

H.R. 2115, THE VOTER REGISTRATION EFFICIENCY ACT

HEARING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

—
Held in Washington, DC, June 4, 2013
—

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H.R. 2115, THE VOTER REGISTRATION EFFICIENCY ACT

TUESDAY, JUNE 4, 2013

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

The committee met, pursuant to call, at 12:03 p.m., in room 1310, Longworth House Office Building, Hon. Candice S. Miller (chairman of the committee) presiding.

Present: Representatives Miller, Rokita, Nugent, and Brady.

Staff Present: Kelly Craven, Staff Director; Peter Schalestock, Deputy General Counsel; Joe Wallace, Legislative Clerk; Yael Barash, Assistant Legislative Clerk; Salley Wood, Communications Director; Linda Ulrich, Director of Oversight; Bob Sensenbrenner, Elections Counsel; Jamie Fleet, Minority Staff Director; Matt Pinkus, Senior Policy Analyst; Khalil Abboud, Minority Elections Staff; Thomas Hicks, Minority Elections Counsel; Greg Abbott, Minority Professional Staff Member; and Eddie Flaherty, Minority Professional Staff Member.

The CHAIRMAN. If the witness will come to the table, we spent a little more time in the markup than we thought, but we are delighted to have them here. We will begin the hearing portion of our committee on House Administration regarding H.R. 2115, the Voter Registration Efficiency Act. First of all, let me announce that the hearing record will remain open for 5 legislative days so that any members that want to submit any materials for the record may do so to be included therein. Again, a quorum is present so we can proceed.

The purpose of our hearing today is to discuss the need for a simple legislative fix to the National Voter Registration Act that would assist states in their efforts to maintain up to date and accurate voter lists and hopefully reduce some of the administrative costs associated with identifying duplicate registrations in multiple States. And in doing those things, H.R. 2115 will also increase confidence in our election by making it less likely for voters to be registered in more than one State at a time, whether that is by accident or whether that is by intent. And obviously, if a voter is not registered in more than one State, it is much less likely that they will be able to vote in more than one State.

According to a February 2012 study commissioned by the Pew Center of the States, one out of eight registrations in the United States are inaccurate and approximately 2.7 million people have active registrations in multiple States. As those figures show these problems are not imaginary. In 2004, the New York Daily News ex-

amined voter registrations in Florida and New York City, not even the whole State just in the city. And they found about 46,000 people were registered to vote in both States and 400 or more who had actually voted in both. That same year, the Cleveland Plain Dealer found 27,000 people registered in Ohio and Florida, and about 400 who had voted in both States. Because of these findings, States have taken steps on their own to try and reduce double registration. Kansas actually initiated a cross-State matching program that my State of Michigan and Secretary Bennett's State of Arizona have both belonged to that is designed to help identify people registered in multiple States so that the voter rolls can be corrected.

Another program called the Electronic Registration Information Center has many other purposes, but it also helps its member States to identify double registrations. Even with programs like this in place, double registration and double voting, it is still happening. In fact, just last year a candidate actually in Maryland was charged with illegally voting in both Maryland and Florida in 2006 and 2010. This was a candidate for Congress that voted in two separate States, twice.

Finding double registrations is only one part of the process. The next step is removing any of the registrations and as Michigan discovered when it was sued for trying to eliminate double registration, the NVRA makes that both difficult and expensive. As a former Secretary in Michigan, I am certainly no stranger to the challenges election officials face when trying to comply with section 8 of NVRA, the section which requires each State to implement some form of a list maintenance program that keeps the voter registration current.

I was very aware of these challenges when I left office back in the day 2003, and since then, we haven't seen the much needed updates to NVRA which is now two decades old. And this is occurring at a time when nearly every State, and nearly every State really is up against severe budgetary constraints further challenged their ability to administer elections, no less implement list maintenance programs was the challenge, as I say, years ago and I am sure it has not gotten any easier for the secretaries and election administrators in those States.

And today we are here to listen to our witnesses about their experiences with list maintenance and the tools or information that they need to keep their list current. I am especially interested in hearing their feedback on this bill that we are considering today, H.R. 2115, which Congressman Rokita and I introduced to help assist States with this mandate.

The Voter Registration Efficiency Act is simple, it requires new State residents who are applying for a driver's license to notify the State of their intent to vote in that State. If so, the previous State of residence is notified and then the lists are updated accordingly. The NVRA requires motor vehicle offices to offer voter registration, this bill will go one step further and hopefully save States some time and money in their efforts to keep their lists accurate.

Obviously the foundation of our democracy is the fundamental right to vote as we just had this very large debate here during the mark as well. And the Constitution tasks each State with the immense responsibility of administering and protecting that right.

And as we seek ways to help the States, we must keep in mind their challenges and avoiding costly mandates that inhibit their ability to protect the integrity of our system, and instead, try to find ways to alleviate those burdens.

This bill, again, I think serves to do just that. And I do believe we can agree certainly on two things, all eligible voters should have the opportunity to vote, but just one time in any election. And our State election administrators should be given every tool to allow them to protect the integrity of the process. I believe this legislation is going to help provide States with just such a tool to ensure more accurate, qualified voter lists and to preserve the integrity of our electoral process.

I certainly appreciate both the witnesses coming, all three of the witnesses for coming, and I will be making a more formal intro in just a moment. But I would like, at this time, to recognize my colleague and ranking member of the committee, Mr. Brady, for his opening statement.

Mr. BRADY. Thank you, Madam Chairman. I thank you for holding this important hearing. I appreciate the chairman's work in linking State voter registration processes to apply for renewing a driver's license. In 1993, Congress enacted the National Voter Registration Act, better known as the motor voter law. While motor voter has registered thousands of voters who may not have registered otherwise, it is not perfect.

Congress can strengthen motor voter in many ways such as what is proposed here, the legislation we are discussing today is a welcome start to improving the administration's for elections for Americans. I ask any consideration of this legislation we examine the inclusion of some sort of failsafe voting procedure to ensure this bill results is no disenfranchisement whatsoever. No American should lose the right to vote because of a clerical or bureaucratic error. And I thank you for, Madam Chairman, again, for holding this very important hearing. I look forward to the testimony from our witnesses today.

The CHAIRMAN. I thank the gentleman very much. Does any other member wish to give an opening statement? The gentleman from Florida.

Mr. NUGENT. Just briefly I just want to make a point when you start talking about duplicate voters, once again Florida stood out when you brought that up, but back in 2004, there was a New York Daily News article that found 46,000 New Yorkers were eligible to vote in both New York and Florida. And so I think that anything that we can do to strengthen, say, one vote per person. I came from Chicago, and it used to be vote early and often and dead vote twice. But we want to make sure that one vote per person, and I think this goes a long ways in ensuring that, so with that, I yield back. Thank you.

The CHAIRMAN. I thank the gentleman. It is interesting because when you come from a State like Michigan or New York, Pennsylvania, whatever, we all like to winter as we get older in Florida, and that is apparently what is happening with this dual voter registration. So we think this bill will be an easy way to assist the respective States.

Let me just take a moment to introduce our witnesses. First of all Secretary of State Ken Bennett, we welcome you so very much taking time to come and talk to the committee. The Secretary was appointed by Governor Jan Brewer to replace her as Secretary of State. He has been serving there since 2009, he served four terms in the State Senate from 1999 to 2007, served as Senate President in his final 4 years. He served as Republican floor leader in 2002, was chairman of the Senate Education Committee. And prior to joining the legislature, Secretary Bennett was a member of the Arizona State Board of Education for 7 years. President of the Board in 1996, and then in 1998, and he also served on the Arizona charter schools board for 3 years and was the founding member of the Educational Leaders Council in Washington, D.C. So we welcome you very much, Mr. Secretary, for coming.

Mr. BENNETT. Thank you.

The CHAIRMAN. Chris Thomas actually has been our elections director in Michigan since 1981, not to date you, we are dating ourselves here. He served under four different Secretaries of State, including myself, and certainly continues to serve under our current Secretary of State, Ruth Johnson. And I would just say this sincerely, he is the go-to guy I think nationally on elections. And I don't just say that because you happen to be sitting in front of me. I think that is widely known by the NASS, National Association of Secretaries of State, I know he is the president of NASED, National Association of Election Directors. And many of the improvements that have been made in Michigan, Secretaries of State like to take credit for, but I will tell you the brains behind most of it, really, has been Chris Thomas. He has got a great vision for how we keep our elections open free and fair; how to make sure that every person who is eligible to vote is registered to vote; how we can do a better job all the time on increasing participation from all of these who are eligible.

And I would just point out it was sort of interesting, you actually began your career, I think, on this committee back in the day, back in the day I won't mention the year, back in the day. And then went onto the FEC, et cetera, et cetera. So again, we just appreciate you coming, Chris, and look forward to your testimony on this.

And our third witness, Ms. Elisabeth MacNamara, we certainly welcome you to the committee. We appreciate you taking the time to come here today. Ms. MacNamara is the 18th president of the League of Women Voters in the United States, chair of the League of Women Voters Education Fund, served in this position since 2010. She joined the League in 1983, and has since served in leadership roles at all levels. In 1984, she joined the board of directors of the DeKalb League serving as court criminal justice chair, education committee chair, vice president, secretary, et cetera, has been President of that league as well. And she joined the board of directors of the League of Women Voters in Georgia in 1999, served as President of that board beginning in 2001, et cetera. A long distinguished career, and we certainly welcome you, welcome all the witnesses as well.

We have received your written testimony, all the members do have that. And at this time, the chair would recognize Secretary Bennett for his testimony and the floor is yours, sir. Thank you.

STATEMENTS OF HON. KEN BENNETT, SECRETARY OF STATE, ARIZONA; ELISABETH MACNAMARA, PRESIDENT, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES; AND CHRIS THOMAS, STATE ELECTIONS DIRECTOR, MICHIGAN

STATEMENT OF HON. KEN BENNETT

Mr. BENNETT. Thank you, Madam Chair and members, I am Ken Bennett, Secretary of State from the State of Arizona. I never really anticipated being the chief election officer of my State, but I have been such for the last 4½ years. Arizona has about 6½ million residents, about 3.2 million registered voters, about 36 percent Republican, about 33 percent Independent, we have a large independent group of voters in Arizona, about 30 percent Democrat.

I am happy to be here to testify on this legislation, Arizona supports this legislation. In fact, we supported it so much we have been doing something very similar to it. Since about 2008, 2009, we were one of the first seven States that joined the Interstate Cross-check Program where we began sharing our voter data with seven other States that has now grown to 22 States. And once an election occurs in Arizona we share our file as to who voted, obviously not how they voted, but who voted.

We share four pieces of information, their last name, their first name, date of birth, and the last four digits of their Social Security number. In our most recent cross-check which was done on the votes that occurred in the 2012 election, the 22 States, including Arizona, shared about 84 million records of voters who had voted in those 22 States.

Obviously, that would have been much more if it were nationwide. But essentially, we do this voluntarily at no cost to any of the States to help ensure that our voter registration files are as current as they possibly can be. Of the data that was shared in 2012, we had over 45,000 duplicate records affecting voters in Arizona that came back to us from those other States.

Typically, if we didn't have this program, we would wait for another two Federal election cycles for NVRA, to kick in, and for those 45,000 to eventually be removed from our rolls, but this allows us to—after checking and making sure that the matches are, in fact, hard matches, there is a soft match and a hard match process. We take very seriously when a match occurs and each one is checked and verified, otherwise we would have waited perhaps 4 or more years for the removal of those duplicate registrations.

This program is not unlike what we really do in our State as a part of HAVA, our office is the chief elections office, serves with our statewide voter database to allow the counties to communicate with each other. In Arizona, we have 15 counties, county recorders oversee the voter registration in Arizona, we have eight Democrat county recorders, seven Republican recorders, but they work very closely together. And just since HAVA came in to being in Arizona and throughout the country, we have processed over 670,000 duplicate

registrations as people move from one county to another. Over 300,000 death records, over 75,000 court records.

So it is an important part of how we maintain current and up-to-date voter registrations within our State.

H.R. 2115, I think, would be a very positive step forward in causing that same type of interaction and communication between the States, between our motor vehicle record offices, and then their contact back to the chief election officials in the counties from there.

Obviously, the main goal of this legislation is to enhance the accuracy of our voter registration records throughout the country, but I think a side benefit would be to deter duplicate voting, because of this interstate cross-check program that we have been running in Arizona. In the first cycle, after we shared data with the other States, we had about ten couples that—probably about 15 individuals because there were some couples and individuals who were found to have voted in Arizona and another State. We had a couple who voted in Kansas and Arizona. Two individuals had voted in Colorado and Arizona, and one couple that voted in Nevada, Arizona and attempted to vote in Kansas. So we are using this information to deter that and actually in these cases they are being prosecuted.

The last thing I will say, I see my time is short, it is very critical and I applaud the legislation that it keeps the notification process away from a one-size-fits-all type of an approach and we would be happy as a member of the national association personally, as a member of the National Association of Secretaries of State to offer our organization or sister organizations to help make sure that the details of how the notifications go from State to State are worked out. But I will be happy to answer any questions as we get into those details if you have any questions.

The CHAIRMAN. Thank you very much. Thank you very much Secretary Bennett.

[The statement of Mr. Bennett follows:]

Chairman Miller and Members of the Committee on House Administration:

I am Ken Bennett, Secretary of State for Arizona. Thank you for the opportunity to testify today on HR 2115, the Voter Registration Efficiency Act, and ways that states can work to insure that voter rolls reflect the best possible data.

Arizona supports this legislation. In fact, we support it so much; we have been doing something similar since 2009 with what we call the Interstate Cross-Check. What began with 7 states has now grown to 22, comparing 84 million records in our most recent match. It is free to all participating states, who have agreed to voluntarily share this data in a similar format to help insure valid matches. The criteria we use to preliminarily establish a match is: last name, first name, date of birth and the last four digits of a person's social security number. Our participation has enabled Arizona to ensure the integrity of our voter rolls. In 2012 alone, the Cross-Check resulted in over 45,000 duplicate matches. Without this program, and using only the NVRA basic list maintenance tools, over 45,000 registrants would have remained on Arizona's registration rolls through at least the next two federal general elections-and that is only if they were placed on inactive status after the NVRA mailings.

A few noteworthy and analogous pieces of data resulting from implementation of Arizona's statewide voter registration database after HAVA: since 2004 we have

processed 670,000 intrastate duplicate registrants; 310,000 death records; and 75,000 court records. This legislation will allow us to perform these same checks among all states. However, it is important that it remains with the states and is not given to a federal entity.

HR 2115 will enable states to go one step further than federal law currently contemplates, which in turn will enhance voter integrity. Although the main goal of the legislation is to enhance voter list maintenance, a side benefit is that it may enable cooperation among each state's Chief Election Officer to prosecute and deter cases of double voting.

For example, as a result of the Interstate Cross-Check's voter history component, Arizona became aware of registrants who voted twice in the same election in two different states. James and Karen Marshall voted in both Kansas and Arizona in the 2008 Presidential election. Rodney Paul Jones voted in both Colorado and Arizona in the 2010 General Election. John Marotta voted in Colorado and Arizona in the 2010 General Election. Gina and Peter Canova voted in Nevada, Arizona, and attempted to vote in Colorado in the 2010 General Election. There are an additional ten cases pending with our Attorney General as we speak.

The nature and style of the notification is critical. I am pleased that the legislation leaves that area wide open. Voter registration is an inherently local activity and I

am pleased that a “one size fits all” approach has been avoided. It might make sense, as this measure moves through Congress, to allow a national organization, such as the National Association of Secretaries of State (NASS) to promulgate guidelines for notification. This would preserve local control and allow for flexibility among the varied state and local systems.

The CHAIRMAN. At this time the chair recognizes Chris Thomas, State Elections Director, for his testimony.

STATEMENT OF CHRIS THOMAS

Mr. THOMAS. Good morning, Madam Chair. It is a pleasure to be here before you at the helm of this committee. And I must say that I enjoy working with you for your two terms as Secretary of State in Michigan, we did great things for Michigan's election system during that period. I also extend Secretary Johnson's greetings to you and members of the committee. I thank you and Congressman Rokita for introducing this bill and holding a hearing on 2115, the Voter Registration Efficiency Act.

I believe it is appropriate to make sensible adjustments to the National Voter Registration Act as we celebrate the 20th anniversary of this good law. This amendment to the NVRA adds one new requirement: The Department of Motor Vehicles (DMV) will ask an applicant for a driver's license whether the applicant intends the new State to serve as his or her residence for voting purposes.

Currently, the DMVs require every applicant coming from another State to surrender their driver's license from their former State of residence. Every State has a good reason to ensure that drivers don't have multiple driver's licenses in their wallets or purses. Further, the DMV has informed the former State of residence of the surrendered driver's license. The problem addressed by this legislation is the unnecessary retention of voter registration records of individuals who have left the State and applied for a driver's license in their new State of residence.

The vast majority of these voters who have moved from one State to another have no intention of remaining as a resident of the former State for voting purposes. In fiscal year 2012, we had over 73,000 individuals reported to Michigan as having moved to another State. Under current practices, these individuals must remain on our qualified voter file for two November Federal elections after cancellation notice is sent to them. They may remain on the file for as long as 4 years after the notice is sent.

To be clear, there are instances where an individual who makes a temporary move to another State is required to apply for a driver's license, even though the individual is not relinquishing his residence in the former State. Both the NVRA and the Help America Vote Act have as their purpose: The improvement of the accuracy integrity of voter registration files used in Federal elections. Retaining tens of thousands of non-residents on our voter registration files does not further the purpose of either Federal law.

H.R. 2115 would leverage the relationship established by the NVRA and HAVA between election officials and motor vehicle administrators to make voter registration files more accurate by permitting the removal of records of voters who have moved to another State and have affirmatively stated to the DMV that they now reside in a new State for voting purposes.

The conclusion of a 2008 Federal court case in Michigan was that a voter may reside in one State for driving purposes and in another State for voting purposes. The court found that States do not determine whether applicants moving to a State are intending the new State to be their residence for voting purposes. An affirmative

statement that the new State is the residence for voting purposes was the necessary requirement under the court's reasoning.

Recent Federal legislation and interstate driver license compact all have a similar requirement in regards to residency, one license, one record. The Federal REAL ID Act of 2005 prohibits a REAL ID driver's license applicant from holding more than one REAL ID driver's license. Further, the American Association of Motor Vehicle Administrators has adopted a commonsense policy: One license, one driving control record. Michigan, like all other States, have implemented this policy through the State vehicle code.

In summary, H.R. 2115 requires the DMV to ask new applicants two questions. The first as already being asked, did the individual reside in another State prior to applying for a license? The second is new, does the individual intend the new State to serve as the individual residence for voting registration purposes? Under the amendment, the DMV will attach an indicator to the list of those who have surrendered their license as already being sent to the former State of residence. The indicator could be as simple as yes or no under the column heading "residence for voting purposes" where now licensed. The residence information will be then transmitted to the State election official thus providing confirmation from the applicant necessary to retain or cancel the voter registration.

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

I thank the committee for the opportunity to testify on this amendment, and personally thank Chairman Miller for introducing the legislation. Thank you.

The CHAIRMAN. I thank the gentleman for his testimony.

[The statement of Mr. Thomas follows:]



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

Testimony of Christopher M. Thomas, Michigan Director of Elections, before Committee on House Administration, Washington, D.C. on H.R. 2115 – The Voter Registration Efficiency Act on Tuesday, June 4, 2013.

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

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

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

THE PROBLEM

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

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

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

THE BACKGROUND

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

The U.S. District Court concluded that:

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

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

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

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

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

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

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

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

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

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

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

THE SOLUTION

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

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

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

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

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

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

ATTACHMENT #1

DRIVER LICENSING AND RECORDS
445 MINNESOTA STREET SUITE 180
ST. PAUL, MN 55101-5180
(651) 296-9504



PAGE: 1
DATE: 04/19/13

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SAINT PAUL 55101

MICHIGAN DEPARTMENT OF STATE
RECORD & INFO SVCS DIVISION
7064 CROWNER DR
LANSING MI 48918

LISTED BELOW ARE INDIVIDUALS THAT HAVE APPLIED FOR A MINNESOTA DRIVERS LICENSE. THE APPLICANT INDICATED THAT THEY HAD PREVIOUSLY BEEN LICENSED IN YOUR STATE. ALL APPLICANTS LISTED BELOW HAVE SURRENDERED OR SIGNED AN AFFIDAVIT STATING WHY THEY WERE UNABLE TO SURRENDER THEIR LICENSE.

DRIVER AND VEHICLE SERVICES HAS DESTROYED ANY LICENSE THAT HAS BEEN SURRENDERED.

*** PLEASE DO NOT SEND THE DRIVER HISTORY. MINNESOTA HAS IMPLEMENTED THE ELECTRONIC REQUEST OF THE 10 YEAR DRIVER HISTORY.

| NAME | DATE OF BIRTH |
|---------------------------------|-----------------------|
| SANDEEP S [REDACTED] | A526758757 [REDACTED] |
| SEVERIN DAVID [REDACTED] | C534762135 [REDACTED] |
| EDEN ADRIANA [REDACTED] | C452170031 [REDACTED] |
| SARAH CATHRYN-SOPHIA [REDACTED] | D136758108 [REDACTED] |
| PHILIP JAMES [REDACTED] | G400683367 [REDACTED] |
| BARBARA JANE [REDACTED] | H241081368 [REDACTED] |
| MEGAN LEIGH [REDACTED] | H625599501 [REDACTED] |
| CONSTANCE JEAN [REDACTED] | J525122385 [REDACTED] |
| STEVEN MAURICE [REDACTED] | J525777590 [REDACTED] |
| TYSCHORNA LELICKA [REDACTED] | LL20809504 [REDACTED] |
| LAURA RAE [REDACTED] | H622488730 [REDACTED] |
| MELISSA NICHOLE [REDACTED] | W300599630 [REDACTED] |
| SARAH MARIE [REDACTED] | W634758585 [REDACTED] |
| HEATHER ELIZABETH [REDACTED] | W534302209 [REDACTED] |
| THOMAS DUANE [REDACTED] | Z612792158 [REDACTED] |

DRIVER AND VEHICLE SERVICES

15

ATTACHMENT #2

DK

W-324-067-367- [REDACTED] * OOS/NH/042208 EXPIRED TIP 02/21/13 YC 1
LICENSE NUMBER INDICATOR 1 INDICATOR 2 PRINT DATE BATCH PAGE
ANTHONY JAMES [REDACTED] [REDACTED] M 6-02 165 BRO
NAME BIRTH DATE SEX HEIGHT WEIGHT EYE SKILLS TEST
634 [REDACTED] O-OPER-TIP 10/23/2006 09/27/2010
STREET LICENSE TYPE ISSUE DATE BRANCH EXPIRES
IONIA MI 48846-9684 34 NONE
CITY/STATE/ZIP CITY SOCIAL SECURITY NUMBER HEADER RESTRICTIONS
W1085 T2962068022 P0152390267 VOTER
MICROFILM 11 MICROFILM 12 MICROFILM 13 VOTER REG
07/01/2002 267 02/14/2011
ORIGINAL LICENSE DATE END OF PROBATION PROBATION NOTICE/EXTENSION SCHOOL LAST CONVICTION DATE
LEVEL ISSUED NEXT LEVEL ELIGIBILITY GOL EXTENDED

| EMPLOYEE REVIEW | | REFER TO | SUBSCRIPTION 1 | SUBSCRIPTION 2 | SUBSCRIPTION 3 | PTS. | MICROFILM NUMBER |
|----------------------------|--------------------------------|---------------------------|---|----------------|----------------|------|------------------|
| CONV DATE OR COURT FINDING | PLACE OF CONVICTION OR FINDING | OCCURRENCE OR ARREST DATE | OFFENSE, ACTION TAKEN AND OTHER INFORMATION | | | | |
| 08/29/05 | STANTON | 08/14/04 | W-324-067-367-[REDACTED] TICKET: 04SM496WE JUDGE: 028528 ORIG CHG: 9200 END OF PROBATION DATE AMENDED FROM *INDEFINITE* TO 10/23/2006 AND UNTIL MEETS REQUIREMENTS OF MCL 257.310D, FROM ACTIVITY OF 12/27/2005 FROM ACTIVITY OF 12/27/2005 *** 01/02/06 *** 01/02/06 PROBATIONARY PERIOD EXTENDED FROM 10/23/2006 THROUGH MIDNIGHT OF 12/21/2006 AND UNTIL MEETS REQUIREMENTS OF MCL 257.310D, FROM ACTIVITY OF 02/24/2006 | | | | P0152 S245E |
| 04/17/06 | IONIA | 04/03/06 | [REDACTED] TICKET: 06706SMA JUDGE: 40823 TRIAL: P ORIG CHG: 1360 | | | | T1322 |
| 12/21/06 | IONIA | 12/05/06 | SPEED 60/55 -PA TICKET: D486869 ORIG CHG: 2000 | | | | T361E |



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

May 31, 2013

The Honorable Candice Miller
Chairman, Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Miller:

I respectfully submit my written testimony on H.R. 2115 in advance of the hearing scheduled on Tuesday, June 4, 2013, along with my biography.

Thank you for the opportunity to comment on this important amendment to the National Voter Registration Act and to testify before the Committee on House Administration.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher M. Thomas".

Christopher M. Thomas
Director of Elections

The CHAIRMAN. At this time, the chair recognizes Ms. MacNamara for her testimony.

STATEMENT OF ELISABETH MACNAMARA

Ms. MACNAMARA. Thank you, Madam Chair. Madam Chairman, members of the committee, I am very pleased to be here today to voice the League's support for the basic goal H.R. 2115, providing a mechanism to ensure that voters are not registered in more than one State, and to make some suggestions for avoiding possible unintended consequences that could result from the legislation as currently drafted. The Census Bureau reports that approximately 4 million individuals, age 16 and over, moved from one State to another between 2011 and 2012. Though we are not aware of solid data on the number of voters who move from one State to another, certainly a significant number has been indicated here this morning have done so. Thus, H.R. 2115 aims at a worthy goal. We are concerned, however, about the specific mechanisms of the bill.

Our concerns come in four areas: First, the mechanism will likely result in inaccurate removal; two, it could interfere with the motor voter registration process; three, it is technologically outdated rather than modern, efficient and cost effective; and four, the legislation does not deal with a larger but similar problem. In our view, these are all surmountable problems.

The mechanism in H.R. 2115 will likely result in erroneous removal to properly registered voters because of inaccurate data for matching individuals to voter registration records without adequate safeguards. For example, errors likely will be introduced under H.R. 2115 at multiple steps beginning with the motor vehicle authority in one State copies the data from the applicant's paper application form and sends it to the second State's motor vehicle authority.

The best way to improve accuracy would be to require the data be handled electronically. The benefits of electronic transfer are demonstrated by the fact that many States are already providing for it. According to the Brennan Center, at least 23 States currently or will soon have fully or substantially automated voter registration at DMVs. When the voter registers or updates their information at the DMVs, the information is electronically transmitted to election officials.

In addition, the Help America Vote Act already requires States to maintain their lists on a statewide computerized voter registration list. In any case, it is vitally important for the legislation to make adequate safeguards to prevent incorrect removals. The best way is to provide written notice to the voter as in the NVRA, but H.R. 2115 does not seem to maintain this fundamental safeguard for interstate movers.

We are also concerned that the current mechanism in H.R. 2115 could interfere with the voter registration process. Again, this is a solvable problem. The motor vehicle registration application form under the NVRA is simple, clear, and unambiguous. H.R. 2115 as currently written, however, adds three new requirements for applicants to answer that will likely result in erroneous rejections as well as confusing the applicant and providing ambiguous or inconsistent information to election officials.

Under H.R. 2115, even if the applicant is fully eligible to vote, and fully and correctly fills out the motor vehicle form, failure to answer any of the three questions could result in rejection because of these new requirements.

In addition, by requiring duplicative information, the draft legislation creates confusion for the applicant. For example, the motor vehicle form already requires the intent to register in the new State, that is what an application is. By requiring the intent question to be answered a second time, the legislation simply confuses.

In addition, the requirements add ambiguity for election officials. What if, for example, the applicant provides apparently conflicting answers? What happens if the applicant indicates he or she does not intend for the new State to serve as the voting residence, but still fills out the motor voter application form?

The most effective way to reduce confusion and ambiguity is to modify those elements of the proposed legislation that are duplicative or the current processes under the NVRA. Much of the information from the driver's license applicant required in H.R. 2115 is already included on the National voter registration application form under the NVRA. The purpose of H.R. 2115 could be fulfilled by requiring information from the voter motor voter application to be transferred to another State when the applicant was previously registered to vote in another State.

The Census Bureau also reports that nearly 23 million individuals moved within a State between 2011 and 2012. And with approximately 5 million moving from one county to another. And I see that I am running out of time but would be happy to answer questions about our concerns about interstate moves. The League looks forward to working with you further on this legislation and thank you very much.

The CHAIRMAN. I thank the gentlelady very much for her testimony and I thank all of you for your testimony.

[The statement of Ms. MacNamara follows:]



LEAGUE OF WOMEN VOTERS®
OF THE UNITED STATES

President
Elisabeth MacNamara
Atlanta, Georgia

Vice Presidents
Janis McMillen
Overland Park, Kansas

Mary T. Klenz
Charlotte, North Carolina

Secretary-Treasurer
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South Portland, Maine

Norman Turrill
Portland, Oregon

Linda P. Wassenich
Dallas, Texas

Susan Morris Wilson
Redding, California

Executive Director
Nancy E. Tate

STATEMENT BY
ELISABETH MACNAMARA, PRESIDENT
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES
FOR THE
COMMITTEE ON HOUSE ADMINISTRATION
ON
H.R. 2115, THE VOTER REGISTRATION EFFICIENCY ACT
Tuesday, June 4, 2013

Madam Chairman, members of the Committee, I am Elisabeth MacNamara, president of the League of Women Voters of the United States. I am very pleased to be here today to voice the League's support for the basic goal of H.R. 2115 – providing a mechanism to ensure that voters are not registered in more than one state – and to make some suggestions for avoiding possible unintended consequences that could result from the legislation as currently drafted.

The League of Women Voters is a nonpartisan, community-based organization that has worked for more than 93 years to educate the electorate, register voters and make government at all levels more accessible and responsive to citizens. Formed by those who successfully fought to gain the right to vote for women, the League now is organized in more than 800 communities and in every state, with more than 140,000 members and supporters nationwide. The League has been a leader in seeking improvements in systems of election administration at the state, local and federal levels for many decades.

The Legislation

The primary purpose of H.R. 2115 is to clean state voter registration rolls of voters who have moved to another state and registered to vote in the new state. This is a worthy goal.

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The Census Bureau reports that approximately four million individuals age 16 and over moved from one state to another between 2011 and 2012. From 2005 to 2010, about 13 million individuals age 16 and over made interstate moves. Though we are not aware of solid data on the number of voters who have moved from one state and then registered to vote in another – and thus the number of registration records that would be affected by the legislation – certainly a significant number have done so.

<http://www.census.gov/hhes/migration/data/cps/cps2012.html>
<http://www.census.gov/hhes/migration/data/cps/cps2010-5yr.html>

The Census Bureau also tells us which states experience the largest number of moves, both into a state and from a state. The most common state-to-state moves in 2011 were:

- New York to Florida
- California to Texas
- California to Arizona
- Florida to Georgia
- New Jersey to New York
- New York to New Jersey
- California to Nevada
- Georgia to Florida
- California to Washington
- Texas to California

http://www.census.gov/newsroom/releases/archives/mobility_of_the_population/cb12-240.html

With this background, the League of Women Voters supports legislation to provide a mechanism to ensure that voters are not registered in more than one state. We are concerned, however, about the specific mechanisms in H.R. 2115. We believe that there may be unintended consequences from the legislation as currently written.

Concerns

Our concerns come in four areas: 1) the mechanism will likely result in inaccurate removals from voter registration lists, 2) the mechanism could interfere with and add confusion to the voter registration process at motor vehicle authorities, 3) the mechanism is technologically outdated rather than modern, efficient and cost-effective, and 4) the legislation does not deal with a larger but similar problem to the one of out-of-state registrations. In our view, these are not insurmountable problems.

I would like to further explain our concerns and make some suggestions about possible solutions.

H.R. 2115 would amend the National Voter Registration Act (NVRA) by changing the voter registration process at each state's motor vehicle authority. The mechanism in H.R. 2115 requires: a) a driver's license applicant to indicate whether the individual resides in another state or resided in another state prior to applying for the license, b) the applicant to identify the previous state, c) the driver's license applicant to indicate whether the new state is the intended state of voter registration, d) the motor vehicle authority to notify the previous state's motor vehicle authority that the applicant intends the new state to be the voting residence, and d) the recipient state motor vehicle authority to notify that state's chief election official that the applicant does not intend the state to be the residency for voter registration purposes.

Inaccurate Removals

The League is concerned that the current mechanism in H.R. 2115 will result in erroneous removals of properly registered voters because of inaccurate data for matching individuals to voter registration records in other states.

Inaccurate data results from two basic sources. First, errors are introduced through mistakes in the data entry and transmittal processes. Under H.R. 2115, errors likely will be introduced when the motor vehicle authority in one state copies the data from the applicant's paper application form and then sends it to the second state's motor vehicle authority. Errors may then be introduced when the second motor vehicle authority transmits the information to the chief election official. Errors will likely also be introduced when the chief election official copies and transmits the data to the appropriate local or other official making changes in the registration rolls.

Second, errors occur because of inadequate matching data. Many, many individuals share the same name. If this information alone is used, substantial numbers of voters will be erroneously purged from the registration rolls. Even with the addition of a birthdate, matching is likely to result in a significant number of false matches and false removals. This is because in sufficiently large populations, name-and-birthdate-based matches are practically certain to result in false positives. See Fatma Marouf, *The Hunt for Noncitizen Voters*, 65 Stan. L. Rev. Online 66, 69 n.13 (2012) (describing the underlying statistical phenomena).

There also may be a problem with individuals using different names as well as having their names transcribed incorrectly. For example, is Elisabeth G. MacNamara the same person as Elisabeth MacNamara? When my name is transcribed and "corrected" to Elizabeth McNamara, what will be the result? This issue can result both in false positives, where a voter would be incorrectly removed, and in false negatives, where a duplicate registration would be missed.

Finally, the typical way of checking for inaccurate removals is to provide written notice to the voter and waiting for a confirming response BEFORE a voter is removed from the registration list. The current legislation does not seem to provide for this fundamental safeguard.

In summary, there are several ways that inaccurate matches will likely occur with no meaningful check on accuracy. The result: eligible voters are likely to be removed from the rolls.

Improving Accuracy

Inaccurate removals can be addressed by improving the quality of the data. A clear and straightforward method would be to ensure that voter registration data at the motor vehicle authority is handled electronically. When an applicant enters the appropriate information electronically, and the information is then electronically transferred to other agencies, errors are not introduced by the recopying or transcribing of the information. It would be a simple step to require that the mechanism in H.R. 2115 be carried out by electronic means.

The benefits of electronic transfer of data from motor vehicle authorities to election authorities are demonstrated by the fact that many states already provide for some form of electronic transfer. Not only are there accuracy improvements, but electronic transfer is cheaper than paper-based systems.

According to the Brennan Center, “At least 23 states — Arizona, Arkansas, California, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, and Washington — currently or will soon have fully or substantially automated voter registration at DMVs. When voters register or update their information at DMVs, the information is electronically transmitted to election officials.”
<http://www.brennancenter.org/analysis/vrm-states-automatic-registration>

In addition, the Help America Vote Act already requires states to maintain their voter registration lists electronically on a state-wide computerized voter registration list. Requiring electronic entry and transfer as part of H.R. 2115 would build on the HAVA system rather than undermining it with out-of-date paper mechanisms.

Moreover, with electronic transfer protecting against the introduction of copying errors, it might make sense to ask the applicant for his or her driver’s license number from the previous state on a voluntary basis. This could substantially reduce identity errors.

In any case, it is vitally important for the legislation to clearly maintain the notice and response safeguards in the NVRA. Under this system, a voter is not removed from the registration roll until the voter confirms the change of address. It is not sufficient protection that the individual is conducting a transaction with the motor vehicle authority in the new state simply because of the likely errors and the fact that the voter is being removed from the rolls in the old state rather than having a current registration updated.

Could Interfere With Voter Registration

We are also concerned that the current mechanism in H.R. 2115 could interfere with the voter registration process, but, again, this is a solvable problem.

The “motor voter” registration application form under the NVRA is simple, clear and unambiguous. It requires the information necessary to assess the applicant’s eligibility without

adding elements that will confuse the applicant or create ambiguity for election officials processing the application.

H.R. 2115, as currently written, adds three new “requirements” for the applicant that will be confusing for the applicant, likely result in erroneous rejections, and provide ambiguous or inconsistent information to election officials. The proposed legislation requires the applicant for a driver’s license to:

- 1) indicate whether the individual resides in another State or resided in another State prior to applying for the license,
- 2) identify the State involved, and
- 3) indicate whether the individual intends for the new State to serve as the individual’s residence for purposes of registering to vote in elections for Federal office.

The draft legislation will result in erroneous rejections simply because the applicant is required to answer these three new questions. Even if the applicant is fully eligible to vote and fully and correctly fills out the motor voter form, failure to answer any of the three questions could result in a rejection – because these are “requirements.”

In addition, errors will result from asking more questions. The NVRA limits the information that can be required as part of the voter registration application process simply because the addition of each new information requirement complicates the process. This is especially true of duplicative information, which the NVRA currently bars.

By requiring duplicative information, the draft legislation creates confusion for the applicant. For example, the motor voter form already requires the intent to register in the new state – that’s what an application is. By asking the question a second time (# 3 above) the legislation simply confuses. “Didn’t I already answer that?,” the applicant asks. Why are they asking again? What does this mean? Might the applicant think that the declaration of an intent to register in the new state that is required by H.R. 2115 is sufficient to register to vote without going on to fully fill out the voter registration application form? Might the applicant think that by declaring two residences he or she is violating voter registration laws?

In addition, the three new questions add ambiguity for election officials. If an individual completes the motor voter form, did not reside in another state, but fails to state an intention to register with question # 3, what is an election official to do? Because there is no other state involved, question # 3 is irrelevant, but the re-asking of the intent question creates ambiguity. If the applicant did reside in another state but fails to name the state while indicating an intent to register in the new state, shouldn’t the person be registered because the motor voter form is filled out and # 3 is answered in the affirmative? Or not?

And what if the applicant provides apparently conflicting answers? If the applicant indicates he or she intends for the new state to serve as the individual’s residence for purposes of registering to vote, does not complete the voter registration application for the new state, but does fully fill

out the driver's license application with all the necessary information, what happens? Or if the applicant indicates he or she does not intend for the new state to serve as the voting residence but does fill out the motor voter application form, what happens?

What if an applicant says that he or she currently resides in another state but then fills out a voter registration application? Should the new state give special attention to or reject the voter registration application because of the dual residence?

In short, the amendment is confusing for applicants and election officials alike, and will cause erroneous rejections for eligible voters.

Reducing Confusion and Ambiguity

The most effective way to reduce confusion and ambiguity is to drop those elements of the proposed legislation that are duplicative of the current process under the NVRA.

This would easily be accomplished by dropping the elements of the H.R. 2115 mechanism that apply to the applicant. The requirements for the transmittal of information between states would remain as the essential and effective elements of H.R. 2115.

Please let me explain further. The information from the driver's license applicant required in H.R. 2115 is already provided by the voter registration applicant using the form under the NVRA. See http://www.eac.gov/assets/1/Documents/Federal%20Voter%20Registration_1209_en9242012.pdf

H.R. 2114 requires the driver's license applicant to indicate whether the individual resides in another state or resided in another state prior to applying for the license. Item B on the national voter registration application form already asks the voter registration applicant to list the address and state if the applicant was registered to vote before at a different address.

H.R. 2114 requires the driver's license applicant to identify the previous state. As just described, the national voter registration application provides that information.

H.R. 2114 requires the driver's license applicant to indicate whether the new state is the intended state of voter registration. Under the current "motor voter system," when an applicant fills out, signs and submits a voter registration application for the new state, that constitutes the statement of intent to register in the new state.

Thus, the purpose of H.R. 2115 could be fulfilled by changing the legislative language to require that information from the voter registration application at the motor vehicle authority (under "motor voter") be transferred to another state in those instances when the applicant was registered to vote in another state. This would avoid the duplication that will confuse voters and election officials alike while maintaining a viable motor voter registration program.

Old Technology Instead of New

I would like to reemphasize at this point the importance of electronic systems. As just discussed, duplication and confusion can be reduced by using information that is already provided in the voter registration application process rather than requiring the same or similar information to be provided by the driver's license applicant a second time. Reducing duplication in this way is not difficult if the information provided is in electronic form. In contrast, H.R. 2115 is based on paper rather than electronic systems.

Paper systems are cumbersome, slow, expensive and, as described above, remarkably inaccurate. Paper-based processes require multiple re-entries of data and multiple transfers of information.

Electronic systems, in contrast, do not require humans to re-copy data since the original data from the applicant can serve in all applications. Transmittal and receipt of information is nearly instantaneous and virtually free. States that have moved to electronic entry and transmittal of voter registration information from motor vehicle authorities to election authorities have saved money and improved accuracy.

Moreover, HAVA already requires every state to have a single, computerized, statewide voter registration list. It makes no sense to ignore these electronic, computerized systems when designing new legislation to improve election administration.

In enacting new legislation, we urge the Committee to build on modern efficient electronic systems, instead of relying on 19th Century technology.

Dealing with a Larger Problem

H.R. 2115 addresses an important issue – the need to remove the names of voters who move out of state. However, the problem of updating the registration information of voters who move within a state is much larger. This is true simply because significantly more people move within a state than move out of state.

As mentioned above, approximately four million individuals age 16 and over moved from one state to another between 2011 and 2012. The Census Bureau reports that nearly 23 million such individuals moved within a state during the same period, with approximately five million moving from one county to another and 17.5 million moving within a county. From 2005 to 2010, about 65 million individuals age 16 and over moved within the same state, with 16 million of those moving to a different county.

<http://www.census.gov/hhes/migration/data/cps/cps2012.html>

<http://www.census.gov/hhes/migration/data/cps/cps2010-5yr.html>

The efficient, accurate and cost-effective updating of the registrations of intrastate movers is very important.

We strongly urge the committee to include the electronic transfer of address updates for movers within a state in H.R. 2115. As described above, a significant number of states already do this, and H.R. 2115 can bring the NVRA and the electronic systems of HAVA together in a modern system that will ensure that eligible voters are properly registered at their current addresses while cleaning the rolls of the names of individuals who no longer live at an old address.

If Congress wants to improve the accuracy of voter registration lists, which is an important goal, it should do so in a balanced, cost-effective, and accurate way by ensuring that all voters who move, both interstate and intrastate, can have their addresses update electronically.

Madame Chairman, members of the Committee, the League of Women Voters looks forward to working with you further on this legislation.

Thank you very much.

The CHAIRMAN. I had just taken a couple of notes while were you talking here. The gentlelady mentioned about the electronic registration, et cetera, 23 States which I have a list of all the different States here, but I will just mention in Michigan—again, I am mostly familiar with Michigan more so than obviously the other States, but I think we are the forerunner of the electronic registration, what we still continue to call the qualified voter list, which was an incredible product really, and I don't say that without some prejudice, but I will note that we were noted in the Ford, Carter Presidential Commission report as a national model. And in Michigan, unlike many other States where usually the counties operate the voter registration rolls in our State, it is every city, every village, every township clerk, to the extent that we have almost 1800 various voter registration lists that were individually maintained previous to our qualified voter file unless we did that electronically.

And it was a little bit easier for us, I will agree, than other States because Michigan is only one of only three States in the Nation where the Secretary is also the motor vehicle administrator. I think it is Michigan, Illinois and Maine, I believe are the three. So the motor voter had its genesis in Michigan, so we had the data already, we had the database already, but we went through our file and eliminated three quarters of a million registrations once we were able to electronically meld this in our State and dedupe all of that.

And one thing that we also did, I am just mentioning this because I think it has some bearing on why we introduce this bill trying to help make sure that these lists are always up—as clean as they possibly can and using technology, I think through the advantage of the voters, et cetera. We also passed a bill that said we don't care where you register to vote, but your voter registration address must match your driver address, wherever that is. And that deduped an incredible amount, as you might imagine even from the college towns in particular. I am always of the impression that if you are smart enough to go to college, you should be smart enough to get an absentee ballot and vote AV. And that is a criteria that is allowed in Michigan law. But again, it really helped, I think, clean up the list to make sure we didn't have duplicate registrations across the State because people are moving a lot, particularly college students as they are going to college as well.

Mr. Thomas mentioned that the driver's licenses right now can't be duplicate in various States, and that is all through the database shared by AMBA I suppose, and so that is an important thing as well. And also I mentioned that 73,000 people moved just in the last year, and yet you are required in our case, in our State, I am not sure how many moved—a lot of us moved to Arizona, unfortunately we are going to stop that. We keep our folks in Michigan, a lot of people do move, and yet, we are required under the current law—you can't take those off the list for at least 2 years, maybe 4 years which just does not seem to be a very good practice.

As well, I guess my question, I would first start with Secretary Bennett, our whole impetus for this bill when we introduced it is to again make it as easy as possible for the secretaries for all the voting administrators to expedite their process, keep it free, fair and open. Is there anything that you would see in this particular

bill that might cause that not to be a better situation or an expense, an expense as well?

Mr. BENNETT. Madam Chair, I don't see anything, I think the points made by Ms. MacNamara are cogent and can be considered as this legislation moves forward. I think some of the concerns about you are already asking one question, why ask it again, I think the points made by Mr. Thomas are that the first ask of the question, whether it is on a paper form or electronically, can serve as the question proposed by 2115. So I don't see anything here, Arizona is not one of the States that has motor voter under the Secretary's office, but because we were the first State to do online voter registration, and most of our citizens who do so do so coming through from our Motor Vehicle Department. We have very close ties with them and I don't see anything in the legislation that is going to complicate that or make it more expensive.

The CHAIRMAN. Really, I would think that that is not particularly inherent to Arizona; it would seem like in every State, you would be much more likely to go to the DMV or the Secretary of State or whatever the case is to change your driver's license or address before you think about your voter registration. That, at least, has been our experience, I think, there as well. One of you, I think Mr. Thomas mentioned about REAL ID, which I was involved with. I also sit—I am vice chair of the Homeland Security Committee in the House here, I tell you before anything, we are Americans. And your identification, driver's license in particular, is your foundation of identification, you are using it to get on an airplane or to do anything else.

So having good safeguards there and then working with voter registration as well is such a natural transition I think.

So again I just appreciate all of you coming. I think this bill, if we can get it to the floor and get it moved, does have the potential to be a real step forward.

I hope it will be embraced by the Secretaries of State as well nationally, and the election officers as well nationally. My only other question before my time expires here is that, curiosity, I was thinking as you were talking, Mr. Thomas, what has been the experience in Michigan, and I am not sure if other States are talking about utilizing new technology, the electronic poll books, and how would this impact that if at all?

Mr. THOMAS. It will definitely impact the Kansas project interstate cross-checks, it really eliminates errors by election officials in terms of scanning voter history. The electronic poll books are far more accurate. What we have seen already is that when it shows somebody has voted, there is very little question whether that is accurate data, which has proven to be very beneficial. In terms of looking at what can be done with the data coming from the DMV, they use driver's license numbers for all their matching criteria.

When that comes back to Michigan, it comes back with a driver's license number, and in some cases, the State even makes a copy of the license and send it back to Michigan. It makes a very accurate match, then, in terms of which voter has moved out of State. It is not whether the name and birthday and all that are accurate. It really goes number to number, which is a very efficient way to do that.

The CHAIRMAN. So regardless of how an individual votes, whether they vote absentee, whether they show up at the polls or what have you, they really should assist?

Mr. THOMAS. Yes.

The CHAIRMAN. Yes. At this time the chair would recognize the ranking member, the gentleman from Pennsylvania.

Mr. BRADY. Thank you, Madam Chairman. My only question would be that I understand from State to State, change your driver's license, you get taken off the previous State which I happen to support and agree with. Would it make any sense to have some registration materials maybe mandatory provide that they have some registration materials that you are being taken off a State giving them the opportunity, not mandatory asking you to register, but giving them the opportunity with the materials here that they could register right there, to register in a new State? Anybody?

Mr. THOMAS. Well, Congressman Brady, that is the law, the DMVs are mandated by Federal law to offer voter registration opportunity to every single person who comes in and either renews or applies for a new driver's license. When that person moves to the State, they should be asked. Now if you go look at the figures that come out every 2 years that the EAC publishes, unfortunately I think it shows that not all States are doing that equally. When you start seeing the percentage of registration far below 50 percent coming out of the DMV, then some serious questions need to be asked whether those DMVs are really offering voter registration opportunities. That is really more of an enforcement question.

So what I like about this bill is it says, look, we are going ask you this question, and we are going to be mandated to ask the question, "is this your State for voting purposes," whether or not you register to vote? But I certainly and sincerely hope that the DMVs' next step in the application process is offering that person the opportunity to register.

Mr. BRADY. When you asked the question that you want to relinquish your ability to vote in the previous State, is it mandatory that you ask them at that time? We do have materials here that allow you to vote in this State that you register for your driver's license.

Mr. THOMAS. It seems like the reasonable time to ask that. Different States do it at different points within their process. But really the question is not so much are you rejecting your former State, the question is, is this your State that you are applying for a license for? Is this your State for voting purposes? And if they answer "yes" to that, it seems to me the next obvious question is "would you like to register to vote." We are going to sign you up right now on the spot, and that is the way it should be done.

Mr. BRADY. I appreciate that, thank you.

Ms. MACNAMARA. Mr. Brady, I think that question is one of the concerns that the League has, no matter how well educated you are. A lot of folks do not understand our election process, it is complex and varies greatly from State to State.

Our concern with asking the question is this the State that you intend to register to vote in, is what is implied in that is that, you can chose whether or not the State of your residence is the State that you want to vote in.

My son just recently moved from Virginia back to Georgia and had to go in and apply for a driver's license. He just graduated from medical school, and he has had a lot of exposure to elections through his mother. I promise you if you had asked him that question, he would have to call me, and say does this mean that I have an opportunity to say I would rather leave my registration in the State of Virginia and move my driver's license to Georgia, that is what we are concerned about, is that that is going to be confusing for voters. The mere fact that they are offered the opportunity to register, chose to register on the NVRA application should be sufficient evidence of intent because you are applying to register to vote in the State to which you were moving. And so we would just suggest that in achieving this very worthy goal that that question could be very confusing.

Mr. BRADY. How would you pose the question?

Ms. MACNAMARA. I would suggest that everyone is supposed to be offered, under motor voter, the opportunity to register at the motor vehicle office. There are applications available for that. If you fill out that application, I think your intent is obvious, you are intending to register to vote at that time through the DMV.

Asking the additional question, I do think suggests—we would suggest that you leave off the additional question and make the requirement that if the person fills out the motor voter registration form, that that is evidence of their intent that can be sent back to the State when—where they were registered and we would also suggest that that be done Secretary or election official to election official as opposed to having everything go from one DMV to an election official from the DMV to another DMV to another election official. Because we see since all States aren't doing this the same, we do see a lot of opportunity for transcription errors and matching errors that can make it difficult for election officials to determine whether or not they are taking the right person off the list.

So that would be our suggestion, let's streamline the process, let's use the NVRA, the motor voter registration form as your indication of intent.

Mr. BRADY. Yes, sir.

Mr. BENNETT. Madam Chairman, Mr. Miller, at the same time that Ms. MacNamara's concerns point out a concern about whether that question is going to confuse somebody, I think it also represents an opportunity to see in the legislation how this could help people who, whether they are just graduating from college—I talk to a lot of people in Arizona who assume that when they move their driver's license, that it automatically moves their voter registration and that is not necessarily the case. And what this legislation will do, I think in a very positive way, is cause all of the States to at least go through that process, whether electronic or paper, or in front of a person, and reinforce the concept that the voter needs to make the decision of whether they want to be registered in the new State.

As Mr. Thomas pointed out, it is not such do you want to give up your registration where you were previously, but it is a wonderful opportunity and will cause all of the States to ask voters, who I think many of them now assume that by moving my driver's license, my voter registration is going to automatically follow, and

this will help them understand that that is not necessarily the case. And if we ask the questions in the right way, which I think the legislation can be constructed and with the assistance of organizations around the country to implement it correctly, we will have a very positive effect on many voters who find themselves in that situation.

Mr. BRADY. Thank you. If I have any further questions, we will submit to you in writing. And I do want to be supportive of the bill and support our chair. Thank you.

The CHAIRMAN. I thank the gentlemen.

Mr. BENNETT. Thank you.

The CHAIRMAN. The chair now recognizes the gentleman from Indiana, the cosponsor of the bill, Mr. Rokita.

Mr. ROKITA. I thank the chair. Appreciate the discussion here, regarding intent versus confusion. Using just a little bit of my time, I would like Mr. Thomas to chime in on the subject. You may have touched on it earlier go ahead based off these two excellent witnesses, how would you referee the differing viewpoints since you are unelected.

Mr. THOMAS. Yes, I am unelected and nonpartisan, it is a great bill and I think you ought to pass it.

Mr. ROKITA. But you are a politician?

Mr. THOMAS. No, I think it asks the right question, and I don't think—there is always room for confusion obviously, but this is a straightforward question, “is this your State for voting purposes,” yes or no? If they say “no” the question asked by Ms. MacNamara and her testimony is “what would happen if they don't answer, or they answer ‘no.’” Well, then, particularly if they say no, then we won't take any action, they we will be presumed to stay on the file in Michigan and won't send them a notice and spend that money. Where now they surrender that driver's license, we are getting that notification and we are sending them a notice. If they happen not to vote in those next two Federal elections we are canceling them. Whereas if this voter says, “no, I am not moving to this State for voting purposes,” we are going to leave them on the file. If they don't answer it, then we will just use the regular NVRA process and send them a notice.

Mr. ROKITA. Thank you, Chris, I appreciate that. Excuse me, Mr. Thomas, I didn't mean to cuss at you by calling you a politician. I apologize for that. I want to thank the witness for being here, it was very instructive, appreciate it.

I would like, Madam Chair, to indicate for the record, reemphasize for the record that the National Association of Secretaries of State, I believe, have just offered to help with the particulars about the process and the details. And I know by personal experience, as do you that they can put together committees in a very bipartisan, nonpartisan way to accomplish that, and I think as this bill moves forward, we ought to take them up on that. Without objection, if that could be noted.

The CHAIRMAN. Without objection.

Mr. ROKITA. The time I have remaining I want to focus on my friend, Ken Bennett's remarks, when he talked about—I think Ken when I was still a Secretary of State, it was interstate compacts, or some kind of agreement that we had to have State by State to

share the newly-organized statewide voter registration data. Is what you describe in your testimony an outcry of that or is that same kind of concept that we were dealing with?

Mr. BENNETT. Madam Chair, Congressman, I was coming into my role as Secretary of State about the time you were leaving so I don't know that I was—

Mr. ROKITA. You mentioned there are 22 States now.

Mr. BENNETT. Yes. We call it the interstate cross-check. It wasn't so much a compact in the formal sense of what I would interpret compact to mean, but it had just been originated by the previous Secretary, now Governor Brewer. Her office had joined with six other States and it was just a voluntary program to share our data to see if we were having duplicate voters.

Mr. ROKITA. I want to unpack that, because I want to see how this bill will impact other States going into that.

Mr. BENNETT. Okay.

Mr. ROKITA. And then I will have Mr. Thomas comment. Do you have any demographics on these States, are these 22 States, is the chief election officer an elected official? Are they Secretaries of State? Are they more blue States? Are they more red States? If I am looking like you don't have that answer, I ask that for you to provide—

Mr. BENNETT. We can get that information to you and the rest of the members of the committee. I am sure we have that data, and get that to you.

Mr. ROKITA. We are looking for what drives States, the 22 which is a big number from where we started but only half the total number roughly what drives that. And Chris, if you want to comment as well, Mr. Thomas.

Mr. THOMAS. Yes, the driver, again, is trying to clean the files up; we participated in 2010 and 2012. And the combined number, this is the gross number that has not been worked out, is over 300,000 duplicate records across these 22 States.

Mr. ROKITA. So the fact that this legislation, if enacted, would be a requirement on every State, which as you heard from earlier part of today's proceedings I am sensitive to, would a silver lining in this legislation be more States entering into these compacts to get the job done or not?

Mr. THOMAS. I think so, I think it would be worth their while to do so, and this would sort out the 300,000. I am sure half of them are people who have moved and are just sitting in our files because we sent the two notices and have to wait through two Federal elections. If we could move them off and leave them where they have now permanently moved, then this cross-check really gets down to the nuts and bolts of what is left and that is the serious stuff.

Mr. ROKITA. Thank you. In the 20 seconds or so we have left, Ms. MacNamara, you worked—the bell or the light ended your testimony. Is there anything else you want to get on the record?

Ms. MACNAMARA. Well, yes. And thank you very much.

Mr. ROKITA. Now you are out of time. Really quickly, in ten seconds or so.

Ms. MACNAMARA. Right. We would also like the committee to consider the interstate-intra-State moves, an awful lot of folks move within their State and are completely unaware that they

need to reregister in most States in order to keep their registration active. And so if we were looking in electronic ways, and we are looking at compacts as we are looking at ways to make our voting rolls more accurate, certainly we would like to focus the committee's attention on the fact that many, many more folks move within a State than move between States, and that also can be a barrier for voters.

Mr. ROKITA. Thank you. I yield back.

The CHAIRMAN. I thank the gentlemen and certainly thank all the witnesses and the gentlemen was mentioning about NASS and NASED really helping with the questions. I mean, the whole impetus of the bill is to make sure that people are not duplicate registers, right? That they are not registered in two different places. It would seem part of the question is do you understand you can only be registered to vote in one place? So pick your place, only once so you can only be registered in one place. I just throw that out as a NASS or NASED would be looking at this there might be a way to phrase a question that would answer your concerns as well, I think.

With that, I certainly again want to thank all of the witnesses. I think this is—this bill may be not perfect, I think maybe we can make it work. I am appreciative of the support that we receive for this bill, we look forward to reporting it to the House.

And with that, I, without objection, would mention that all members will have five legislative days to submit to the chair additional written questions for the witnesses, which we will forward and ask the witnesses to respond to promptly as they can so that their answers will be part of the record. And with that the hearing is adjourned. Thank you all again.

[Whereupon, at 12:53 p.m., the committee was adjourned.]

Rep. Phil Gingrey
Statement for House Admin Hearing – H.R. 2115, Voter Registration Efficiency Act
House Administration Committee
June 4, 2013

Madam Chairman, I want to thank you for calling this hearing today on H.R. 2115, the Voter Registration Efficiency Act. I am grateful for your leadership on this issue, particularly given your previous experience as Michigan Secretary of State. I also want to welcome our witnesses, Arizona Secretary of State Ken Bennett, Michigan Elections Director Chris Thomas, and the President of the League of Women Voters, Elisabeth MacNamara.

Ensuring the integrity of our elections is of the utmost importance. The National Voter Registration Act requires that each state make a reasonable effort to remove the name of ineligible voters from the official list of eligible voters. However, the National Voter Registration Act has cumbersome administrative requirements that make having the most updated voter rolls difficult. The Voter Registration Efficiency Act attempts to solve that problem by requiring an individual applying for a driver's license to indicate whether the individuals intend to use their new state as their residence for purposes of voter registration. This simple fix preserves the states' critical place in elections administration by providing latitude to perform checks and implementation while also decreasing the risk for fraud and multiple voting.

Madam Chairman, several states—including my home state of Georgia—already participate in a similar, voluntary program called Interstate Cross-check. While Georgia is just beginning to implement this program, I applaud efforts by leaders in my state to rid voter rolls of duplicate voters. H.R. 2115 will require similar information sharing, and all states will be enabled to enhance the integrity of their voter rolls.

I look forward to hearing from our witnesses, and I again thank Chairman Miller for her leadership on this issue and introduction of the bill.

I yield back.

CANDICE S. MILLER, MICHIGAN
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

KELLY CRAVEN, STAFF DIRECTOR

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
JUAN VARGAS, CALIFORNIA

ONE HUNDRED THIRTEENTH
CONGRESS

KYLE ANDERSON, MINORITY STAFF
DIRECTOR

July 9, 2013

The Honorable Ken Bennett
Secretary of State
Arizona
1700 W. Washington Street, 7th floor
Phoenix, AZ 85007

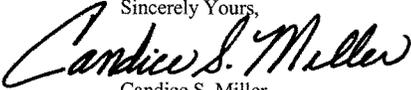
Dear Secretary Bennett,

Thank you for testifying during the June 4, 2013 Committee on House Administration Hearing on "H.R. 2115, The Voter Registration Efficiency Act." The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by July 23, 2013**.

1. In order to help the Committee understand whether there are common characteristics of the 22 States participating in the interstate cross-check program that differentiate them from the non-participating states, please provide any demographic data you have available on the participating states, such as: (a) is the chief election officer an elected official, (b) are the chief election officials Secretaries of State, or (c) do the states have similar political leanings.
2. When you conduct a match check to determine if a person is registered to vote in another state, is it done electronically?
3. What identifiers do you use to determine that you have a correct match—first name, last name, date of birth, last 4 of the SSN? Do you request that the voter provide additional information? How do you obtain the last 4 digits of the SSN?
4. Have you received assistance from non-government agencies on interstate matching? Is that assistance free or is there a cost associated? Is this information provided to third parties for marketing of services or goods or statistical information? What steps are taken to ensure that there is no perception of impropriety?

5. What remedies does a voter have should they be taken off the rolls erroneously? How are their names added back to the list? What are the procedures for allowing these voters the opportunity to cast a ballot?
6. What notice do you provide your voters should their names be removed from the rolls?
7. What procedures are followed in your State to ensure that individuals not eligible to vote are not placed on the voter rolls?
8. Did your state use any HAVA funds to improve voter registration?
9. Should H.R. 2115 become law, do you think that its provisions should be extended to all agencies, not just the DMV?
10. Are there any legislative efforts that Congress can consider to improve the NVRA and its goals?
11. What potential do you see for interconnectivity? What is the current timeline for state and national interconnectivity? What challenges exist to implementing these systems and policies?
12. What is the projected cost for full implementation?
13. What is the current process for surrendering a current driver's license from a previous state of residence and obtaining a new license in the current state of residence?
14. As a practical matter, how is information from another state about a cancelled driver's license translated into identifying a voter to remove from the rolls?
15. Are there special issues related to mail voting that make effective list maintenance important?

If you have any questions concerning this matter, please feel free to contact Yael Barash on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,

Candice S. Miller
Chairman



KEN BENNETT
 SECRETARY OF STATE
 STATE OF ARIZONA



July 23, 2013

The Honorable Candice S. Miller
 Chairman, Committee on House Administration
 1309 Longworth House Office Building
 Washington, D.C. 20515-6157

Dear Chairman Miller:

Thank you for the opportunity to provide the Committee with additional information that will be made part of the hearing record. For ease of reference, each of the Committee's questions is italicized and laid out below in pertinent part, with the corresponding answer immediately below.

1. *Please provide any demographic data you have available on the participating states, such as: (a) is the chief election officer an elected official, (b) are the chief election officials Secretaries of State, or (c) do the states have similar political leanings.*

Please see the table, below. Of the 22 states currently involved in the Interstate Crosscheck, 14 are Republican leaning states and 8 are Democrat leaning states (based on the states' 2012 Electoral College votes). The chief elections official in 16 states are elected while five are appointed and one is elected by the state legislature.

| State | Chief Election Official | Elected or Appointed | 2012 Electoral College Votes |
|----------|-------------------------|----------------------|------------------------------|
| Alaska | Lt. Governor | Elected | Republican |
| Arizona | SOS | Elected | Republican |
| Arkansas | SOS | Elected | Republican |

1700 W. Washington Street, 7th Floor
 Phoenix, Arizona 85007-2808
 Telephone (602) 542-4285 Fax (602) 542-1575
www.azsos.gov

| State | Chief Election Official | Elected or Appointed | 2012 Electoral College Votes |
|----------------|---|------------------------------|------------------------------|
| Colorado | SOS | Elected | Democratic |
| Florida | SOS | Appointed | Democratic |
| Georgia | SOS | Elected | Republican |
| Illinois | Executive Director of the Illinois State Board of Elections | Appointed | Democratic |
| Iowa | SOS | Elected | Democratic |
| Kansas | SOS | Elected | Republican |
| Kentucky | SOS | Elected | Republican |
| Louisiana | SOS | Elected | Republican |
| Michigan | SOS | Elected | Democratic |
| Mississippi | SOS | Elected | Republican |
| Missouri | SOS | Elected | Republican |
| Nebraska | SOS | Elected | Republican |
| Ohio | SOS | Elected | Democratic |
| Oklahoma | State Election Board Secretary | Appointed | Republican |
| Oregon | SOS | Elected | Democratic |
| South Carolina | Executive Director | Appointed | Republican |
| South Dakota | SOS | Elected | Republican |
| Tennessee | SOS | Elected by state Legislature | Republican |
| Virginia | Secretary of the Board | Appointed | Democratic |

2. *When you conduct a match check to determine if a person is registered to vote in another state, is it done electronically?*

Yes, the initial match is done electronically. However, all matches that result from the Interstate Cross-Check are considered "soft"

matches. Pursuant to our State Election Procedures Manual, these require manual follow-up research prior to confirming a match.

3. *What identifiers do you use to determine that you have a correct match—first name, last name, date of birth, last 4 of the SSN? Do you request that the voter provide additional information? How do you obtain the last 4 digits of the SSN?*

The identifiers are as follows, and used in the following combinations:

- a. Last Name, First Name, Date of Birth (DOB), and the last four digits of the SSN matches
- b. Last Name, First Name, Name Suffix, and DOB matches (and either Arizona or the other state does not have the last four digits of the SSN)
- c. Last Name, First Name, Name Suffix, and DOB matches

Arizona does not request additional information of the voter. If the last four digits of the SSN is not contained in the match information, we proceed without it.

4. *Have you received assistance from non-government agencies on interstate matching? Is that assistance free or is there a cost associated? Is this information provided to third parties for marketing of services or goods or statistical information? What steps are taken to ensure that there is no perception of impropriety?*

No, Arizona has not received assistance from non-government agencies for interstate matching.

5. *What remedies does a voter have should they be taken off the rolls erroneously? How are their names added back to the list? What are the procedures for allowing these voters the opportunity to cast a ballot?*

No voter registration is ever cancelled based solely on an electronic match. Extensive research on each possible match is conducted manually prior to confirming the match. In the rare circumstance that human error results in mistakenly cancelling a registration, the voter is held harmless and the county reactivates the voter's registration. A

voter may always cast a provisional ballot while the situation is resolved.

6. *What notice do you provide your voters should their names be removed from the rolls?*

- a. Cancellation Notice due to Soft Duplicate Match Resolution
- b. Type F Licenses (non-citizens)
- c. Final Notices
 - i. In Jurisdiction Letter (notice of duplicate registration within a jurisdiction)
 - ii. Out of Jurisdiction Letter
 - iii. Jury Questionnaire – Felon
 - iv. Jury Questionnaire – Citizenship
 - v. Felony Conviction
 - vi. Adjudicated Incompetent

7. *What procedures are followed in your State to ensure that individuals not eligible to vote are not placed on the voter rolls?*

Arizona voters approved a proof of citizenship requirement for registration in 2004. Our state also obtains electronic felony conviction and adjudications of incompetence from the state courts that are run against the existing voter registration database.

8. *Did your state use any HAVA funds to improve voter registration?*

Yes, Arizona used a good portion of its HAVA funds to build its statewide voter registration system, Voter Registration Arizona (VRAZ-II). VRAZ-II is a HAVA compliant voter registration system.

9. *Should H.R. 2115 become law, do you think that its provisions should be extended to all agencies, not just the DMV?*

The best policy would be to perfect the program among all state DMVs prior to expanding it to other agencies.

10. *Are there any legislative efforts that Congress can consider to improve the NVRA and its goals?*

I strongly believe that one of the most important improvements to NVRA would be to allow states to require proof of citizenship when using the federal voter registration form. This would respect the rights of states to define their voting qualifications while ensuring the integrity of the voting process.

11. What potential do you see for interconnectivity? What is the current timeline for state and national interconnectivity? What challenges exist to implementing these systems and policies?

If by interconnectivity you mean the Inter-State Cross Check, it took only four years for the Interstate Cross Check to go from seven participating states to 22. The timeline for full participation for all 50 states is uncertain but we believe it is possible as long as the states who are not yet members are willing to join.

12. What is the projected cost for full implementation?

This answer is uncertain without additional input from DMV.

13. What is the current process for surrendering a current driver's license from a previous state of residence and obtaining a new license in the current state of residence?

A person applying for a driver license in Arizona must indicate if they have a valid driver license from another state. If the customer does have a valid license from another state, they must surrender the license to Arizona prior to obtaining an Arizona driver license. Arizona will notify the other state electronically using a report of all licenses surrendered to Arizona in a period of time from that state. Arizona receives reports (Excel spreadsheets) or paper documents from other states of Arizona licenses that were surrendered to another state's licensing authority.

14. As a practical matter, how is information from another state about a cancelled driver's license translated into identifying a voter to remove from the rolls?

Information of an Arizona canceled driver license from another state is not transmitted to the voter registration system. There is no current

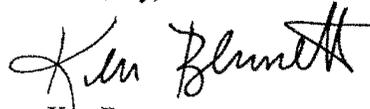
process in place to cancel the voter registration based on the driver license surrender information.

15. Are there special issues related to mail voting that make effective list maintenance important?

Effective list maintenance is important to all types of voting. It ensures that only those eligible to cast a ballot have a ballot counted, as well as ensuring economic efficiencies.

If you or any members of the Committee have questions or would like further information, please feel free to contact State Election Director Amy Chan at (602) 542-6167. Thank you again for the opportunity to testify before the Committee and to provide this additional information.

Sincerely,

A handwritten signature in black ink that reads "Ken Bennett". The signature is written in a cursive style with a large, stylized "K" and "B".

Ken Bennett
Secretary of State

CANDICE S. MILLER, MICHIGAN
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

KELLY CRAVEN, STAFF DIRECTOR

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
JUAN VARGAS, CALIFORNIA
ONE HUNDRED THIRTEENTH
CONGRESS

KYLE ANDERSON, MINORITY STAFF
DIRECTOR

July 9, 2013

Mr. Chris Thomas
State Elections Director
Michigan
430 W. Allegan Street
Lansing, MI 48918

Dear Mr. Thomas,

Thank you for testifying during the June 4, 2013 Committee on House Administration Hearing on "H.R. 2115, The Voter Registration Efficiency Act." The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee by **July 23, 2013**.

1. In order to help the Committee understand whether there are common characteristics of the 22 States participating in the interstate cross-check program that differentiate them from the non-participating states, please provide any demographic data you have available on the participating states, such as: (a) is the chief election officer an elected official, (b) are the chief election officials Secretaries of State, or (c) do the states have similar political leanings.
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15. Are there special issues related to mail voting that make effective list maintenance important?

If you have any questions concerning this matter, please feel free to contact Yael Barash on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,



Candice S. Miller
Chairman



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

July 26, 2013

The Honorable Candice S. Miller, Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515-6157

Dear Chairman Miller:

In response to your July 9, 2013 letter requesting answers to additional questions that will be made part of the June 4, 2013 Committee on House Administration Hearing on H.R. 2115, our responses to the questions are provided below:

1. In order to help the Committee understand whether there are common characteristics of the 22 States participating in the interstate cross-check program that differentiate them from the non-participating states, please provide any demographic data you have available on the participating states, such as: (a) is the chief election officer an elected official, (b) are the chief election officials Secretaries of State, or (c) do the states have similar political leanings.

Answer: The genesis of the interstate cross-check program was an agreement among four Midwestern States (Iowa, Missouri, Kansas and Nebraska) several years ago. The expansion of the program initially was geographic and more recently nationally in scope. For example, the addition of Arizona, Florida, South Carolina, Tennessee, Georgia and Mississippi greatly assisted northern States, as these States are destinations for many retirees. Based on recent discussions with the National Association of State Election Directors (NASED), it is likely the program will expand further within the next year. There is no cost to the States involved. The interstate cross-check program is compatible with the Electronic Registration Information Center (ERIC) program that is a more robust file matching program that will grow more slowly due to costs that must be incurred by member States.

For additional information on the Interstate Cross-Check program, contact Brad Bryant, Kansas Director of Elections. For additional information on the ERIC program, contact Shane Hamlin, Assistant Director of Elections for the State for Washington / Chairman of the ERIC Board of Directors.

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See the following summary of the States currently participating in the interstate cross-check program:

| State | Chief Election Official | Elected (Y/N) | Political Party |
|----------------|---|------------------------|-----------------|
| Alaska | Mead Treadwell Lieutenant Governor | Yes | Republican |
| Arizona | Ken Bennett Secretary of State | Yes | Republican |
| Arkansas | Mark Martin Secretary of State | Yes | Republican |
| Colorado | Scott Gessler Secretary of State | Yes | Republican |
| Florida | Ken Detzner Secretary of State | No | Republican |
| Georgia | Brian Kemp Secretary of State | Yes | Republican |
| Illinois | Rupert Borgsmiller, Exec Dir. State Board of Elections | No | |
| Iowa | Matt Schultz Secretary of State | Yes | Republican |
| Kansas | Kris Kobach Secretary of State | Yes | Republican |
| Kentucky | Maryellen Allen, Exec Dir. State Board of Elections | No | |
| Louisiana | Tom Schedler Secretary of State | Yes | Republican |
| Michigan | Ruth Johnson Secretary of State | Yes | Republican |
| Mississippi | C. Delbert Hosemann, Jr. Secretary of State | Yes | Republican |
| Missouri | Jason Kander Secretary of State | Yes | Democrat |
| Nebraska | John Gale Secretary of State | Yes | Republican |
| Ohio | Jon Husted Secretary of State | Yes | Republican |
| Oklahoma | Paul Ziriak, Secretary State Board of Elections | No | |
| Oregon | Kate Brown Acting Secretary of State | Yes | Democrat |
| South Carolina | Mark Hammond Secretary of State | Yes | Republican |
| South Dakota | Jason Gant Secretary of State | Yes | Republican |
| Tennessee | Tre Hargett Secretary of State | Elected by Legislature | Republican |
| Virginia | Donald Palmer, Secretary State Board of Elections | No | |

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2. When you conduct a match check to determine if a person is registered to vote in another state, is it done electronically?

Answer: Michigan participates in the interstate cross-check program. The 22 participating States share voter registration information electronically. The Kansas Secretary of State's office conducts an electronic match of the voter registration records of participating States. This is only the first step. Following receipt of the cross-check information there is a combination of additional electronic and manual matching.

3. What identifiers do you use to determine that you have a correct match—first name, last name, date of birth, last 4 of the SSN? Do you request that the voter provide additional information? How do you obtain the last 4 digits of the SSN?

Answer: The interstate cross-check programs matches exact First Name, Last Name and Date of Birth. The listings of "potential matches," sorted by State, are provided to each participating State. Many States are able to provide the last 4 digits of the SSN for their voters. When available, last 4 digits of the SSN for each potential match are also provided to participating States. Michigan conducts a secondary match on last 4 digits of the SSN and first initial of middle name. Michigan obtains last 4 digits of the SSN for its voters from the driver's license database. A correct match is considered an exact match on first name, middle initial or full middle name, last name, date of birth and last 4 digits of the SSN. There is no question that the last 4 digits of SSN is a critical key to accurate matches. Michigan does not request any additional information from voters.

4. Have you received assistance from non-government agencies on interstate matching? Is that assistance free or is there a cost associated? Is this information provided to third parties for marketing of services or goods or statistical information? What steps are taken to ensure that there is no perception of impropriety?

Answer: Michigan has not received assistance from non-government agencies on interstate matching.

5. What remedies does a voter have should they be taken off the rolls erroneously? How are their names added back to the list? What are the procedures for allowing these voters the opportunity to cast a ballot?

Answer: With respect to Interstate cross-check cancellations, we are currently reviewing options available to us under Michigan Election Law and the NVRA. If a voter is taken off the rolls erroneously, he/she would be reinstated. Generally the voter would provide the election official with an explanation and confirmation of his/her current Michigan residence. The local election official would be able to view the cancellation details in the individual's voter registration history file and confirm that he/she was previously registered in Michigan. Based on the details provided by the voter, the local election official (or State Bureau of Elections) could reinstate the voter and he/she would be able to cast a ballot. A problem of this type could be remedied in this manner even if the error was discovered on Election Day.

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6. What notice do you provide your voters should their names be removed from the rolls?

Answer: Voter registration records are cancelled only for specific reasons, such as:

- At the request of the voter (must be written/signed);
- The clerk receives confirmation that the voter has died;
- The clerk receives confirmation that the voter has registered in another jurisdiction;
- The voter does not respond to a previous *Confirmation Notice* over the course of two, successive Federal general elections (even year November elections). NOTE: *Confirmation notices* are first sent upon receipt of "reliable information" that the voter has moved.

In many cases, voters receive notification prior to cancellation in the form of a *Confirmation Notice*. These notices vary based on the specific situation, but generally inform the voter that the election official has received information indicating he/she may no longer reside at their prior address, and asks the voter to confirm whether he/she still wishes to be registered to vote. If the voter responds indicating that he/she still wishes to be registered, or if the voter votes at an election during the course of two, successive Federal general elections, the voter record is not cancelled. At the point of actual cancellation, no follow-up notice is sent.

7. What procedures are followed in your State to ensure that individuals not eligible to vote are not placed on the voter rolls?

Answer: Several safeguards are in place to ensure that individuals not eligible to vote are not placed in the Qualified Voter File, including:

- Voter Registration form/process:
 - Voter Registration via Secretary of State branch offices (DMV): the vast majority of Michigan Voter Registration transactions take place via the DMV. A standardized form is used that requires all applicants to attest to their qualifications, including check boxes indicating US citizenship and age. Individuals must check these boxes and sign their attestation for the voter registration to be accepted by the local election official. In addition, Secretary of State branch office employees verbally inform all voter registration applicants of the US citizenship requirement, prior to processing a voter registration transaction. With regard to citizenship, the DMV system was recently programmed to remove the ability to register an applicant if that person provides documents proving legal presence and confirming the person is not a citizen of the United States.

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- Voter registration forms utilized by local election official offices, designated State agencies and the mail-in voter registration process utilize similar voter registration forms which include the same check boxes and attestation signatures.
- All voter registration forms are reviewed before being accepted by local election officials. If any required elements of the voter registration form are not completed, the voter registration application is rejected and a follow-up communication is sent to the affected individual.
- State law was enacted in 2012 that now requires any individual registering to vote in person or obtaining an Absent Voter ballot in person to provide photo ID, or to sign an affidavit stating he/she is not in possession of photo ID. These procedures mirror those currently used in the polls on Election Day.
- Election Day forms/processes:
 - Applications to Vote (completed and signed by voters in the polls on election day) include an affirmative statement stating that the voter certifies that he/she is a US citizen and a qualified and eligible elector.
 - Absent Voter Ballot Applications and Absent Voter Ballot Return Envelopes have similar attestation statements that must be signed by the voter prior to ballot issuance/acceptance.

8. Did your state use any HAVA funds to improve voter registration?

Answer: Michigan has used HAVA funds to improve voter registration. It bears note that Michigan's Qualified Voter File was the model for the statewide voter registration file in HAVA; consequently, Michigan did not need to spend large amounts of HAVA funds to create a statewide file. The best characterization of Michigan's HAVA spending on voter registration is to perfect the Qualified Voter File. A sample of the projects funded by HAVA include:

- Created and distributed Voter Registration and Election Management Software to approximately 600 of Michigan's smallest cities and townships
- Designed and created an Electronic Poll Book
- Provided laptops to 88% of Michigan's precincts to run Electronic Poll Book
- Designed and created a Petition Processing module in the Qualified Voter File (QVF), used to assist in verifying voter registration status for individuals who sign nominating and other petitions

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- Designed and created a system to transmit digitized signatures from Driver License system to the QVF
- Designed and created a module in QVF to send *Confirmation Notices* to voters pursuant to the NVRA, track voter responses and cancel registrations when appropriate
- Created software to establish and track an *Inactive Voter File*

9. Should H.R. 2115 become law, do you think that its provisions should be extended to all agencies, not just the DMV?

Answer: H.R. 2115 provides for a very minor change in procedures currently used by most State DMVs (or their equivalent agencies) and equally minor changes to DMV software. The bill as written would provide tremendous benefit to statewide voter registration systems at very little cost. H.R. 2115 addresses interstate changes of residence by taking advantage of an existing notification mechanism. To my knowledge I am unaware of any similar interstate mechanism utilized by social services or disability services agencies. Therefore, there is no way to similarly extend these provisions to those agencies.

10. Are there any legislative efforts that Congress can consider to improve the NVRA and its goals?

Answer: NVRA was enacted in 1993, at the same time technology began to change dramatically. The NVRA requires "mailings" through the USPS for a variety of notices to voters. Mailings are always expensive and frequently ineffective. Many States collect the email addresses of their voters. Email addresses do not generally change when people move. Email is a far more effective method of communication than mail and far less costly. The NVRA could be updated to recognize the vast changes in the way people communicate that have taken place since 1993. Language should be general enough to account for changes in communication methods that will likely take place in the future.

The NVRA is only successful when all parties fully implement the law. There is increasing evidence from data collected and reported by the U.S. Election Assistance Commission that DMVs are not uniformly implementing the motor/voter provisions of the NVRA. This provision provides across the board voter registration opportunities to most voters on a nonpartisan, equal basis when properly implemented. In many States the increasingly large number of provisional ballots corresponds directly to poor administration of the motor/voter provision. Provisional ballots cause delays and lines on election day.

11. What potential do you see for interconnectivity? What is the current timeline for state and national interconnectivity? What challenges exist to implementing these systems and policies?

Answer: Because of the Help America Vote Act (HAVA) all States now have statewide voter registration databases. That fact alone greatly increases the potential for data sharing and interconnectivity. There are technical challenges associated with achieving interconnectivity. Every State has a different voter

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registration system design and some States also have different systems in different counties. Seamless interconnectivity will take time and money. Projects such as the Interstate Cross-Check and ERIC are the first steps toward data sharing. These programs are proving to be very effective in improving voter registration data maintenance. While it is nearly impossible to accurately predict a timeline for full interconnectivity, it is very reasonable to presume that many States will regularly (monthly or even weekly) share a wide variety of voter registration information within several years. States will have to fully cooperate with each other to be successful in these endeavors. Further, the common data format that is currently under study by Institute of Electrical and Electronics Engineers (IEEE) and election officials is a critical component to effective interconnectivity.

The functionality of the ERIC program essentially provides the potential for national, indirect interconnectivity.

12. What is the projected cost for full implementation?

Answer: Michigan cannot provide a national cost estimate for full implementation. For details on the costs associated with ERIC I would direct you to the member State Board of Directors (Shane Hamlin, Assistant Director of Elections for the State of Washington, is Chairman of the ERIC Board).

13. What is the current process for surrendering a current driver's license from a previous state of residence and obtaining a new license in the current state of residence?

Answer: When a new Michigan resident applies for a driver's license and surrenders his/her previous license from another State, electronic checks are conducted to determine driver ineligibility (e.g., an outstanding suspensions from the other State) by use of the National Driver Register and Problem Driver Pointer System. Upon issuance of the new Michigan license, an automated flag is added to the driver's record indicating the prior State of residence. Michigan has an automated system for notifying other States regularly when drivers surrender their previous license in this way. Michigan also receives similar notification from other States.

In addition, a national Driver Verification System (*State to State, or S2S*) is being piloted in a select number of States that will further automate this process, including real-time updates to the other State upon issuance of a license in the new State. The system is intended for nationwide use in the relatively near future and could possibly be explored as a possible source for a similar State-to-State Voter Verification System. The American Association of Motor Vehicle Administrators (AAMVA) can provide additional details on this program.

14. As a practical matter, how is information from another state about a cancelled driver's license translated into identifying a voter to remove from the rolls?

Answer: In Michigan there is a flag on the driver license record of each driver who is registered to vote. When the driver's license system cancels the license of a voter based on information from another State, the information is passed to

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the Voter Registration System (in Michigan, the Qualified Voter file - QVF). The voter record is flagged with a notation that the voter has surrendered his/her license to another State and the Secretary of State sends the voter a *Confirmation Notice* and response card. If the voter fails to respond and two Federal general elections pass, pursuant to the NVRA the registration is cancelled.

15. Are there special issues related to mail voting that make effective list maintenance important?

Answer: Effective list maintenance is essential to all types of voting. In Michigan, under certain circumstances a voter may vote an absentee ballot by mail. Permanent absentee voters (frequently voters 60 or older) automatically receive an absentee ballot application by mail. It is vital that the addresses of these voters are accurate. Many Michigan retirees move to a warmer climate. Data maintenance through interaction with other States ensures that the registrations of these voters are cancelled in a timely manner. The integrity of the voter registration database can be improved dramatically by effective list maintenance. Database integrity is particularly important for voters who do not vote in person.

If you need additional information, please do not hesitate to contact me at 517-373-2540.

Sincerely,



Christopher M. Thomas
Director of Elections

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July 9, 2013

Ms. Elisabeth MacNamara
President
LWVUS
1730 M Street NW, Suite 1000
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Dear Ms. MacNamara,

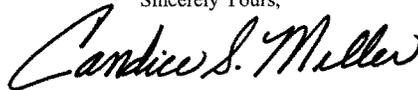
Thank you for testifying during the June 4, 2013 Committee on House Administration Hearing on "H.R. 2115, The Voter Registration Efficiency Act." The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee by **July 23, 2013**.

1. In addition to what you included in your written testimony, do you foresee any pitfalls or unanticipated circumstances that would be problematic with H.R. 2115? If so, do you have any recommendations on addressing these issues?
2. In addition to what you included in your written testimony, are there any improvements to H.R. 2115 that you would recommend?
3. Are there any legislative amendments Congress can consider that may improve the NVRA and its goals?
4. How would you work with a state to ensure that the letter of H.R. 2115 is implemented correctly so not to disenfranchise a vote yet provide a clean accurate voter list?
5. How would you work in cooperation with states to implement H.R. 2115 in a manner that ensures accurate voter lists but avoids disenfranchising eligible voters?
6. Would anything in H.R. 2115 obstruct voluntary movements by states to use electronic data systems for driver's license and/or voter registration purposes?

7. If an update in a voter registration due to an application for voter registration made in conjunction with a driver's license application results in removing the voter from the registration rolls in one jurisdiction and adding them to the rolls in another jurisdiction within the same state, do you believe the removal should be subject to the notice and response safeguards in NVRA? Why or why not?
8. What do you believe are the purposes and benefits of ensuring that voters are not registered in more than one state?
9. Apart from the mechanisms of H.R. 2115, what steps would you recommend Congress take to ensure that voters are not registered in more than one state?
10. If an individual moves to a new state and applies for a driver's license in that state, under what circumstances would the individual remain eligible to vote in Federal elections in a previous state of residence?
11. If an individual states on an official form upon moving to a new state that he or she intends for the new state to serve as their voting residence for Federal elections, would that individual be eligible to vote in another state if he or she did not register to vote in the new state?

If you have any questions concerning this matter, please feel free to contact Yael Barash on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,

A handwritten signature in black ink that reads "Candice S. Miller". The signature is written in a cursive, flowing style.

Candice S. Miller
Chairman

Elisabeth MacNamara, President
League of Women Voters of the United States
Responses to Questions from the Committee on House Administration on H.R. 2115.
July 23, 2013

1. In addition to what you included in your written testimony, do you foresee any pitfalls or unanticipated circumstances that would be problematic with H.R. 2115? If so, do you have any recommendations on addressing these issues?

In addition to the problems outlined in the testimony – erroneous removal of eligible voters, confusion for voters, and uncertainty for election administrators – we are concerned that H.R. 2115 as currently written imposes unnecessary costs on states and could expose states to liability for wrongful removals. We believe that requiring the systems outlined in H.R. 2115 to be carried out electronically would both improve the accuracy and reduce the costs of the legislation.

2. In addition to what you included in your written testimony, are there any improvements to H.R. 2115 that you would recommend?

The League does believe that expanding the scope of the legislation to include intrastate transfers of voter information and requiring the use of electronic systems with their built-in safeguards would improve the legislation.

3. Are there any legislative amendments Congress can consider that may improve the NVRA and its goals?

The League of Women Voters strongly supports federal legislation to provide for secure online voter registration: As more and more Americans use the Internet for daily tasks like paying bills and banking, every state should provide for secure online voter registration programs to make registration more accurate, more efficient, and easier for both registrants and election officials. Online registration can reduce costs for already strapped state and local budgets and can reduce the errors that come when officials have to re-enter information from handwritten forms. Over 15 states have begun to upgrade their voter registration systems to meet the needs of our modern mobile society. But the League also wants to ensure that these programs are designed to be available to all eligible citizens. Unfortunately, many states currently restrict online voter registration to those who already have a driver's license or non-driver's ID, which means that millions of eligible voters cannot register or update their registrations online. Not only does this limitation substantially reduce the effectiveness of online registration, it also raises concerns about the discriminatory effect. By utilizing modern technology for such elements of registration as electronic signatures it is possible to improve voter registration systems both for eligible voters and for election administrators while reducing costs and improving accuracy.

4. How would you work with a state to ensure that the letter of H.R. 2115 is implemented correctly so not to disenfranchise a vote yet provide a clean accurate voter list?

- a) As currently written, we believe that H.R. 2115 will result in erroneous removals of eligible voters due to matching and transmission errors, among other problems. Since erroneous removals violate the law, we would consider how best to approach states concerning such violations.
- b) As described in the testimony, electronic transfer of voter information would substantially improve the systems set up in H.R. 2115. The best way to deal with this problem would be for Congress to amend the current bill and provide for such electronic transfer. If Congress passed the bill with its current flaws, the states could be asked individually to apply needed safeguards. But, of course, that would be a poor substitute for responsible congressional action.

5. How would you work in cooperation with states to implement H.R. 2115 in a manner that ensures accurate voter lists but avoids disenfranchising eligible voters?

If Congress is going to require states to communicate with each other in order to remove voters from the list, Congress should do so in a way that is clear, concise, and unambiguous, that does not lead to erroneous and wrongful removals, and that builds on the statewide computerized voter registration system required in the Help America Vote Act (HAVA).

6. Would anything in H.R. 2115 obstruct voluntary movements by states to use electronic data systems for driver's license and/or voter registration purposes?

Under bi-partisan leadership, the Congress passed the Help America Vote Act (HAVA) which, among other things, requires states to maintain voter rolls on a single statewide computerized voter registration list and for that list to serve as the official list for federal elections in the state. By failing to build on that electronic data system, H.R. 2115 would signal that non-electronic data transfers are now acceptable, if not encouraged. As described in our testimony, paper-based data transfers are inherently unreliable and inaccurate. We are concerned that voting issues have recently become polarized in many instances and thus we believe it would be unwise for Congress to enact legislation that could expose those trying to comply with federal law to accusations of using inherently unreliable and inaccurate systems that will result in eligible voters being erroneously removed from the lists.

Moreover, H.R. 2115 is not a voluntary bill; it requires states to take certain specific actions. And, as pointed out by other witnesses at the hearing, many states are already moving to accomplish the goals of H.R. 2115 without federal legislation. If a voluntary approach to interstate movers is to be followed, then no federal legislation is necessary. If states are to be

required to deal with interstate movers in specified ways, then it makes sense to require that it be done efficiently and accurately, in other words, electronically.

7. If an update in a voter registration due to an application for voter registration made in conjunction with a driver's license application results in removing the voter from the registration rolls in one jurisdiction and adding them to the rolls in another jurisdiction within the same state, do you believe the removal should be subject to the notice and response safeguards in NVRA? Why or why not?

Provided the state uses the system of unique identifiers required by the Help America Vote Act (HAVA) to ensure accuracy, as is posited by the question's reference to the driver's license application process, then the update of the address while maintaining the individual on the state's computerized statewide-voter registration list (and thus on the roll in the new jurisdiction) does not require action pursuant to Section 8(d) of the NVRA.

8. What do you believe are the purposes and benefits of ensuring that voters are not registered in more than one state?

The League believes that each state's voter registration list should be as up-to-date and accurate as possible so that election officials can make accurate estimates for purposes of allocating election resources, including ballots and polling places, to ensure that every eligible voter can vote and ineligible voters do not vote, and to maintain public confidence in election administration and elections. Thus is it important to improve the voter registration system with electronic systems that are cost effective, accurate and efficient in updating voter information both interstate and intrastate.

9. Apart from the mechanisms of H.R. 2115, what steps would you recommend Congress take to ensure that voters are not registered in more than one state?

The League believes that the improvements we have recommended – providing for electronic transfer of voter information, ensuring that the transfer of voter information is accomplished in both intrastate and interstate situations, clarifying the process to remove ambiguity, and ensuring that a voter's name is removed only after successful registration in the new state – would ensure that H.R. 2115 establishes an effective and accurate process.

10. If an individual moves to a new state and applies for a driver's license in that state, under what circumstances would the individual remain eligible to vote in Federal elections in a previous state of residence?

If an individual maintains two or more residences, it seems possible that the state laws governing who is eligible for a driver's license and who is eligible to register to vote might allow the individual to have a driver's license in one state and be eligible to vote in another. We are not aware of studies of state laws that would answer this question, but there are reports in the

press of individuals (including individuals running for office) who maintain more than one residence changing their voter registration from one state to another.

11. If an individual states on an official form upon moving to a new state that he or she intends for the new state to serve as their voting residence for Federal elections, would that individual be eligible to vote in another state if he or she did not register to vote in the new state?

“Voting residence” is not a legally defined term and thus can lead to confusion on the part of voters and election officials alike. The phrase in H.R. 2115 -- “whether the individual intends for the State to serve as the individual's residence for purposes of registering to vote in elections for Federal office” -- suffers from the same problems.

It is an individual's actual residence under state law that determines his or her eligibility to vote. Moreover, the definition of residency varies from state to state. See the chart from the National Association of Secretaries of State attached.

The power to set eligibility requirements for voting in federal elections (including residency) is delegated to the states in Article I, Section 2 of the Constitution. By creating a new federal category -- “whether the individual intends for the State to serve as the individual's residence for purposes of registering to vote in elections for Federal office,” H.R. 2115 comes dangerously close to impinging on that state power.

The only reliable test for a person's residency for voting purposes is the completion of a voter registration application form for that state, not a separate, extraneous and confusing question using undefined terms.