EVT/WOTE ’09
Opening Remarks

Lawrence Norden, Senior Counsel
The Brennan Center for Justice at NYU School of Law
Goal of VRE Work

- Barriers to Voting Eliminated
- All Eligible Voters Have Opportunity to Vote
- Votes Counted as Intended to be Cast
Type of Work

- Original Research/Summary of Research
- Policy Recommendations
- Implementation/Collaboration
- Legislative Drafting
- Litigation
- Public Advocacy
Machinery of Democracy
Better Ballots
Usability Testing
Electronic Voting Machine Security
VVPR

Voter Confidence and Increased Accessibility Act
Post-Election Audits

2003/Present
States that use DREs in at Least One County
EAC Clearinghouse Function

“The [Election Assistance] Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

carrying out the duties [...] relating to the adoption of voluntary voting system guidelines, including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general....”

Help America Vote Act of 2002; 42 U.S.C. 15322 (1)-(2)
Reporting Voting System Problems

- Who must report?
- Who can report?
- What is reported?
  - “Malfunction”
  - “Vulnerability”
- What is made public? When?
# Expansion of Early and Absentee Voting

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2004</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Early in person</strong></td>
<td>3.70%</td>
<td>8.50%</td>
<td>18.00%</td>
</tr>
<tr>
<td><strong>By mail</strong></td>
<td>10.20%</td>
<td>12.20%</td>
<td>19.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>13.90%</td>
<td>20.70%</td>
<td>37.00%</td>
</tr>
</tbody>
</table>

States with No-Excuse Absentee Voting

- All vote by mail
### Number of Invalid Absentee Votes

<table>
<thead>
<tr>
<th>State</th>
<th>Percent of absentee ballots rejected (absentee ballots as a percentage of total cast)</th>
<th>Rejected absentees as a percentage of all ballots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>1.9% (of 87.8%)</td>
<td>1.6%</td>
</tr>
<tr>
<td>California</td>
<td>4.1% (of 35.3%)</td>
<td>1.4%</td>
</tr>
<tr>
<td>Indiana</td>
<td>14.5% (of 10.4%)</td>
<td>1.5%</td>
</tr>
<tr>
<td>Colorado</td>
<td>2.2% (of 39.6%)</td>
<td>0.9%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>9.1% (of 1.6%)</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

Source: Election Assistance Commission, 2006
Usability
Proposals for Internet Voting
The current registration system does not adequately serve the public

25-32% eligible Americans not registered (50-65 million)

- 57% of eligible 18-24 year olds
- 51% of eligible persons
- 46% of eligible citizens
- 39% of eligible high school graduates
- 38% of eligible citizens with high school diploma
- 53% of eligible citizens with high school diploma
Our registration system is an outlier

**Voter Registration as a Percentage of Voting-Age Population**

- Argentina (2007): 100%
- Belize (2008): 97%
- Great Britain (2008): 97%
- Mexico (2005): 95%
- Peru (2006): 95%
- Sweden (2006): 95%
- Belgium (2007): 94%
- Indonesia (2004): 94%
- Austria (2008): 93%
- Canada (2008): 93%
- Germany (2005): 93%
- Australia (2008): 92%
- Burundi (2005): 91%
- France (2007): 91%
- United States (2006): 68%
The current registration system does not adequately serve the public

Registration is the single greatest barrier to voting

- #1 problem reported to voter protection hotlines
- #1 reason provisional ballots not counted
- Reduces turnout
- Harder to mobilize new voters
- Biggest cause of pre-election litigation
The current registration system costs too much

- Enormous impact on county budgets
- Wastes resources
  - Data entry
  - Duplicates
  - Purges
  - Movers

registration
Machines, Poll Sites, Pollworkers, Ballots, Education, Other
The current registration system hurts election administration

The result:

- Eligible citizens left off the rolls
- Inadequate allocation of resources
- Long lines
- Provisional ballots
- Lost votes
- Lack of public confidence
We have to modernize our system

Other key elements:
- Security, privacy, and purge protections
- Adequate federal funding for transition
Automatic Registration

Start with today’s voter rolls, and build

Existing state voter rolls

Eligible citizens to add
Automatic Registration

- Leverage existing government lists.
- Target newly eligible voters
- Supplemental outreach to fill gaps

DMV

Social services

Voter rolls

Naturalization

Schools
Permanent, Portable Registration

Registration follows you when you move

- Automatic address updates
- Notice and opportunity to correct
- Can always vote at the polling place where you live
Permanent registration is already in use today

- 8 states with permanent registration
- 8 more states with EDR
- Several states use automatic address updates
- All states have permanent registration at local level
Security

- Access
- Audit Logs
- Archives
- Audits
Safeguards

- Notification to Voters
- Time Restrictions for Removal
- Matching Criteria
- Fail Safes