

ORAL STATEMENT

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LEAGUE OF WOMEN VOTERS OF THE UNITED STATES**

on

**The Role of the Election Assistance Commission regarding
The National Voter Registration Act Implementation**

September 6, 2007

The League of Women Voters of the United States believes that the voter registration process is one of the most important issues in election administration. And, we believe that that process needs improvement.

The Help America Vote Act (HAVA) transferred to the Commission the authorities under the National Voter Registration Act (NVRA) previously held by the Federal Election Commission. As a result of that transfer and because of registration-related issues that have emerged in recent years, we believe that there are some important issues regarding the voter registration process that the Commission should review. The League urges the Commission to look carefully and comprehensively at voter registration systems as a whole in determining what steps to take to improve implementation of the NVRA. At that point, the Commission will be better able to determine what responsibilities and authority it has under NVRA and HAVA that can be employed to implement needed improvements.

As you consider voter registration systems, we ask that you make ample room for the public to participate. In a democracy, election systems need to have the support of the public and they need public legitimacy. Because registration impacts every voter, it is especially important throughout your considerations that the public be involved, including interested organizations and diverse individuals from across the country.

HAVA and the NVRA do provide the Commission with authority to improve voter registration systems. Under HAVA, the Commission can act “only with the approval of at least three of its members.” (Section 208.) This precludes any action by staff of the Commission or by individual commissioners, unless explicitly authorized. But the authority for the Commission as a whole to act by issuing guidance, best practices, and other statements, as well as by commissioning studies and convening meetings, provides important authority.

The Commission as a whole also has formal regulatory authority under the NVRA, pursuant to the Administrative Procedures Act (APA), to develop the mail voter registration application form for elections for federal office.

The League strongly urges the Commission to develop internal procedures for invoking its authorities under HAVA and the NVRA. At a minimum, these procedures should be made public and provide for public participation at appropriate steps in the decision-making process. They should provide clear direction to staff, and they should be consistent with the APA and the procedures of similarly-situated agencies. The Commission has now reached the point its development that clear and public procedures are needed.

In our view, the NVRA has not fulfilled all its promise because of the ways it is being implemented, or not implemented, across the country. We believe the Commission has a critical opportunity to ensure better voter registration opportunities for all citizens and to ensure that voter registration rolls are properly maintained.

There are three issues we would like to bring to your attention. First, we believe there is room for improvement in the management of statewide voter registration databases. As technology develops, it should be possible to better integrate registration databases with those of other agencies, especially including those that provide registration opportunities such the departments of motor vehicles. It should be possible to develop more accurate matching systems for data from a variety of sources. And it should be possible to guard against erroneous purging.

Second, several states have imposed severe restrictions on third-party voter registration efforts. In 2005, the League of Women Voters of Florida was forced to stop all its voter registration activities in that state because of burdensome restrictions that could have resulted in bankrupting that League. The Florida League was able to block this unreasonable restriction in the courts, but, unfortunately, this is not an isolated example.

Organizations such as the League are crucial to assuring that voter registration is available to EVERY voter. The facts also show conclusively that the League and others are key to assuring that minority voters have access to registration. In 2004, 15 percent of African-American and Hispanic registrants had been registered to vote as a result of an organized drive – a rate much higher than the 8.9 percent rate for Whites.

We are also concerned with burdens on the mail registration process. In the November 2004 through November 2006 period, more than twenty percent of registrations were through the mail. Restrictions on the use of the federal mail form, over which the Commission has authority, is an important issue.

Third, the League is deeply concerned that the NVRA is not being implemented in social service agencies. As you know, the law requires states to carry out voter registration at public assistance, disability and other agencies. The numbers suggest that this is simply not happening.

As the Commission considers its next steps regarding implementation of the NVRA, we ask that you keep these three substantive concerns in mind. And, we urge that you

develop public procedures to ensure clear and consistent implementation of the Commission's responsibilities.

Thank you for this opportunity to share our views.