

**The Work and Recommendations
of the
Presidential Commission on Election Administration**

Testimony before the House Administration Committee
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Thank you for your invitation to testify with my co-chair Ben Ginsberg about the work of the Presidential Commission on Election Administration. I am happy to provide background on the Commission's approach to the task assigned it by the President and the significance of the positive reception we have been very gratified to have had. Ben then will address the recommendations in more detail and, of utmost importance, the program for supporting their implementation.

Of course, the origin of the Commission's work is fairly traced to the problem of long lines at the polls, but the Commission was charged with addressing a wide range of issues that adversely affect eligible voters in achieving access to the polling place. By design, the Commission was structured to address election administration as a topic of public administration, and to think of service to our voters as no different than the "customer service" they expect from our business and other service providers.

And in thinking about any one problem with access to voting, we find that it may have many sources. The same is true of lines: these can develop for a range of reasons, including but not limited to the design and administration of polling places and errors in voter registration lists.

In the Commission's consideration of these issues, it sought always to locate and consider the best data. This a key path to better election administration, and it certainly helped Commission members on a range of issues to arrive at nonpartisan perspectives and solutions. In this work, the Commission was extraordinarily well served by our Senior Research Director, Professor Nate Persily of Stanford Law School, a nationally recognized expert on election law.

I would offer a few more general observations:

While we heard at the outset of our work the concern among administrators that "one size [of reform] does not fit all", we have found general, bi-partisan

agreement that our recommendations are suitable for the vast majority of jurisdictions. Of course, all election administrators confront a similar set of challenges--from the registration of voters and the verification of eligibility, through polling place management and equipment acquisition, to the successful transmission and tally of the results. And since the Report was issued, we have enjoyed the outstanding support, interest and engagement of the state and local election administration community and its leadership.

On this point, Ben and I would agree that election administrators deserve all the support they can get. They are asked to perform at the highest levels—as they should be—but the resources provided to them are routinely inadequate. Elections may occur relatively frequently in our nation, but issues of election administration only infrequently draw public attention. The Commission did not attempt to make specific recommendations about the level of resources required but the issue must be borne in mind when thinking about what is needed for successful election administration.

Certainly this question of resources is deeply implicated in the challenge we face as a country in meeting the challenge of providing for a new and updated generation of voting technology. The Commission has described a looming technology crisis: it did not mean to exaggerate, and it was not, in fact, exaggerating. We heard grave concern on this topic expressed wherever we went in the country—in hearings, and in views brought to our attention throughout the entire period that we solicited expert opinion. We have to respect the work and expertise of the election administration community and listen carefully when they explain that a problem of this magnitude lies ahead for our voters.

The importance of resources is matched by the significance of how administrators allocate the resources they have. Here we have supplemented the analysis of the Report with the provision of online tools that will assist administrators in managing the polling place to anticipate and avoid long lines. These tools are provided on an open-source basis, and we want to reiterate today that these remain available for improvement and refinement, and will be permanently hosted on the web site of the Cal Tech-MIT Voting Technology Project. Administrators throughout the country have been pleased to have access to these tools, and in the manner Ben will describe shortly, we stand ready to work with them on improving and expanding these tools and their use, and in supporting them in other ways in the administration of the polling place.

We should add that the Commission's focus was on state and local election administration and the means of improving it through administrative reform and best practice. We did not make federal legislative recommendations – that was outside of our charge – but we heard, and our Report reflects, much testimony about the extent to which various, and too many, jurisdictions have failed to comply with federal laws enacted to protect particular populations of voters. With the exception of the law protecting military and overseas voters, who have benefited from the general success of the MOVE Act, other statutes have not attracted the level of compliance effort that this Congress or the public expects.

We have emphasized our concern about inattention on the part of public assistance agencies, and in particular Departments of Motor Vehicles, to their registration responsibilities under the National Voter Registration Act. We have also noted inconsistent compliance with provisions of the Voting Rights Act enacted to support language minority voters. And we heard convincing testimony from disability rights groups about the inadequacy of compliance with the relevant provisions of the Americans with Disability Act and HAVA.

The federal government has established an important presence through these enactments, and it is vitally important that we see significant improvement in compliance. The Commission made a point of this in its Report, and I stress it here again today.

As our outstanding Senior Research Director, Nate Persily, has been fond of saying, the Commission work is more a project than just a Report. So in a sense, our work began with the publication of the Report. Ben will now discuss what we continue hope to accomplish, and how, in this next phase—the phase of implementation.

I thank this Committee again for your invitation and for your interest, and I would be glad to answer your questions.