EAC Panel Focusing on NVRA - March 14, 2006

Good morning. My name is Robert Saar. I currently serve as Executive Director of the DuPage County Election Commission. My deepest respect goes to Chairman DeGregorio, and Commissioners Martinez, Davidson and Hillman for your contributions during this critical period in our nation's elections. Thank you for your dedication and for giving me this opportunity. I have served 24 years in the field of elections, including the last nine as the Executive Director for DuPage County. Yet, I consider *this* occasion one of the highest points in my career.

An affluent suburb, just west of Chicago, DuPage is the second largest county in Illinois with a population of 920,000. The DuPage County Election Commission is unique in that it is the only county-based election commission in the State of Illinois.

Based on the percentage of registered eligible voters, NVRA has been an overwhelming success for DuPage County. In 1990 we saw a 63% registration rate throughout the county. In 2004 that percentage had increased by 17% to a total 80% registration rate!

In fact, nearly 76% of all registrations received by our office come from the Secretary of State motor vehicle facilities. Traditional State registrations account for 12%. The Federal Mail-in Registration form accounts for another 12%, while Public Aid and other government offices account for less than 1%.

Two Distinct Periods for NVRA in Illinois

In Illinois, NVRA can be separated into two periods. The 2000 General Election serves as the line of demarcation.

Before the 2000 General Election the magnitude of problems residing within the NVRA registration process was virtually unknown, especially those within the Secretary of State motor vehicle facilities. Although strong suspicions regarding the process arose during this period, there were no systems in place to track or quantify these issues. On General Election day 2000, the full scope of suspected problems became an embarrassing reality. *Thousands* of individuals went to the polls only to discover that there was no record that they had ever registered to vote. Coincidentally, most of these individuals claimed to have registered through the Secretary of State motor vehicle facilities. In response, the Secretary of State appointed a high-level workforce to study and report on existing deficiencies. In cooperation with election officials, they created improved information systems to audit the registration process by identifying errors and minimizing lost registrations.

The resulting improvements include:

- Transmittal Reports
  - Transmittal reports, submitted with each new batch of registrations, list every form that ought to be included in that group. These reports are used to identify missing registrations within a specific batch and to clarify information when legibility is a concern. Additionally, when a registration form is missing, information from the transmittal is used to send the voter a letter to attempt to rectify the situation.

- Monthly Distribution of Electronic Audit Files
  - The Secretary of State sends election officials an electronic file containing all registration transactions for the preceding month relevant to their jurisdiction
  - These audit files are matched against our local voter registration database to effectively identify registrations administered but never received. Audit files also assist in identifying data entry errors within our own database.

- Improved training and feedback for motor vehicle facility employees.
  - This training has reached beyond the essential need for increased awareness and better procedures. It has also promoted more effective communication between election officials and motor vehicle facilities.

- Better Signage in Secretary of State offices
  - Now includes information concerning voter qualifications and citizenship

- Access to the Secretary of State database for verification of individual identities and driver's license number verification
  - Additionally, access to the database allows for independent verification of voter identity at the local level. It allows confirmation that the received last four digits of the Social Security number are not the last four digits of the driver's license number.

Because of these administrative enhancements, we now know that approximately 11% of all motor vehicle registrations are deficient in some way; and many of these registrations cannot be fully processed.

Typical deficiencies include the following: registrations voided by motor vehicle facility staff after the individual has left the facility, form not signed by voter, citizenship box not checked or checked by motor vehicle facility employee, and missing information on the registration form such as address, driver's license number or Social Security number. Before 2000 many of these problems could not be identified, and this resulted in the mass disenfranchisement at the General Election.

Yet as enhancements continue to decrease error rates, more importantly, post 2000 initiatives have grown into powerful, proactive pursuits that create opportunities for remedies where errors, deficiencies or lost records are detected. We maintain excellent communication with the staff members assigned to oversee the entire NVRA operation in the Secretary of State's office. Strong

communication has also been established with *individual* motor vehicle facilities to identify areas of weakness in the registration process. The Secretary of State's officials are serious about the program and are emphasizing additional improvements to enrich and refine the process. These enhancements include better printers and better tracking and verification systems.

The Issue of Citizenship

Approximately three (3) aliens per month contact our office after discovering that they unintentionally registered to vote, usually through the motor vehicle facilities. We require these individuals to submit a letter of explanation before cancelling their registration. Afterward, we furnish them with a certification of cancellation for their records.

The ineffectiveness of the citizenship box on the registration form can be explained by identifying the major instigators. First is the practice by motor vehicle facility staff of checking the citizenship box instead of allowing the individual registering to check the box. We are working earnestly with the Secretary of State to eliminate this practice. Second is the language barrier. The English language remains an obstacle for many individuals visiting motor vehicle facilities and they just don't understand what is being asked of them.

Federal Mail-in Registrations

Without any system for auditing or tracking errors the Federal mail-in registration process appears to work surprisingly well. We see an increase in the use of this form right before busy elections. In fact, they often account for as much as 40% of new registrations received before large elections. A high percentage of individuals are sending in copies of their identification. Most mail-in forms are sent directly to the proper election authority. Those that are incorrectly addressed by the voter are forwarded to the appropriate election authority. This forwarding system between election jurisdictions is efficient and well developed. The Illinois State Board also does an excellent job of sorting and delivering the mail-in forms they receive.

The biggest problem with the mail-in forms remains illegible handwriting. Therefore, we save the return address off the registration and can usually contact the individual by mail.

Addressing Deficiencies

When a lack of information exists on a registration the voter is sent a letter of explanation and issued a mail-in registration form. A high percentage of these individuals respond to this mailing and correct the deficiency. For those that do not respond provisional voting is a very useful safety net. We can obtain the necessary information off the provisional voter affidavit and are able to qualify them post election and count their ballots.

Concerns about NVRA Procedures and the Statewide Voter Registration Database

The front end of the NVRA registration process is developed enough to solicit confidence. But questions remain as to how a statewide voter database affects these successful and established NVRA procedures? How does data affecting a voter's status generated from a statewide registration database relate to normal NVRA procedures? What if an election authority obtains information such as an identical social number or signature from the statewide database, strongly suggesting that a voter has moved out of their jurisdiction? Do the normal NVRA procedures pertain or can they operate on this activity without traditional NVRA procedures? I am really concerned by the lack of consensus between election jurisdictions about how the process will work.

Problems Arising from the Complexity of Voter Eligibility Process

The combination of NVRA and numerous additions to state registration laws has created a difficult and troubling situation in Illinois. I suspect this is true throughout the country, as the voter eligibility decision process becomes too complex to intuitively navigate. There are two proposed solutions. The first, and most common approach, attempts to simplify a complex situation into basic rules...to "dummy down" the process. This solution will work only until we get to a Florida 2000 situation that focuses on the eligibility process in the polling place. Not only will we find differing standards among jurisdictions but from precinct to precinct within a given jurisdiction.

The other solution is to address the problem with technology. In DuPage, we charted the entire Illinois voter eligibility decision process. We came up with over one hundred potential outcomes that can occur in the polling place on Election Day. We programmed the resulting flowchart into a decision support system on a pocket PC. The support programming converts the complex possibilities into simple yes and no smart questions to navigate the user through the decision process. However, to date, there is no consensus on entitlement ground rules. We *need* a consensus on voter eligibility. Therefore, we are taking the flowchart to the Illinois State Board of Elections and to legislative leaders. We seek to highlight the ramifications of new laws intended to address every minute registration situation.

The front end of NRVA works because of the information and administrative systems developed to audit the process and identify errors. We have witnessed its success in increasing the percentage of voting age citizens registered to vote in DuPage County. My concerns for the present and ultimately for the future arise from the combination of rapidly changing legislation. How is NVRA affecting other programs coming online? What about the growing complexity of the registration landscape? How will we manage and navigate through it? The solutions need to be *clearly* defined and *effectively* implemented to provide *consistent* and *equal* protection for *all* voters.

Thank you.