

What I have proposed to my board of supervisors, that they have not yet funded, is a \$3 million expansion of our early voting DRE project so that we could have 40 or 50 sites, during the couple of weeks before the election up through the Saturday and Sunday before the election, for early voting at 40 or 50 locations instead of just nine, which was a pilot project. We know that we would have hundreds of thousands of people now with this post-punch card environment, and nine locations is insufficient. It was fine for 21,000. It won't work.

So I need to have some money, because my county won't even give me the \$3 million to do the expanded pilot project I am working toward, because I have chosen a vendor for that. In terms of a total county conversion, obviously that is impossible in Los Angeles County. It would take a lot longer just to do an RFP and a contract implementation. But I am not the rest of the country, and the fact is, if there was money coming through a grant process that we could all apply for, we could start the process to get this thing happening, and that is what we need to do.

We can't expect, obviously, all of California—and I would like to reiterate, one size does not fit all. Some States may either be more homogeneous and they can have a voting system. Perhaps even in Florida it is possible to have a voting system that works in every county, but in Los Angeles, we have to have a DRE system. The paper scan system does not work, is my testimony.

There is a whole section that I have attached. And Alpine County in California has 771 voters, and I have 4 million with seven languages.

So a one-size-fits-all solution is not the issue. We need diversity and innovation. But if it were a grant application process, I do think that counties would step forward to try to start to modernize, and they would have an opportunity to do that with matching funds. And we are hoping to get something from the States as well.

So I certainly would hope that wouldn't be a reason—that by 2002 if everybody in the country didn't have a new voting system wouldn't be an impediment to moving forward as we transition into this new process.

Thank you.

Mr. DAVIS. And, Ms. McCormack, do you believe that if we did appropriate sufficient funds in the fall, that would allow you enough time to implement some improvements for the 20—

Ms. MCCORMACK. Absolutely, I want to move forward to the 2002 elections, even for the March primary in our county, in our State, toward this expansion of the DRE project that I have told my board I can do for \$3 million for this initial—and at this point, I don't have the \$3 million, so—

Mr. DAVIS. And if the bill ultimately did end up with some local or State match, do you feel like a substantial amount of Federal dollars would give you the leverage—

Ms. MCCORMACK. Yes.

Mr. DAVIS [continuing]. You need to—

Ms. MCCORMACK. Yes. I absolutely do. Absolutely. Thank you.

Mr. LEWIS. And Mr. Davis, one of the things I think you are going to find in most jurisdictions is that they would be reluctant, beyond about March of 2002, to have to take on the task of implementing a new voting system.

Now, in terms of the other—other features of having better voter education and better poll worker education, and in terms of making sure that we train and make sure our people understand to take care of voters rather than to have confrontation with voters. I think we can do those kinds of things, but most elections administrators are going to be very uncomfortable trying to buy a brand-new voting system and installing it in time for a statewide election. It makes you very nervous to do that, because you don't know what

you are going to encounter on a new voting system. You know what you have encountered on the old one.

With every voting system, you end up—you learn that there is a work-around. I mean, none of it is perfect, and so you have to figure out, what do your voters do to it and then what does your staff do to it and, more importantly, what do the poll workers do to it before the voter ever gets there. And so you—you try to use those in small elections first, working your way up gradually to the point that you then implement it system-wide in a large election and hopefully not in a presidential election.

Mr. DAVIS. Yes, ma'am?

Ms. MCCORMACK. I just wanted to say, I don't think you are saying that everybody has to completely convert to the new voting system. If options were available for early voting, like in California, where any voter could go early, which we had for the first time last year, there would be an option for voters; and I think that is what we are trying to offer here, some options for the counties to move forward.

I don't think it would be—I hope it wouldn't be a requirement for counties to fully implement a new voting system. Frankly, there are vendor resource issues. There are all kinds of contractual issues, that type of thing.

Mr. DAVIS. Mr. Chairman, one last question—

The CHAIRMAN. Sure.

Mr. DAVIS [continuing]. To Pam Iorio.

In your judgment, are some of the small- and medium-sized counties in Florida going to need some Federal assistance in order for the county to absorb the cost of the conversion for the 2002 election?

Ms. IORIO. The governors task force that was formed in the aftermath of the 2000 election estimated that the complete cost to move each precinct to—precinct-based optical scan is about \$10,000 per precinct, including all costs, privacy booths, everything. And so the \$7,500 allocated per precinct by the Florida Legislature is most of it, but I still think some of the very small counties—well, all of the—the counties that have to make that transition will still have some local monies that will be needed to cover the cost.

Mr. DAVIS. Okay. Thank you.

The CHAIRMAN. Mr. Reynolds, any questions?

Mr. REYNOLDS, Ms. Schmidt, you cited that the National Voting Registration Act was an example of legislation that, by opposing uniformity, had a negative impact on some State and local jurisdictions. I would be interested in your comment and some of the other panel members' comments on that—that point, if you might, my first question.

Ms. SCHMIDT. Certainly. I think in our county particularly, we have a very difficult time in tracking voters, and I think the—Linda from Maryland put it very well. We have a difficult time in connecting with the DMV offices in order to keep our list 100 percent accurate.

In the State of Kansas, we do not have a centralized day-to-day voter system. We send our file on a quarterly basis to the secretary of state's office to do a matching of our voters. We have the need for having a little more instantaneous information. Our voters in

our county move very frequently. We spend an enormous amount of our staff time doing nothing but updating the voter records from moves.

Mr. REYNOLDS. Anyone else? No comment? Does anybody else on the panel have a comment on the Voting Rights Act?

Mr. LEWIS. On the Voting Rights Act or the——

Mr. REYNOLDS. I am sorry, Voter Registration.

Mr. LEWIS. I think what most of us in the profession are really looking at and saying is that we have responsibility for some of the things in there, and yet no authority and certainly no funding. And we don't mind having the responsibility as long as you have the authority to go with the responsibility, so that—I mean, it bothers us to be accused of not having good voter lists when outside agencies may or may not actually report the information that they have gathered to you.

And so we don't mind—the good feature of NVRA is that it does indeed make more people eligible to vote and we are all happy with that. We want people in the process.

What we are not happy with is that you get agencies that you have no authority to go train or no authority to say, guys, you are doing it wrong, or even, here is the attitude you ought to have about it; that this really is an enabling process and not something where you kind of tell folks that you don't care whether they are there or not.

And so those are the real reasons that we have problems with it, both money and no authority.

Ms. IORIO. I think the Congress made a, you know, conscious decision in 1993, when they passed the National Voter Registration Act, that there should be very few barriers, institutional barriers, to the registration process and that the voter—the registrant should put down very little information on the form and that the process should be as open and as easy as possible in order to increase voter registration. That has occurred. We have dramatically increased voter registration throughout this country.

Now, the flip side of it is that you have—it is the last of the great honor systems, and you have errors that are going to be made in a society where people just pick up a form and fill it out, mail it in, or pick it up at a variety of State and county agencies. So there is just a trade-off there; and as a country, we just have to decide what we want. Do we want a very restrictive registration system but one that is tightly controlled and doesn't have many errors, or do we want one that is very open and accessible with no barriers at all, but that we have a particular error rate associated with it?

And I think we have already made that decision as a country and a Congress and we are living with it, and we have improved and dramatically increased voter registration because of it.

Ms. MCCORMACK. I would just like to comment and reiterate the comments of my colleagues that clearly in our county with 27 DMV offices of the 80 in the State and 5,000 records a week coming to us from DMV on voter files, we do have a 50 percent match of those that actually match up to our file because when people register at the DMV, they don't have to have—they can use a post office box. They don't have to have a residence. We are not sure it is the same person.

There is all kinds of software issues about, is this the same, you know, John Smith as the John Smith we think this might be on the file?

We have met with all 27 of our offices. We have asked them, and they did a better job in November than in the past, although we still have thousands of people that thought they had registered or did try to register at the DMV, and we didn't get their records.

But to follow up with the paper on a more expeditious fashion, these computer bumps also come to us usually about a month late, which is obviously when voter registration deadlines are now—in California, we used to have 29 days before the election; our new law, in January, it is 15 days.

We are already a month behind on the NVRA records now. So when we get these records through the State system, they are going to be completely outdated, because there will be many people who will have done the process, but—however, didn't ever get through to us until way after the election.

These are just some of the challenges we have to deal with.

The provisional voting process does help, because we in California, anyone who is sure they are registered and they should be on the list—because I have to tell you, we make administrative errors and get people on the wrong list—do have an opportunity to vote. And then during our 28-day certification process, we do clear those registrations.

So in that 28 days following the election in which, statewide in California, we added a million extra votes into the—10 percent of the votes were counted after Election Day, some as many as 3 weeks after Election Day. We always count them; it takes time.

So during this process, we are able to try to work out some of these kinks. But there is no perfect process and whenever, as Doug mentions, interagencies are involved in a process, it is hard enough in my own office—I am also the recorder of deeds in my office, and we do 10,000 property transfers a day, and we are also—I am also the birth, death and marriage commissioner, where our death files have—

Mr. HOYER. You have too much to do.

Ms. MCCORMACK. I do. I have 800 employees, and it is a problem. Where—our death file computer system doesn't even match up with our voter system, so we are doing a lot of paperwork instead of computer bumps in my own office because of software issues on different sides of the office.

So it is—those are all just challenges, though. I don't think we should immediately say something is wrong with the process because it is a little bit more difficult now to administer it.

I think we can work through some of these problems. We are working very hard with the State DMV to come up with a new form that is more user friendly, like they have in many of the other States. Ours is a process that is impossible for the DMV client to understand. So I do think that we can work through some of these, but perfection is never going to happen in the election process.

Thank you.

The CHAIRMAN. Thank you very much. I understand that Pam Iorio has an airplane to catch. So I wanted to mention that to the members of the committee.

Ms. IORIO. Thank you. Thank you for having me here today.

The CHAIRMAN. I appreciate your time.

Mr. HOYER. Could I just thank Ms. Iorio for being with us? I found her testimony—I found the testimony of all the witnesses to be outstanding and very, very helpful, and I appreciate your observations.

I wanted to ask you some questions, but I will ask the others. I don't want you to miss your plane.

Ms. IORIO. Thank you.

The CHAIRMAN. Mr. Reynolds, do you have any additional follow-up questions?

Mr. REYNOLDS. Thank you, Mr. Chairman. I guess maybe two.

One, should we—when we look at the discussion of funding, some in testimony referred to today as “unfunded mandates,” others on Federal elections that did not receive any Federal dollars and yet we have imposed uniformity on a voter registration program, are there conditions that the Congress should place on the distribution of Federal money? And I am a—kind of a local government guy, so I ask that very carefully as I say it.

But as you are on the front line, and both State officials have said, send money to the States, and hearing testimony today that money is coming in to improve the system by the Federal government, are there conditions? Should we require voter ID at the time of election? Should we review some of our voter registration on purging lists if people haven't voted, so there is assistance in the flexibility of registering, that we also don't have registrations all over the place?

I am curious your reaction to that question.

Ms. JACKSON. As I stated in my testimony, I am hoping, after this crisis with Florida and what we are going through now, that we will go back—that you all will go back and look at NVRA. There are—and it is one of my pet peeves, I have to admit it. So I have been very careful in how I scrutinize it and where I scrutinize it, so that I don't get in trouble.

But I think it is probably one of the—well, next to one of the worst things that could have happened to the election community. It was an opportunity for elected officials to come up with an idea of, hey, this sounds good; we will get more people registered. There were no local people involved, to my knowledge, in working up this legislation, to get it ready.

As elected officials, that is your first concern, let's get enough people registered to vote. Every one of you has done massive registration drives prior to your election. So you like the idea of DMV and all of these other agencies getting involved. They are not election people. We can't go out there and do what they do; we would be raising all kind of Cain.

I have sat and watched the operation at the DMV office in Chattanooga, and they have got it perfected so that you would not think there would be any problems. But once that applicant goes out the door, I don't know where that application goes, because most of them do not come to us, and I think you have to understand that in certain localities, there is a large influx of people seeking a driver's license, and these people, frankly, don't have the time to fool

with it. But we get the blame for it when that person doesn't get to vote.

And I am not there to deny people the right to vote. I wish you would go back and look at it because it—it has created too many problems. That is the deal.

The CHAIRMAN. Mr. Reynolds, additional questions? Thank you. Mr. Hoyer.

Mr. HOYER. Thank you very much. Mr. Chairman, again, I want to reiterate how appreciative I am of the testimony that has been given by people who actually, obviously day-to-day, have to run the election system and get registrants from the Motor Vehicle Administration to the records at local precincts.

The anecdotal evidence of which Linda Lamone talked, I was in a precinct—not my own precinct, but I traveled around Election Day, was in there, and happened to see friends of mine who had had this happen to them. They registered at motor vehicles and were not on the rolls, and they were sent away. And whether she got back or not, I don't know.

But in any event—I was going to ask Ms. Iorio, but let me ask the rest of you: She stressed in her testimony, all the experts I have heard agree, that if you are going to have an accurate system, it has got to be precinct-based. Once you get to central counting, you have lost the voter; the voter is gone.

Secondly, you need to be able to have technology which corrects—or at least notifies the voter that they have not voted correctly.

Does everybody agree that those are two critical things that we need to have?

Now, let me ask you, on the DREs, two questions. Obviously it corrects you immediately. You can't, in effect—it is very hard to misvote. You cannot vote, but you can't overvote. Technically, you can't overvote, correct? To that extent, it is like a lever machine. The lever machine has the advantage, you can't overvote on a lever machine, assuming it is working correctly.

Ms. MCCORMACK. They are not all the same. I saw one that has been certified recently in California that you could actually be moving your hand down and inadvertently vote for someone else, because the one I used and the one that I was on—the style I was only familiar with is, in order to unvote your choice, which lights up in a different color, you have to go back and take it off. you know, you can't—you are trying to hit something else.

You would have to go tell—maybe he didn't understand—ask the poll worker, well, how come I want to change my mind and I can't do it?

I think that is preferable to one that, as you move your hand down the screen, if you inadvertently—but again those are designed—and when you have your system panel on that, you will see all of that.

I personally prefer the fact that once you have hit it, you can't undo it unless you touch it again, but that is just a personal preference. But in terms of the ones up until I saw this one recently, I would have answered your question, yes, it is impossible to overvote. But—

Mr. HOYER. Actually, since it is—

Ms. MCCORMACK. It is not really an overvote. You wouldn't be overvoting; you would be taking off maybe the choice you actually wanted. You wouldn't be overvoting if your hand went down—and mine did when I was playing with this one, and I didn't mean to do that. But all the ones, I believe, unless—they certainly should; if we had the appropriate management standards in place, which we are hoping to have the Federal Government help us do, would let the voter review their ballot at the end.

And we have that in our system, where there was a “review ballot” button. You would go back and look, what did I do? And that is similar to the precinct-based optical scan, which—none of which, of course, you have in punch card or, by the way, absentee.

We have to remember a lot of people are voting by mail, and I think it is very important we design our instructions—and we have completely changed ours to be very graphic and colorful—so that people will have the best opportunity in that mail at home not to make these errors; although, of course, if they do, they don't have a piece of equipment to put it in to correct it.

Mr. HOYER. Let me ask you something on recounts. I would like to hear your comments to this.

To the extent that you go to a paperless system, lever machines are obviously a paper system, and the only recount on a lever machine is to get the count off the back of the machine again. If the tumbler didn't work, you will never know it, because there is no way to check that.

On the DREs, am I correct—I don't understand the technology. Well, I have never used it either.

Ms. MCCORMACK. It is different. It is different than that.

Mr. HOYER. How do you go back and—

Ms. MCCORMACK. We had a recount.

Mr. HOYER [continuing]. Recount? How do you do that?

Ms. MCCORMACK. We have a recount after every election. We had one in Malibu, six votes apart for a development issue. And what's worse than a development issue in Malibu? So it was ugly, but you know—the system prints out ballot images of—it is not associated with the voter, so we did actually have—obviously, out of our 21,000 ballots that were cast on DRE, some of them were from Malibu, so we were able to print out the ballot images.

Riverside County in California had a totally DRE system for their election. It is the largest all-DRE election in the country, with 700 precincts, and they had a recount in one of their districts and had no problem. And the focus then became the absentee, because the absentees aren't DRE. You don't mail a DRE to a person, so the recount then ends up focusing on the absentee ballot.

Mr. HOYER. So is there, in effect, an image that you can go back and—

Ms. MCCORMACK. Yes, there is.

Mr. LEWIS. Federal voting system standards require ballot image retention. The one thing that makes some people nervous is that the recount cannot possibly come out differently than the machine printed it. I mean—

Ms. MCCORMACK. That is a good thing.

Mr. LEWIS. Yes, and that is a good thing. I mean, this is where you get into that age-old argument about whether or not we can

wear ourselves from paper ballots; and those who are of the philosophy that they cannot yet trust the full electronics want the paper ballot. The rest of us, who are acquainted with how good the electronic stuff is now, say, gee, let's go to that, and then let's go through that. But that is—the Federal voting system standards require ballot image retention scrambled so that you cannot identify it to a voter.

Mr. HOYER. Let me ask you about—Connie Schmidt made the statement, “No voter is turned away.” I personally think that is what we ought to have in every precinct in America, not by mandate, but by practice, Federal standard advisory, though it may be, and that you provide provisional ballots.

Now I would like to hear the comments of all of you, particularly Ms. McCormack, on provisional ballots, which may be a—at the level of voters—the numbers of voters you are dealing with, an incredible problem for you. But I would like to hear all of you—your comments on that, on provisional ballots, because as you know, that is a major part of the legislation that Senator Dodd and Congressman Conyers have put in, and many others.

Ms. MCCORMACK. Well, I am a major advocate of provisional voting. I think it protects the election official. I think it protects the poll worker who doesn't have to deal with turning anyone away.

And mistakes happen. We get people on wrong poll lists, people—they are registered. Now we have E-15, 15 days before the election registration. We had 155,000 new registrations on our deadline, E-29, last October. It took us 2 weeks to get those on the list. If we are going to be getting them on the list, I suppose a day or two before the election, clearly those are not going to be on the list at the polls, those last-minute ones. We do a FedEx overnight to our 5,000 polls. Some of the poll workers say, oh, that is what that FedEx was—but let's just don't go there with some of those anecdotal stories.

But the bottom line is, if the voter shows up and he or she is not on the list, we certainly shouldn't penalize them if there has been an administrative error.

We had 101,000 provisional ballots cast in our county. We went through those in the 3½ weeks after the election, one by one, as we have to, and determined whether or not the person already had voted absentee, because many of them have mailed in their absentee and said, oh, I mailed it yesterday on Monday. Do you think it will get there? And we always advise them, probably not with our post office.

So we check all the absentees first, and then if they did not—if we counted their absentee, we don't count their provisional. So it is a one-by-one analysis. We have counted 61,000 of these. It takes time.

One of the things I think that needs to be recognized is that there are two things in elections that we all want. We want speed and we want accuracy. Speed we get with unofficial returns election night. Accuracy has to wait until all of these processes are completed.

In a county of our size and in our State, we are allowed four weeks to finalize our certification of the vote. We added 182,000

ballots in during that 4 weeks. We felt comfortable that it was accurate.

We do have recounts. I am not saying these is not an occasional one that a provisional should have been counted and wasn't, and you know, that is dealt with in a recount or vice versa. Perfection, again, doesn't always happen, but it does allow the person—I would have hated to think that maybe 100,000 people at our polls could have been turned away in our county alone because they weren't on the list or because of some problem, when 61,000 of those were valid, accurate ballots to be cast.

I know it is difficult. I think States need to consider a longer certification time between the unofficial returns and certifying the official results. One week is inadequate, in my opinion. You can certify an election in 1 week; I doubt if you can certify an accurate election in 1 week. At least 2 weeks, I think, is required.

But, again, that is a State's prerogative, and we are glad that we have more time. But it is a major effort—

Mr. HOYER. How much time do you have?

Ms. MCCORMACK. We have 28 days in California. It really takes us that. We work around the clock. We usually try to get done by Thanksgiving; that is our goal. We like to be out of there by Thanksgiving, which is about 3 weeks.

Mr. HOYER. Did you want to comment?

Mr. LEWIS. I just did a survey at the Election Center where we surveyed the States and asked the States how many of them had provisional ballots. We had 39 responses as of the day before yesterday. Nineteen of the States do not offer—out of that first 39 that responded, 19 of them do not have a provisional ballot.

Mr. HOYER. The figure I have is that 17 States have provisional ballot provisions.

Mr. LEWIS. And so what we end up with is—of course some of those States are same-day-registration States. So a provisional ballot wouldn't be necessary—

Mr. HOYER. The same-day-ballot States are in addition to that, as I—

Mr. LEWIS. And North Dakota has no voter registration. So theirs—and then a handful of the States have a process that is easier, in their minds, than provisional ballots because all they do is require the voter to swear an affidavit and say that they live there, and then they will go ahead and count their ballot in that election. If it turns out that they were—didn't live where they said they lived, then there is no getting that vote back. But—so we have a handful of States that have that provision and don't want provisional ballots because provisional ballots, in that case, would be more restrictive.

But if we can find a way to define provisional ballots to include these other aspects, then we probably can—I mean, I think most of us in the elections business, we want voters to feel welcome in this process, and we want the idea of a provisional ballot—even though it is an administrative nightmare on the back end, you know, you want it, because you want that voter to feel good about the process.

Mr. HOYER. Did anybody else want to comment on that?

Ms. Schmidt.

Ms. SCHMIDT. I understand that the provisional ballot in our county, it is very successful. We—in every election, we actually end up registering people who were not registered. Our provisional ballot envelope is actually a voter registration application that we have them fill out. So if they are not a registered voter there, they are then a registered voter for future elections, so it is all very positive.

Ms. MCCORMACK. And for those that we don't count, even though we don't have to by law, I send a notification to each one of them. I don't say, your vote didn't count; I say, there has been some problem with your registration, we would like to get you back on the files.

So we are actually following up and trying to make sure that we don't have this perpetual provisional person who thinks that once they have voted provisional they are going to be on the list. Because if they weren't registered, or we can't find any record of a registration, or if they were one of these DMV folks that were dropped out of the ozone, which happens, at least it won't happen to them the next time.

Mr. HOYER. Okay. Good.

Mr. Chairman, I don't know what your time frame—I know you have been—okay.

Let me ask you something, Ms. McCormack. You recently had a mayoral race.

Ms. MCCORMACK. We still are having a mayoral race. We are in a runoff between the top two June 5th. It is going to be very close, and it is all punch card.

Mr. HOYER. So my question is premature. I was going to ask you about your experience November to, now May, but April, as to whether or not, as a result of any actions you may have taken between November and today, that the punch card system seems to in the primary be more accurate in any way.

Ms. MCCORMACK. We did a "got chad" campaign, a takeoff of the "got milk" campaign. We publicized a really nice poster, "got chad," and put it on every ballot box so that when people were beginning to put their ballot into the box, they saw this colorful picture of go to the back of your ballot and take off your chad.

Our poll workers were chad freaks. All of a sudden now they all were asking every voter, "check for chad," "check for chad." And we still had chad. We had less chad than we have ever had before. Less chad doesn't mean no chad, but—

Mr. HOYER. It is a strange language we have all learned.

Ms. MCCORMACK. And I have been around for 20 years in all-punch-card counties, and I always liked it better when only about 20 people in the country knew what "chad" meant, except that it was a country in Africa or a man's name. But we are not there anymore.

So now we are working very hard on education. Clearly it helped a little bit. If it is close, which it may be on June 5th—it looks like it is going to be very close—we will be, I am sure, having recounts and ballot intent determinations.

Mr. HOYER. Mr. Lewis, as you know, you have been working with our office of the legislation that we have prepared. Your body is included on our advisory board.

By the way, since we have had these hearings, since ESL testified, we have had them included, I think, the governors were included, but some of the other organizations were not, that we think ought to be included.

But what kind of advice would you offer in terms of the Congress acting now, and what ought to be included now, and what, perhaps, could be done down the line? You obviously in your testimony would—

Mr. LEWIS. I think we—certainly if you are going to provide funds for voting systems, don't restrict it to only voting systems, please. And certainly I see—I think in your particular legislation, you are providing funds for counties to get rid of precinct—I mean, punch card systems, and that is fine. I don't think any of us want to get into the position of trying to defend punch card systems.

But the real truth is that we have got some other parts of this process that are equally important, and in fact, probably far more important than voting systems. Voting systems are certainly the largest part of the expense, but voter education has got to be every bit as important as this. Certainly election official education has got to be every bit as important as this. Poll worker education has got to be every bit as important as any of these other things.

And so if you all are going to start directing some funds immediately and you want those to get into the stream immediately and you want to see some impacts immediately in 2002, it is unlikely to be on the voting system side in 2002. It is more likely to be on the infrastructure side, to be on the systemic problems that we know have existed not only in this election, but in previous elections; and certainly became, you know, absolutely common knowledge in the election process in Florida.

So we need the funds to get that process really rolling, and as long as you all give us the flexibility to allow those funds to be applied in ways that we know will improve the system and make the system work better, and so that it is more responsive to the voters and that it allows the voter to get more involved in this and to be more satisfied as a result of the process, that is where the money needs to be. And so that is where you get started.

Statewide databases are going to take a while to develop, and so they can come—I mean, the money needs to be there to encourage folks to do that, but it doesn't have to be instantaneous. But certainly these things that are voter-centered and systemic problem-centered need to be immediate if you are going to begin to have any impact with it, because some of it we are not going to be able to do without the funds.

I mean, we are not going to be able to have good voter education programs without some funding of that. We are not going to be able to have good poll worker training—I mean, additional poll worker training or, hopefully, even better poll workers, being able to recruit a higher caliber and more supply of poll workers, unless we have some ability to do that.

And certainly in terms of getting these folks educated, the Election Center trains 600 to 1,000 of them every year, and that is not enough. The one consistent thing that I hear from almost all jurisdictions, including some of the ones that are wealthier here, is that they can't afford to send many of their people to training. It is be-

cause their county commissioners don't want them to leave the State's borders, in some cases, the county's borders, because it costs money.

So those are—I think this is that we need and we can get into and have ready in 2002 if you will allow us to do those things now. Voting systems are probably going to come in 2003, 2005, 2007, 2009 because, quite frankly, if we—if you guys gave us \$58 billion tomorrow, it would take a while for all of those jurisdictions to be able to absorb that, get a voting system, and get the companies to be able to train them on that voting system. Because it is a small—

Mr. HOYER. Thank you for those observations.

As you probably know, in the legislation that I put in—and I don't expect that to move, because Mr. Ney and I, I think, will come up with a piece of legislation that Mr. Ney will sponsor and I will cosponsor. But the legislation that we put in, we have \$150 million in there for all the items you have just mentioned—actually, \$140 million, with \$10 million set aside for research.

Mr. LEWIS. For research?

Mr. HOYER. For research on—because there is really no RDT&E money. There is a lot of money for research, development, test and evaluation at the Defense Department, but on this issue, there is no research money. And because the marketplace is so slow, you buy something in 1960 and you have still got it in 2000. There is not much incentive for manufacturers to come up with new technology.

Mr. LEWIS. Absolutely.

Mr. HOYER. So we want to spur technology. So 140 million—and that figure, Mr. Chairman, may have to be substantially larger, because as you—particularly if Ms. McCormack is going to do DREs.

We have keyed the \$437 billion, that is \$6,000 a precinct, on the theory that—I think Pam Iorio gave the full cost of everything, but the machines—the county machines themselves cost about \$5,700. So we put \$6,000 times 72,000 precincts which use the punch cards and that was the figure to get rid of the punch cards.

However, obviously there is a need for, as you point out, voter education; and election official education, we know, is a critical component. And I want to say that I have served on the Treasury Postal Subcommittee of the Appropriations Committee for 18 years and have gone from a time when we had over a billion dollars, Mr. Chairman, in what is called revenue forgone. That is money that we pay the postal department for revenue that they forgo, because they give special rates. We included newspapers, da, da, da. We have gone down now where we are very, very limited to the blind and some other limited costs.

But I think the proposal that a number of you have put in here with respect to the—and we have referenced in the Motor Vehicle Registration Act, but we did not implement it, the preferential mail rate. There is no excuse for us charging first-class rates for sample ballots to be sent out or education to voters to be sent out, because the cost simply—I live in—or used to live in a fairly rich county, Prince Georges County just down the road. It is a relatively wealthy—we live between Rockefeller and Gates. So we are not—

Fairfax County and Montgomery County, so we are not perceived as rich, but the bottom line is, we are a pretty wealthy county.

We couldn't send out, Mr. Chairman, 2 years ago, a sample ballot, because they didn't have a—Linda, you remember that; we didn't have enough money. And we ought to do something about that, and that ought to be included.

Again, we could go on till, I think, probably 12 o'clock tonight and learn from you folks, because you are on the front line. You really do know what is happening and what is real. I hope that you will dedicate the next 30, 60 days, not full-time—you have got a mayoral election, things of that nature—but to working with us, all of us, to come up with both short-term and long-term ways in which we can partner together. Not that we can tell you how to do things, but how we can together come up with standards, not mandatory standards but standards—you obviously have all talked about the Office of Education Administration. They have done some very good work. They are underfunded.

We can—I want to, frankly, move them out so we have a focus on that—on elections as opposed to campaign finance and elections. The chairman and I both agree that they are obviously related, but they are not the same issue.

And so I hope that we can work closely with all of you and with your colleagues in coming up with legislation which will make a partnership that we can—and here is the phrase I use, so that we can have elections in the United States of America as good as the rest of the world thought we had.

Ms. MCCORMACK. Or that we have helped fund with the rest of the world.

Mr. HOYER. Yeah. I understand that. The \$30 million, I think a year, has been very well spent.

Ms. MCCORMACK. I am not saying it is not well spent. I am a total advocate.

Mr. HOYER. Your point is well taken that if we can spend it in other countries, we ought to spend it here in a geometric—geometrically multiplied way.

Mr. LEWIS. And the point is, in 225 years of this democracy, the Federal Government has not put one dime into the cost of elections. That has been borne entirely by the local jurisdictions, and it is about time you all contribute to this process.

The CHAIRMAN. One comment I wanted to make on that. Members asked me—and I kept saying for the—for the systems to go to touch-screens or the—maybe an option of seven or eight different pieces of equipment. That is why we are having an expo in here. So I am not saying you have to have a touch-screen system, but let's say that we all find that there are nine or ten devices out there that are good, plus the training money. And people said to me, well, how much is that going to cost?

The CHAIRMAN. It is about \$5 billion, with a B, dollars.

Now, I have not been here a whole long time, but I know that we have spent \$500,000 to study cows burping. If we can do that, then I don't think we should be scared at the \$5 billion with a B for democracy. People have given a higher price than that with their lives. The figure of the \$5 billion at the end of the day I don't think is something that is going to—

Mr. LEWIS. It is the cost of freedom. That is all it is.

The CHAIRMAN. Most of the questions have been answered. I don't want to hold you all here any longer. I have just a thought on Federal holiday.

Mr. Lewis, I know your statement on that—I have one thought that says that you have a Federal holiday and if you have a long weekend, your end result might be you go out of town. That is a possibility.

So I just wondered—and anybody else—are you of the same opinion of Mr. Lewis, or of a different opinion about voter turnout?

Ms. LAMONE. It would potentially free up election judges, but it probably more likely would free up polling places. All of the jurisdictions are constantly looking for accessible polling places.

I think one of the things that I plan to ask my Maryland General Assembly to do is to give some sort of incentive to the State workers, like the day off with pay, if they serve as election judges. We have got to get a younger pool of people working, and we are fortunate in Maryland because we only have two elections every 2 years. We do not have a lot of elections in between.

But giving State workers a day off with pay if they serve as election judges or some other—

The CHAIRMAN. What about the voter turnout? I know it is speculation on your part, but what about voter turnout? Does it help or hurt it?

Ms. LAMONE. Doug may be in a better position to answer.

Mr. NEY. I don't think Doug is for that.

Mr. LEWIS. We are for experimenting with it. I think we ought to experiment with it and maybe even sunset it, so it lasts a certain period of time; and if it is not working, then we kill it. If it is working, then we continue with it.

The truth is that all the things we have ever attempted to increase voter turnout and all the reasons we were ever told that things would increase voter turnout, the only thing that has ever done that is mail elections, M-A-I-L elections. That is the only thing that so far has worked. All the rest of them have not increased voter turnout.

The CHAIRMAN. The other question I had was about just a little elaboration on the problems with uniform poll closing, because Mr. Tauzin the Committee on Energy and Commerce obviously has had some opinions on that, and some other things.

We cannot tell the press that you cannot report early. We can ask them to cooperate. But what about uniform poll closing? And anybody else on the panel. What about that, where you structure the hours from the West Coast to the East Coast?

Ms. LAMONE. It would increase the number of hours that the polls would be open and, therefore, stressing the poll worker situation even more. That is one of my major concerns about it. I don't know what my fellow panelists say.

Mr. LEWIS. Yes.

Ms. JACKSON. My concern would be the poll workers, unless we got the money and the resources of other election employees to work on Election Day.

As far as the media is concerned, it is just another arm out there controlling the election process, if that makes any sense.

The CHAIRMAN. It does.

Ms. JACKSON. I feel very strongly about all these people being involved and having all the solutions.

The CHAIRMAN. Whether it is intentional or unintentional, it is a control factor that comes in that way.

One other thing I wanted to ask, actually, Ms. McCormack, I had heard this stated, that Los Angeles was happy with the punch cards. But I am gathering from your testimony, it is not that L.A. is happy with them as much as you have them until you can get something else, the money to do something else. Is that a correct assessment?

Ms. MCCORMACK. I think it is a fine line we walk to keep people confident that their vote is going to count. We are going to be punch cards for the foreseeable future. We want people to feel like and understand the system and use it to the best that they can. I think now in a way this crisis has everyone focused a little more on how to use it more appropriately.

So we are trying to not have a crisis of confidence and a problem where we have a backlash, that voters do not want to vote because they think their ballots do not count, anyway. But at the same time, up to in 1999 in California, when DREs were certified, there was really not a good alternative for me to go to. There has not really been for 33 years something else we could go to.

Now we have identified something that we really do feel would meet our needs into the foreseeable future and be better for all voters, not just some voters, but the cost is so expensive and prohibitive—and with matching grants, hopefully, hopefully some money from the Federal, some money from the States, and I would think that even the locals would have to feel some obligation to put in some money towards it.

The CHAIRMAN. I think if the money—if there is money coming from here and there is a match, I still think that is an incentive for the local districts.

Ms. MCCORMACK. I totally believe that. I think an incentive would be there.

The CHAIRMAN. You have a recount coming.

Ms. MCCORMACK. Let's hope we don't have a recount. I have an election in 3 weeks.

The CHAIRMAN. I am glad I am actually supporting this issue. On Tuesday in my hometown of St. Clairsville, Ohio, on the school levy, there were 1,888 votes for it and 1,888 votes against it. I did vote. But we are going to back through that and count those. Those are punch cards so I am waiting for dimples and pregnancies on the ballot, for something to come up, and there might be a controversy of what was the correct vote. So we are going through that on the recount.

Ms. MCCORMACK. It sounds like fun. I have had several tie votes in my county, as well. They are never fun.

The CHAIRMAN. I have one comment. I want to comment on, first of all, this wonderful testimony by everybody involved.

We do want to stress here about local involvement and local voice on this issue. We can't put this together across the Nation unless we have the input and some type of feeling by locals—and you are about as local as you can get—that there is an involvement in the

process and also a sympathy and an understanding out of the Congress of your needs and what you need to do to carry out the election process.

In Carolyn Jackson's testimony, there was a wonderful statement there about a long-overdue dialogue. That is what I think, by your presence here today, is helping us with that; and by the committee working towards this, it does bring the dialogue up. It keeps the subject fresh and keeps the interest of people towards the Congress, expecting, again, something to be done.

I just wanted to really commend all of you on your testimony. It was very good.

Mr. HOYER. Mr. Chairman, one of the things that we did not get to, and it is pretty late, we don't want to get into it now, is the issue of overseas voting and military voting. That is obviously of great concern to us. When we send people overseas, we want to ensure the fact that they have the right to veto.

If you have any comments on that that you might want to submit to us as issues that you find in your jurisdiction, I think we would like to have that, both civilian absentees and military absentees.

Secondly, I would like to make an observation that all of you have talked about, and we know that in every jurisdiction getting enough people to administer elections is tough. It really seems to me that we ought to, in a cooperative way, make this a program in which college students all over America really ought to participate. That would be a tremendous positive education.

I will tell you, in my area, and I represent an urban county, Prince Georges County, right here, 800,000 plus people, I hardly ever saw partisanship or, as a matter of fact, I never saw partisanship. There were Democratic judges, Republican judges. You could not tell the difference, except that they had a sign on. None of them had anything to do with politics in the sense that they were there to try to do what all of you have said, make sure that this election process ran correctly.

It seems to me if we got a lot of young college kids involved, young college adults involved in this process in every college and university in America, A, it would provide a tremendous number of people; and, B, it would provide a tremendous education for these young people on how democracy works.

I want to make a comment. I don't always agree with George Will, but he wrote a column that I agreed with 100 percent. It had to do with the Internet voting. In effect, he said, I am not for Internet voting because I believe that electing a president or a governor or mayor, a State legislator, a city councilperson, is a communitarian process. While we understand that there have to be absentees because everybody cannot get there, but coming together and voting is such a sacred participatory part of our democracy, it seems to me, that it is a thing that I—I like to see people in line. I don't like to see them in line for a long time.

The first time I ran for the State senate in 1966, people did not get out of the polling place until after 1 a.m. Why? There were 19 candidates in my district running for the State senate and a commensurate number of house of delegates members, a tremendous ballot. But they stayed there in line and waited.

By the way, Mr. Chairman, I think that—when I heard in some polling places in America people were in line and 8 o'clock or 7 o'clock came and they were told they could not vote, I think that is illegal, and it ought to be illegal. If you are in line—

Mr. LEWIS. I did a poll on this one, too, of the States, because I wanted to find out if there was any State in the Union that had a rule or a law that says, if you are in line at poll closing time that you can't vote. No State sent in that they had such a rule.

Mr. HOYER. You heard the stories that I heard about people being told, it is 8 o'clock, polls are closed, you have to go home.

Mr. LEWIS. Here is what I think most of them were, were people who tried to join the line after the poll closing time, which cannot be done.

Mr. HOYER. I agree with that. The polls close at 8 o'clock, and if you are in the line, it is like the checkout line: The last cart can go through, but after that no more carts in the line.

In any event, I appreciate the testimony. I hope, Mr. Chairman, that one of the things we do, maybe not in legislation, but we try to get together with the colleges and universities and make this a national program.

We talk about a lot of the programs that President Clinton had, President Bush had in terms of voluntary participation. This would be a tremendous educational effort that would provide a tremendous service to the country as well.

Thank you for your testimony.

Thank you, Mr. Chairman.

Mr. Davis had to leave, but he wanted this letter included in the record.

The CHAIRMAN. Without objection.

Talking about the community effort, there was talk here, at one time, I understand, before I got in the Congress, about the fact that you could vote from maybe your home or something, but you need to be here to come together again.

I remember that long line. In 1966, I was in third grade, and I was with my father standing in line, and it was a long line, voting for—

Mr. HOYER. We went a long time before we had a vicious attack.

Mr. REYNOLDS. Mr. Chairman, in deference to the ranking member, you look older than that.

The CHAIRMAN. I have said many times—

Mr. HOYER. God bless you, Mr. Reynolds.

The CHAIRMAN. I have said many times at public events that Mr. Hoyer has held up a lot better than me. Actually, I was in the seventh grade.

If there is no further business—

Ms. JACKSON. Mr. Chairman?

The CHAIRMAN. Mrs. Jackson.

Ms. JACKSON. I would hope, because this has been so beneficial, that if you continue to have these hearings and come up with a committee that could include some local people, I think it would be very beneficial to the process.

Mr. HOYER. Ms. Jackson—if I might, Mr. Chairman—you heard me talking to Mr. Lewis.

In our legislation that I put in, that—by the way, I want you to know, before I put the legislation in, I sat down with the Chairman in his office, and we went over it. At that point in time, under his leadership, we were negotiating with a bipartisan group; and unfortunately that did not work, so we discussed this.

We want to make sure that we have, in whatever commission or group that we have at the Federal level, that we have included on that—we have you included on it. We have the two members appointed by the National Association of County Recorders, Election Administrators, and Clerks already in the legislation, because we understand—I understand, and I think everybody on this committee understands, this is not our responsibility or expertise, administering elections, it is yours.

On the other hand, Mr. Lewis makes a very powerful point, with which all of you obviously agree, and which Florida and the 37 days that we were mesmerized by what was going to happen in Florida, pointed out very clearly that what you do affects everybody in the Nation and all of us who have a Federal responsibility under the Constitution for Federal elections.

But we know that whatever we set up darned well better have your input on a regular, ongoing, legislated basis or we are not going to do it as well as we could.

So I appreciate your observation. I want you to know we are going to do that.

The CHAIRMAN. I ask unanimous consent that witnesses be allowed to submit their statements for the record and for those statements to be entered into the appropriate place in the record.

Without objection, the material will be so entered.

I ask unanimous consent that staff be authorized to make technical and conforming changes on all matters considered by the committee in today's hearing.

Without objection, so ordered.

Having completed our business for the day and for this hearing on election reform, the committee is adjourned.

Thank you for your participation.

[Whereupon, at 7:10 p.m., the committee was adjourned.]