Minutes of the Public Meeting
United States Election Assistance Commission

1225 New York Avenue, NW
Suite 150
Washington, DC 20005

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission ("EAC") held on Tuesday, March 17, 2009. The meeting convened at 11:00 a.m., EDT. The meeting was adjourned at 11:37 a.m., EDT.

PUBLIC MEETING

Call to Order:

Chairwoman Gineen Bresso Beach called the meeting to order at 11:00 a.m.

Pledge of Allegiance:

Chair Beach led all present in the recitation of the Pledge of Allegiance.

Roll Call:

EAC Commissioners:

Deputy General Counsel Gavin Gilmour called roll of the members of the Commission and found present: Chair Gineen Bresso Beach, Vice-Chair Gracia Hillman and Commissioner Donetta Davidson. Three members were present for a quorum.

Senior Staff:

Executive Director Thomas Wilkey, and Deputy General Counsel Gavin Gilmour

Adoption of the Agenda

Commissioner Donetta Davidson moved to adopt the meeting agenda, which was seconded by Vice-Chair Gracia Hillman. The motion carried unanimously.

Welcoming remarks

Chair Beach welcomed all in attendance and wished everyone a happy St. Patrick's Day.

Chair Beach acknowledged the resignation of Rosemary Rodriguez from the Commission, extended best wishes in her new role as State Director to Colorado Senator Michael Bennett and recognized several of her achievements which included exemplifying the voters' needs, along with the importance of public input and the need for transparency.

Chair Beach commented on the two-day meeting of the Standards Board that was February 26 and 27 in Orlando, Florida, which included: elections for the Executive Board were conducted, an update/discussion on the threat assessment to voting systems, and an update by NIST representatives on the VVSG and their recent UOCAVA report. Chair Beach extended her congratulations to the re-election of Russ Ragsdale (CO) and Dan English (OH) to the Executive Board, in addition to the following five newly elected members: Don Palmer (FL), Secretary of State Beth Chapman (AL), Brad King (IN), Leslye Winslow (MO) and Jim Silrum (ND).

Chair Beach concluded her remarks by clarifying an erroneous comment that was recently made by an individual, at the Election Center in San Francisco, regarding the EAC's role with regard to federal election administration matters, pointing out that EAC's role is to provide information and serve as a clearinghouse to election administrators, stakeholders, advocacy groups and most importantly, the voters. EAC does not either support or oppose legislation on federal election law that is being considered before Congress.

Old Business:

Approval of the minutes from the previous meeting

Vice-Chair Hillman pointed out a technical correction and a grammatical correction to the minutes from the February 4, 2009, public meeting. Commissioner Davidson made a motion to correct the minutes, which was seconded by Vice-Chair Hillman. Commissioner Davidson moved to adopt the minutes as corrected, which was seconded by Vice-Chair Hillman. The motion carried unanimously.

Report from the Executive Director

Executive Director Thomas Wilkey extended a welcome to all in attendance, providing the following update on activities that have occurred since the Commission's February 4, 2009, public meeting:

Under Voting System Testing and Certification, the MicroVote 4.0 voting system was recently certified, with other candidates advancing in the process; the accreditation suspension of SysTest Labs was lifted, per the recommendation of NIST's National Voluntary Lab Accreditation Program; a February 26-27 meeting of the Standards Board held in Orlando covered the next iteration of the VVSG, revisions to the 2005 VVSG, in addition to several resolutions; NIST's responses to the Advisory Board's resolutions regarding the VVSG have been posted to the Web site; California submitted a report regarding errors and deficiencies in the Diebold/Premier GEMS Version 1.18.19, and New York State Board of Elections submitted two documents regarding SysTest Labs' request for interpretation, both of which have been added to the Voting System Reports Clearinghouse.

Under HAVA Funding, six new advisory opinion requests were recently posted to the HAVA funds management section of the Web site, three of which remain open for comment through March 23, 2009; and, a requirements payment to Oklahoma in the amount of $1.3 million was recently disbursed. Mr. Wilkey was pleased to announce that under the Omnibus Appropriation Bill recently passed by Congress and signed by President Obama, states will be receiving another $100 million in requirements payments. Mr. Wilkey further reported there are several new grant programs that he will update the Commissioners on at the April meeting.

Under Commissioner Updates, Mr. Wilkey noted that Vice-Chair Hillman's presentation to a joint meeting of the Oregon State Senate and House Committee on Rules is available on the Web site; the Commission voted on the appointment of the position of General Counsel to the EAC via tally vote on February 10, 2009; and Commissioner Rodriguez resigned her position at the end of February. Mr. Wilkey provided an overview of the process for new appointments.

Under Election Administration Resources and Research, Mr. Wilkey was pleased to note that nearly all states have submitted their responses to the 2008 Election Day Survey, which are in the process of being reviewed.

Under EAC Operations, Mr. Wilkey was pleased to announce that

Annette Lafferty was recently appointed to the position of Chief Financial Officer, and two additional positions within the financial administration unit are in the process of being filled. Those names will be announced at the end of the month.

Mr. Wilkey reported that the Inspector General issued two reports, both of which have been posted on the Web site, the first dealing with EAC's Internet usage activity and the second regarding EAC's compliance with Section 522 of the 2005 Consolidated Appropriations Act.

Discussion was held regarding the steps that will be taken to address concerns that were recently raised by the Association for Americans with Disabilities regarding exclusion of the sip-n-puff feature/technology from the 2005 VVSG. MicroVote will also be providing feedback with respect to whether they can add the sip-n-puff feature to their voting system. Mr. Wilkey pointed out that election officials of the two states that utilize the MicroVote system are being notified regarding this matter and feedback is being sought from them.

For the benefit of the audience, Mr. Wilkey expounded on the two reports that were issued by the Inspector General, pointing out that the first report on Internet usage set forth that the EAC complied with all laws, policies and standards regarding its internal usage of the Internet. The second report concerned EAC's compliance with the 2005 Consolidated Appropriations Act. Mr. Wilkey noted that the EAC was cited for not having a privacy officer, for which an appointment has since been made. EAC will also be making other changes to deal with several other recommendations that were set forth in the report as soon as possible.

Mr. Wilkey also pointed out the process with which EAC will be notified of any new changes/procedures that will be implemented by the new Administration.

Commissioner's Closing Remarks

Vice-Chair Hillman provided a brief overview regarding the topics that will be covered during the June 2-4, 2009, Board of Advisors meeting in Washington, D.C. Vice-Chair Hillman was also pleased to report that EAC will soon be releasing its policy on working groups, which will be of great benefit in moving forward with the Maintenance of Effort (MOE) requirement, defining the term "accessibility" as it applies to voting systems, and following through with the resolution that was passed by the Board of Advisors in

2008 regarding evaluating the distribution of EAC products/materials to election officials.

Adjournment

With there being no other business, Chair Beach adjourned the meeting, noting that the public hearing on Voter Registration Databases: Initial Discussion on Reviewing HAVA-Mandated Guidelines would commence at 1:00 p.m.

Meeting was adjourned at 11:37 a.m.

Minutes of the Public Hearing
of the
United States Election Assistance Commission

Voter Registration Databases: Initial Discussion on Reviewing HAVA-Mandated Guidelines

1225 New York Avenue, NW
Suite 150
Washington, DC 20005

The following are the Minutes of the Public Hearing of the United States Election Assistance Commission ("EAC") held on Tuesday, March 17, 2009. The hearing convened at 1:00 p.m., EDT. The hearing was adjourned at 3:21 p.m., EDT.

PUBLIC HEARING

Call to Order:

Chairwoman Gineen Bresso Beach called the public hearing to order at 1:00 p.m.

Pledge of Allegiance:

Chairwoman Beach led all present in the recitation of the Pledge of Allegiance.

Roll Call:

EAC Commissioners:

Deputy General Counsel Gavin Gilmour called roll of the members of the Commission and found present: Chair Gineen Bresso Beach, Vice-Chair Gracia Hillman and Commissioner Donetta Davidson. Three members were present for a quorum.

Senior Staff:

Executive Director Thomas Wilkey, and Deputy General Counsel Gavin Gilmour

Panelists:

Dr. Herbert Lin, Chief Scientist at the Computer Science and Telecommunications Board, National Research Council of the Academies; Wendy Weiser, Deputy Director of the Democracy Program, Brennan Center for Justice at NYU School of Law; Karen Long, Adams County Clerk and Recorder, Adams County, Colorado; Dave Franks, HAVA and Oregon Centralized Voter Registration Manager; and, Donald Palmer, Director of the Division of Elections, Florida Department of State

Adoption of the Agenda

Commissioner Donetta Davidson moved to adopt the public hearing agenda, which was seconded by Vice-Chair Hillman. The motion carried unanimously.

Welcoming Remarks

Chair Beach welcomed all in attendance and wished everyone a happy St. Patrick's Day, explaining that the Help America Vote Act (HAVA) requires that all states implement a statewide voter registration database and the purpose of the hearing was to assess the current status of the statewide voter registration databases and how they have operated in the 2006 election and 2008 Presidential election cycles, to receive feedback concerning the challenges, successes, unanticipated consequences and any suggestions for moving forward in order to ensure that future guidance is relevant and will ultimately improve the process for voters.
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Deputy General Counsel Gavin Gilmour provided a brief overview regarding EAC's voluntary guidance on voter registration databases pursuant to Section 311 of HAVA.

Chair Beach pointed out that the American Association of Motor Vehicle Administrators (AAMVA) were also invited to attend the hearing and provide testimony. However, due to a transition process the agency is going through they were unable to do so. Both the AAMVA and the Social Security Administration will be included as this process moves forward.

Panelist:

Chair Beach was pleased to introduce and welcome Dr. Herbert Lin, Chief Scientist at the Computer Science and Telecommunications Board, National Research Council of the Academies.

Dr. Lin addressed the EAC to provide testimony regarding the Academies project on state voter registration databases (VRDs), pointing out that the project is a three-pronged effort to: (1) advise states on how to implement and maintain their HAVA-mandated voter registration databases; (2) suggest ways that states can improve interoperability of databases with other internal state agencies; and (3) consider ways to evolve and sustain voter registration databases to share data between states.

Dr. Lin first briefly described the State Voter Registration Databases: Immediate Actions and Future Improvements, Interim Report that was released in the spring of 2008 and presented to the EAC in August of 2008 which addressed short-term opportunities for improvement in the areas of: (1) enhanced public education and information dissemination; and (2) improved administrative processes and procedures that could be implemented prior to the November 2008 election, in addition to longer-term future improvements to support elections in 2010 and beyond.

Next, Dr. Lin shared a variety of the experiences, best practices and feedback that were discussed by state and local election officials during the December 2008 workshop in Atlanta, Georgia, regarding the use of voter registration databases leading up to and during the November 2008 election. Dr. Lin noted that a variety of the issues raised in Atlanta will be discussed further at a sixth workshop that is being convened March 19-20, in Cambridge, Massachusetts.

Questions/Comments

Commissioner Davidson asked Dr. Lin what input will be considered in writing the final report and will recommendations be made.
Dr. Lin said the final report will not be limited to only the testimony/findings that have been gathered to date, but will include other areas as well, such as the experiences of all the election officials on the committee, plus hearings and articles. A systematic survey, in detail, of what happened in each state was beyond the scope of the mandate, funding and time. In the interim report, recommendations were made on how election officials could improve their practices and procedures in time for the November election, and a number of issues were identified that would take longer. The final report will comment on some of those recommendations, because they require a little more elaboration.

The final question from Commissioner Davidson was, what kind of timeframe/lead time have the states told you they need to be able to change computer systems and software to be effective in the 2010 election?
Dr Lin stated they haven't really said and a systematic survey has not been done, but he said they will produce a report sometime in the fall.

Chair Beach asked Dr. Lin to expand on challenges with UOCAVA voters and registration.
Dr. Lin reported that the main challenge for UOCAVA voters concerns various registration issues and the often unreliable mail system in the country in which they are serving. The physical demands of getting pieces of paper back and forth seems to be a great impediment to proper registration.

Chair Beach inquired if there has been any discussion on the impact of redistricting or the Census on voter registration databases.
Dr. Lin said, no, they have not looked at that, but that is an issue he will raise with the committee

A final question from Chair Beach asked if Dr. Lin had any opinion on how the databases have performed in this past election cycle.
Dr Lin replied that at the recent Atlanta hearing, which was specifically for election officials to talk about their voter registration databases, not many complaints were heard that rose to a significant level.

<u>Panelist</u>:

Chair Beach was pleased to introduce and welcome Wendy Weiser, Director, Voting Rights and Elections Project, Deputy Director, Democracy Program, Brennan Center for Justice at NYU School of Law.

Ms. Weiser's testimony focused on the following three areas where the EAC can play a significant role in improving the voter registration system.

1. The collection of data and information about voter registration systems due to the lack of publicly available information on how VRDs are constructed, maintained, used and perform.

2. The use of record matching to avoid false negatives in the HAVA voter verification process and false positives in the purge process.

3. Conduct research to help states modernize their voter registration systems due to the fact that the most significant problems with voter registration are the result of the outdated paper-based voter-initiated system, which creates problems for both election officials and voters.

Recommendations regarding the collection of data and information about voter registration systems included the following: EAC requiring election officials to collect and record more detailed information in either their NVRA reports or in the Election Day Survey, and perhaps even issue guidance on urging greater transparency and more detailed reporting on the use of voter registration databases; taking steps to ensure that the data is in a more standard format and to work with election officials to assist with that standardization. The EAC could also take steps to actually make that data reporting more mandatory, such as by conditioning certain benefits on the provision of data or by publicly disclosing which jurisdictions have not been providing adequate data that might shame them into getting their data together. And the EAC can sponsor additional studies on the voter registration system.

Recommendations regarding the use of record matching included the following: EAC issuing detailed guidance to improve record matching accuracy in both the verification and in the purge context, such as those set forth in the Interim Report by the National Academies; issue guidance urging states not to adopt "no match, no vote" policies; and, issue guidance ensuring that purge programs have adequate voter protections.

Recommendations regarding voter registration modernization included EAC fostering data-gathering and research which will assist policy-makers and officials in their efforts to upgrade their VRDs.

Questions/Comments

Commissioner Davidson inquired about several states not meeting NVRA.
Ms. Weiser reported that there are currently two ongoing lawsuits involving the States of Colorado and Michigan regarding non-compliance with purge protections in the NVRA; and, there can be

no systematic purge activities within the 90-day period. If an individual becomes ineligible during that 90-day period; moves, is convicted of a disqualifying felony, dies, that is not captured within the systematic list maintenance. But to do a comprehensive match of the voter registration database, for example, against another database to identify individuals who have been long registered,

Vice-Chair Hillman commented on the activities that have created and maintained statewide voter registration databases: the HAVA requirement, state policies on how the database would function and be created, hardware/software protocols, getting feedback if the database could do what the state wanted to accomplish with respect to creating and maintaining a statewide voter registration list that could be interactive with local jurisdictions. And then, the implementation and maintenance of that, such protocols as checks and balances with respect to the entry of data, and how typographical errors are confronted, and if somebody has a question about a hyphenated name or not hyphenated.
Dr. Lin agreed the activities described was a fair statement, but there's a difference between the theory and the practice.

Vice-Chair Hillman commented that the HAVA deadlines for state databases have not worked, and that with the Department of Justice having responsibility for implementation, the EAC and the DOJ need to be on the same page to provide information to the states as to what is going to trigger 'out of compliance.' Vice-Chair Hillman asked Ms. Weiser if she has had discussions directly with election officials about the Election Day Survey, the type of data, volume of data, the number of questions, when can a survey form be produced, and whether the states collect that data in a way that they can respond to the questions asked.
Ms. Weiser said she is not currently working with election officials to change their data provision, there is a contract at the Pew Center that is working closely with election officials to try to improve their data collection. Resources, technical assistance and a best practice standardized format would be of great assistance to states in making available better data.

Vice-Chair Hillman asked Dr. Lin, if the project, currently underway, addresses either the type of information that should be collected to inform about how the databases are functioning, how useful they are, what shortcomings there might be, or, secondly, whether the databases themselves can be used to collect and report that data?

Dr. Lin answered that the committee has talked about the lack of information, both quantitative and qualitative, about what's going on with the individual states' databases. Some quantitative data is helpful, but a field study of the databases, talking to election officials informally, off the record, about how they work and what problems they've been encountering would have been really useful. Dr. Lin noted that while databases themselves could be used to collect and report data, other methods would be necessary to gather information.

Vice-Chair Hillman asked if Dr. Lin has had an opportunity to look at the EAC survey issued to the states for the 2008 election, and whether any of the questions asked and the data requested would address some of the concerns just raised.
Dr. Lin said the committee is looking at it and he will bring it up with the committee.
Ms. Weiser stated that the Brennan Center did submit comments, including more detailed information about provisional ballots.

Vice-Chair Hillman noted the states desire to get the survey instrument two years before the election, but they are not there yet, hoping the EAC will be able to fine-tune, with the information changes, to collect the kind of data that will inform us about progress made under HAVA. Vice-Chair Hillman commented on purging, and when list maintenance would be done, if it would be a defined period of time.
Ms. Weiser said in most jurisdictions people don't know when the list maintenance activities happen and how they were conducted. A detailed study was done in 12 states and interviews of county officials in five or six of those states to get a general picture of how those jurisdictions conduct their list maintenance activities. There is variance, county to county, and they don't have a regular schedule. This information is not regularly reported to the public, nor are there protocols that are publicized.
Dr. Lin responded that the specific detailed technical criteria make a huge difference in the outcome of the list maintenance. For example, using first character of the last name and the full last name, versus full first name, middle initial, and last name. Which one of those you choose makes a huge difference. And you can't tell without talking to the guys who actually had programmed the system.
Ms. Weiser gave an example of a purge in Georgia, where it was searching for non-citizens that were on the voter rolls. The Driver's License Bureau collects citizenship documentation on when people obtain driver's licenses. There was a problem in that they don't

actually update citizenship information when people are naturalized.

Vice-Chair Hillman asked Ms. Weiser who should be the ultimate deciding authority as to what the matching protocols should be, when you have different entities involved.
Ms. Weiser said she believes the responsibility lies with the chief election official, under statute.

Vice-Chair Hillman asked Dr. Lin what he would recommend when the chief election official wants a particular set of matching protocol to be used, but the databases of the DMV or the Social Security Administration can't address that.
Dr. Lin replied with an easy example, the use of different name variants, William, instead of Bill, some states when they're verifying against, for example, Social Security, have a policy of only trying once. In an extreme example, the chief elections official wants data that isn't collected by DMV, pay a consultant to go into the databases of the DMV.

Executive Director Wilkey commented, the U.S. Postal Service, the Social Security Administration, and the Motor Vehicle Administration have very significant contributions and responsibilities, under both, NVRA, and under HAVA, and asked Dr. Lin if the committee has had discussions with any of the three about what their responsibilities are under NVRA and HAVA, what they see their roles as, and what they can do to enhance their roles in the future.
Dr. Lin responded that in one of the workshops conducted before the interim report was issued, the committee heard from SSA, AAMVA, and someone from the U. S. P. S. talked about the National Change of Address registry. Some of their input was reflected in the interim report.

Chair Beach asked Ms. Weiser, what is the distinction between list maintenance and purging.
Ms. Weiser stated she is not using them with any distinction, but meaning, efforts to try and cull the voter rolls of ineligible records.
Chair Beach then asked if the statewide databases have met the goal of making registration a more uniform process in each state.
Ms. Weiser answered that there's a lot more that can be done, but it has moved closer to the goal. She said it's been better in jurisdictions with a "top-down" database system rather than a "bottom-up" system. There are a lot of registration rules and

procedures that don't depend on the particular database that happen before it hits the database.

Chair Beach remarked that the Brennan Center has stated that voters should be allowed to present evidence at the polls if their name is not on the registration list, as an Election Day solution and asked Ms. Weiser to describe what that would entail as far as the type of evidence that would be used.

Ms. Weiser replied that in the record matching context, in a number of jurisdictions, instead of a "no match, no vote" policy, the individual records are flagged if they don't match, and then individuals are asked to provide some form of identification, or go through some procedure at the polls, in order to clear up the non-match or identify themselves. The most common procedure is showing one of the HAVA forms of identification. In terms of correcting registration failures, for example, Michigan has a procedure in place, whereby if an individual shows up at the polls, had been previously registered, and his name is not on the rolls, that individual can actually cast a ballot that will count on Election Day. In the context of voter registration modernization, if the system moves towards much more automatic systems, or automatic address updates, or automatic addition of eligible citizens onto the voter rolls, then individuals will be missed, or there might be people whose records are erroneously moved from one jurisdiction -- from one address to another address based on these false positive matches. And so, there needs to be some sort of procedure in place for those voters to be able to check and correct their voter registration records, before Election Day, or at the polls on Election Day, since those voters will be subjected to problems that were not of their own making.

Panelist:

Chair Beach was pleased to introduce and welcome Karen Long, Adams County Clerk and Recorder, Adams County, Colorado.

Ms. Long's testimony to the EAC focused on the following two areas:

1. How implementation of the statewide voter registration system, commonly referred to as SCORE, State of Colorado Registration and Election, impacted voter registration in both Adams County, Colorado, and other counties during the 2008 Presidential election year.

2. How the county coordinates database management with the State of Colorado.

Ms. Long also discussed several upgrades that will be implemented to the SCORE system in preparation for the 2010 election cycle, including the consolidation of more voter records and ensuring that various modules are totally functional and will have further development to respond to the needs of Colorado and its voters.

<u>Panelist</u>:

Chair Beach was pleased to introduce and welcome Dave Franks, HAVA and Oregon Centralized Voter Registration Manager.

Mr. Franks' oral testimony to the EAC focused on the following two areas:

1. The specifics of Oregon's Centralized Voter Registration Database (OCVR), including its utilization in relationship to Oregon's vote-by-mail system.

2. The pilot project comparison of Oregon and Washington voter registration files during the time period covering August through November 2008.

Mr. Franks also referred to the National Academy of Sciences 2008 document: State Voter Registration Databases: Immediate Actions and Future Improvements, Interim Report, pointing out that Oregon's system conforms with the following short and long-term actions for improvement as set forth in the report:

1. Resubmission of match queries if the response from motor vehicles or Social Security Administration is a non-match.

2. Human review of all computer indicated removal recommendations.

3. Allow selected individuals to suppress address information from public disclosure.

4. Provide public access portal for online checking of voter registration status.

5. Provide voter registration receipts.

6. Improve the design of our voter registration card.

Mr. Franks also pointed out that Oregon is in the process of implementing the following two additional recommendations from the Interim Report:

1. Use of online registration forms; and,

2. Allowing voters to register and update information online if a signature is already on file with a state agency.

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Panelist:

Chair Beach was pleased to introduce and welcome Donald Palmer, Director of Elections, Florida Department of State.

Mr. Palmer's testimony to the EAC focused on the following areas:

1. Implementation and operation of Florida's Voter Registration System (FVRS) which commenced January 1, 2006, which facilitates interoperability between the county voter registration system and FVRS and includes processes such as the maintenance and update of voter registration records, notifications to voters, assignment of identification number, assignment of precinct and political jurisdictions, processing of precinct registers and geographic information processing, address list maintenance and the match processing initiated by statewide computerized list maintenance.

2. Future improvements that are necessary by states to respond to the expectations of voters, to meet the needs of election administrators and to meet the interest of other stakeholders in the voter registration and list maintenance process.

Mr. Palmer applauded the EAC, along with the state and local election officials working with the National Academies in exploring interoperability in addition to the many technical issues related to the operation, maintenance and upgrade of current database systems, pointing out that the Interim Report has produced a wealth of knowledge and it is anticipated that the final report will be helpful in envisioning the way forward.

Questions and Answers

Vice-Chair Hillman asked Mr. Palmer about matching against the Social Security Index.

Mr. Palmer replied it's something that the state legislature would have to approve. And essentially, that is where you would use -- usually you would use a vendor that would identify individuals that may be Florida registrants.

Vice-Chair Hillman asked, in this last election what percentage of the "no matches" were resolved at the state level versus the percentage that had to be resolved by the local election official?

Mr. Palmer reported that in Florida 65 to 70 percent of unverified applications were resolved at the state level with the remaining being resolved at the county level.

Vice-Chair Hillman inquired, if a person's provisional ballot is not counted, if it's determined that their name is not valid, therefore not on a voter registration list anywhere, is it up to the voter to make an inquiry about that? Or are they notified that they are not registered to vote?

Mr. Palmer explained that in the State of Florida if it is determined that an individual's provisional ballot is not valid and, therefore, their name is not contained on the voter registration list, the vast majority of county supervisors will notify the voters directly.

Vice-Chair Hillman asked Ms. Long, was SCORE posted for public comment before it was implemented?

Ms. Long noted that while it is her recollection that the Secretary of State's Office held a public hearing prior to the implementation of SCORE, she could confirm her statement and advise the EAC of such.

Vice-Chair Hillman asked, with respect to the large discrepancy identified, is the public aware of this?

Ms. Long noted that it is her belief that the population has been made aware through various forms of media regarding the discrepancy that exists between the 5.8 million voter records and only 3.2 million active/inactive voters contained in the SCORE database.

Vice-Chair Hillman also asked, when you talked about the agency interface, you didn't note DMV. Do we take it that the interface with DMV works well?

Ms Long replied, It's called the Colorado Department of Revenue. It's CDOR. In Colorado is the Department of Motor Vehicles. We

have currently no funding available in Colorado to make it better. The Secretary of State has worked with the Department of Revenue. They have worked, I think, fairly well to accomplish an interface that retrieves the Department of Revenue's driver's license records to the extent that it transfers those in, but it still lacks a lot of what it needs to be efficient.

Commissioner Davidson asked Mr. Palmer about "no match, no vote", if Florida were doing any checking vote records.
Mr. Palmer confirmed that in the case of a "no vote" in Florida, no one was ever turned away at the polling place. A provisional ballot is supplied which allows the election official to search the statewide database at a later time and investigate, without the pressure of Election Day, to determine if the individual who presented themselves was indeed a registered voter.

Commissioner Davidson asked Ms. Long about Colorado's state motor vehicle system.
Ms. Long clarified that she was ordered through a court case to place back on the voter registration record 15 names that were previously removed within 90 days leading up to a federal election (12 duplicates, two deceased and one felon), for which there were no complications when adding them back on. With regard to use of the term "purging," the State of Colorado uses the term "active/inactive." In Colorado a voter is deemed inactive if they miss voting in a general election and they receive a confirmation card after the election to determine whether they want to remain as active voter. A notification from driver's license to change an address or change a name will automatically activate them.
Commissioner Davidson asked Mr. Franks, in Oregon's totally mail-in elections, how important is it to have accurate voter registration rolls?
Mr. Franks explained that accurate voter registration rolls is imperative to Oregon's vote-by-mail system, pointing out that its data/addresses are often of better quality than the DMV or the National Change of Address (NCOA). With regard to the use of the term "purging," Mr. Franks explained that Oregon's system utilizes "inactive" and "cancelled." If a voter's ballot, voter notification card or confirmation card comes back undeliverable, they can be put in the inactive status. Like Florida, all they have to do is show up or provide the proper missing information they are moved back into the active category. If they fail to vote in the number of elections that are specified in the federal guidelines or if they are eventually proven to be deceased, they will eventually move through the inactive phase and then into a cancelled status. While ballots are not mailed to inactive voters, efforts are made to contact the voter

through a notification advising them of the insufficient information in order to send them a ballot.

Commissioner Davidson's last question to the three panelists, What's the difference between purging and maintenance to you, in your states?
Mr. Palmer explained that with regard to use of the terminology "purging," the State of Florida utilizes the terms "active/inactive. If one is determined to be a potential ineligible voter (deceased, felon, incompetent, or any other reason of ineligibility at the county level), there are removal processes which may include a hearing and notification to the voter regarding the removal of their name from the registration list.
With regard to the use of the term "purging," Mr. Franks explained that Oregon's system utilizes "inactive" and "cancelled." If a voter's ballot, voter notification card or confirmation card comes back undeliverable, they can be put in the inactive status. Like Florida, all they have to do is show up or provide the proper missing information they are moved back into the active category. If they fail to vote in the number of elections that are specified in the federal guidelines or if they are eventually proven to be deceased, they will eventually move through the inactive phase and then into a cancelled status. While ballots are not mailed to inactive voters, efforts are made to contact the voter through a notification advising them of the insufficient information in order to send them a ballot.
Ms. Long explained, with regard to use of the term "purging," the State of Colorado uses the term "active/inactive." In Colorado a voter is deemed inactive if they miss voting in a general election and they receive a confirmation card after the election to determine whether they want to remain as active voter. A notification from driver's license to change an address or change a name will automatically activate them.

Chair Beach asked Mr. Palmer to comment on the role that third-party groups have played in voter registration and what impact they've had on the "no match, no vote" law in Florida.
Mr. Palmer reported out that the majority of individuals that registered with third-party groups were very pleased with the opportunity to do so, explaining that the different groups are encouraged to be very careful about screening their own applications, requesting that voters be as neat as possible when filling out the registration card due to the fact that it will have a large impact on whether or not the local election official is going to be able to take that data and input it into the system and accurately go through the process.

To all three panelists, Chair Beach asked, do you believe the EAC, as we move forward in looking at our guidance and updating it, how much of a role should interoperability play?

Mr. Palmer concurred that interoperability improvements with internal agencies is highly important, as well as dealing with external agencies as other states or the federal government because it's information coming into the system that is necessary for meeting the goals of an election administration community.

Mr. Franks concurred that while there is room for improvement in the interoperability between systems, the information about when people move and re-register in another state does take a fair amount of time to get back to the original state, it is something that will require a fair amount of work and investment.

Ms. Long concurred that interoperability improvements would be very helpful in order to have records available from other states or make them easier for communication between the two states.

.Ms. Long suggested that consideration be given towards changing the question on the driver's license to have someone opt out of becoming a registered voter rather than having them opt in.

Chair Beach asked what impact did the Social Security Administration's timing of their maintenance on Columbus Day weekend have on your ability to upload or enter registrations.

Mr. Palmer reported that the closing of the Social Security Administration over Columbus Day weekend did not impact the State of Florida in meeting the voter registration deadline.

Mr. Franks reported that the closing of the Social Security Administration over Columbus Day weekend had a minimal impact on meeting the voter registration deadline in the State of Oregon due to the fact that the majority of individuals are matched through the DMV and most counties were able to hold the material until the following Tuesday and complete the registration at that time.

Ms. Long reported that while the closing of the Social Security Administration over Columbus Day weekend had a minimal impact on meeting the voter registration deadline on a county level in Colorado, it most likely had an impact at the state level.

Executive Director Wilkey asked regarding the charge that Oregon pays the DMV for a regular download of records.

Mr. Franks noted that while this is not the standard around the country it is not uncommon from agency to agency. Our Department of Motor Vehicles talks about the federal highway funds they received and the limitations on what those funds can be used for. Therefore, they can't do these kinds of things that involve any federal funds in it, and obviously they don't have the general

fund dollars to do a lot of work. Anything we get from them we routinely pay for.

Chair Beach concluded the public hearing by thanking all the panelists for their testimony.

Meeting was adjourned at 3:21 p.m.