

**Testimony of Professor Paul Gronke before the
Presidential Commission on Election Administration**

August 8, 2013.

1. I would like to thank Chair Bauer and Ginsberg and the members of the Commission for inviting me to be here today.
2. My name is Paul Gronke. I am a professor of political science at Reed College in Portland, Oregon, and founder and director of the Early Voting Information Center, a non-partisan academic research center dedicated to conducting research, disseminating information, and helping craft policy solutions regarding early and convenience voting.
3. EVIC has worked with the states of Oregon and Maryland, the Election Assistance Commission, the Federal Voting Assistance Program, and the Pew Center on the States's Make Voting Work project. I have served on a post-election review commission for the state of Kansas; have testified about early voting at the DC City Council; and presented my work at NASS, NASED, and to many state and regional associations of election officials.
4. A number of years ago, my good friend John Lindback, then state director of elections for Oregon, referred to me as "frustratingly even handed."

I've always valued John's description, and it in the spirit of frustrating even-handedness that I come to the commission today.

I study early voting, but I do not always advocate for early voting. I agree with the Commission's charge to search for common sense, non-partisan solutions to identified problems with election administration—including administering early voting--solutions that are backed by solid empirical evidence and tailored to the conditions of the time and jurisdiction.

I'm honored to have been asked to help with the Commission's work.

5. I will begin by reviewing what I refer to as the quiet revolution in American elections: the quarter century expansion of early in-person and no excuse absentee voting that has brought us to the point that we are today.

In one word, DIVERSITY characterizes the state of elections in the United States.

The United States electoral map, always one of the most diverse worldwide, has only been made more so by the advance of early voting. The irregular implementation and usage of early voting has created a complex quilt of administrative regimes and electoral calendars.

Much of my presentation will illustrate this diversity.

Some argue that early voting is a negative, others that it is a positive.

For election administrators, early voting has reduced management pressures on Election Day, but has likely increased costs and created new administrative burdens.

For candidates, early voting has created new avenues to mobilize voters, but has made campaigns more expensive.

For voters, it has made casting a ballot easier and more convenient.

My closing recommendations are an attempt to bring some coherence to this diversity and to retain the advantages of early in-person and no-excuse absentee balloting while ameliorating some of the disadvantages.

6. In the interests of time, I will not spend my time reviewing the scholarly research on voting behavior or voter turnout. I have shared with the Senior Research Director work by others and by myself on these topics for the use of the Commission.

I would be pleased to elaborate on that work, or provide written materials on what I present today.

7. (SLIDE) First, a basic observation: “early voting” is a catch all term that refers to two separate modes of balloting--early-in person and absentee or by mail voting--whose differences are summarized briefly here.

These two systems require different laws, statutes, and rule making; very often require different administrative systems and voting technologies; and engage voters in different ways.

Research and recommendations generically about “early voting” without distinguishing between the in-person and by-mail modes are often not meaningful. I will try to be clear in my testimony when I am referring to early voting generically and when I am referring to one or another mode of balloting.

8. (SLIDE) In every election cycle from 1986 to 2010, early voting options were added to states across the nation without much debate, primarily as a means to increase accessibility and convenience.

Other than high-profile adoptions after the election crises in 2000 and 2004, this has truly been a quiet, bipartisan, and yet dramatic change in American elections.

Only after 2010 did this trend change, as some states reduced the length of time and accessibility of early in-person voting. These election law changes have, unfortunately, generally split state legislatures on partisan lines.

9. (SLIDE) Voters--like water—flowed through the new pipes added by election administrators.

In the 2000 election, approximately 15% of ballots came in early. At the time, national surveys didn’t even ask about early voters.

Early voting rates climbed rapidly—growing by approximately 50% in each presidential cycle from 2000-2008, finally leveling off in 2012.

In 2012, approximately one-third of all ballots cast during a presidential election-- more than 40 million votes—are cast early (in-person or through the mail), with a somewhat lower percentage cast

early during midterm elections.

10. (SLIDE) One important consequence of this growth is that there is not one type of election being conducted in the United States. There are at least at least five different regimes, as this map from the NCSL website shows. In some places—such as Colorado—voters can choose from a veritable smorgasbord of options. In others states, nothing is available but excuse-required absentee and Election Day voting.

11.(SLIDE) Voters have responded to these options.

In some places—primarily the South but also some other states—thirty percent or more of voters cast an early in-person ballot.

(SLIDE) In the West, we cast our ballots by mail. More than half of the ballots in the Western states are ostensibly transmitted and returned by US Postal Service employees. OR and WA are fully vote by mail, but a number of others states (AZ, CO, NV) have 60-75% no-excuse absentee voting.

12. (SLIDE) The result is a highly complicated quilt of early voting in the United States. These county level data are drawn from the 2008 Election Assistance Commissions Election Administration and Voting Survey, a critically important and valuable data collection effort to help monitor and improve election performance in the United States. (The 2012 data are unfortunately not yet clean enough to present.

But there are even more layers of diversity.

(SLIDE) The next two maps show county level rates of voting by mail (SLIDE) and early in-person voting. When we move back and forth between the maps, you can see how there is even substantial variation within a single state. (NOTE: SLIDE BACK AND FORTH between maps to see variation.)

13. Early voting has complicated the electoral calendar as well. (SLIDE, then click on calendar to follow URL)

This calendar is more fully available on the web (scroll slowly from

top to bottom) and shows the opening and closing dates for no-excuse absentee ballots (when states told us they were first mailed, and when they needed to arrive at the county office) and for early in-person voting.

What is striking here is how long our elections actually are. The first voters in North Carolina and Kentucky receive their absentee ballots by the third week of September, more than six weeks before Election Day.

Tens of millions more absentee ballots are mailed out approximately 45 days before the election—a date I return to at the end of my remarks—with the majority of states having mailed absentee ballots by the 1st of October.

Early in-person starts by the first week of October in a number of states, but these are anomalies—either “excuse required” states or those, like Ohio and California, that allow a citizen to cast a no-excuse ballot “in person” but in practice rely heavily on by-mail ballot delivery and return.

Most states begin early in-person voting 10-20 days before Election Day, and most ending early voting the Friday, Saturday, and even the Monday before Election Day. More than 1/3rd require early voting on at least one Saturday or Sunday, while others give county officials discretion about weekend voting.

14. (RETURN TO PPT)

So this is where we are. But the role of the commission as I understand it is not to review the road we have just passed, but to lay out a path for the future.

For my remaining time, I would like to provide three warnings and five recommendations, based on my research into early voting and experience working with state and local election officials.

15. (SLIDE).

- a. First, beware the law of unintended consequences.

Professor Charles Stewart, who has testified before this commission, described the “chain of voting.” Change one link, and change can reverberate backwards and forwards, in ways that while unintended but can often be predicted.

An example is the MOVE Act of 2010, which helped standardize and improve a number of procedures related to military and overseas ballots. One of the main elements of MOVE was to require a 45-day transmittal time for UOCAVA ballots.

However, an unintended consequence of the Act was that states and local jurisdictions changed the mailing date of their domestic absentee ballots as well. According to data collected by EVIC, only 12 states mailed their absentee ballots 45 or more days prior to Election Day in 2008. In 2012, after MOVE, the figure had nearly doubled to 23 states, with another 6 mailing then two days later (on a Friday)..

- b. Second, all elections are not federal elections.

What we know about election administration drawn from presidential and congressional contests may not apply elsewhere.

For example, I, among others, have shown small but statistically significant effects of early voting systems on turnout. All results to date, however, are based only on federal election.

While I cannot cite systematic evidence, the anecdotal record strongly indicates much more substantial increases in turnout are associated with the use of voting by mail in local and special elections.

I make this point only to impress upon the Commission that Federal, and especially Presidential, elections, are unique in our system. Every switch is turned on and every faucet is running.

Every election, however small, should run as best as possible, with systems appropriate that that level of election administration.

- c. Third, there is no perfect election system, at least not one that I know of. Few proposals come without tradeoffs, and the Commission needs to be fully informed about what those trade offs are.

The best example here is undoubtedly no-excuse absentee voting and vote fraud.

It is true, I tell reporters, that where vote fraud occurs, it is most often associated with absentee ballots. But it's also true that the frequency of voting fraud, as Lorraine Minnite has shown, is miniscule.

It is true, scholars have found, that absentee ballots have a higher "residual" vote rate. It is also true that residual vote rates are, overall, very low.

Better ballot design and strong chain of custody procedures can mitigate both, but extending by mail balloting, like any balloting system, has costs and benefits.

16.(SLIDE)

I close with a set of modest recommendations. I will be brief in the interests of time, but am happy to share my reasoning behind each of these.

a. **Early-in person voting for 10-14 days**

- i. Data from early voting states show that few citizens cast an early ballot more than two weeks before Election Day. There is a surge in voting the first day, and then generally a slow climb up to and including the final Sunday.
- ii. Early voting should include weekends and the final Sunday. There are distinct patterns in usage during these

times. Election technologies are now available that have allow eleven states to end early in-person voting as late as Monday, and others offer early in-person voting through the last Sunday. These efforts should be encouraged.

b. Mail domestic absentee 15-20 days before ED

- i. Given concerns over chain of custody and less than fully informed voters, is there any good reason to mail domestic absentee ballots 45 days before Election Day?
- ii. Break the link to UOCAVA ballots that have much longer transit times. Mailing a ballot across the county need not take as much time as mailing a ballot across the globe.

c. Encourage equitable formulas for satellite early voting

- i. Scholarship has consistently shown that more early voting locations lead to higher turnout.
- ii. Too many states prohibit satellite early voting and limit early voting to county elections offices that may be in locations inconvenient to disabled voters or voters who wish to rely on mass transit, bikes, or even their own two feet.
- iii. While I have no magic formula, some states establish floors, or formulas based on population size, or have language to assure that siting of early voting locations be done equitably. Research commissioned by the Pew Center on the States demonstrates now GIS systems can be used to efficiently site satellite and early voting centers.

d. Develop best practices for by-mail ballots

- i. We can learn much from those states and jurisdictions that already process a large number of by mail ballots. LA County, run by Dean Logan, who is here today, is but

one example.

- ii. The Commission should encourage the development of best practices for designing, issuing, returning, and validating by-mail ballots; and investigate how new technologies may improve ballot access, lower costs, and increase security.
- iii. Most importantly, any set of best practices should consider how a strong chain of custody arrangements can assure public confidence in no-excuse voting.

e. **Finally, reconsider “postmark” deadline so that all ballots arrive by ED**

- i. Finally, let me share with the commission my nightmare early voting scenario: control of the Presidency or of the US House or Senate turning on the results from a postmark state—Washington or Alaska, and now possibly California.
- ii. As unrealistic as this scenario may seem, the 60th seat in the Senate may have turned on the 2010 Alaska Senate election, and essentially did occur in 2000 in Washington.
- iii. While I have no evidence that anything will happen to ballots moving through the postal system when the balance of power hangs in the balance, I worry about the possibility.
- iv. I understand that the Postal Service is not perfect, and that voters should not be penalized for delivery errors. At the same time, there are costs and there are benefits. Have lots of drop boxes, work closely with the Postal Service, and make sure any by-mail ballots are delivered on time. My own view, which may be a minority view, is that all ballots should arrive by the close of polls on Election Day.

17. Thank you for your time and attention.